

Comment

Behind bars again

Not so very long ago, we welcomed the unilateral move by the Government of India to release all Pakistani fishermen from Indian jails, and the decision to turn back, rather than arrest, Pakistani fishermen transgressing into Indian waters (Comment, *SAMUDRA Report* No. 29, August 2001). The subsequent period witnessed the release of arrested fishermen from both countries. In late October 2001, Pakistan repatriated all 196 Indian fishermen, along with 32 of their boats. Around the same time, the Indian government released 202 Pakistani fishermen and 21 boats. Many of those released had already spent significant periods of time in prisons, some even a few years. Those held in custody were mostly small-scale fishermen who have traditionally fished these waters, with the primary aim of securing a livelihood. The Indian and Pakistani governments' moves raised hopes of small-scale fishermen being able to return to a 'normal' life.

A similar promise seemed to emerge during the Sri Lankan Prime Minister's visit to India in December 2001. Meetings with Indian authorities touched upon the need to evolve a mechanism to ease the harassment of fishermen from both the countries who inadvertently stray into each other's waters. A possible long-term solution of creating a 'joint fishing zone' on either side of the maritime boundary was mooted, according to media reports.

However, the beginning of 2002 reveals no cause for optimism. The recurrence of arrests of fishermen in the adjacent waters of India and Pakistan in the early months of 2002 is disturbing. According to P. V. Khokhari of the National Fishworkers Forum, as of 27 March 2002, 39 Indian fishing boats with a crew of 229 fishermen, and two Pakistani boats with a crew of 12 fishermen, had been arrested. Similarly, between February and March 2002, 29 Indian fishermen were arrested by the Sri Lankan Navy. According to *The Hindu*, this was the first time in several months that the Sri Lankan Navy was once again arresting Indian fishermen in its waters. All these fishermen are innocent victims of the ongoing political disputes between these neighbouring countries.

In this context, the new agreement signed between the Philippines and Indonesia is noteworthy (see News Round-up, pg. 50). Filipino fishermen targeting tuna can now, for the first time in history, legally fish in certain parts of the Sulawesi Sea and the Pacific Ocean in the east and portions of the Indian Ocean in the west, which form part of Indonesia's exclusive economic zone. They can land their catch at several Indonesian ports. This agreement benefits both countries.

It is time that South Asian governments respond in similarly constructive ways to the problems faced by small-scale fishermen from neighbouring countries fishing in their waters, constantly exposed to the threat of arrest and imprisonment totally inappropriate to the 'offence' committed by them. Several concrete suggestions were proposed by participants at the conference *Forging Unity: Coastal Communities and the Indian Ocean's Future*, organized by ICSF and the International Ocean Institute in Chennai, India (see Document, *SAMUDRA Report* No. 30, December 2001, pg. 32).

It is not as if there are no solutions for the woes of small-scale fishers who are detained and punished for no real blame of their own. It is just that States still do not regard these marginalized populations as worthy of serious concern. Small-scale fishers are citizens with inalienable human rights. States must treat them with honour, dignity and compassion, and not send them to jail for trying to eke out a living.