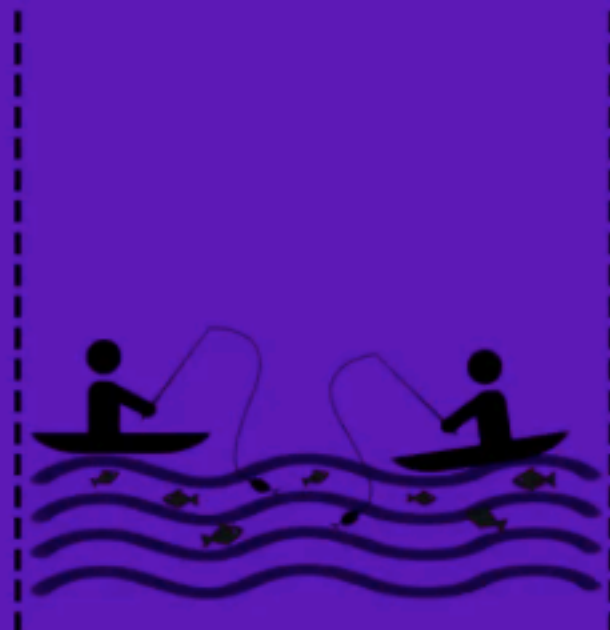


# Ending the War at Sea

in Pursuit of Permanent solution  
to the India-Pakistan  
Fisheries Conflict



The Research Collective  
August 2018

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The Research Collective, of the Programme for Social Action (PSA), facilitates research around the theoretical framework and practical aspects of development, sustainable alternatives, equitable growth, natural resources, community and people's rights. Cutting across subjects of economics, law, politics, environment and social sciences, the work bases itself on people's experiences and community perspectives. Our work aims to reflect ground realities, challenge conventional growth paradigms and generate informed discussions on social, economic, political, environmental and cultural issues.

Research & Documentation: Gargi Adhikari & Members of TRC  
Interviews: Jatin Desai & Vijayan MJ  
Cover and Layout: Musthujab Makkolath (The Media Collective)

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For copies contact:  
C/o F-10/12, Basement  
Malviya Nagar, New Delhi – 110017  
Phones: 011-26680883/011-26680914  
Email: [trc@psa-india.net](mailto:trc@psa-india.net)

# A Word from the Publisher

TRC is grateful to the inputs provided by the National Fishworkers Forum (NFF-India), Pakistan India Peoples' Forum for Peace & Democracy (PIPFPD) in formulating the ideas shared in this policy brief. We are grateful also to the Dialogue Unit of Programme for Social Action, whose decade-long work on the issue forms a foundation to much of the thinking forward.

PSA's earlier interventions in understanding conflicts and marine resource depletion is reflected in our earlier publications such as *Siachen- An End to an Impasse* (2013), *Fishing in the Troubled Waters: The Turmoil of Fishworkers Caught between India and Pakistan* (2013), and *Where have the Fishworkers Gone: Impact of Industrial Development of Fishworkers in Gujarat* (2017). These are also products of our long-standing interactions with members of PIPFPD and NFF. It has also convinced us of the fact that the arrest of fishworkers in the Arabian sea is peculiar due to the political relationship between the two countries, the depletion of marine resources and the economic aspirations of the fishworkers. We hope PIPFPD and NFF consider the proposal included in this policy brief as one of the ways forward for better and healthier peace and friendship for people residing in either country. This, we believe, could end the war on the sea and ensure food sovereignty and livelihood rights of the fishing community.

Kindly note that we are not adding individual sources corresponding to each argument made because of nature as a policy brief and not an academic publication.

The resource support and partnership provided by the Heinrich Boell Foundation, Germany over the last many years to PSA, has provided a lot of consistency and strength to this work.

We hope this document is discussed and taken forward by the many organisations, individuals and state agencies concerned, to meaningful ends.

Aashima Subberwal  
General Secretary, PSA

Aswathy Senan  
Coordinator, TRC

# 1.0 Introduction

The August of 2018 saw Pakistan release thirty Indian prisoners and India release fourteen Pakistani prisoners from their jails respectively; the gesture was rightly applauded by the media and citizens as an extension of an olive branch of peace, especially with the new Government in Pakistan. However, the fact that the majority of the Indian prisoners—twenty-six to be precise—are fishworkers and primarily from Gujarat and Diu, goes unnoticed. The conflict between India and Pakistan is most often portrayed and imagined as one that takes place on land. The diplomatic turbulence brewing at sea for the last thirty years is not known to the average citizen of both countries. In fact, currently there are 103 Pakistani fishermen in Indian jails and 392 Indian fishermen in Pakistan jail. This raises many important questions of peace and security in the context of people, livelihoods, the environment and resources<sup>1</sup>.

The arrests, prolonged jail-terms and in-custody deaths of the fisherpeople have given way to a humanitarian crisis. Those who manage to survive in these jails have to wait years to be released. The kind of insensitive charges, which were put on these arrested fishers, often led to their prolonged sentencing under Arms Act, Banned substances laws (Smuggling & Narcotics provisions), criminal trespassing, etc. made matters worse and mental trauma unmatched. Though the interventions in the past few years by civil society groups and the judiciary in India and Pakistan have brought some temporary relief, the fact remains that the fishworkers have been made prisoners of war, remains to be addressed. Added to it is the livelihood loss to fishers, with their captured boats, in hundreds, rotting in the other country's custody. At the stage of prisoners release, they are packaged into political commodities or gifts by India and Pakistan to be bartered on special occasions. Ironically, within a week of the recent goodwill gesture, India arrested nine Pakistani fishworkers after they allegedly crossed over to the Indian side of International Maritime Boundary Line (IMBL) in the Arabian Sea<sup>2</sup>!

This situation begets many questions. Why are fishworkers the collaterals in this boundary dispute and bilateral conflict? How come the states have allowed this issue to continue this way without a solution? Why have the Indian and

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1 Gupta and Sharma 2004

2 <https://indianexpress.com/article/india/gujarat-indian-coast-guard-pakistan-fishermen-5314654/>

Pakistani media not taken this up as a major intervention? What does it say about Indo-Pak diplomacy? What are the solutions? Answering these questions require the narrative to be set against a socio-political history of the two countries and understanding the political ecology of the sea shared between the two. Navigating these official lines of international relations are institutions and individuals who have fought for the rights of the prisoners and their families. The progress that has been made with regard to the plight of the prisoners in jails, their sentences and release since the early 2000s is much to the credit of efforts by the Pakistan India Peoples' Forum for Peace and Democracy (PIPFPD, India & Pakistan Chapters), National Fishworkers' Forum (NFF-India), Pakistan Fisherfolk Forum (PFF), Legal Aid Organization (LAO-Pakistan), Human Rights Law Network (HRLN-India), Human Rights Commission of Pakistan (HRCP), Pakistan Institute for Labour Education and Research (PILER), Edhi Foundation Pakistan and a few other individuals and organisations. Any version of history which omits this would be incomplete.

## 2.0 Contested Cartographies: Historical context to the India-Pakistan conflict

While the Indo-Pak conflict at sea is quite different from the one on land, the two cannot be seen as separate from the other, since escalation of tensions at terrestrial boundaries have resulted in aggressive action at sea. We have witnessed time and again that when political tensions between the two countries reach new realms or relations between them sour, the arrests of fisherpeople by both countries escalate, and they become one of the first groups to be caught in the virtual crossfire. Increase in the number of arrests of fishworkers across the Indo-Pak border has coincided with the increase in tension between the two South Asian neighbours. These arrests have thus been representative of the acceleration of the vicious cycle of trust deficit between India and Pakistan, in tandem with deteriorating diplomatic relations between the two countries.

In reality, the arrests also provide both countries with a reasonable number of collaterals for exchange, when they want to signal a ceasefire or dialogue. Therefore understanding the development of the larger geopolitical narrative in the region over the last many decades can help establish the crucial link between

cause (conflict on land) and consequence (resulting impact of aggression at sea).

The massive diplomatic fluctuations in Indo-Pak relations erupted since the 1971 war between the two countries. Since then, the friction between the two countries has spanned decades, with contention over the status of Jammu & Kashmir, increase in violence in Kashmir valley (1987-1989), with the occupation of Siachen by India (1984), all essentially contributing to increased militarisation<sup>3</sup>. In the 1980s, in general and 1983 and 1987 in particular, India's political position regarding Kashmir made it progressively unpopular with the people of the state. The then Indian Prime Minister, Indira Gandhi, had already aggressively campaigned in 1983 general elections in Kashmir alleging Pakistan's aiding of insurgents encouraged and perpetuated violence and conflict in the state. The State Assembly election of 1987 was denounced by the majority of the political and civil community in Kashmir with only ten percent of the Kashmiri population participating in it. The large scale exodus of the Kashmiri Pandits and the subsequent imposition of President's rule in the state from 1990 to 1996 became critical moments in the history of the politics of Kashmir valley. The 1987 election was the pivot of militarisation of the state, especially its border districts of Poonch, Kupwara and Baramullah, accelerating mistrust of the Kashmiris towards the Indian state. Simultaneous to this was the rising involvement of Pakistani state and its reinvigorated and newly militarised intelligence agency ISI, in Kashmir affairs.

Adding to all of this, at the home frontier, by the 1990s, with India continuing to push back, the sea became a medium of retaliation for both countries and the arresting of fishworkers an exercise to exhibit their territorial sovereignty. The arrest of fishworkers almost became a method to 'legitimately' launch a two-tier aggression towards each other. This was especially because, while the fishworkers were crossing the sea boundaries of both the countries, such movement could be legitimately declared trespassing, with the fishworkers being treated as mere pawns.

This was also the period when smuggling activities had gained access under the radar of the security forces of both the countries. The infamous Bombay smuggling syndicate that initiated trafficking activities via the sea, the

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<sup>3</sup> Dialogue for Action, *Siachen: End to the Impasse*, 2013.

demolition of the Babri Masjid in India in 1992 by the conservative Hindu forces, and the subsequent communal riots in Bombay in the same year made things worse for the fishworkers in the region. This gave rise to heightened suspicion between the two countries bringing the activities of the fisherpeople of the region under the scanner of the security forces of both the countries. The security forces of the region became alerted to the presence of 'infiltrating boats' in the sea. This change in the terminology in identification of boats contributed to the dilution of the distinction between a smuggling boat and a fishing boat, complicating matters for fishworkers with the idea that a fishing boat could also be a smuggling boat, which had never been the perception earlier. Even while many people associated with smuggling were arrested by the security forces, there is no instance on record of them having been arrested from a fishing boat.

In the same token, the Pakistan paramilitary forces facilitated infiltrators in the Indian side of the Line of Control (LOC) in 1999. This led to the Kargil war, which caused a direct confrontation between the armed forces of the two countries, ultimately culminating to Pakistan's withdrawal from Kargil. By then, the region, alongside the then North-West Frontier Province of Pakistan (now Khyber Pakhtunkhwa) and Afghanistan had become an international flashpoint, drawing international gaze with increased presence and involvement of countries like the United States (US). The active presence of Taliban, Al-Qaeda, Islamic State, CIA, Mossad, RAW, ISI along with Chinese and Russian intelligence interests has truly made the Western borders of Pakistan and Afghanistan burning volcanoes.

## The Sir Creek Issue

*Source: Gupta and Sharma 2004; 'Blurred Borders: Coastal Conflicts between India and Pakistan'*

"At the heart of this lie the 'rival geographies' and contested cartographies between the two countries. Both India and Pakistan wish to depict their sea border not as a novel, fragile, contingent creation, but as something robust and real. The dispute between India and Pakistan over Sir Creek is central to this endeavour. The Sir Creek is a 100 km-long estuary in the marshes of the Rann of Kutch, which lies on the border between the Indian state of Gujarat and the

Pakistani province of Sindh. The Sir Creek is a fluctuating tidal channel, not truly a flowing 'creek', along which the boundary between India and Pakistan has not been demarcated. Till 1954, the borders around Sir Creek were virtually open, with free movement on both sides. However, after 1954, the stances on both sides became rigid, and a controversy evolved around Sir Creek. The dispute is intricately tied to the cause of fisherfolk since the area around it can be regarded as the biggest Asian fishing ground.

There are two issues involved in the dispute – the delimitation of the boundary along the creek and the demarcation of the maritime boundary in the Arabian Sea.<sup>37</sup> As a result of the continuing Sir Creek boundary dispute, neither India nor Pakistan can submit their claims under the UN Convention on the Law of the Sea on the limits of their respective continental shelves. This has to be done by 2004. Without the maritime boundary demarcation between them, neither country can exploit the resources in its Exclusive Economic Zone (EEZ) (up to 200 nautical miles) or its continental shelf (up to 350 nautical miles). And this in an area that could have sub-sea oil and gas deposits. The problem is also intrinsically linked with the fishing rights of the two countries. The repeated apprehending of fishermen on grounds of boundary violations at sea gives this dispute acute humanitarian overtones.

The Sir Creek boundary dispute is totally caught up in methodology and maps, and is a representative of national anxieties. The connections here go beyond the practical business of charting the length and breadth of national territories. They extend to the complex power relations underpinning the two nations involved here. The Sir Creek dispute goes against nationalising desires to produce a complete and secure cartography, and instead of a homogenising and flat map, points to the diversity in the very process of mapping."

While the concept of having a sea boundary between the two contesting countries is fairly recent, just a few decades old, the fishworkers of the region have been fishing in the same water (the entirety of the Arabian sea) for centuries

with their area of operation not limited by territorial specificities. The Maritime Security Agency (MSA) of Pakistan has over the years become an important agency in this scenario. Thus to argue that the fishworkers arrested on either sides of the border are 'greedy' or to describe it as a matter of 'choice' for fishworkers, is the failure to understand their livelihood issues and to undermine the history, social and economic prospects of the fishworkers of the region. When these fishworkers venture into the sea, their intent is not to undermine the territorial integrity of the neighbouring country, but to ensure livelihood for themselves and their community. This narrative is undermined by the sovereign states involved and the fishers end up being collateral damage in the hostilities between the two countries.

### 3.0 Maritime Jurisdictions

The escalation of the conflict described above must be read chronologically in conjunction with fisheries governance regimes, starting with the drawing up of international maritime boundaries which began in the 1970s and 1980s. This demarcated 'Exclusive Economic Zones' (EEZ) and 'High Seas' under the United Nations Convention on the Law of the Seas (UNCLOS). In India, the demarcation of this boundary and the subsequent mechanisation of fisheries across the coast led to immense conflict between small-scale fishers and the newly mechanised trawlers, over fishing grounds. Through a historical struggle many Indian coastal states were able to demand a Marine Fishing Regulation Act and state specific laws. Gujarat, however, was an exception; despite being the highest in marine fish production until the 1980s, coastal/marine degradation and competition over fish resources led to a rapid decline in fisheries, resulting in a scenario where fishworkers had to go further out to sea for longer days. Despite this, Gujarat does not have a marine fishing regulation act, like Kerala and Tamil Nadu, and hence the Fisheries Department has no real power to regulate or control. The absurdity of this situation is well-captured in the explanation given by an erstwhile officer in the Ministry of Law for Gujarat who stated that implementing any act related to fisheries is itself "polluting", and that an Act would represent the sanctioning of "killing" of fish<sup>4</sup>.

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<sup>4</sup> Gupta and Sharma 2004; 'Blurred Borders: Coastal Conflicts between India and Pakistan'

## 4.0 Cause & Consequence: Industrialization of the Gujarat Coast and 'Trespassing'

To paint a complete picture of why and how this conflict escalated, the timeline has to be read in conjunction with the political ecology and economy prevailing in the subcontinent. The issue of eventual marine depletion in the Gujarat sea also contributed to the increase in the number of Indian fishworkers crossing the sea boundary into Pakistan since the 1990s out of sheer compulsion. There was a time when the Gujarat continental shelf was rich with varied marine resources, so much so that fishworkers from Maharashtra and Kerala would come all the way to the Gujarat sea to fish Bombay Ducks. After the 1990s, to the early 2000s, the sea shelf started to manifest estuary pollution due to river mouth industrialisation in the region. The thermal power plants in Saurashtra and Kutch began progressively heating up the marine waters leading to gradual depletion of marine resources, a rise in 4 degrees average temperature of sea water since the 1980s. This was an erstwhile coastline with 20,000 ha of mangroves<sup>5</sup>.

Earlier, the fishworkers did not even realise that they have crossed over to the Pakistani side of the sea, when they fished. However today, with the aid of technology, most traditional boats and fishing trawlers are equipped with Global Positioning Systems (GPS). Even so then, the number of fishworkers involved in crossing over to the Pakistan side of the Arabian Sea has only increased over time. Owing to the heating of coastal waters, there is almost no fish available within the 13 nautical mile radius in the Gujarat sea today. There is thus no option for the fishworkers but to 'trespass' into the Pakistan sea. Additionally, fishing is essentially a hunting activity whereby the fishworkers must chase a fleet of fish over a span of distance to ultimately be able to catch it, often ignoring the GPS warning, which may caution that they might have crossed into the 'wrong' side of the sea.

Economic factors also contribute to the compulsion of the fishworkers to push the boundaries while fishing. Earlier an average fishing trip into the sea would last only 8 to 10 days. Now, due to the subsequent recession of fishes further into the sea, a fishing trip might take upto 15 to 20 days on an average. The longer the fishworkers are at the sea, the farther they have to travel for

<sup>5</sup> The Research Collective, *Where have the Fish Gone*, 2017.

a catch, the larger the chances they have of getting arrested by the Maritime Security Agency (MSA). Most boats that venture into the sea are sent off by boat owners with fishworkers as labourers. In those cases, the boat owners take hefty loans from money lenders for every fishing trip for partial payments to the workers, the diesel cost, the storage and the equipment cost. The fishworker who ventures into the sea thus has the compulsion to catch fish worth at least the principal amount of the boat, if not more, or enter into debt that a worker of their economic background might never be able to repay.

Keeping all the above in mind, the fishworker must ignore the chances of being caught by the MSA and proceed with their trip, in most cases of which they would cross the international maritime boundary. Lastly, the chances of a fishing boat getting caught in the Pakistan sea are almost one out of 8 boats. If on a period of 4 to 5 days, 600 boats venture into the sea, and two out of the lot get arrested, then it does not even count as deterrent enough to discourage the fishworkers from crossing maritime boundaries. The lack of marine resources, the huge loans the boat-owner has taken, the livelihood requirement of fishworkers combined with less probability of getting caught, make them chose the issue of livelihood over the risk factor involved in this entire process of transgressing borders. The Indian state ought to find responsible and sustainable solution to this issue, while protecting the livelihood of the Indian fishers from Gujarat and Diu.

## 5.0 Arrests to Release - Story of Abuse of Power and Human Rights

In Pakistan, once the fishworkers are arrested, they are reported to the Karachi Port Authorities, from where they are handed over to the rangers (the local police) at the Karachi port. There is generally an informal network of fishworkers, citizens and civil society groups who spread the news of the fishworkers' arrest with their names, address and other details. However, none of the information that is circulated can be acted upon since none of the information collected has come from any formal channel of diplomatic communication. The formal process of moving to court, trial, conviction, serving of sentence, verification of nationality, subsequent release of the arrested

fishworker and their transportation to their country of origin is a rather long process and is a tedious journey that the arrested fishworker is subjected to.

In India, when the Indian Coast guards arrests someone, they bring them to any police station in Gujarat like Okha or Veraval or Kutch and hand them over the police. They are kept in jail until court decides or the government of the day decides to release and repatriate. In some cases, nationality verification becomes a long drawn process and in many cases, it gets completed after the sentence completion. If nationality remains unverified even after the sentence completion, they cannot be released which leads to some people being in prison for life. With Indian authorities keeping the arrested Pakistani fishworkers in different jails matters like consular access if further complicated.

In 2008, both the countries signed The Agreement of Consular Access under which the consular access of the arrested person needs to be given within three months of his or her arrest. This is the first and crucial step in verifying the nationality of the person which would help in further locating the person in custody to a geographical and administrative region. Since in most of the cases, the people are charged under Passport Act and Foreigners' Act, the nationality verification within a particular time period, say three months, becomes very crucial.

There are complexities involved in verifying the identity of the fishworkers who have been arrested by the authorities. However, if a bottom-up approach was taken, with a political will to resolve, then the process should not take very long. If the license number of the fishing boat arrested is determined, verifying the information regarding who might have been aboard the boat should not be a lengthy process. However, the bureaucracy and lack of diplomatic goodwill between the two countries cloud the process to such an extent that it can take months to ascertain the identity of the fishing people on the boat. However, when a group of people from a single boat are arrested, and then released together, there are extremely low chances of swapping the identity of one or two men without the others in the group not realising it and not notifying it to the Indian authorities. Such high levels of cynicism between two neighbouring countries, give rise to unnecessary complication in the process with avoidable hurdles cropping up delaying the process of release of arrested fisherpeople.

## 6.0 Role of PIPFPD and allied organisations

Civil Society in India and Pakistan, led by Pakistan India Peoples' Forum for Peace and Democracy (PIPFPD), along with allied forces like the NFF, PFF, Legal Aid Organization (LAO-Pakistan), Pakistan Institute for Labour Education and Research (PILER), Human Rights Commission of Pakistan (HRCP), Edhi Foundation and Local Fishing People's organisations of Gujarat have formed a coalition that has worked over several years to understand the plight of the fishworkers languishing in the jails of each other's countries. It has also worked to ensure better living conditions in the jails and speedy trial and release of these individuals. This issue garnered such attention keeping in mind the alarming number of arrests that have been made over the years across the seas in both India and Pakistan. There has been a recognition that at any given point of time, the number of arrested Indian fishworkers is much higher than that of their Pakistani counterparts and this is due to the marine-life depletion on the Indian side of the Arabian Sea.

After various interventions were made in the higher judicial bodies of both the countries, in the form of Public Interest Litigations, the judiciary has become appraised of the matter of the plight and conditions of fishworkers in each other's jails and have taken notice of the issue as gross injustice. With the highest judiciary of both countries passing favourable orders and directives, the lower courts have come to view the cases differently, thankfully in a more sympathetic manner.

With the change of the mind-set of Indian and Pakistani concerned officialdom, came the toning down of charges on fishworkers at the time of arrest. This is noticeable particularly from the period starting 2011-12, the years of regular dialogue with the political leadership and government departments on both sides. This also meant a serious reduction of their jail terms, with many fishworkers getting imprisonment for upto two years, if not less – from an earlier situation when they used to be subjected to several years of prison on harsh and fabricated charges.

The jail conditions of the imprisoned Indian and Pakistani fishworkers was the most important issue that motivated Public Interest Litigations (PIL) to be filed in the highest courts of the two countries by activists and civil society groups. In 2008, the Indian and the Pakistani government constituted a Joint

Judicial Committee on Prisoners that nominated judicial representatives from both India and Pakistan who would investigate the conditions of the prisons and prisoners. It consisted of retired judges from the higher judiciary of both the countries: four persons each. The Joint Judicial Committee on Prisoners used to collectively visit three jails in both Pakistan and India, every six months, altering between the two.

The Joint Judicial Committee, which was directly a result of the legal interventions and political advocacy, primarily concentrated on examining the health conditions of the prisoners, enquiring into their legal conditions and status of their cases and finding out whether consular access has been given to them or not. This development had a major impact on prisoners from both countries having access to judges of the highest judiciary to discuss their plight. The Joint Judicial Committee has recommended the immediate release of all fishermen in both India as well as Pakistan prisons, a couple of times. This highlights the plea of fishers that the trespass of international maritime borders is in fact a product the quest for livelihood and survival and not criminal motive or intention to perpetrate terror activities or illegal activities. The governments of both countries have made some solid progress towards realising the goals set in the judicial committee recommendations, but neither of them has adopted their recommendations unanimously. The fact that the Joint Judicial Committee on Prisoners has not met in the last few years, since 2014, is indeed raised by many as a serious concern that has derailed the process and its pace.

There are several hurdles that civil society faces time and again while dealing with the issue of the arrest of fishworkers. The most crucial among them is the issue of information access, at the time of arrests. As per the agreement, both India and Pakistan must provide consular access to each other's prisoners. Under this provision, every year on 1st January and 1st July, both the countries are supposed to exchange a list of names and details of prisoners from each other's country. However, this is still a rare occurrence and not a norm.

While the term of sentence of the fishworkers has reduced considerably after the interventions of the civil society and judiciary, major gaps have emerged in collating information about the names and details of the prisoners. Indian authorities have repeatedly refused to respond to Right to Information (RTI) petitions that demanded information about the name, details, whereabouts

and conditions of fishworkers arrested in Pakistan in recent times, while this information must be provided by the government on the website itself and should form part of public information. The reason for this secrecy is yet to be justified.

## 7.0 Looking ahead

Four key stakeholders must be kept in mind, while discussing possible solutions:

1. Pakistani fisherpeople and organisations
2. Indian fisherpeople and organisations
3. Sovereign state of Pakistan and
4. Sovereign state of India

Along with these four, there exists another major stakeholder in the considerations and that is the sustainable ecological balance of the Indian Ocean. No solution can be a permanent one unless it is sustainable from this environmental justice prism, too. Regulatory framework in fishing practises, is an unavoidable issue in this context. Hence, any solution based dialogue must look at the issue from the point of view of these five stakeholders.

There are two strands of opinion regarding what might be the long-term solution regarding the incarceration of fishers and the confiscation of their boats. One opinion ties the arrest and the subsequent plight of the fishworkers with the peace process between India and Pakistan. This theory recognises that it is because of the ensuing historical political tension between the two countries that the fishworkers of these countries become pawns and thereby a collateral damage. This approaches the issue from a humanitarian point of view of the communities concerned and their life, livelihood aspects. The other strand of opinion is embedded in the idea of achieving a long-lasting transformation of the issue through a political economy approach. While the premises of analysis regarding the issue and its historicity may be the same, both strands are bound to have differentiated approaches in the search for a permanent solution.

The humanitarian interventions, require an ensuing peace process. It begins with the provision of legal aid to the already arrested fishworkers, which has, till date been very diligently executed by the actions of organisations like the

Edhi Foundation or the Legal Aid Organisation of Pakistan as well as fishers groups and peace organisations with support from Human Rights Law Network (HRLN) and others, in India. It also requires a consistent liaison with the governments in nationality verification, release process, etc. This approach is based on the expectation that an ultimate resolution of this process would be the implementation of a 'No Arrest policy' and/or 'Release at Sea' by both India and Pakistan.

The main concern regarding this approach to the resolution of the issue of fishworkers' arrest is that the process might be held ransom to the easing of tension and smoothening of the peace process between the two countries, which might not be the priority of the day for either or both governments. The peace process between the two countries is subject to varied issues, like unresolved border issues, or the Kashmir issue. As soon as these are brought into the discussion, the lives and livelihood issues of the fishworkers are unfortunately bound to take the backseat. The second concern is about this solution not being a win-win situation for all stakeholders involved, especially the state of Pakistan. Keeping in mind the reality that there are far more Indian fishers who fish in the Pakistani side of the ocean, compared to the number of Karachi fishers who crossover to the Indian side of the sea, one must have a solution that must accommodate the concerns of the Pakistan state and its sovereignty. While the Pakistani fishers might not object to a shared idea of fishing in the Indian Ocean, it is important that the natural resources within the geographical territory of Pakistan are not exposed to overexploitation.

Those who follow the strand of conflict transformation (CT) theories attribute 'no arrest', 'release at sea' approaches as essentially a humanitarian approach to the issue. While the CT approach endorses short-term measures, it also suggests that only longer-term solutions can lead to permanent transformation to the conflict. It is in this context that a political economy approach, one that includes initiating a dialogue around the sharing of resources within the maritime economic framework, gains currency.

As mentioned earlier, the repeated arrest of fishworkers has impacted the lives of people but, in the face of acute economic needs, not been a strong deterrent for the Indian fisherpeople crossing the sea borders for fishing. On the contrary, the number of Indian fishworkers has actually increased over the years.

Since the root of the problem lies in the economic activity of the community in question, the resolution of the problem must also involve some sort of economic arrangement between India and Pakistan.

## 8.0 Maritime Economic Cooperation Agreement

It is clear from this perspective that there exists a need for the creation of a situation and implementation of a mechanism whereby all the parties to the problem, namely the Indian and Pakistani government, and the Indian and Pakistani fishworkers stand to gain. That arrangement must also make sure that the oceans are not left open for blind capitalist exploitation. Only a formalised arrangement between the Governments of India and Pakistan, with active participation of concerned civil society groups, can ensure the initiation of a Maritime Economic Cooperation Agreement (MECA).

The key features of such an agreement could be:

- A. Declaration of common fishing fields by both countries
- B. Regulated fishing in Gujarat, necessitating legislative interventions for special licensing and permits on a rotational basis
- C. Assessment and Transfer of revenue between India and Pakistan, towards the royalty of the extraction of marine resources
- D. Regulation by Indian and Pakistani marine agencies to make sure that the license and permits are strictly adhered to
- E. Fish landing centres based self-regulation from Indian fishworkers in Gujarat and Diu – to make sure that the boats with the special license alone get to fish in the common fishing fields
- F. The utilisation of the revenue for the development of fishing communities and fishery related activities.

The establishment of such a system would require setting up an environment where there would be mechanisms via regulated fishing activity on one end and provision of periodic remuneration or royalty and sharing of technology with the other. It is clearly the question of one side of the border having the

marine resources, while the other side constitutes a large number of traditional community fishworkers, whose subsistence is getting lost. Since the bulk of the fishing activity takes place in the Pakistan side of the sea, the two countries must initiate processes for an economic negotiation with one another, whereby a regulated number of Indian fishing boats are allowed to fish in the Pakistani sea in a regulated manner and the Pakistan authorities are paid a royalty in exchange.

Informally, over the years, the Pakistan fishworkers are also involved in technology sharing with the Indian fishworkers. The royalty sharing agreement could make sure that this process is strengthened to create better fishing livelihood return for the fishworkers of Pakistan. The royalty collected from the exchange could also considerably contribute to fish-landing centre development, boat technology development, and fishing livelihood being improved in Pakistan.

On the question of natural resource sovereignty, an arrangement such as MECA can immensely contribute to better and sustainable fishing in the Indian ocean and protect our common fishing grounds and marine resources from the exploitative plunder of the industrial fishing fleets, owned by big American and European Corporations. There are enough warnings in the Indian ocean, regarding both over-exploitative fishing as well as intrusions from unwanted elements – including pirates. Mechanisms of economic cooperation, joint patrols and developing of trust between maritime forces and fishworkers can alone safeguard the sovereignty of the oceans.

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**The Research Collective, of the Programme for Social Action (PSA),** facilitates research around the theoretical framework and practical aspects of development, sustainable alternatives, equitable growth, natural resources, community and people's rights. Cutting across subjects of economics, law, politics, environment and social sciences, the work bases itself on people's experiences and community perspectives. Our work aims to reflect ground realities, challenge conventional growth paradigms and generate informed discussions on social, economic, political, environmental and cultural issues.