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# The Med Fisherfolk of Pakistan: Their Indigenousness, Land and Sea Rights in Perspective

Tuba Azeem



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Please direct inquiries to:

The Managing Editor

Centre for Strategic and Contemporary Research

Second Floor, Ace Venture Plaza,

Street 5, Service Road North

E-11/2, Islamabad 44000

Phone: +92 51 2712221

Email: editor@cscr.pk

Website: [www.cscr.pk](http://www.cscr.pk)

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## **Summary**

Ownership of land, its possession, resources, and use, are considered fundamental rights of a citizen. They are equally protected under article 23 of the constitution of Islamic Republic of Pakistan and threatened at the same time when article 24 creates an exception for state authorities to purchase such a land from a citizen. It is done under the pretext of national interest to assist a mega project, infrastructure development, or expansion of the agricultural lands. In the coastal province of Balochistan, to support the China-Pakistan Economic Corridor (CPEC) in the districts of Gwadar and Lasbela, many of such properties have been expropriated from the locals by the port authorities regulated under the federal and provincial governments, and security agencies like Pakistan Navy, Coast Guards, and Rangers. Along with a handful of tribal leaders, they have occupied large tracts of coastal lands, lagoons, and foreshore. The entire coastal belt of Balochistan (700km) is decorated with security check points and fenced beaches. It violates the land and sea rights of the fisherfolk of Balochistan.

The fisherfolk of Balochistan are locally called Med, the fish-eaters. Med arguably are indigenous to the Makran region and 70 % of their population resides near the coastline of Gwadar district (600km) within 30 km of the Makran coastal highway, while remaining belong to the Lasbela District (178 km), where agricultural and industrial activities are prevalent. Their indigenousness to the region has encouraged the sub-nationalist Baloch leaders to demand total control of land and marine resources of the region. The subaltern condition of the fisherfolk is being manipulated, staging them as protagonist to the brewing militancy in the coastal areas of Balochistan and to invoke instruments of international law on human rights and indigenous peoples. This factor makes it more critical to realize the position of fisherfolk as an important stakeholder to all affairs of the coast and demands pertinent reforms by the state to address their dispossession from their ancestral land territories and the traditional waters of the Arabian Sea.

The indigenousness of Med is trajected through the events of history and documented by the political agents of British Raj at the dawn of the 20<sup>th</sup>

century. The physical dynamics of the coast made the best out of Med as they were the first sea-going people of Asia. The harsh weather and difficult terrain made them happy-go-lucky fishermen and excellent seafarers. They were known as *buni or asli* (indigenous or inborn) to the region and defended their ancestral lands and traditional maritime routes from intruders including Portuguese in the 16<sup>th</sup> century. They had held bloody relations with the ruling state of Kalat starting from the 18<sup>th</sup> Century under Mir Naseer Khan Noori whose army killed thousands of people of the coast of Zikri faith and was hated by the locals, and Gichki and Buleidi rulers.

Gradually the coast attained a cosmopolitan character comprising Arab Baloch rulers, Black Africans, Hindu financiers, harbor contractors, Ismaili (Khoja) traders, and working-class Baloch sailors and fishermen. Because with the passage of time, many people from interior Balochistan and other parts of the country entered the fishing profession. The outsiders adopted fishing as an occupation and received the label of Med. However, Med fisherfolk as of today not only perch at the bottom of Baloch social hierarchy but are marginalised due to uncompensated infrastructure development on their ancestral land territories and experiencing restricted access to the sea due to militarisation of the coast and foreign trawling in the territorial waters of Balochistan. These factors have successfully urged the Baloch sub-nationalist leaders and local communities to claim rights in an anticipation that tagging their struggle being “indigenous people” will attract significant but constructive attention from the international civil society organizations, the state and the CPEC authorities.

However, they are on the wrong side of the argument. Time and again the state policies and the judicature declared and proclaimed the indigenous tribes of the country and prioritized them for health programs, admissions in professional colleges, scholarships for higher studies, and employment in federal and provincial departments. A local certificate in Balochistan, is issued to a person who belongs to an indigenous tribal community or population of the province, have their ancestors lived in the same region and have been recognised and declared as native from time to time. While a domicile certificate is issued to a person who does

not belong to the province's majority population and migrates to Balochistan or served in Pakistan Administrative Service. In 1978, the Quetta High Court limited the criteria for a domicile certificate to the residence of minimum 12 years and a completion of three standards of education until bachelors. The rationality of the decision closed doors for later ambiguities. However, the decision does not compensate the present condition of the fisherfolk. As four kinds of documents were consulted by the Court as evidence to ascertain residency of a person, which are unfortunately unaccustomed to the fisherfolk, i.e. (i) revenue records consisting of possession of land, (ii) residency certificate, (iii) attainment of any services (like scholarships), or (iv) order of the local political agent. The fisherfolk do not hold any documents of their ownership.

For one quick solution the revenue department can step forward to help fisherfolk attain the necessary documentation. It did so previously in the first tenure of Benazir Bhutto for the fisherfolk of Keti Bundar, when the government was considering modernising the port and mobilisation of the fisherfolk of Sindh. If this suggestion is unrendered for, then this article suggests land reforms in style of previous land reforms of the government to empower the farmers, tenants, to uplift the agricultural economy of the country. Exactly that is required to uplift the fisherfolk, seafarers, fish merchants, to uplift the maritime economy of the country. The Med fisherfolk as important members of the coastal communities should be at the forefront. What statutory law has to say in this situation? Here, three national acts are relevant: The Acquisition Act 1894, the Illegal Dispossession Act 2005, and the Specific Relief Act 1877.

It is the Acquisition Act that empowers the state authorities to expropriate indigenous lands under the pretext of national interest for military and companies or public welfare. With the fisherfolk of Gwadar, it has been done without affording them compensation and adequate resettlement. The fisherfolk of other coastal towns expect a similar fate. While the Illegal Dispossession Act only empowers an owner with lawful ownership and entitles against forcible dispossession by the land mafia. The fisherfolk cannot be beneficiaries of this enactment as it is intended at metropolitan areas like Karachi; where a norm is

famous that “half of Karachi is in land debt to the other”. The fisherfolk have in their favour the section 9 of Specific Relief to recover their indigenous lands if expropriated without their due consent and course of the law. However, such a land must not fall within the exclusive jurisdiction of the revenue department. Then it is the matter to interpret by the revenue courts under the tenancy acts.

This situation also requires determination of the exact nature and extent of the coastal lands the fisherfolk had held long before the inception of Pakistan or the intrusion of the British Raj and the Arabs. It is a question of legal history. It requires closely looking at the tribal structures of Makran and Lasbela, especially when Mir Naseer Khan Noori established the Baloch nationalism in 18<sup>th</sup> century to create territorial integrity and political power. He converted the pastoral, nomadic society of Balochistan into a feud of tribes, drew imaginary boundaries and gave unquestioned powers to tribal sardars. It built land insecurity and kept deprived the Med fisherfolk to take lawful ownership of the land for next generations. The old district archives and gazetteers issued by the British political agents and Baloch historians provide customs related to the ownership and possession of land with the indigenous tribes. They can shed light on the status of the socio-economic condition of the coast and the overall attitude of the coastal communities towards the coastal land and the sea. While it is for the state to contemplate their present condition, realising how crucial it is for the fisherfolk to strengthen their bond to the sea.

In *Government of Sindh vs Board of Revenue and others*, the tone and intention of the judge dictated the double standards of the state towards the fisherfolk of the sea. The Court refused to acknowledge the customs to use the foreshore and any record with the revenue board on the possession and use of the coastal land for fisherfolk of Sindh (locally called *Mohana* or *Machi*) at the French beach near Karachi. While in *Iftikhar Muhammad Chaudhry and others*, the court declared the right of the fisherfolk of Machar Lake to fishing and protection of the habitat as fundamental and quintessential to their existence. It pinpoints the fact that water rights in Pakistan are discussed under the headings of access to clean drinking water, irrigation of crops and agricultural tracts. However, sea

rights are understood as state's interests to manage the maritime zones, sovereignty and exploitation of marine resources. And not as the coastal indigenous peoples' rights to navigate the sea routes freely and use the foreshore and territorial waters to pursue their livelihood.

This hypocrisy is rooted in the exploitation of natural resources that must rest with the federal government. Seeing the worth of marine resources, the state was clever enough to promulgate the presidential ordinance to control the marine resources under the infamous 2020 Island Ordinance but plain ignorant of the whims of the fisherfolk of the Arabian Sea. Therefore, this article recommends land reforms in favour of the Med by giving them ownership of the coastal land, which is possible only by taking away massive acres from the political elites and tribal sardars. An immediate action is required to provide the entire coastal belt with a special status, restraining anyone other than the fisherfolk as coastal indigenous people to lawfully own the property and create interests in the land for non-locals and development authorities. Med should have an exclusive right to the territorial sea and provided with licenses to navigate and accumulate marine resources.

## **Background**

Land ownership offers financial security, social status, and a comfortable living, not only in Pakistan, but perhaps the picture is the same in South Asia and beyond. Access to land is a constitutionally guaranteed fundamental right. However, the government usually confiscates this right in lieu of developmental excuses prominently known as the megaprojects.<sup>1</sup> For the last decade, the media has significantly projected the condition of fisherfolk in Gwadar and most of the local coastal population in Balochistan. They sold properties to the security agencies and the (CPEC).<sup>2</sup> Multiple checkpoints are interrupting the day-to-day mobility of fisherfolk to the beach.<sup>3</sup> The private sector is rushing to buy the properties.<sup>4</sup> Many fishers in Gwadar have migrated to the nearby coastal towns, and others have lost complete access to the beach. The remaining fisherfolk on the coast anticipate a similar fate. It is true that the fisherfolk of Gwadar have willingly left their quarters to accommodate the port projects but await compensation and decent resettlement colonies near the beach. This research focuses not on the socio-economic vulnerabilities or demands of the fisherfolk. Although, it takes inspiration from the notes taken during a two-year (2018-2020) policy-based research project at the Institute of Policy Studies Islamabad, which mapped perceptions of the coastal communities of Balochistan about CPEC. It instead focuses on the indigenous fisherfolk and their land rights.<sup>5</sup> As one of their apprehensions concerns the loss of habitat due to the developmental projects, the fisherfolk demanded protection against land dispossession because of their indigenous right to the region and for earning their livelihood.<sup>6</sup>

In present-day Asia, many countries that suffered the longest of all colonial settlements initially rejected the concept of indigenous peoples.<sup>7</sup> For obvious reasons, they were more attracted to their right to self-determination and soon wanted to emerge on the world map as nation-states.<sup>8</sup> A sovereign political entity was deemed better than a loosely marked territory comprising individuals living quietly by their tribal norms but prone to foreign invasions.<sup>9</sup> However, the idea of a nation-state eventually sagged out in the backdrop of the Nazi Holocaust, racial discrimination, and systematic marginalisation.<sup>10</sup> Therefore, the people in Asia

reconsidered their relationship with an imaginary sovereign polity of a state.<sup>11</sup>

It was the International Labour Organization (ILO) that for the first time, delineated the rights of indigenous peoples in 1957 under the ILO Convention 107, of which Pakistan is a signatory. It defended indigenous and tribal populations as distinct social groups. Because, around that time, the international organisations needed the consent of the host communities to accommodate mega projects on territories that contained natural resources to build infrastructures, use the land, and exploit their natural resources. However, over time, the term, indigenous peoples met different requirements, political conditions, and regional mores.<sup>12</sup> The United Nations produced the most cited description of indigenous peoples as those who have pre-colonial existence, hold a distinct identity, are non-dominant, and have a strong sense of cultural preservation and eagerness to transmit their ancestral territories to future generations under their traditional legal systems. While the Indigenous Peoples Policy of the World Bank included groups who had held distinct social and cultural identities from the dominant society, and due to such identities, they had felt vulnerable and disadvantaged.<sup>13</sup> Shaheen Sardar Ali used this description to explain the indigenous population in Pakistan and placed the fisherfolk of Balochistan among one of the marginalised racial and ethnic groups.<sup>14</sup> Perhaps this theoretical description matched with the present condition of fisherfolk might motivate Pakistan's policy circles to introduce policies for rights-based land laws.

The research problem is inspired by these descriptions and events. It intends to explore (a) the indigenous fisherfolk of Balochistan and (b) what legal protections are available to them in Pakistan against land acquisitions by the security agencies and the CPEC authorities. The paper starts with an introduction to the fisherfolk of Balochistan with the help of the ethnographic pieces already written on the subject. It is important to note here that the indigenous fisherfolk are endorsed by the Baloch sub-nationalists with a slogan of "*Sahil o Wasai*" that demands exclusive control by the Baloch over the coastal and land resources of Balochistan.<sup>15</sup> For the readers' information, this study neither delves into Pakistan's ethnonational movements nor intends to explore the roots and causes of the

sporadic insurgency on the coastal belt of Balochistan. However, it welcomes the readers to engage with the paper bearing in mind, that the indigenous rights strikingly oppose the idea of the modern nation-state, and instead feed on collective identity, affiliation to the land, culture, language, and laws in the traditional sense. Of course, the literature is unlimited on such themes, but this is a new beginning for the fisherfolk of Balochistan. Particularly for their property rights, which already is a complex subject in Pakistan, and many groups as host communities to megaprojects have experienced a similar situation.<sup>16</sup> They also do not have any documented record of their land ownership. But this aspect of the land laws is related to the tendency of the courts to consider the customs of the tribal groups or indigenous peoples either in oral records or land settlements records with the revenue officers. Therefore, it will be discussed in a later research piece. Overall, this study is limited to an initial inquiry of land rights in question with the critical legal instruments. This paper seeks to do no more than that.

## **Fisherfolk in Pakistan**

The fisherfolk of Balochistan are locally called Med, meaning fish-eaters, and considered excellent seafarers and fishermen<sup>17</sup> of the coastal region of Makran.<sup>18</sup> They are hereditary fishermen, sailors, and impressive navigators with the knowledge of stars, winds, and maritime seasons.<sup>19</sup> A peaceful community, inseparable from the sea, the Med live entirely on the proceeds of fish-catch. Even their livestock eat the skin of fish as fodder.<sup>20</sup> Their contact with the sea takes place “as early as seven or eight years of age, and they spend weeks, sometimes even months, in the sea”.<sup>21</sup> Their confidence in the sea makes them “live by the wind and by the wind they die,” says Sabir Badalkhan.<sup>22</sup> He was initially drawn to the presence of African culture and folklore in coastal Makran, among the Baloch occupational groups and tribes, as the Med had carried out maritime trade until the mid-twentieth century Perso-Arabian Gulf up to the African coasts. Even in the seventeenth century, Mir Hammal, the chief ruler of the coastal belt of Makran, “navigated for trading purposes up to the shores of Zanzibar, Aden, and Basra in the west, and India and Ceylon in the east”<sup>23</sup> The subsequent encounter of Badalkhan with the Med between 2001 and 2003 made him write the magnum

opus for aspiring researchers on coastal history and studies. He engaged with the literature on ethnic minorities and indigenous fisherfolk living on critical coastal peripheries, particularly at the edge of the North Arabian Sea. Med is “typical sailors of the East, spendthrifts, happy-go-lucky and extremely superstitious,” he quotes from Balochistan’s District Gazetteer.<sup>24</sup>

Due to a lack of comprehensive work on the ancient history of Makran and its original inhabitants, scholars relied heavily on the oral history of Med.<sup>25</sup> They speak Makrani, a dialect of Persian and Balochi, and locally known as *buni* or *asli* (indigenous or inborn).<sup>26</sup> One of the popular opinions on the indigenous people of *Med* places them as non-Baloch, aborigines, who were the early settlers of the coastal region of Makran.<sup>27</sup> They were the first sea-going people of Asia and the most dreaded pirates of the Eastern seas.<sup>28</sup> As Badalkhan wrote:

When the Portuguese started their incursions to conquer the coast of Makran, the Baloch organised their ranks and files to defend their land and sea and the trade. They challenged the Portuguese in an organised way, and Baloch warriors destroyed several Portuguese ships, and many Portuguese were killed or captured. Besides capturing Portuguese ships during the encounters, we are also told that one or more vessels had also been wrecked on the Makran coast by bad weather, and there are several families who claim Portuguese (locally called Parang) lineage. One can still encounter dark-skinned fishermen whose children have blond hair, and these families are presented to outsiders as Portuguese descendants in Makran.<sup>29</sup>

What surprised Badalkhan was that Med today has become an impressive occupation or, as described by the contemporary Baloch scholars, a social class with fisherfolk from different backgrounds, not a tribal denomination.<sup>30</sup> Med has a subordinate position within the Baloch social hierarchy, along with other working-class people. For instance, Hafeez Jamali, Director of Balochistan Archives, writes that “Med occupy a lower position in the local social hierarchy

dominated by landowners, wealthy boat owners, and local big men (Mirs and Kahodas).<sup>31</sup> A few months back, while in conversation about the history of Med, he explained that “the modern legal and traditional economy of fishermen along the Mekran coast developed in the wake of successive Portuguese and Omani encounters. Local economy and society in major harbour towns such as Sonmiani, Ormara, Pasni, Gwadar, and Chahbahar had a cosmopolitan character comprising Arab/Baloch rulers, Hindu financiers, and harbor contractors, Ismaili (Khoja) traders, and working-class Baloch sailors and fishermen (sic).”<sup>32</sup> However, Badalkhan concludes that only the expert among the fisherfolk or seafarers is Med, while other scholars require a Med to be an ethnic Baloch and Sunni.<sup>33</sup> Med might be among the aboriginal ethnic groups of the coastal region of Makran. However, many people from interior Balochistan and other parts of the country have entered the fishing profession.<sup>34</sup> When outsiders adopted fishing as an occupation, they also received the label of Med.

The information is successfully triangulated with the data accumulated during the field study (mentioned above) that only 50% of fisherfolk have their grandparents born on the coast, and the Arabian Sea is everything to them. There is another criterion to filter the indigenous population from non-locals. In Pakistan, a citizen is entitled to government-funded schemes like health, scholarships for higher studies, and jobs based on each province’s quota system. A few months back the issue of fake domiciles in Balochistan was advocated by the students since fake and bogus domicile certificates had been issued to people from other province. And competent and qualified individuals from province’s indigenous population are left deprived of socio-economic opportunities. In Balochistan a “local certificate” is issued to a person who belongs to any indigenous tribal community or population of the province. While “domicile certificate” is issued to a person who does not belong to the province’s majority population and migrates to Balochistan or served in Pakistan Administrative Service. The entire Twitter-originated campaign called for the concerned state authorities to maintain transparency and restrict the certificates to the residents of the province.<sup>35</sup>

In *Ghulam Rasool vs. Government of Pakistan* [1978 PLD 40] a simple matter of admission to an Engineering College in Quetta had the court investigated, who is entitled to a “domicile certificate” and who qualifies for a “local certificate” as a bona fide resident of Balochistan.<sup>36</sup> A person who has lived for at least 12 years in the province and has completed Matriculation, Intermediate, and Bachelor from academic institutions of Balochistan, is entitled to a domicile certificate. While bona fide residents are those people (i) who belong to any indigenous tribe of the province, (ii) their forefathers had settled in the province for time immemorial, and (iii) who have been declared by the government as such from time to time. Even their temporary settlement in other provinces for reasons to pursue livelihood or weather patterns do not exclude them from enjoying the status of bona fide residents. However, it is troublesome for the present Med population when the court in 1978 relied upon four kinds of documents (unaccustomed to the fisherfolk) as evidence to ascertain residency of a person, i.e. (i) revenue records consisting of possession of land, (ii) residency certificate, (iii) attainment of any services (like scholarships), or (iv) order of the local political agent.<sup>37</sup> The majority of Med do not have ownership titles of their lands or the residency certificates and complain of their underrepresentation in public service schemes. This dilemma of Med is discussed in detail in the forthcoming heading. The issue of recognition in Pakistan goes far back to the colonial days.<sup>38</sup> The Constitution does not discriminate citizens based on caste, creed, ethnicity, or language.<sup>39</sup> However, there is special recognition for the religious minorities.<sup>40</sup> The judicature in Pakistan had previously and continue to engage on the periphery with the idea of indigenous or tribal affiliation. The national census does not count indigenous peoples. The National Sustainable Development Goals (SDGs) Framework mentions indigenous people in passing but does not recognise them. The government only considers the provincial division of the population; as evident from the 2017 census and the Constitution, which only accounts for the administrative aspect of the Federally Administered Tribal Areas (FATA).<sup>41</sup> Recognition of Med as an indigenous people under international connotations is critical.<sup>42</sup> They are the direct recipients of the CPEC-induced development, are hosting the project, and against which they need legal protection. The next part

explains that aspect of the issue.

## **Property Rights for Med**

The people who participated in the field study mentioned above were not limited to the Med fisherfolk. They were community leaders, camel herders, shopkeepers at the beach resorts, schoolteachers, hotel managers, ex-councillors, students, prayer leaders, madrassa heads, jobless youth, local Baloch cadets, fish merchants, and launch owners. Compared to the Gwadar District population, which primarily comprises fisherfolk, the Lasbela District has a significant inclination to agriculture and industrial activities. Their role as part of the coastal communities of Balochistan is vital because few have land ownership of their ancestral lands. They are concerned over the “rates offered to them lower than the market prices” if approached by the state to build infrastructure on the coast. Simultaneously, large pieces of land surrounding the lagoons and the beach are owned by the Baloch notables.<sup>43</sup> Besides, a significant fisherfolk population lacks ownership of the land on which they have lived for generations. Many in Gwadar town have been relocated to resettlement colonies far from the beach and expected to continue fishing from jetties in the towns of Peshukan and Churbandar, which are already crowded with their fisherfolk population, lacking basic sanitation and water. Their day-to-day mobility to the sea is interrupted by the security agencies. Their small vessels get tangled with huge fishing nets of trawlers illegally fishing in the territorial waters of Balochistan. This part of the paper will discuss the legal protections against violating their property and sea rights.<sup>44</sup>

The Constitution of the Islamic Republic of Pakistan recognises under article 23 the rights of an individual “to acquire, hold and dispose of property in any part of Pakistan (sic)”. However, it almost crushes its very spirit by making an exception “to any reasonable restrictions imposed by law in the public interest”. It means that the state can acquire property from its citizen on the pretext of national interest at any time. While compensation is mandatory against the acquisition,<sup>45</sup> in reality, it is merely taken as a suggestion. Even the procedural law that allows and maintains compensation proceedings is ambiguous and

unnecessarily disadvantages the aggrieved parties.<sup>46</sup> There are several general and particular laws that streamline the transfer, acquisition, lease, and registration of and revenue from land. The Land Acquisition Act, introduced by the British in the sub-continent in 1894, still exists in its original letter and form with minor amendments. It compulsorily empowers the state to expropriate any land in the garb of national interest or public welfare or for companies and military acquisition.<sup>47</sup> The recourse to re-consideration of public interest is available as well as fair and equitable compensation. However, the process is marred by the situations of “urgency” that renders acquisition immediate and necessary.<sup>48</sup>

The Illegal Dispossession Act 2005 protects the occupiers of immovable properties from forcible dispossession by the property grabbers/*qabza group* or land mafia. However, the victims of the land mafia must hold lawful ownership. It means that fisherfolk lacking ownership titles cannot benefit from this law. It even leaves out the residents of the *katchi abadis*, i.e., informal settlements, which are stretched along the coastal belt of Balochistan. The Act also does not apply to the alleged dispossession by individuals who lack characteristics of property grabbers/*qabza group*/land mafia, i.e., “land conflicts between co-owners or co-sharers, between landlords and tenants, between persons claiming possession based on inheritance, between persons vying for possession based on competing title documents, contractual agreements or revenue record or cases with a background of an on-going private dispute over the relevant property”.<sup>49</sup> There is a dedicated provision for the recovery of land in civil proceedings under section 9 of the Specific Relief Act, 1877, which states: “If any person is dispossessed without his consent of immovable property otherwise than in due course of the law, he or any other person claiming through him, may by suit recover possession thereof, notwithstanding any other title that may be set up in such suit.” Martin writes, “there are only a few reported decisions under this section, with many cases concerned with the dismissal of civil petitions under section 9 because the land in question was within the exclusive jurisdiction of the Revenue Courts established under provincial tenancy acts”.<sup>50</sup> It can prove helpful for the fisherfolk on the coast. But the fact must not be overlooked that the land-related conflicts already make up between 50% to 75% of cases before civil courts, with over

ten hundred thousand cases pending trial. Many are filed over “inaccurate or fraudulent land records, erroneous boundary descriptions that create overlapping claims, and multiple registrations to the same land by different parties”.<sup>51</sup>

Another issue concerning land rights is the unavailability of the titles of land ownership.<sup>52</sup> It means customary law (*rivaj*) is at play. For a policymaker to introduce reforms, a diligent lawyer would systematically consult the sources of law that explain the fisherfolk’s land rights in the property regime. It comprises customary law, Islamic law, and statutory (official) regulations. While customs or customary law is given preference over others. Sir Rattigan explained that except for Punjab, the customary law needs to be consolidated; unwritten for tribal communities and indigenous people. To him; customs hold an element of reciprocity when ignored (social banishment from the community) as it is synonymous with the “command of a sovereign”. Therefore, after some 40 years, in 1924, hundreds of customs were put together and obtained general principles from tribes and sub-tribes for Punjab. Prominent sources of law were consulted, e.g., famous legal textbooks, published and unpublished rulings of High Court and lower courts, and entries made in the record of rights maintained by the revenue department. It helped later put up a manual on the customary law of Balochistan in 1932.<sup>53</sup> The intention was to align the statutory law with the traditional laws in a tribal system of Balochistan, assist the government officials and to render awards in the *Shabi Jirga* contemplating the aspirations of local people and their customs. The manual was compiled under the instructions of the local administration by Diwan Jamiat Rai.<sup>54</sup> But it came with a major shortcoming as it consisted of the customary laws of the principal tribes of the administered areas of Balochistan. It left out entirely the customary laws of the coastal districts.<sup>55</sup> To provide evidence for the possessions and ownership of fisherfolk; such projects may assist the lawyers and policymakers.<sup>56</sup> On a similar note, Zawahir Moir and Martin Moir explained the significance of old district records, which are critical in understanding how local communities have developed in modern times.<sup>57</sup> They are considered a historical heritage of Pakistan and can prove beneficial for the fisherfolk, keeping in view that Gwadar was a part of Oman until 1958.

Two cases deserve a brief mention here. In the *Government of Sindh vs Board of Revenue and others* [2003 YLR 2586], the plaintiff claimed that his forefathers were granted “Khori right at Sea foreshore” and permitted to use the land of *Deh Lal Bakhar* (French Beach) near Pakistan’s largest coastal city of Karachi, approximately 76 acres to dry fish, net or repairing of the boats. The arrangement was made under a license in 1871 with the British Empire, and the land was distributed among the ancestors of the plaintiff through registered deeds and mutated in the record of rights. Later, in 1948, the fisherfolk sold the land in favour of the “Father of Nation”<sup>58</sup> to the Revenue Commissioner for agricultural purposes and were left with 10 acres to continue their work and access the water. In 2000, the plaintiff received summons under the Land Revenue Act, 1967 alleging huts’ construction on the land owned by the Government of Sindh without allotment. The plaintiff explained that he is entitled to occupy, possess, and maintain the 76 acres. He has been paying taxes in connection to the land and requested to restrain the defendant from dispossessing him from his lawful ownership. The court denied the plaintiff’s claim explaining that the sea foreshore belonged to the provincial government. The fisherfolk might exercise their Khori right as a license under section 52 of the Easements Act without any interest in the land. Also, a license is different from lawful possession, and it is neither transferrable nor heritable. The plaintiff’s ancestors were merely licensees, and such a license is revocable. In comparison, a mere entry into the record of rights cannot be accepted as a piece of evidence to land ownership.

It points out the exceptional case of the Med fisherfolk of the Makran region and suggests two recommendations. Land reforms should be introduced in favour of the Med by giving them ownership of the coastal land, which is possible only by taking away massive acres from the political elites and tribal sardars. Or provide the entire coastal belt with a special status, restraining anyone other than the fisherfolk to lawfully own the property and create interests in the land for non-locals and development authorities as coastal indigenous people.

In another *Suo Motu* case by *Iftikhar Muhammad Chandbry and others* [2011 SCMR 72], a report and appeal were made to water treat the Mancher Lake. The lake is located on the west bank of the Indus River, near the Dadu District of the Sindh province. It receives water from the Indus River, flows from the Kirthar Range, and drainage effluent from the Main Nara Valley Drain (MNVD). The intention was to invoke article 9 on the right to life as a fundamental of the Constitution because thousands of fisherfolk, their families and livelihoods were affected due to contamination of the Mancher Lake. The court endorsed the suggestions provided by the Water and Power Development Authority (WAPDA). It recommended treating the drainage water and constructing a carrier drain to carry effluent down to the sea instead of discharging the contaminated water into the lake. Reading through the contents of the case highlighted how inland freshwater bodies like the Mancher Lake are given priority over the sea. It is in stark contrast to the aspirations and concerns of the Med fisherfolk in the coastal areas of Balochistan. The case reads out “to provide security to the life and property of the inhabitants living there for the last many years and earning their livelihood...Mancher Lake is also source (sic) of income for fishermen... and it is now being realised that fundamental rights of the inhabitants are to be protected for which the Constitution has provided guarantee”.

To put things into perspective; water rights in Pakistan are discussed under the irrigation of crops and agricultural properties.<sup>59</sup> However, sea rights are understood as the state’s interests to manage the maritime zones and sovereignty and exploit marine resources. And not as the coastal indigenous peoples’ rights to navigate the sea routes freely and use the foreshore and territorial waters to pursue their livelihood. Med fisherfolk should have an exclusive right to the territorial sea and provided with licenses to navigate and accumulate marine resources without having to deal with trawlers, which is another concern of the fisherfolk of Balochistan. The trawlers from Sindh illegally catch fish without a license, using wire net within 12 nautical miles from the shore and ramp the fishing nets and boats upon encounter in the sea.<sup>60</sup>

In Pakistan, the Shimshal community, indigenous to Tehsil Gojal of the Hunza District bordering China, has incorporated Shimshal Nature Trust. The trust management controls the fauna and flora resources under a Collaborative Management Agreement with the Gilgit-Baltistan Government. The community has locally institutionalised its natural resources by setting up a community-owned company Shimshal Nature under a Collaborative Management Agreement with the Gilgit-Baltistan Government. The community has locally institutionalised its natural resources by setting up a community-owned company Shimshal Nature Resource Management Private Limited. Benefits and royalties coming from the mining projects are shared among the community members. It serves as a best practice for the Med to engage, discuss, negotiate, represent, and enter into an agreement with the CPEC authorities by creating a trust or separate entity of their own. Through this entity, the fisherfolk should create and oversee a process to gradually institutionalise the use of their land and the exploitation of natural resources in the coastal region of Makran.

## **Other Priority Actions**

It rounds the discussion that the land rights and the sea rights of the Med fisherfolk demand intensive scrutiny and synthesis under property, indigenous, and international law. If acquisitions are necessary to strategic instalments for the CPEC, an independent authority must look after the purchases, compensation, and rehabilitation processes. Furthermore, the international entities involved in the CPEC must adopt a rights-based approach to financing the megaprojects in Pakistan, allowing participation of the Med fisherfolk and demonstrate respect for their culture, traditions, customs, and traditional knowledge.<sup>61</sup> Because when such agreements are negotiated without the local population's involvement and information, they are at odds with international law.<sup>62</sup> Moreover, in Pakistan, the academic institutions and think tanks are limited to mainstream issues.<sup>63</sup> They should work on Med fisherfolk, showcasing their cultural practices and navigational techniques, and facilitate access to the Med archives in the community centres and pop-up museums. To strengthen Pakistan's maritime border, the people and the government need to provide care for the coastal communities

idealistically. Addressing their marginalisation, and endorsing their traditional land territories, coastal habitat, and the sea will place Pakistan favourably for the coastal indigenous people's rights.

## **Author Profile**



Tuba Azeem is a doctoral candidate at Victoria University of Wellington, New Zealand. She is investigating the legal history of Med fisherfolk of Balochistan, their land and sea rights. She has previously worked on perceptions mapping for the coastal communities of districts of Lasbela and Gwadar with the Institute of Policy Studies, Islamabad and explored resource management and distribution under mining regulations of Dera Bugti region with the Centre for Strategic and Contemporary Research. Tuba was Concours Jean-Pictet Fellow of international humanitarian law and have has judged the nationals rounds under ILSA of Thailand and Egypt of international law. She has spent a semester at Concord University, West Virginia as part of the Global Undergraduate Exchange Program of the US Department of State. Azeem is the recipient of International Committee of the Red Cross postgraduate scholarship and Victoria Doctoral Award.

## Notes

1. Megaproject is a product of the twentieth century, which is a large-scale multi-stakeholder, at least billion-dollar developmental project with foreign investments and a greater magnitude of aspiration level, size, implementation time, complexity, and impacts. See Delphine, Patrick Witte, and Tejo Spit. "Megaprojects – an Anatomy of Perception." *disP - The Planning Review* 55, no. 2 (2019): 63–77.
2. Naufil Shahrukh, Shahzad Hussain, Tuba Azeem, and Samand Khan, "Coastal Communities of Balochistan vis-à-vis CPEC: Mapping Perceptions and Socioeconomic Issues," *Policy Perspectives* 17, no. 1 (2020), 53–72.
3. Ibid.
4. Ibid., 69. For example, the Rafi Group is developing a real estate project, approved by the Gwadar Development Authority, located on the major artery of Gwadar, the Makran Coastal Highway, known as Green Palms Gwadar, akin to the megalopolis of Shenzhen – the city upon which Gwadar's development is based.
5. The Constitution of the Islamic Republic of Pakistan under article 23 protects the interests of private entities purchasing land historically possessed by the indigenous communities. While article 24 restricts acquisition and possession of such a land without compensation and creates an exception when there is a matter of public interest. However, sea rights refer to everything that the United Nations Convention on Law of the Seas 1982 declares and demands to observe with regard to navigation, use of marine resources and maintaining sovereignty and security at the seas. In this paper, land and sea rights are discussed as afforded to the indigenous peoples and in accordance with the international law on the rights of indigenous peoples.
6. For clarity purposes, the project was conducted by Naufil Shahrukh and Tuba Azeem, and assisted by Samand Khan and Sara from the Institute of Policy Studies, Islamabad, IPS. The study under the project was carried out with the help of semi-structured, individual, and group interviews in a qualitative landscape. Snowball sampling was conducted to get data from significant population settlements (i.e., Goth Haji Alano, Gadani, Sonmiani, Kund Malir in the Lasbela District and Ormara, Pasni, Kalmat, Churbandar, Peshukan, Gwadar, Surbandar and Jiwan in the Gwadar District within 30 kilometers of the coast, adjacent to the Makran Coastal Highway along the coastline of Balochistan. About 78 people who were interacted with between March and July 2019 for the present study have their livelihood directly or indirectly dependent or linked to the coastal or marine resources. They are identified as locals, part of the society, native to the coast, and they themselves or their forefathers have had a livelihood connection with the sea at some stage. For example, a research subject from Kund Malir said that "Nobody knew this place but now people are coming here from other parts in large numbers. Influential and powerful people are grabbing our land because it is now valuable for coastal tourism. We fear that we would be forced to leave our ancestral lands as we have no documents of land ownership"; another respondent from Ormara said that "Gwadar is CPEC for us but the people there are not benefitting much from the project. Instead, our fisherfolk fear losing their livelihood and habitat"; and a representative of local fishermen cooperative society said that "We are not against the development and progress, but we have the right to ask why we are being marginalized. It is our land, and we are living here since centuries". The detailed findings of the project are not publicly available but can be requested from the Institute.
7. Benedict Kingsbury, "'Indigenous People' in International Law," in *The Concept of Indigenous Peoples in Asia: A Resource Book*, ed. Christian Erni, (Thailand: IWGIA & AIPP, 2008), 107.
8. C. Oguamanam, "Protecting indigenous knowledge in international law: solidarity beyond the nation-state," *Law Text Culture* 8 (2004): 191–194.
9. Ibid.
10. Ibid., 195.
11. Kingsbury, *Indigenous Peoples in Asia*, 110.
12. Ibid., 109.
13. Take for instance, The World Bank and Indigenous Peoples Policy and Program Initiative. (n.d.). Retrieved from <http://web.worldbank.org/archive/website00524/WEB/PDF/IPPOLICY.PDF>.
14. Shaheen S. Ali and Javaid Rehman, *Indigenous Peoples and Ethnic Minorities of Pakistan*:

- Constitutional and Legal Perspectives (London: Routledge, 2013), 7-18. The indigenous peoples comprise 6% of the world's total population today. Already in Pakistan there are the tribal fishing people of the Indus Basin – Kihals, Mors, and Jhabels, and pastoral groups of middle Indus Valley - Musali, Ode, the Budzars of Andar Pahar; Haris from Sindh and tribal people from Gilgit-Baltistan and Chitral. See Wasim Wagha, "Country Technical Note on Indigenous Peoples' Issues: Islamic Republic of Pakistan" (International Fund for Agricultural Development, November 2012), 7.
15. Former leader of the opposition in Balochistan Assembly and an exiled leader of the Baloch National Movement, Kachkol Ali, has termed CPEC a "destructive and exploitative mega project" and asserted that development under CPEC without the consent of the indigenous peoples of Balochistan would be a violation of international law. Maqbool Ahmed, "The Mysterious Case of Land Acquisitions in Balochistan," Herald, Accessed August 30, 2020, <https://herald.dawn.com/news/1398696>.
  16. Pakistan has ventured into several projects of such kind since her inception, like the construction of the Islamabad Capital Territory, Motorway and Expressways, the Sialkot International Airport, Neelum Jhelum Hydro-Electric Project, Nandipur Power Project, Port development projects in Gwadar, Bin Qasim and Karachi, and with over their spillover effects notably mass displacements and involuntary land dispossessions. Kanza Rizvi, "Who Pays the Price for Mega Projects in Pakistan?" DAWN, Accessed March 30, 2020, <https://www.dawn.com/news/1441265>. Words and connotations like land acquisitions or resource grabbing, illegal evictions, land or resources expropriation, involuntary or forced land dispossession, land exploitation are interpreted here as "state authorities or security agencies restricting or limiting the access to land and resources of indigenous peoples in their ancestral territories to pursue legally protected ways of life or pushing them out of their traditional areas to give way for the large scale development that tend to destroy their culture and lives". See Elifuraha I. Laftaika and Kelly M. Askew, "Modes of Dispossession of Indigenous Lands and Territories in Africa," Paper presented at Expert Group Meeting on Sustainable Development in Territories of Indigenous Peoples, New York, January 23, 2018. While land grabbing in Pakistan is described as "the activities of the land mafia, land grabbers and Qabza groups. The latter word is from the Urdu language meaning 'occupying' albeit with the connotation of an occupation by force or deceit." Lau Martin, "More Law, More Crime? The Pitfalls of Pakistan's Illegal Dispossession Act 2005," Yearbook of Islamic and Middle Eastern Law Online 19, no. 1 (2018): 1.
  17. Med are found in present-day coastal towns of Balochistan; Jiwani, Peshukan, Surbandar, Gwadar, Churbandar, Pasni, Kalmat, Ormara, Kund Malir, Damb/Sonmiani, Gaddani, and Goth Haji Alano. Shahrukh, Coastal Communities of Balochistan, 58. The fisherfolk of Sindh are called the Mohana, the lords of the sea, or Machi. See Sabir Badalkhan, "On the Med Fishermen of Coastal Makran," Ravenna, vol. II (Ravenna: Università di Bologna & Istituto Italiano per l'Africa e l'Oriente, 2006), 286–306; "Portuguese Encounters with Coastal Makran Baloch during the Sixteenth Century. Some References from a Balochi Heroic Epic," Journal of the Royal Asiatic Society 10, no. 2 (2000 r.), 153–169. Med along the coast of Lasbela and Gwadar districts of Balochistan (with significant presence on the Sindh coast) form a distinct yet heterogeneous group. Their habitat, livelihood, culture, traditions, aspirations and challenges are mostly the same.
  18. The coastline of Balochistan is about 750km long (comprises about 70% of the country's total 1,001 kilometers long coastline) and divided into the districts of Lasbela (178km) and Gwadar (600km).
  19. Badalkhan, Med Fishermen of Coastal Makran, 287-300.
  20. Ibid.
  21. Ibid.
  22. Ibid.
  23. Badalkhan, Coastal Makran Baloch during the Sixteenth Century, 158.
  24. Badalkhan, Med Fishermen of Coastal Makran, 300.
  25. On another occasion, the lack of historical work on Makran, Badalkhan explained, "we face a far more complicated task when we turn to the Baloch sources which is exclusively oral since writing was not known to them until the second half of the twentieth century. The only way

- open to us is to consult the rich living oral tradition in Balochi which preserves and transmits important events of Baloch life. This kind of poetry has truly been called the register (*daptar*) of their records and every important event has been composed in verse to be transmitted orally from one generation to the other.” Badalkhan, Coastal Makran Baloch during the Sixteenth Century, 157.
26. Badalkhan revealed five different opinions on the origin of Med; “(1) they are the indigenous population of the coast whom the Greeks termed as the Ichthyophagi or Fish-eaters; (2) they have migrated from the Indus valley sometime around the eleventh and twelfth centuries; (3) they are related to the Medes, a denomination of a people or region of pre-Achaemenid and Achaemenid northwestern Iran; (4) they are Indian by origin and related to the untouchable people called Meda; (5) their ancestors migrated from Dadhar and Kacchi areas of northeastern Balochistan”. Badalkhan, Med Fishermen of Coastal Makran, 287-300.
  27. Ibid., 293.
  28. Ibid., 292, 295.
  29. Badalkhan, Coastal Makran Baloch during the Sixteenth Century, 157.
  30. Badalkhan, Med Fishermen of Coastal Makran, 287.
  31. Jamali, Megaprojects, Identity, and the Politics of Place, 5.
  32. His response came in reply to an email sent in early October on the history of Med and availability of the archives in Pakistan. Brill Encyclopedia writes the same and goes to the length of claiming that it was Baloch who colonised Med and the coastal region of Makran. C.E. Bosworth, English Historian and Orientalist, worded in Encyclopedia of Islam: Second Edition published by Brill, that Makran was colonised by Baloch tribes from Persia in early 14th century upon the death of Il-Khanid sultan Abu Sa'id. C.E. Bosworth, “Makrān”, in: Encyclopedia of Islam, Second Edition, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, Consulted online on 30 August 2020, [http://dx.doi.org.helicon.vuw.ac.nz/10.1163/1573-3912\\_islam\\_SIM\\_4837](http://dx.doi.org.helicon.vuw.ac.nz/10.1163/1573-3912_islam_SIM_4837).
  33. Ibid., 288. Fisherfolk, who adhere to Zikrism as a sect are called padi, meaning one who paddles to the fish, or nomads, or cultivators. While the fisherfolk of African descent are either called gulam (servant), siya (black) or Shidi.
  34. For example, Med from Balochi-speaking tribes of Rind, Hot, Sanggur, Kalmat, Gorgej, Rais Syahoi, Lango, Darzadag, and Mengal, Bizanjo from Brahui-speaking tribes have settled down on the coast as fisherfolk.
  35. Mariyam Suleman and Rahim Khetran, “Balochistan Protests Against Fake Domicile and Local Certificates,” The Diplomat, July 7, 2020, <https://thediplomat.com/2020/07/balochistan-protests-against-fake-domicile-and-local-certificates/>.
  36. The Pakistan Case Law site with the keyword “indigenous” shows about 176 results comprising cases from 1950-2010 adjudicated by the lower and higher courts in Pakistan, of which 36 discuss citizenship and somehow debate the idea of indigenous people.
  37. It instantly gives the idea to prepare “indigenous profile” of every member of the fisherfolk community comprising (1) a local certificate; (2) a seafarer card in case of a seafarer; (3) or a license of a vessel/boat owner from marine merchant department; (4) membership of any local fisherfolk cooperative society; and (5) a family tree of last three generations; and (6) access card to the beach. The fifth condition oddly resembles to the condition imposed by the Supreme Court of India in a decision concerning land rights of the forest people, who in order to receive a land title must proof occupancy for three generations. See Heckmann, Bue. “Millions of Forest-dwelling Indigenous Peoples Are Facing Eviction in India.” IWGIA - International Work Group for Indigenous Affairs. Accessed March 29, 2020. <https://www.iwgia.org/en/india/3314-millions-of-indigenous-peoples-facing-eviction-india.html>.
  38. And Islam was presented as *raison d'être* to the creation of Pakistan. All ethnic, racial, linguistic, and cultural differences were waved aside as insignificant. Ali, Indigenous Peoples of Pakistan, 1.
  39. The Constitution of Islamic Republic of Pakistan, art. 25.
  40. Ibid., art. 20.
  41. Taimur-ul-Hassan, “Representation of Indigenous People in Pakistan,” Pakistan Perspectives 22, no. 2 (2017): 41. Pakistan is experimenting with the terms and in the local media “tribal

- people” is used instead of indigenous peoples. And are represented as backward and illiterate beings who are ignorant of the benefits and positive potential of development, which they should embrace wholeheartedly for the sake of their future generations. Here, social scientists stepped forward to map the indigenous population in Pakistan and their socio-economic vulnerabilities. Waseem Wagha prepared the country technical report on the indigenous people of Pakistan, which came in 2008. The same year, Shaheen Sardar Ali got her landmark book published on the indigenous peoples of Pakistan. These two essential sources helped label the ethnic minorities in Pakistan as indigenous. However, it is alarming that almost a decade later, no significant effort has been made to map the correct figures on colonial history or to develop legal historiographies and comprehensive ethnographic references concerning the indigenous population of Pakistan. Even the International Working Group's annual reports on Indigenous Affairs heavily cited Wikipedia to prepare the country profile on indigenous peoples. The databases on indigenous peoples are mostly created and managed by international non-governmental organizations in Pakistan. The Food and Agriculture Organization (FAO), Cultural Survival, and International Work Group for Indigenous Affairs (IWGIA) refer to only few groups as indigenous peoples in Pakistan.
42. I must insist on using the term “indigenous peoples” instead of “tribal”, or “minority”, or “local community/communities”. Because the term “tribal” emphasizes social structure, which is incoherent with the dynamic societies, cultures, and political forms of many of the groups in the internationally active indigenous peoples’ movement. The “minority” is too general to facilitate international institutional commitments and transnational networks that have built up around the concept of indigenous peoples. Terms like tribal or minority ignore the land-centered nature of indigenous peoples’ social identity altogether. The term “local community” is not suitable either, as it showcases only the interests of a resident or communities concerning the state and development projects. In contrast, the indigenous peoples foregrounds respect for cultures shaped over long periods of history, recognition of special relationship with land and territory, and possession of unique knowledge about the access, use, control, and management of natural resources.
  43. Maqbool Ahmed, “The Mysterious Case of Land Acquisitions in Balochistan,” Herald, Accessed August 30, 2020, <https://herald.dawn.com/news/1398696>. To become energy and water sufficient, construction of Tarbela, Diamer Basha and Mangla Dams as well as the Chashma Barrage and Thar coal power project forced the locals to hand over their ancestral land territories to the government. See Muhammad Makki, Saleem H. Ali, and Kitty Van Vuuren, “Religious Identity and Coal Development in Pakistan: Ecology, Land Rights and the Politics of Exclusion,” The Extractive Industries and Society 2, no. 2 (1 April 2015 r.): 276–86, doi:10.1016/j.exis.2015.02.002. While the Gwadar port project is one of its kind, Zulfikarabad is coming out as another port-city project in the Sindh province about which the locals have apprehensions. See Junaid Alam Memon, “Preliminary Social and Environmental Assessment of Zulfikarabad: A New Coastal Mega City Project in Pakistan,” IJERD 3, no. 1 (2012).
  44. In Pakistan, “land” and “property” are terms often used interchangeably. However, a clear distinction is drawn between ‘moveable’ and ‘immoveable’ property under the Registration Act, 1908, and the General Clauses Act, 1897. Land is divided into three principal categories, privately owned property, state-owned land and village common land. Village Common Land is the other category that denotes community land, jointly owned by the residents of the village, and it is meant to be used for everyday purposes. Only the village titleholders, irrespective of their backgrounds, benefit from such arrangements. While property with no rightful owner belongs to the state, in Pakistan says under article 172. It extends beyond the territorial limits to meet the Exclusive Economic Zones in the depths of gold mines, natural gas, and minerals under article 173 of the Constitution. A Guide on Land and Property Rights in Pakistan (Islamabad: UN-HABITAT Pakistan, 2011), 1-13.
  45. The Constitution of Islamic Republic of Pakistan, art. 24.
  46. Muhammad Zia-ur-Rehman, “Abuse of Process of Law in Land Acquisition Cases,” The Nation, Accessed April 10, 2020, <https://nation.com.pk/26-Nov-2019/abuse-of-process-of-law-in-land-acquisition-cases>.
  47. Land Acquisition Act, sec. 6.

48. Ibid., sec. 17.
49. Martin, *Illegal Dispossession*, 362.
50. Ibid., 355-356.
51. Ibid., 353.
52. A one-window operation is missing and there are just too many organizations dealing with the registration, management, and ownership of the land. While transfer of ownership is done in more than 100 ways and is inconveniently flexible. See Syed Arshad Hussain Shah, Syed Akhter Hussain Shah, and Mahmood Khalid, "Incompatibility of laws and natural resources: a case study of land revenue laws and their implications in federal areas of Pakistan," *Pakistan Development Review* 46, no. 4 (2007): 1105-1117. Gale In Context: World History (accessed November 29, 2020), <https://link.gale.com/apps/doc/A210033263/WHIC?u=vuw&sid=WHIC&xid=01318e44>.
53. Record of rights (missal-e-Haqiat) includes a village map, the exact belonging of land to each owner in the village, total cultivable land, land held in common for common purposes, i.e., graveyards, grazing grounds, community buildings, places of worship, schools, dispensaries, playgrounds, wells etc., pedigree of village land owners, register of customary usage rights i.e. water rights, grazing rights, demarcated forests, rights of the tenants, general rights and obligations of land, special customs, and even information about service providers of village e.g. barber, porter, blacksmith, etc. See *Land and Property Rights in Pakistan*, 8-9.
54. It can be accessed through the reference library of National Documentation Wing of the Cabinet Division in Islamabad with accession code no. 312, OIOC catalogue no. L/P&S/20/B/297.
55. It reassumes my earlier position that the coastal belt thrives on non-tribal structure, with ethnicities and people from different backgrounds, and remained the most vulnerable and detached among the broader Baloch landscape and sub-nationalism. Shahrukh, *Coastal Communities of Balochistan*, 67.
56. In the revenue records entry is sometimes made fraudulently or without conflicts and when before the court records are consulted in addition to the customs, the interpretation of rights is often marred with personal biases of the legal representatives. It may complicate the process to determine the ownership. In such situations, however, agnatic theory can help narrow down the scope of the land rights. See N Hancock Prenter, "Custom in the Punjab. I" *Journal of Comparative Legislation and International Law* 6, no. 1 (1924): 67-80.
57. District records are of three kinds, a. land revenue (records of changing ownership and occupation of village lands, details of the crops grown in the area and revenue derived from the estate, maps, customs and origins of the village, family trees of principal landowners, land settlements, holdings), b, judicial records and c, administrative records. See Zawahir Moir and Martin Moir, "Old District Records in Pakistan," *Modern Asian Studies* 24, no. 1 (1990): 195-204.
58. One can see how similar the contention of these fisherfolk to the fisherfolk of Gwadar is, who also left their lands for the CPEC, for the development of their region.
59. Cynthia Caron, "Property Rights and Resource Governance Pakistan," USAID Policy Papers, (April 2018): 5.
60. According to the Balochistan Sea Fisheries Ordinance 1971 section 3(1), 'no person shall be allowed to fish with encircling net or improvised purse seine net locally called 'wire net' or 'guji' or ring net and bottom trawls locally called 'trawls' or 'gujja' in the close bays of Sonmiani and Kalmat and 12 nautical miles from shore along the rest of Balochistan coast.' See Shahrukh, *Coastal Communities of Balochistan*, p. 69-70.
61. It suggests a model to strengthen communication processes in the wake of megaprojects among the municipalities, representative bodies of Med (e.g., Balochistan Fisherman's Cooperative Society, Gwadar Mahigeer Ittehad and Shikat Gah) and local leaders of political parties.
62. For instance, the United Nations Declaration on the Rights of Indigenous People, 2007 of which Pakistan is a signatory made an attempt to define indigenous peoples from a rights-based approach. Together with the United Nations Permanent Forum on Indigenous Issues, set parameters for international entities to consider while negotiating agreements with host governments to obtain the free, prior and informed consent of indigenous communities affected by the megaprojects. Other relevant human rights instruments of which Pakistan is signatory and are commonly quoted by militants are International Covenant on Economic, Social and Cultural

- Rights, International Convention on Civil and Political Rights, Convention on the Rights of the Child, and International Convention on the Elimination of All Forms of Racial Discrimination.
63. While National Institute of Maritime Affairs - NIMA is focused on maritime economy and Maritime Study Forum - MSF is busy with strategic and security aspect of Maritime Pakistan. Institute of Policy Studies - IPS stands out in addressing vulnerabilities of coastal communities.



Second Floor, Ace Venture Plaza, Street 5, Service Road North  
E-11/2, Islamabad 44000 Phone: +92 51 2712221  
Email: [info@cscr.pk](mailto:info@cscr.pk) Website: [www.cscr.pk](http://www.cscr.pk)  
Twitter: [www.twitter.com/CSCR\\_pk](http://www.twitter.com/CSCR_pk)  
Facebook: [www.facebook.com/CSCRpk/](http://www.facebook.com/CSCRpk/)