

In Troubled Waters

The Fishing Sector in the GCC

MIGRANT-RIGHTS.ORG

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**Photos featured in this report are from the Indian villages where many migrants are recruited to work as fishermen in the Gulf.*

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Introduction

The fishing sector in the Gulf Cooperation Countries (GCC) is a tragedy in many acts. Overfishing, land reclamation, and climate change have disastrously impacted both marine life and those whose livelihoods depend on it.



Studies show that a third of the GCC's marine life may go extinct by 2090,¹ and 85% of the native species of fish has already been wiped out.² Adding to these calamities, the large coastline of the GCC (and Yemen) is also the world's largest dead zone, and still growing.³

However, consumption patterns do not reflect these environmental realities. Oman, the UAE and Qatar account for the highest per capita consumption of fish in the Middle East, though only Oman provides for a significant percentage of the production.⁴ Unsustainable consumption rates means most seafood consumed in the region is now imported. Gulf states have also expanded aquaculture projects, or fish farming, to meet food security needs and promote self-sufficiency.⁵

According to the UN organisation on Food and Agriculture (FAO), in 2010, 8,490 of the 11,680 fishermen in Saudi were migrants. Though there are attempts to nationalise the sector, the low and inconsistent pay is not particularly attractive to nationals.

According to Bahrain's open data portal, there were 4,251 migrant workers and 157 Bahraini workers registered in the Fishing industry, and a total of 1,637 registered establishments in the fishing sector in 2017.⁶

In 2018, Kuwait employed 3,800 expatriates in the fishing sector according to the President of the Kuwaiti Fishermen Association.⁷

As of 2011, Qatar had 3,641 fishermen, almost all of whom were migrants; in 2007, the UAE had 21,220 fishermen, the majority of whom were migrants. As of 2017, Oman had 54,410 fishermen, the majority of whom are nationals.⁸⁹

But across the GCC's 7000kms seaboard, thousands of migrant workers continue to fish in local waters. Fishing activities are primarily artisanal, meaning fishing practices are small-scale, low-technology, and often undertaken by individuals rather than companies.¹⁰ Except in Oman and parts of Saudi, there is a large dependency on migrants to man these fishing vessels.

Migrant fishermen primarily hail from the southern coast of India. Though recent data is scarce, most migrant fishermen specifically appear to come from the Kanyakumari district in Tamil Nadu.¹¹ The migrant fishermen themselves are escaping similar vagaries in their home coast – depleting fish stock due to environmental degradation, trawling, climate change, as well as consumption and production patterns that are at odds with this reality.

But their escape is not one of reprieve; despite the sector's dependency on migrants, expatriate fishermen are excluded from Gulf labour laws, and from any legal or financial security. While national fishermen are generally perceived as honorable symbols

of tradition, migrant fishermen are often scourged for environmental degradation and price gouging. They are vulnerable to arrest by both local authorities and coastguards for allegations of overfishing or crossing maritime boundaries.

At sea in more ways than one

Regulations to prevent overfishing and depletion significantly reduce the number of fishing days, and correspondingly, the number of earning days. The no-fishing season can last anywhere between three to six months. Some of the prohibitions on fishing during off-season may be eased depending on the specific type permit workers hold, or the equipment used for fishing.¹² The Gulf states also set a five day limit on the length of time a boat can be out at sea to prevent overfishing. During these five days, fishermen are encouraged to push their luck and trespass nautical boundaries.¹³

For full-time migrant fishermen, earning enough to tide themselves over the period during which they are grounded is a difficult task; with no job security, insurance or alternative livelihoods, they often take risks that could land them in legal trouble.

Despite strict regulations on fishing practices, the fishing sector's labour market is largely under regulated. Fishermen work on a seaman's visa, which gives them the right to be on a fishing vessel and to traverse the waters of the visa-issuing country. It affords them no other protections. Unlike most farmers and shepherds, they are neither covered by the labour law nor the domestic workers law. They have no written contract and are wholly dependent on the vessel owner who sponsors their seaman's visa.

There are variations based on national contexts, but the most marginalising and discriminatory practices are widespread across all of the countries.

A Unique Recruitment Process

The following section focuses on the recruitment of Indian fishermen to the Gulf.

The fishermen are responsible for all costs associated with their migration and employment, including: air fare, recruitment fees, visa fees, maintenance of vessel, healthcare and accommodation.

The captain, also a migrant, makes first contact with the Gulf sponsor often through a middleman already working for the sponsor in the destination country. He becomes a de facto recruitment agent, charging fees for the visas he arranges for the crew. The fees paid to the captain as commission – i.e. most often excluding visa fees – can be anywhere between USD650 to USD3660.

Prospective workers with an ECR (Emigration Check Required) passport cannot migrate without providing extensive documentation, including submission of contract.¹⁴ Many bypass this by obtaining a 90-day business visa, which they will convert to a seaman visa in the destination country. Others may illegally acquire a high school certificate in order to obtain an Emigration Check Not Required (ECNR) passport.

Each destination country has a different recruitment process. To go to Bahrain and Oman, migrant fishermen only need to complete their medical exams before departure.¹⁵ Those headed to Qatar have a visa issued once in the destination country, while those going to Saudi and Kuwait must have their visas facilitated by registered agencies in Mumbai and stamped on the passport. Local travel agents play a critical role in facilitating contract-less employment by helping with this process and booking tickets.

A local travel agent in Kanyakumari told Migrant-Rights.org that more than 90% of fishermen go to Saudi.

For every component of the migration process there is a fee, and the total could be as low as Rs 10,000 (US\$149) covering tickets alone, or as high as Rs 50,000 (US\$750) that covers all the paperwork. These costs does not include payments made to the captain as a commission or recruitment fee. At no point in this process is a contract in play.

Distrust of migrant fishermen

Except in Oman and parts of Saudi Arabia, fishing crew are almost exclusively migrant fishermen, who work with no job security and little protection. When there are nationals on board a fishing boat, they are often present only to meet local regulations. Yet, there is a prevalent hostility and distrust towards migrants by some national fishermen, fishing regulation authorities, and consumers. Common accusations against migrant fishermen include that they have taken over the industry from nationals and threaten the industry by violating fishing regulations.^{16 17}

The Catch

While laws and sponsorship are constant concerns, daily conflicts are between the captain and the crew. The fishing sector does not depend on regular recruitment channels, and the sponsor or vessel owner gives the boat captain the freedom to recruit and build his crew. Reports by Migrant-Rights.org found that the captain usually recruits from his own community or village – friends, family, neighbours. The captain is then both the recruiter and the primary employer.

Half of the 18 returnees interviewed by Vishnu Narendran blamed their troubles on the skippers, whom they say treated them 'like slaves.'¹⁸ When there is an employment dispute, resolution becomes tricky as it spills over to family or the community back home.

Fishermen interviewed by MR and Narendran's said they did not have a contract and were not paid a regular salary. All received only a percentage of the catch as their share in lieu of a salary. The largest



share of the catch goes to the sponsor – anywhere between 40-50% – and the rest is divided unequally between the crew and the captain.

“In Saudi, Qatar and Bahrain, 50% of the share after all expenses (diesel/ ice) goes to the sponsor/kafeel and the remaining fifty percent is shared among the workers. The skipper of the boat gets a double share,” according to Narendran.

Fishermen speaking to a Kuwait Times reported a similar wage structure:

“We do not get regular wages. Our salary comes from the ‘half and half’ scheme we agreed on accepting our job...so we always want a big catch once we head out to sea. For example, if our catch is worth KD 1,000, half of the amount will go to fish market management, while the other half will be divided among the fishermen and crew”¹⁹

UAE law requires that a national is on board each vessel, and receives a fixed USD820 per month. Half of this is paid upfront, and the rest from the sale of catch. No such fixed payment exists for migrant fishermen.

Fishermen also struggle to find the right price and market for their catch. While the most fertile waters are off the Iranian coast, the most profitable markets are in the UAE.²⁰ But the fishermen are not always allowed to sell the catch on their own.²¹ The

sponsor’s driver is often the one who takes it to the market, where prices are kept artificially low.

The accounts of production and sales are maintained by the sponsor and not the fishermen, which means the sponsor exercises full control over what is due to the workers, according to Father Churchill, General Secretary of the South Asian Fisherman Fraternity. Since there is no contract or agreement, workers cannot dispute payments.

Additionally, since workers are not covered by the labour law, filing a complaint would require a civil or criminal suit, neither of which would be a straightforward or financially practical process.

In the past, the sponsor covered all fishing-related expenses – grafts, vessels and gear. However, in recent years, the sponsor the gear and all other equipment is purchased from the sales proceeds of a catch. Only the remaining balance is shared between crew and captain.

“We go there because we cannot invest in our own graft here (in India). Now even there they have to pay full or part of it. And it is not even in the fishermen’s name. It is in the name of the sponsor, and having made that investment they are unable to change sponsor even if there’s acute abuse,” says Churchill, sharing the concern of the community.



Kadiapattinam is a village neighbouring Muttom. There are 1500 households, all of whom have a family member in the Gulf. About 500 work in Qatar and the rest in Saudi. The few men found here are those who are old or the ones waiting to migrate.

Accommodation

Fishermen who had worked in Saudi and Qatar told MR that in the past, they were at sea for long periods of time and would simply sleep on board the fishing vessel. However, since the introduction of stricter regulations on the length of time a boat can be at sea, fishermen have to return to the shore more frequently and for longer periods of time. On average, a regular fishing vessel cannot be at sea for more than five days at a time.

This means fishermen have to secure cheap accommodation near the port. Accommodations MR visited in Qatar were overcrowded, with 8 or 10 men to small living room, and not always hygienic.

The UAE provides a shorter term visa which makes

it untenable for workers to rent a room. So they either take bed space, or more commonly, live on board the vessel. "All of them interviewed were happy about the facilities on board. Their only worry is while at dock there is a risk that high winds can cause the tightly packed boats to smash into each other and can cause damage to boats and injuries to those who are sleeping on board."²²

In Kuwait, a fishermen's village was demolished in the year 2000 and no replacement accommodations were provided.²³ In 2017, expatriate fishermen were also evacuated from their accommodations in the Sharq area.²⁴

AJAMAN 20 FISHERMEN



ALI @ ARUL



ANTONY



SATHES



PANIPITCHAI



RAJAN



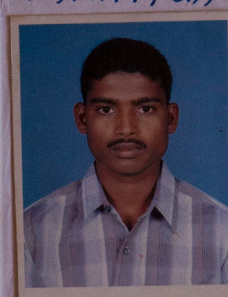
BALAMURUGAN



SANTAI
PERUMAL



SANTIYA
RAYAPPAN



FELIX
EDINBER



SANTAY
GANDHI



SAHAYA
ANTO



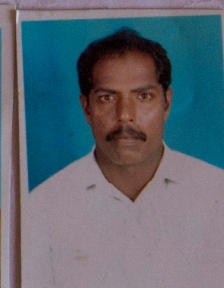
THOMAS



JERONE



ARASU



RAYASTOR



HANSON



RAMESH



SAHAYA
ABISHEK



PRAKASAM



SASIKUMAR

Missing migrants in the Gulf.

Detention and Piracy

A captain who was detained in Iran for 10 weeks along with his crew told MR that though his Qatari sponsor eventually paid the fees to release his crew and vessel, he denied them an exit permit until the men repaid the QR60,000 (USD16,500) fine. The fishermen made between QR1000 and QR1500 a month, and the five fishermen would have had to work without salary for a year to be able to pay the fine back. The sponsor finally let them go because the crew refused to fish. The crew then faced a two-year re-entry ban, which prohibited them from coming back to Qatar to work. "He has only one fishing boat, and we are the only crew. The only way he can get visas for a new crew is by letting us go."²⁵

Helena, the wife of a detained fisherman, told MR that the men were all under great pressure to get a big catch. The fishermen will go where the fish are, and may not always recognise nautical borders.

The Gulf states have set 5-day limit on the length of time the boat can be out at sea to prevent overfishing. This reduces significantly the number of fishing days, and correspondingly, the number of earning days. During those five days, they are encouraged to push their luck and violate boundaries. " (They) hope every time that this once, the sea gods will help us get away."²⁶

Another migrant fisherman's wife recounts her husband's experience on a Saudi vessel detained in Qatar for three months. He had been working in Saudi Arabia for 19 years, and had been caught crossing borders before. "This time was different. They hadn't crossed the border. The coast guards told them they just had some questions and urged them to cross. And then arrested them." She hazards a guess, "I think the guards who catch them get promotions."

"The sponsor paid Saudi Riyal 5000 for each crew member as fine. Now they have to pay back the sponsor and can't come back till then." The three

months in Qatar and the next few months paying off the fine means the family goes deeper into debt.²⁷

It appears that at any given point in time, at least one family on the coast of Kanyakumari is awaiting news of an arrested family member.

Another fisherman, Benjamin, had been in Ajman for less than five months when he was detained in Iran. He shared his traumatic experience with MR in 2016, weeks after his release and return to India.

"There were five boats, mine was owned by a Sharjah sponsor. We worked in Ajman. Other four had an Ajman kafeel. We used to go near Iran border often, because the Arabi gets angry by our low catch, and would push us. We were all anchored in an island off UAE coast due to high winds. During that time the captain of one of the other boats told us that his kafeel had paid the coast guards. So we all went into Iranian waters. That's where the trade is really good. Good harvest of fish.

"The captain remains on the boat. Every boat has about three rafts. The crew usually get on the rafts, with their nets, to look for a catch. Once they get a good enough catch, the nets are pulled on to the boat. The captain and the crew communicate on wireless.

"Our captain contacted us on the wireless and told us they were caught. He asked us to cut the nets and run away. The coast guard managed to catch up. They caught 49 of us then. We were on 8 boats. Three escaped."²⁸

Pirates are another threat faced by fishermen at sea. A mother of four sons, all fishermen in the Gulf, told MR that both pirates and coast guards were a problem.²⁹ She and others speak of the officials and the robbers as one. "We can be detained, robbed, or killed by any of them and no one will question it." The pirates come and take whatever they can from the boat, and sometimes even beat them up, the say.

While most have had experience of being attacked by pirates, no one knows who these pirates are, except that they come from Iran, armed and take away all the equipment and the catch, leaving fishermen liable to recover the loss.³⁰ The fishermen then have to work unpaid for several months to pay for replacements, or be stranded indefinitely without permission to exit the country.

The number of arrests have reduced substantially in recent years due to informal pre-departure orientations conducted by NGOs and new GPS equipment.³¹ The workers have also learnt that the expenses of release would be out of their pocket and try and avoid crossing borders.³² The ongoing GCC political crisis, with Qatar and Iran on one side, and Saudi, Bahrain and UAE on the other has resulted in more caution, as any arrests would be practically unresolvable at this point.

The nature of employment in this sector means conditions are harsh and exploitative, but beyond that, sponsors can be very abusive. Denying workers employment and banning them from fishing boats following disputes leaves the migrants without a job, money or food. Sponsors also commonly denied exit visas and deliberately delayed their return home.³³

Most of the fishermen from the Kanyakumari district are Christian and carry religious icons with them to sea. This displeases many sponsors, who either confiscate or destroy the icons.

Father Churchill says, "They are away from country, family and culture. All they have left is their faith, and you take that away from them. They can see God through symbols. You want their labour for your economy, but you can't allow them their right to life."³⁴

A non-comprehensive list of detentions and arrests (hyperlinked)

- ✧ Fishermen are often detained for crossing nautical borders, but are also used as proxies for political disputes, particularly between Iran and some of the Gulf states. Both migrant workers and nationals can be detained until steep fines are paid. (Iranian fishermen have also been detained by Gulf states.) ³⁵
- ✧ In January 2019, seven fishermen from Kanyakumari departing from Qatar were detained in Dubai.
- ✧ In January 2019, three fishermen from Tamil Nadu on a Saudi trawling vessel were detained by Iran. They were released 12 months later.
- ✧ In 2018, 28 Indian fishermen and five UAE Nationals working in Dubai were detained by Iran for six months. The owner of the boat was required to pay a 43,000 UAE dirham fine.
- ✧ In 2018, five Egyptians on board a Saudi fishing vessel were detained in Iran.
- ✧ In 2016, 15 fishermen from Tamil Nadu headed from Bahrain to Sharjah were detained in Iran. 22 others were also detained by Iran later that year.
- ✧ In 2014, 33 Egyptian fishermen were detained in Saudi Arabia for crossing the nautical borders. They were released in 2016 after the intervention of the Egyptian government
- ✧ In 2015, an Emirati national and three Asian sea workers were beaten up by Iranian boats within the international borders of the Gulf.
- ✧ In 2014, eight Emirati nationals, along with 50 workers were detained by Iranian authorities. They were released after the Emirati embassy in Tehran sent a delegate to pay the AED312 fines issued against them.
- ✧ In 2013, six Yemeni fishermen were detained in Oman; the Yemeni authorities did not intervene to release them.
- ✧ In 2014, Karthikeyan Thangaraj, a 32-year-old fisherman from India on a Bahraini boat, died in a collision with a Qatar coast guard vessel. While Indian news reports say the fisherman was shot dead, local reports reported it was an accident.
- ✧ In 2013, 19 Indian fishermen on four boats from Saudi were detained for six months by Iranian authorities.
- ✧ In 2012, 32 Bahrain-based Indian fishermen were arrested and detained by Qatari officials at the height of political tensions between the two countries.
- ✧ In November 2012, 29 Qatar-based Indian fishermen were detained in Kish Island by Iranian authorities. On the very day, 30 Indian fishermen from UAE were also detained.

Unlicensed fishing

Oman, which has nationalised the fishing sector, regularly reports crackdowns on fishermen working without licenses:

- ✧ Fishermen arrested in Oman for operating without proper permit (July 2019)
- ✧ Over 200 'illegal' expatriate fishermen arrested in ten days (September 2018)
- ✧ 21 'illegal' expatriate fishermen arrested in Salalah (September 2018)
- ✧ Oman arrests 600 in crackdown on illegal fishing (November 2017)
- ✧ Crackdown intensifies against 'illegal' fishermen, 42 expats arrested (October 2017)



Recommendations

The Gulf's fishing sector is changing rapidly with investments in aquaculture and the mounting challenges of climate change. But for the foreseeable future, thousands of migrant fishermen remain in vulnerable working conditions. More research into the fishing sector is needed but the following recommendations are essential starting points for GCC states to consider:

- + Fishermen must be incorporated into the labour law.
- + Fishermen must have a contractual relationship with their sponsor in their native language.
- + Origin countries must ensure all fishermen register with the embassy on arrival. Contracts must be attested by embassies.
- + At least some portion of the wages need to be fixed, and not dependant on the catch. Fishermen should earn a minimum base wage with the rest of their pay based on a share of the catch.
- + Health insurance, air tickets, and visa fees should be the responsibility of the sponsor.
- + Sponsors must provide fishermen with adequate accommodation on land.
- + States must develop and enforce adequate accommodation on vessels, using the ILO's Recommendation R199 on Work on Fishes.
- + Vessels and equipment should be the responsibility of the sponsor in whose name it is registered. In cases where fishermen have invested in equipment, ownership must be shared.
- + A comprehensive work insurance needs to be in place to cover exigencies due to weather, piracy or arrests.
- + Investment and support in technologies to help fishermen identify banned species and recognise maritime boundaries.

Country Snapshots

Saudi Arabia

The fishing industry is under the supervision of the fisheries agency of the Ministry of Environment, Water & Agriculture, who are responsible for providing the licences.

Vessels can only be owned by a Saudi national, and at least one national should be part of the crew. There are two kinds of licences issued, crafter and investor.

- The 2018 Sayad program requires that each fishing vessel have a Saudi assistant onboard, in order to facilitate training of national fishermen.³⁶ There has been a consistently strong pushback from Saudi fishermen on the attempted Saudisation of the sector, as they say there are not enough nationals interested in this grueling work.³⁷
- The relevant law also includes an article on workers (seamen), but it does not refer to their rights. It merely states the size of the crew permitted, depending on the size of the vessel. While the licensee can recruit and sponsor workers of any nationality, they are encouraged to recruit fellow nationals.³⁸
- There are nine major ports in the Red Sea coast and about 14 in the Arabian Gulf coast.³⁹ The majority of the fishermen in the Red Sea coast are Saudi nationals, while migrant fishermen mainly work in the Gulf coast. The local catch covers only 40% of local consumption needs.
- Despite the high dependency on migrants in the sector, national fishermen view the increase in Asian migrant fishermen as a threat. Some Saudis view the increase of migrant fishermen as a new form of piracy because other migrants only buy fish only them which means they are cooperating against the Saudis.

Bahrain

The Ministry of Municipalities Affairs and Urban Planning Resources affairs governs this sector, and the Department of Agriculture and Marine Resources affairs is responsible for issuing licenses to fishermen.

Only Bahraini citizens can obtain permits for fishing according to Article 9 of Law Number (20) of 2002.⁴⁰ A license is issued for a period of one year and must be renewed annually.

Applicants for all license types must satisfy the following conditions:

- Not to be a government employee
- Not to have any other business registered under his/her name
- Be a citizen of Bahrain
- Own or lease a seaworthy vessel suitable for the fishing activity

Decision No. (1) of 2003 requires a Bahraini citizen to be on board fishing boats.⁴¹ However, the decision is not strictly enforced due to lack of Bahraini captains and fear of rising fish costs. Fishermen in The Bahraini Fishermen Society have also protested the decree due to lack of available national fishers.⁴²

- According to Bahraini fishermen MR spoke to, many Bahraini owners rent out their fishing permits to migrants for monthly fees (around 250 - 300 BD) or a percentage of profits from the catch.
- In 2018, Bahrain's parliament introduced a new set of proposals which reduces the number of permits issued to Bahrainis from 3 to 1, and prohibits the selling or renting of fishing permits. The proposal also requires that permit-owners hold no other vocation or own businesses unrelated to the fishing industry. Additionally, the amendment removes the previous exemption of Bahraini owners of fishing permits from paying recruitment and renewal fees for employing migrant workers to the Labour Market Regulatory Authority (LMRA).⁴³
- The main ports used for fishing are in Sitra, Budaiya, Al Hidd, Muharraq and Zallaq. Other small coastal areas have been also used as ports by small boat owners for fishing such as Nurana island, Samaheej and Malkiya.

Qatar

In Qatar, the fishing sector falls under the Ministry of Municipality and Environment. The licences are provided by the Fisheries Department, which is under the Assistant Undersecretary for Agriculture Affairs & Fisheries.

- The licence to fish is individual and renewable every two years while the licence for the vessel must be renewed annually. All vessels must be owned by Qataris, and it is mandatory to have one national or off-spring of a Qatari mother as a crew member.⁴⁴ As of 2012 there are 515 registered fishing vessels.
- Annual production is between 13,000 to 15,000 tonnes, and reportedly covers almost 80% of local consumption.⁴⁵

Kuwait

The Public Authority of Agriculture Affairs and Fish Resources governs the sector.

Unlike other Gulf states, Kuwait does not require a national on board the vessel.

- Kuwait's local capture accounts for about 20% of consumption.⁴⁶
- There are six ports for fishing vessels: Doha port; Al-Ahmadi; Mubarak, the great port ; Shuaiba Port; Port Abdullah; Shuwaikh Port

UAE

The Ministry of Climate Change & Environment governs the sector.

In 2016, there were around 6,000 ships, and 25,000 fishermen, of whom only 7,000 were nationals.⁴⁷

- Only Emirati nationals can obtain a fishing license, and they must pass a fishing exam to do so. A salaried national has to be on board UAE registered fishing vessel.
- Emirati and Iranian coastguards held discussions on the issue of fishermen crossing maritime borders in July 2019.⁴⁸

Oman

The Ministry of Agriculture and Fisheries governs the sector. Oman - with its long coast, high seafood consumption and large national employment in the sector - issues the largest number of licences in the region. The World Bank has provided 'wide-ranging policy and technical advice' feels Oman has potential to become a 'world-class competitive industry'.⁴⁹

- The sector is mainly artisanal and has been nationalised. Earlier this year a proposal to allow migrant fishermen was turned down as it was "expected to have negative effects on the 48,000 Omani fishermen who are registered at the ministry, who have around 23,000 registered boats."⁵⁰
- Oman also regularly conducts raids and arrests expatriate fishermen at sea for operating without a licence.^{51 52} Details of what visa these fishermen were on and who owned the vessels are not available, indicating a clear nexus with nationals who wish to use the services of migrant fishermen but are unable to do so legally.^{53 54}
- In 2013, 51,579 fishing licenses were issued. Fish and other marine products are exported to more than 60 countries around the world, including Japan, America and the European Union, along with the other Gulf and Arab markets.
- Industrial boats are manned by Korean, Chinese, Indonesian, Philippines, and Vietnamese crew. The majority use small boats manned by Omanis and Indians and Bangladeshis fish in dhows.

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