

The Price for Ilish

Conservation of fisheries in Bangladesh has become heavy-handed and militarized while poverty in fishing communities remains unmitigated

Early on the night of March 16, 2021, police opened fire on a small fishing boat and killed a young fisher named Mohammad Masud in the Meghna River. The shots were fired in the river north of Chandpur, the town famous for its well-known trading centre of *ilish* (hilsa), Bangladesh's most prized fish. It was reported that Masud, 24, went fishing with some others during a seasonal ban imposed by the government to protect juvenile fish. The police said they opened fire in self-defence after the fishers threw brick chips and attacked the police with sticks. When a journalist visited the deceased Masud's house, his family did not have even a "handful of rice" to feed themselves.

Official estimates tell us that the catch in mixed-species open-water fisheries in Bangladesh has been increasing throughout the last decade. The catch is rising in the *ilish* fishery also; this is the single largest fishery in volume and economic value. Still, fishing families like Masud's are either ultra-poor or poor in the official categorization of poverty. Fishers go hungry during fishing ban seasons. Armed police, the coast guard, and navy patrol the fishing grounds to enforce the ban. In recent years, the air force has also conducted aerial surveillance. During such a season in 2020, at least 5,533 fishers were jailed. How did conservation in Bangladesh become so heavy-handed and militarized despite the poverty in fishing communities?

An old tale

The history of systematic injustice, economic and environmental, towards peasants and fishers dates back to the British colonial takeover in Bengal. The East India Company established its new land administration and revenue regime by the Permanent Settlement

Act of 1793. It transferred all lands and water bodies, including rivers and inshore waters, as estates to a newly created small group of landlords called *zamindars*.

The empire is long gone. Yet successive governments have failed in making significant efforts to address distributive and procedural injustice against traditional artisanal fishers. There have been no legal reforms to recognize their customary tenure. The government does not invest meaningfully in artisanal fishing communities to enable them to secure a fair share of the income from fisheries.

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For decades, capture fisheries were shrinking due to a wide range of pressures. Reduced water flow in trans-boundary rivers due to dams, barrages and diversion of water upstream significantly impacted the aquatic ecosystems in Bangladesh. Industrial and agricultural runoffs have polluted the water. Aquatic habitats are reduced and degraded by changes in land use—intensive farming, flood control measures, water infrastructure, draining wetlands for agriculture or land development, and encroachment, to name some. Water engineering, including embankments, has especially impacted fish biodiversity, population and the unit value of the catch.

No efforts have been made to restore and conserve fish habitats; or to mitigate or prevent the impacts of external threats. Rather, the government has prioritized

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aquaculture, in the wake of shrinking capture fisheries. Wealthy landowners in the rural areas have profited from large-scale intensive aquaculture, often responsible for degrading aquatic biodiversity in the country.

Misplaced priorities

In the late 1990s, Bangladesh experienced a decline in the total estimated catch in capture fisheries. Even then, the government did not address these factors on priority in its fisheries management plans. For instance, the Hilsa Fisheries Management Action Plan (HFMAP) in 2003 was mostly used to establish no-take zones and seasonal bans.

The management plan started with a target to protect *jatka* (juvenile ilish under 23 cm in size). Several top-down interventions have been gradually put in place since 2003 to increase the ilish

catch. These interventions include spatial and temporal restrictions on fishing; limitations on the use of fishing gear and the size of the ilish catch; regulations for fishing vessels; and the distribution of food rations among a limited number of fishers during the fishing ban season.

Under the HFMAP, the most notable temporal interventions for the conservation of ilish are two seasonal bans on fishing: One to protect the *jatka* and another to protect the brood ilish (mature and about-to-spawn). To protect the brood, there is a 22-day-long ban on catching, carrying, transporting, offering, selling, exporting or possessing ilish fishes in the country. This period is evenly divided before and after the first full moon of the Bengali month of *Aswin* (usually in October). The second ban, to protect *jatka*, is for seven months every year, from November 1 to May 31. During this time, catching, carrying, and selling of *jatka* is prohibited.

The government does not adequately compensate fishers during the fishing ban seasons, though since 2004, the authorities have distributed a limited amount of rice as ration through the Vulnerable Group Feeding (VGF) programme. Using a heavy hand, the government forces fishers to comply with these regulations. For instance, from 2011 to 2013, the mobile courts reportedly imposed 2,462 prison sentences and fines amounting to US \$106,509 on law-breaking fishers. The mobile courts are, in fact, non-judicial ‘summary courts’ run by ‘executive magistrates’ embedded with law-enforcing agencies.

Fishers be damned

Several no-take sanctuaries for ilish run along the Ganga and Meghna river systems, as also in Bangladesh’s coastal waters. There are two declared marine protected areas (MPAs) in offshore waters to protect megafauna species of conservation interest. Planning and designation of these riverine and MPAs did not adequately consider social outcomes. Consequently, these protected areas are underperforming in “effectiveness and social equity”, according to recent studies. Most of the factors behind the endemic poverty of fishers in Bangladesh can be traced back to the absence of distributive and procedural justice. Yet, from the beginning of state interventions to govern and manage open-water fisheries, the erratic efforts were hardly participatory. More than two decades later, it has morphed into heavy-handed, top-down, enforcement-based and increasingly militarized conservation.

And now new users of inland and marine waters in Bangladesh are creating new threats to artisanal fishers. For example, unregulated navigation and shipping, sand dredging, rapidly increasing unsustainable economic activities in coastal and marine areas, coastal roads and other mega-infrastructure projects, including military instalments, ports and power plants.

The government does not see the well-being of fishing communities as an integral part of sustainability in fisheries. Instead, the authorities are

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A family of artisanal fisher fishing for ilish (hilsa), Bangladesh's most prized fish in the Meghna river estuary, the coasta plain estuary on the coast of Bangladesh

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focused on increasing the volume of catch at any cost. That cost, finally, is borne by the fishing communities. The government's priorities do not include equity and justice for fishers. This gets reflected in the existing fisheries policies and plans, such as Conservation of Fish Act 1950, the National Fisheries Policy 1988, the Marine Fisheries Act 2020, the Eighth Five Year Plan, and the Workplan for Marine Fisheries Resources Management.

What's left out?

To begin with, the fisheries laws and policies should prioritize addressing all threats to capture fisheries in a holistic manner, rather than prioritizing only top-down enforcement on poor fishers. The overall legal/policy framework in fisheries and water governance needs reformation with a new major goal: ensuring justice and equity for small-scale fishing communities. The legal/policy framework should prioritize removing structural barriers to procedural and distributive justice in the backdrop of external threats, of systematic deprivation of land rights and fisheries tenure of artisanal fishers.

The first step in this direction is to recognize the colonial nature of the current fisheries governance and management—it must be consciously decolonized. It must undo the colonial approach of taking away from the commons open-water fishery habitats. Land reforms began after the British colonial control ended in 1947. The East Bengal State Acquisition and Tenancy Act was passed in 1950. This, however,

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largely excluded restoring customary tenure of traditional artisanal fishers.

Which is why a good first step is to abolish the practice of riverine *jolmahals* (fishing grounds leased out to private parties), introduced in 1995. The Fishing communities have not reaped the benefits of that policy change because of the absence of public

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investment in fishing communities or the lack of legal recognition of their customary tenure rights.

After the establishment of open-access fishery in the rivers, the *de facto* ownership of riverine fisheries is still not with the fishing communities! Local investors and moneylenders now own most fishing operations. Legal provisions must be designed to transform this exploitative pattern of ownership over the means of fishing operations.

Giving exclusive fishing rights to artisanal fishing communities in such open-access fisheries should be a good starting point. This depends on a change in policy changes to recognize the customary right of traditional artisanal fishing communities to govern and manage their rivers, wetlands and inshore waters.

At least half of the people in small-scale fisheries are women, especially in shore-based post-harvest activities. Yet their rights are rarely recognized. In fish drying yards and shrimp processing plants, in particular, women fishworkers endure hazardous conditions, poor wages, risks to their health. A significant number of women are active fishers. Their role needs wider acknowledgement. The government, the civil society and the media must ensure their representation in all conversation on fisheries.


When discussing Bangladesh's fisheries and related policy, we must keep in mind that the main strength of fisheries in Bangladesh is small-scale artisanal fisheries. They bring in most of the catch, year after year. Justice and equity should not be distant dreams for them.

No matter what legal/policy reform is proposed, its efficacy depends on how the public agencies responsible for water, fisheries and wildlife governance embrace the principles of equity and justice. Discussions on environmental and economic justice for fishing communities have a chance to become a reality if fisheries authorities take the initiative to ensure the participation of artisanal fishers and fishworkers in policy-making. 

Both inland and near the coast

In non-riverine public water bodies like wetlands, private access to fishing is still allowed legally, as in the jolmahals. Artisanal fishers want the abolishment of private-access fishing in all public water bodies. On the other hand, fishers who work as labourers in small-scale commercial fisheries need good job opportunities. To begin with, they need to be formally recognized as labourers under labour laws.

In the case of nearshore waters in the Bay of Bengal, there is already a legal provision to reserve fishing areas with a depth of 40 metres or less for small-scale fishers. It is commonly known that large-scale industrial fishing fleet do not comply with this provision; they regularly fish in the coastal area. Fisheries authorities should strengthen monitoring, surveillance and control on the industrial fishing fleet; this will allow marine artisanal fishers to operate in their exclusive nearshore fishing zone without risking conflict with trawlers and other large-scale fishing fleets.

For more 

Hotter, Wetter, Saltier

<https://www.icsf.net/samudra/hotter-wetter-saltier/>

Increasingly Vulnerable

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Poverty in small-scale fishing communities in Bangladesh: Contexts and responses

<https://d-nb.info/1072046261/34>