



Fisher war in the Palk Strait

by Prof. Oscar Amarasinghe

17th March 2015



Nearly three or more days a week, about 2000 Indian trawl boats or more are crossing the International Maritime Boundary Line to fish on the Sri Lankan side of the Palk Bay in the north. The northern fishers of Sri Lanka, who started to fish after the cruel civil war which kept them away from fishing for nearly 30 years, face strict competition from the poaching Indian trawlers, who steal their fish and damage their nets. More recently (on the 27th of February 2015) more than 80 Indian trawlers crossed the Maritime Boundary Line and started trawling near Kaddaikadu in the east coast of the Jaffna peninsula, stealing the resources of the local fishers, damaging their nets and even attacking them. They came prepared for an attack and carried arms and explosives. The levels of force used and deprivation of the rights of northern fishers of Sri Lanka are unacceptable. Both their right to fish and the right to live are violated. Enough is enough!

All this take place under the nose of the Sri Lankan Navy, and with the knowledge of the governments of both countries. The ball is being passed from one court to the other, but without

any party showing serious interest in arriving at a solution. This apathy shown by all parties, is causing huge losses in terms of fast degrading resources on the Sri Lankan side of the Palk Bay and seriously threatened livelihoods of the northern people, pushing them into misery. They feel, excluded, neglected, forgotten category, and their 'voices' are not heard. Change of governments, change of ministers, bilateral discussions, have hardly done anything substantial in resolving these issues.

The beginnings of the conflict

Palk Bay was the source of livelihood to tens of thousands of fishermen both of Sri Lanka and South India since time immemorial. Rather than a contested territory, it bridged the people of the two countries together, through marriage, language and ethnicity. There were no disputes between the two groups who fished in harmony with each other. However, post-war developments saw radical changes in the structure and organisation in fisheries in the region.

The 1950s saw a tremendous growth in international demand for shrimp which also coincided with the onset of 'Blue revolution' where both countries introduced new motorised fishing technology and new fishing techniques (trawling in India and gill netting in Sri Lanka), which finally led to large increases in fish production.

On the Indian side, the increased demand for shrimp resulted in the growth of a trawl fleet which first started scraping the sea bottom on its own side of the Palk Bay, while the Sri Lankans depended heavily on gill net fisheries.

The next important development in the region was the establishment of the International Maritime Boundary Line (IMBL) in 1974, by concluding an agreement, known as, the Agreement between India and Sri Lanka on the boundary in historic waters between the two countries and related matters (Gandhi and Bandaranaike, 1974). The boundary line was decided based on the principle of equidistance, and Kachchativu became part of the Sri Lankan territory of the Palk Bay.

The technique of trawling adopted by the Tamil Nadu fishers to catch shrimp and other fish species living close to the ocean bottom, is known as 'bottom trawling', where enormous bag-shaped nets are pulled along the ocean floor, catching every rock, piece of coral, and fish in their paths.

This technique literally scrapes the ocean floor clean of life and, is tantamount to bulldozing the Sinharaja forest.



After damaging the ecosystem on their side by intensive trawling, the Indian trawl fleet started venturing into the Sri Lankan side of the Palk Bay in early 1980s by crossing the IMBL. Today, trawlers from Rameshwaram, Mandapam (Ramnad District), Kottaipatinam all violate the IMBL and fish on the Sri Lankan side.

Their poaching sites now include not only Mannar, Kilinochchi, Jaffna and Point Pedro but also Mullaitivu and Kalpitiya on the north-east and north-west coasts.

The eruption of civil war in Sri Lanka in 1983 saw easy passage of Indians into Sri Lankan waters because the Sri Lankan fishers hardly fished their waters due to a number of area and time restrictions imposed by security forces.

Yet, today, the issue has become one of the most important economic and political issues in the country, because the war has ended in 2009 and the Sri Lankan fishers in the North have commenced fishing.

These fishers are vehemently protesting against Indian trawlers crossing the IMBL and request for immediate state intervention. There is definitely an urgency to protect and restore the livelihoods of people in the North of Sri Lanka.

Recent developments

Evidently, the intensive trawling on the Sri Lankan side of the Palk Bay takes place under the nose of the Sri Lankan Navy and fishers complain that the SL Navy is not taking adequate measures against poachers.

This kind of open smuggling that takes place with the knowledge of authorities, has even triggered off other kinds of illegal practices as well.

The small trawl fleet in Pesalai, Gurunagar and Velvettithurai is quite active today, although trawling is banned in this country. A kind of stake net or wing net (ahalasiragu valai/kattudela), made from galvanised pipes fitted with nets which are fixed in the near shore area, are also causing a considerable damage to craft and gear of gill net fishers operating in the Mannar area.

The southern fishers are now migrating in larger numbers to the North, aiming at scuba diving for sea cucumber, although, scuba diving is banned in the North. The Indian trawlers, which earlier aimed at exploiting shrimp resources, are now engaged in harvesting sea cucumber too.

Since sea cucumber cannot be sold in Tamil Nadu (banned), these fishers sell their catches to local merchants, the latter, who benefits from South Indian trawl fishers, would naturally want to maintain the status quo and welcome Indian intrusion.

The recent incident, where Indian trawl fishers have come armed and attacked Sri Lankan fishers fishing in their own waters in Kaddaikadu of the eastern coast of Jaffna peninsula, is of serious concern. This is probably the first time, that Indian fishers resorted to armed violence, which is quite haunting.

As Ranjan, a local fisherman in Kaddaikadu explained, "some 80 odd trawlers were fishing in our waters, quite close to the shore and the nets of a few of us were cut off. When we protested they started throwing stones and small explosives at us. They were also pointing sharp knives at us. Two of us were injured. Later, the Navy was able to capture about light trawlers...this type of confrontations will lead to loss of innocent lives, pushing us further into misery".

The costs associated with all these changes and developments are huge. Fish landings in Jaffna and Mannar, which accounted for nearly 37 percent of all marine landings in the country in 1983 now account for only 10 percent of country's total marine landings.

There are more than 30,000 fishing families in the Mannar, Kilinochchi and Jaffna districts, whose livelihoods are seriously affected.

In fact, the northern fishers are entangled in a 'triple net' – first the agony of the war, then the Indian smugglers and bandits, and on top of them, the southern fishers and merchants, all bringing them misery.

The dialogues

In the absence of any government intervention, there is only one thing to do – take the law into your own hands!, which the local fishers did on several occasions. The danger is that, such actions could be stronger 'next time' taking the problem to unmanageable proportions.

In trying to deal with Palk Bay fisheries issues, an MOU was drawn up in 2005, which made provision for the establishment of a Joint Working Group (JWG), which among other things, would deal with issues of poaching and arrests.

Already several rounds of discussions have been held since 2008 but no significant developments have been reported, other than agreeing that fishers in both countries should be able to pursue fishing activity in a safe, secure and sustainable manner.

At the eighth meeting of the Indo-Sri Lanka Joint Commission held in New Delhi on 22nd January 2013 both countries agreed that the use of force could not be justified under any circumstances and reiterated in this regard the importance of continuing to extend humane treatment to all fishermen. It is quite evident that nothing substantial has been officially achieved in resolving the burning issues at Palk Bay.

Yet, some progress has been achieved in the front of fisher-fisher dialogues. Several such dialogues have taken in the past.

The first two dialogues were organised by ARIF (Alliance for the Release of Innocent Fishermen). A goodwill mission consisting of a group of fishers from Tamil Nadu visited Sri Lanka in May 2004. The Sri Lankan fishermen wanted an end to trawling in their waters.

The Indian fishers promised to keep a three mile distance from the shore and avoid certain trawl nets.

There was no government backing to this agreement and the subsequent follow up of this agreement is not exact known.

Another dialogue between Tamil Nadu fishers and Sri Lankan fishers from the Northern districts of Sri Lanka took place during 16-22 August 2010. About 23 fishers from Sri Lanka, along with two government officials from Sri Lanka met Tamil Nadu fishers from a number of trawl centres in Tamil Nadu.

The Indians agreed to stop mechanised trawl fishing in Sri Lankan waters within a period of one year, during which time, only 70 days of trawling were to be allowed.

Only two days of fishing (only Mondays and Saturdays, instead of three days of fishing as at present) was promised. Unfortunately, the governments failed to back up these decisions, and the promises were not kept.

After realizing the importance of extending state patronage to fisher dialogues, dialogues between the two fisher groups were held thrice; March 2011, January 2014 and June 2014 with the intervention of the government.

The 2011 meeting, which was held in Colombo, did not produce any fruitful results. However, at the January 2014 meeting, which was held in Chennai, the Sri Lankan fisher representatives brought up the Palk Bay fisheries issue as a serious livelihood issue of the Northern fishing populations of Sri Lanka, which silenced the Tamil Nadu fishers and the government officers, who were hanging onto Kachchativu and other legal issues.

The Indian fishers promised to stop trawling for one month. Again the governments failed to back up the agreements.

The dialogue continued again in June 2014, and the Tamil Nadu fishers asked for more time to stop trawling, which the Sri Lankan fishers were not ready to grant. The discussions ended in a deadlock.

What solutions exist?

Given that the Indian side of the Palk Bay is significantly degraded, if we allow the status quo to continue, all parties will suffer in the long run, because Palk Bay will be completely devoid of fish. Thus, trawling has to be stopped.

This means that, the TN government has to work out a trawl fleet reduction programme with top priority. Of course, this cannot take place overnight because of the massive numbers of households depending on trawling for their livelihood. It appears that there is no will on the part of the TN government to take immediate steps in reducing its trawl fleet.

Although trawler 'buy back' scheme and deep sea fishing have been proposed in reducing the trawler fleet, no significant development has taken place in any of these fronts.

It is questionable, whether the Tamil Nadu government has a genuine interest in reducing the trawl fleet.

What is surprising is that the very people in TN who have tremendous sympathy towards the northern Sri Lankan populations who have suffered the vagaries of war, are encouraging their own fishers to poach in Sri Lankan waters posing a threat to the livelihoods of thousands of Sri Lankan Tamil families.

Tamil political parties in Sri Lanka, such as the Tamil National Alliance (TNA), too has an important role to play in this regard.

Surprisingly, they have remained quite silent on the issue for a very long time, although they appear to have changed their stance and get actively involved in finding a solution.

Token arrests of Indian fishers violating the International Maritime Boundary Line (IMBL) and the initiation of fisher-fisher dialogues are two means available to Sri Lanka, of sending signals to the TN government in reducing its trawl fleet.

The former strategy will have to be re-worked to impose severe punishment on those trawler bandits. But the major strategy to be adapted in finding a long lasting solution is the fisher-fisher dialogue.

Posing the Palk Bay fisheries problem as a livelihood issue, by Sri Lankan fishers participating in the Jan 27th, 2014 dialogue, was an important development in this sphere.

By completely avoiding the political dimensions such as the sanctity of the international border, historical rights of Tamil Nadu fishers, Kachchathivu, etc., the Sri Lankan fishers have directed the attention of all parties towards environmental and livelihood issues arising from trawling, putting the Tamil Nadu government on the right track.

This approach needs to be continued in all future dialogues and, the two Governments must back up agreements made by fishers if deemed productive.

Another thing is to ensure that legitimate fisher representatives are selected for the dialogues.

Although the fisheries cooperative movement stood up as the only form of organisation of fishing communities, performing an array of important functions in small scale fisheries development of Sri Lanka in the past, a parallel organisation called the 'Rural Fisheries Organisation' has been recently established.

Which organisation better represent the interest of genuine fishers is debatable. Earlier there were allegations that past fisher delegations did not comprise genuine fishers who had a good understanding of the problem and who could strongly defend their position.

It is also to be emphasised that fishers should be able to express their feelings and discuss the diverse issues in an environment free of any form of intervention.

The role of the Northern Provincial Council (NPC) and the Tamil National Alliance (TNA) in the whole issue is colossal.

They should definitely bear some responsibility to address the concerns of the Northern fishers, including by breaking the political deadlock with Tamil Nadu.

To the eyes of many, the Sri Lankan multi day fishers poaching in Indian waters is a similar issue, with propositions for adopting a 'give and take' policy (exchanging multi day fishers; interests in Indian waters, for interest of Indian trawler fishers in Sri Lankan waters).

First it is to be noted that these are two different issues which have to be treated separately.

Second, exchange of interest of this nature will be tantamount to securing Sinhala interests (multi day fishers) at the cost of Tamil interests (Northern fisher people), which should be avoided.

Besides, it should be noted that, measures are being taken to fix Vessel Monitoring System (VMS) to multi day crafts to regulate their movement.

Finally, efforts made at resolving fisheries issues in the North will have to address the ecosystem health issue as well.

The ecosystem of the Palk Bay is under threats of degradation and resource sustainability issues are of serious concern. Unless both countries join hands in managing this ecosystem, efforts made at micro level would be quite futile.

Towards meeting sustainability goals, the State of Tamil Nadu has taken an important step in establishing a co- management platform for the Palk Bay, comprised all relevant parties (Under a project called FIMSUL 1) and, Sri Lanka need to do the same on their side and become part and parcel of a comprehensive fisheries management plan involving both countries.

The writer is attached to the Dept. of Agricultural Economics Faculty of Agriculture, University of Ruhuna, Kamburupitiya.