

Petition against state exploitation of fisherfolk through contract system in fisheries in Pakistan

Monday 5 June 2006, by [PFF](#), [SHAH Mohammad Ali](#) (Date first published: 27 May 2006).

Pakistan Fisherfolk Forum once again is running social movement against contract system. In connection this, PFF has decided to send the petition against contract system on inland fisheries to Pervaiz Musharraf president of Pakistan. Please support and endorse the petition. And send back to PFF.

Apart from this, you can also send the petition to president of Pakistan directly by email and by post. So please note the email and postal address of president of Pakistan as under:

Mr. General Pervaiz Musharraf
Presidency Islamabad
Aiwan-e-Sadar
Islamabad.
Ph: 051- 9221388 Fax: 051- 9221422
Email: CE pak.gov.pk

You must have known that fishermen [Malah] community of Sindh is bravely struggling throughout Sindh against an injustice against them as their only livelihood, i.e., Sindh Government is usurping fishing through imposition of 'Contract System' on the fishing grounds in the entire province.

Led by Pakistan Fisherfolk Forum [PFF], millions of fishermen community people have come on roads against the exploitative contract system because under this system, the contractors deprive the fishermen communities from their due share of catch, do not allow them to sell their catch in open market and destroy and degrade the fishing grounds by fishing unsustainably.

I look forward your prompt response for the rights of fisherfolk.

With best regards

Mohammad Ali Shah

Chairperson, PFF

Petition

27th My, 2006

Honorable Mr. Parvaiz Musharraf

President of Pakistan

Awan-e-Saddar

Rawalpindi

SUBJECT: PETITION AGAINST STATE EXPLOITATION OF FISHERFOLK THROUGH CONTRACT SYSTEM IN FISHERIES

Respected,

We, fishermen of Sindh, the members of Pakistan Fisher folk Forum (PFF) and other civil society organizations including representatives of non-governmental organizations (NGOs), political parties, trade unions and human rights groups draw your kind attention towards grave violation of fundamental human rights enshrined in Constitution of the Islamic Republic of Pakistan by Sindh Government, while imposing contract system on the inland fisheries and creeks in the province. In connection this, we seek your immediate intervention in support of the Constitution for protection of citizen rights.

Sir,

We believe that by imposing contract system as auction of fishing rights in Sindh, the provincial government is violating Article 3, 4, 8, 11, 18, 23, 24, 37 and 38 of the Constitution and depriving a huge population of men, women and children from their basic right to have secure, and decent, lives and livelihood.

We wish to submit the following facts and figures in support of our petition:

The present Sindh Government had agreed to abolish the Contract System. Under an agreement between Sindh government officials and representatives of fisherfolk at a meeting held in Badin early this year, government recognized historical claims to local fishing areas and agreed to protect the fishing rights of indigenous

communities to coastal as well as inland waters.

However, the Sindh Government's Fisheries Department has once again started the process to auctioning fishing rights on more than 1260 freshwater fishing places in the province from June 6, 2006. The dates of auction to award fishing contracts to successful bidders have been postponed for many times earlier as the local fishermen have been opposing the contract system.

Section 3 of the Sindh Fisheries Ordinance, 1980 describes the powers of the Government of Sindh to grant licenses or lease for fishing in any public water. But instead of granting licenses (first option), the government insists upon the second option as auction of a contract for fishing rights.

The Sindh Government has been adopting both licensing and contract system on fisheries in the past. Most of the time the government has been allowing the local fishermen to catch fish from these waters by issuing them licenses on payment of affordable fees. Even in some years, the Sindh Government had exempted fishermen to pay the license fees. For example, in 1992-93 budget of Sindh province, the then Finance Minister Liaqat Ali Jatoi had exempted license fee from fishermen of Manchhar lake. Later, in 1993-94, the former Sindh Chief Minister Syed Abdullah Shah had also withdrawn the license fee from fishermen of Manchhar lake. This licensing system continued till 1998-99. Later, the government reintroduced contract system, but fishermen have never accepted it.

We believe that the bureaucracy and officials of Fisheries Department have deliberately failed the licensing system. For example, when the governments had introduced licensing system at certain places including at Manchhar lake, the employees of Fisheries Department managed to fail the system by reporting to the higher authorities that recovery of license fee is much below the target. On the contrary, these Fisheries Department employees did not deposit the license fees in the banks. Due to that, the government switched to the contract system to earn revenues.

This contract system is a main source of corruption for higher officials of Fisheries Department, because they earn handsome money as commission and other facilities from contractors. So these officials try their level best to impose contract system, which would give them some dividend.

The widespread corruption in Fisheries Department also resulted in loss of revenue to the government exchequer. For example, a contractor has to pay millions of rupees as bribe to the high government officials to secure a contract. The contracts are often given to influential and wealthy people, so they pay as much or more in bribes as the actual amount deposited in the national exchequer. To recover these large bribes contractors resort to ecologically unsustainable overfishing.

We believe that the imposition of contract system is tantamount to denying local communities of fisherfolk their birthright to fish. In the past the contract system had been proved to be a failure as the government did not earn much from fisheries sector and the poor fishermen also suffered a lot at the hands of contractors. The contractors not only used to take the entire catch at their will, but they exploited and even physically tortured the fishermen, if some of them resisted this injustice. In most cases, the contractors do not give to fisherfolk fair prices of the catch, or even deny payments for catch, which often create disputes between fishermen and contractors.

In the first instance, the Sindh government announced to auction fishing rights to the private sector in Badin's coastal areas early this year. When the fishermen protested on it all over the province, the government appeared to have withdrawn its auction decision.

The Sindh Government had also formed a two-member cabinet ministerial committee to hold talks with PFF and in a meeting with PFF office bearers, the government pledged to abolish contract system in fishing entirely. But the Sindh government turned its face from its latter commitment and announced a schedule of the auctions of inland fisheries in various districts of the province through newspaper advertisements. These auctions were started from April 16, 2005 and continued till end of June 2005. Despite its agreement with fisherfolk representatives to abolish the contract system, the government has not lived up to its commitment in this regard. Although the PFF had sought time from Sindh Chief Minister to again present its point of view on this issue, there was no positive response from the Chief Minister House. On the contrary, fisherfolk had been arrested and threatened with dire consequences.

Sindh Government once again announced the schedule of auction inland waters with ought through newspaper advertisements. The sindh fisheries department is giving the fishing rights to the contactrators through corruption and commissions.

In light of the above facts and arguments, we are of unanimous view that the contract system is against the Constitution of Islamic Republic of Pakistan and particularly in light of the following articles and provisions:

Article 3: The contract system being imposed on inland fishermen is clear violation of the Article 3 of the Constitution of Pakistan because it encourages exploitation of fisherfolk by private contractors.

Under the system, a contractor is given all rights over fishing resources and then fishermen are bound to sell him the catch on rates fixed by him. Fishermen are paid very low rates and become victims of economic exploitation. Thus this practice and policy is clear violation of Article 3 which reads: "The State shall ensure the elimination of all forms of exploitation and gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work."

Article 4: Equitable access to natural resources is fundamental to the life and livelihoods of fisherfolk and therefore forms the common property of indigenous communities. Article 4 prohibits the Sindh government from taking any "action detrimental to the life, liberty, body, reputation or property of any person."

Article 8: The contract system on fishing is against the fundamental rights, enshrined in the Constitution. We would like to specifically refer Article 8 which reads: "Any law, or custom or usage having the force of law, in so far as it is inconsistent with the rights (fundamental rights) shall be void." Since government use of contracts in fisheries is against fundamental rights, we request the Honorable president to declare it void and issue orders to stop Sindh Government from doing so.

Article 11: Contract system on fishing results in modern slavery or what's commonly known as "Bonded or Forced labor" under which poor people are deprived of fair wages and incomes and coerced to work because of their poverty. Under the contract system poor fishermen are forced to sell their catch to

contractors at rates fixed by the latter. Therefore, this practice is also a violation of Article 11, which prohibits forced labor and declares that, “all forms of forced labor are prohibited.”

Article 18: The contract system systematically excludes fisherfolk from equitable access to fishing resources. By auctioning fishing rights that deny fisherfolk any option except to work as forced labour for the contractors, the Sindh government denies fisherfolk the “right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.”

Article 23: Water bodies are the single most important form of community property for fisherfolk. Auction of right to use water bodies is a denial by the Sindh government for fisherfolk of the “right to acquire, hold and dispose of property” since the auction system is an unreasonable restriction imposed by law.

Article 24: Fishing in local water bodies by indigenous communities has been a historical exercise of their right to use common property for livelihoods. The auction system expropriates this common property in mockery of the constitution which requires that “no property shall be compulsorily acquired or taken possession of save for a public purpose and which provides for compensation.” Since it is an incentive to ecologically unsustainable fishing by the contractor, and degrades the lives and livelihoods of large numbers of poor fisherfolk, the auction system is neither in the public interest nor secures proper management of water resources.

Article 37 and 38: The contract system is also in violation of Article 37 and 38 on promotion of social justice and promotion of social and economic well being of the people. Article 37 makes the state bound “to promote, with special care, the educational and economic interests of backward classes and areas”. And article 38 says “state shall secure well being of people by preventing concentration of wealth and means of production and distribution in the hands of a few and ensuring equitable adjustment of rights between employers and employees, reduce disparity in incomes and earnings by individuals.”

In sheer violation of these two Articles of the Constitution, the contract system deprives all poor communities of fisherfolk from fair earnings and is an instrument of exploitation of poor fishermen. It

promotes concentration of wealth, as it's the contractor who takes major portion of the earnings.

This system increases disparity in income distribution. It keeps the poor backward, and thus it is in violation of the constitution.

Universal Declaration of Human Rights: Besides, the constitution of Pakistan, the contract system is also against the provisions of Universal Declaration on Human Rights, which make the UN member states responsible to protect and promote the political, social and economic rights of citizens.

In light of the above facts, we pray the honorable president to declare the contract system being imposed by the Sindh government on fishermen as illegal and ultra virus of the Constitution.

We also pray the honorable president to direct the Sindh Government:

To immediately stop auctioning of water bodies as fisheries contracts

To abolish the contract system.

To reserve fisheries for local fisherfolk and facilitate fishing livelihoods on affordable, mutually agreed registration/license fees.

Petitioners:

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