

Policy Brief

An Improved Legal and Policy Framework to Protect the Lives and Livelihoods of the *Jele* Community in Bangladesh

Overview

Jele as an occupation is one of the earliest vocations in human history. Bangladesh is a riverine country. Fishing and aquaculture remained the single largest sector to contribute to the protein needs of the country's population. According to 'The State of World Fisheries and Aquaculture-2022', published by the United Nations Food and Agriculture Organisation, Bangladesh was third in terms of inland open-water fish production among all the countries in the world and fifth in terms of closed-water cultured fish production. Indeed, fish is part of the culture and heritage of the lives and livelihood of Bangladesh.

In Bangladesh, according to the Labour Force Survey of Bangladesh in 2016-17, about 1.2 million people were employed in the fishing and aquaculture sector, which is about 2 per cent of the total employed population. The fisheries sector contributed 2.6 per cent to the national GDP in the fiscal year 2021-22, which is about 22.2 per cent to the GDP in the Agriculture sector. Regrettably, the Jele community remains marginalised from the socio-economic perspectives and is one of the severe victims of climate change.

The Government of Bangladesh has adopted several policies, acts, laws, and rules with a view to regulating the fishing and aquaculture sector over time. Several non-government organisations (NGOs) and civil society organisations (CSOs) are also working to improve the lives and livelihood of the Jele community and uphold their human rights. However, it is felt that there is much to be done in this context. This policy brief will focus on some pertaining questions in the context of legal and policy framework in Bangladesh from the perspective of the Jele community, one of the most marginalised population groups in terms of occupation in Bangladesh. These include:

- *What role does the existing law play in improving the livelihood of fishermen in public-private activities?*
- *How are fishermen adapting to the policy?*
- *What are the limitations of the implementation of the law?*

In view of these questions, this policy brief puts forward some critical recommendations.

SDGs cannot be delivered by leaving the Jele community behind

The Sustainable Development Goals (SDGs) provide a framework for development for all countries. The global development agenda emphasises the need to leave no one behind in the development efforts. From the beginning of shaping this global development agenda, the Government of Bangladesh has demonstrated a strong commitment to attain SDGs at the country level. The lives and livelihood concerns cover the premise of several goals under the SDG framework. SDG 14 (*Life Below Water*) targets people, conserving fish, controlling unreported, unregulated and illegal fishing, and protecting small-scale artisanal Jele's access to their livelihood resources. Providing decent employment to the Jele community is also covered under the aspirations of SDG 8 (*Decent Work and Economic Growth*). The need to ensure the rights of women Jele is upheld by SDG 5 (*Gender Equality*). Also, the social security and safety-net concerns of the Jele community are relevant for SDG 1. Similarly, SDG 2 (*Zero Hunger*), SDG 3 (*Good Health and Well-being*), and SDG 4 (*Quality Education*) are all linked with the development challenges of the Jele community. The Jele community is particularly vulnerable to climate change, which is the focus of SDG 13 (*Climate Action*). The rights of public services of the Jele community are covered in SDG16 (*Peace and Justice Strong Institutions*). Overall, structural injustice and inequality faced by the Jele community are addressed in SDG 10 (*Reduced Inequality*). Other SDGs are also indirectly relevant to the Jele community. Indeed, the Jele community is one of the disadvantaged communities in Bangladesh that cannot be left behind in the country's development journey.

Key Challenges Faced by the Jele Community

Overfishing and depletion of fish stocks. Overfishing and the use of destructive fishing practices have led to a rapid decline in fish stocks. The average catch per Jele in Bangladesh has been on the decline.

Lack of infrastructure and technology. A significant proportion of Bangladeshi Jele still uses traditional fishing methods, such as nets and fishing lines, rather than modern equipment. This limits their ability to reach deeper waters where larger and more valuable fish are found.

Volatile market prices. Prices of fish in Bangladesh can be highly volatile, making it difficult for fishermen to plan for the future and earn a stable income. Often the Jele community are exploited and do not get fair price due to market manipulation by local elites.

Poor working conditions. Many Bangladeshi fishermen work long hours, often in hazardous conditions, without adequate health and safety protections. A significant proportion of Jele in Bangladesh suffers from some form of injury or illness during their work. Many do not have adequate safety gear, making them vulnerable.

Natural disasters and climate change. Bangladesh is one of the most disaster-prone countries in the world, with frequent floods and cyclones affecting coastal communities, including fishermen. Additionally, rising sea levels and increased salinity due to climate change are threatening the productivity of fishing grounds in the country.

Conflicts with other user groups. Bangladeshi fishermen often face conflicts with other user groups over access to resources and fishing grounds. Commercial trawlers and shrimp farming operations often cause significant damage to mangrove forests and disrupt the habitats of important fish species.

Inadequate legal protection. The fishing industry in Bangladesh is largely unregulated, with limited protections for the rights of fishermen. There are no laws to ensure fair prices for fish or prevent the exploitation faced by the Jele community from intermediaries and traders.

The Legal and Policy Framework and the Challenges in Effective Implementation

Regarding Jele's livelihood, Bangladesh still has the continuity of the "Protection and Conservation of Fish Act, 1950" (the 4th Amendment came in 1995). Various policies were adopted later.

Policy	Challenges in effective implementation
<p>In order to protect the rights of fishermen, the Prime Minister instructed to issue "identity cards" to <i>Jele</i> Community in 2013.</p> <p>But the recognition that would give the fisher-folk members the entity as <i>Jele</i> has not been articulated in the existing laws. Their identity has described as a '<i>Motshojibi</i>' rather than a <i>Jele</i>.</p>	<p>The term <i>Motshojibi</i> or 'fish-traders' means those who are rich and have costly fishing gears can have access to open water bodies for fishing and closed waterbodies for leasing.</p> <p>Many poor fishermen confront resistance from powerful people and law enforcement against their fishing bids during fishing seasons.</p> <p>Due to weakness in the recognition mechanism of the <i>Jele</i>, a great number of</p>

	poor fishers are not getting the cards they deserve.
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Policy/ Act	Challenges in effective implementation
According to the declaration of GoB (12/09/1983) S.R.O Marine Fisheries law-1983, Section 3 titled “Local and foreigners can get fishing vehicles license on written application”.	This section jeopardises the livelihood of <i>Jele</i> as the natural fishing resource has been declining day by day. This section should be reviewed and accordingly revised.

Policy/ Act	Challenges in effective implementation
According to National Fishing Policy 1983, the real fishermen will be given priority in obtaining the leases of official <i>Khash</i> water bodies.	The policy should be meaningfully implemented for the livelihood of the <i>Jele</i> community.

Policy/ Act	Challenges in effective implementation
The Marine Fisheries Act 2020 adopted the process for small-scale artisanal fishers to obtain a fishing license. About 1.2 million <i>Jele</i> have been provided with identity cards. A database exists for these identity card holders.	Around 0.5 million <i>Jele</i> earn their living from artisanal marine capture fisheries. Therefore, there should be a comprehensive database of all <i>Jele</i> who are working in the deep sea.

Policy/ Act	Challenges in effective implementation
GoB adopted a national policy to boost depleted fish stocks. Accordingly, a 65-day ban has been imposed on all kinds of fishing in Bangladesh maritime.	The fishers confront unbearable situations during this time. Several challenges are associated with this ban, including inadequate incentives, exclusion from the incentive programme, and lack of alternative income sources.

The evidence presented above implies that the mere enactment of laws and adoption of policies is not enough. Indeed, meaningful implementations are necessary to ensure the development objectives concerning the lives and livelihood of the *Jele* community in Bangladesh. To this end, both government and non-government efforts and initiatives will be critical.

Manusher Jonno Foundation (MJF) and Civil Society Initiatives

Many international, national and local organisations are working together for the betterment of the Jele community. At the national level, the lead implementing organisation is the Manusher Jonno Foundation (MJF). With the support of MJF, the CODEC research team advocates for reforming the national fisheries policies and development strategies. They organised workshops with different stakeholders in 9 coastal districts and 20 Upazilas for data collection, where 883 people participated.

Challenges beyond the existing Legal and Policy Framework

Ensuring safety and security during the disaster

Jele community is not the only victim of economic insecurity: research has shown that 80 per cent of the fishermen do not have safety equipment, and 50 per cent of the fishermen think that they are not under the disaster warning system.

Most of the *Jele* are illiterate and live in hard-to-reach areas where the electricity system is unavailable. Thus, widely used early disaster warning systems like SMS on the phone and TV advertising is not enough to warn *Jele* during the disaster.

Empowering women: who are facing a 'double vulnerability'

The female members of the *Jele* community become more marginalised due to various reasons such as lack of education, unemployment, child marriage etc. This marginalisation is manifold- as fishers and as women. Women are not recognised as *Jele* and there is no directive to issue identity cards for female fishermen. Therefore, female fishermen are deprived of their rights and entitlements.

A study in Bhola reveals that 63 per cent of child marriages occur among students up to Class VIII. The women of the *Jele* community are far more vulnerable than those in plain lands because of their male family members' very high death rates. 75 per cent of the female respondents who have experienced loss or grave injury of their husbands, fathers, or sons at sea did not receive any compensation. Moreover, 68 per cent of the female respondents reported that they have experienced

	considerable challenges and harassment when male family members went to sea. On the other hand, 93 per cent of male respondents agreed that the women involved in this vocation do not get equal pay.
Policy actions needed for the Dalit Jele	<p>Dalit fishermen are the most marginalised group among the fishermen community. Locally they are identified as '<i>Jaladash</i>', '<i>Malo</i>' or '<i>Biswas</i>'.</p> <p>Although they are Dalits, the Government and the NGOs do not carry out adequate programme interventions for them. Special policy attention is pertinent to protect the Dalit Jele.</p>
Livelihood during the Covid'19 lockdown	<p>The <i>Jele</i> community suffered a lot during the lockdown. <i>The Jele</i> community had to borrow money from others from their savings, take loans from informal sources like Mohajon (during the lean and ban fishing period), sell home furniture, and take money from their neighbours to fulfil their needs and demands.</p> <p>Government and NGO-led support initiatives were inadequate. Even many did not receive the assistance provided by the government.</p> <p>In future, appropriate socio-economic measures should be taken to protect <i>Jele</i> from the pandemic.</p>

<p>Policy Recommendations</p> <ul style="list-style-type: none"> ▪ A legal procedure must be established to identify the Jele community properly. For example, there is a need to review the Fisheries Policy 1998 to recognise the term "Jele". The policy should be meaningfully implemented and enforced. ▪ Using nets with meshes of 4.5 centimetres or less is prohibited per the current law. However, the Jele community emphasises the need for reviewing and reforming this provision. ▪ The list of Jele at least every two years through digital platforms. The list needs to include the Jele community, who earn their living from artisanal marine capture fisheries. ▪ Appropriate measures should be taken to protect fishermen from natural disasters. ▪ According to the current Act, anyone can be arrested without any arrest warrant. The Jele community has demanded reforming this law.
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- Jele should receive enough food and cash incentives during the 65 days ban period. Social security allowances and skill enhancement opportunities should be provided to the Jele community during this period. The support currently includes only rice. Full livelihood support should be provided to the Jele community during this ban period.