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Stephen, J.; Menon, A.; Scholtens, J.; Bavinck, M.

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## TRANSBOUNDARY DIALOGUES AND THE 'POLITICS OF SCALE' IN PALK BAY FISHERIES: BROTHERS AT SEA?

Johny Stephen, Ajit Menon, Joeri Scholtens and  
Maarten Bavinck

MADRAS INSTITUTE OF DEVELOPMENT STUDIES, CHENNAI, INDIA

**ABSTRACT** This article examines how the politics of scale affect a process of dialogue led by civil society actors over fishing conflicts taking place at the local level in South Asia. The location is the Palk Bay and the fishers are Tamils from India and Sri Lanka. An agreement over fishing rights reached between these fishers in August 2010 remains largely unimplemented, but takes centre stage for this article, which examines the negotiation processes in terms of politics of scale and highlights the various difficulties encountered. Major pitfalls in a dialogue of this sort are the failure to recognise diversity within the population(s) involved and lack of recognition of the linkages of this population with other actors at different scales or levels. In a transboundary context, national and regional identities at times override local identity and interests, thereby making locally constructed solutions difficult, if not impossible, to implement.

**KEYWORDS:** *civil society, collective governance, community initiatives, conflict resolution, fisheries, geography, India, locality, politics of scale, region, space, Sri Lanka, Tamils, transboundary commons*

### Introduction

The Palk Bay,<sup>1</sup> a relatively shallow stretch of sea between India and Sri Lanka, has of late become a contested fishing territory. The Tamil artisanal fishers of northern Sri Lanka who have just come out of a long and protracted civil war find their fishing space encroached upon by trawlers owned and operated by Tamil fishers from Tamil Nadu in India. This predicament has been worsened by the fact that Indian fishers use fishing methods that are banned by the Sri Lankan government in 'their' waters (Scholtens et al., 2012).

In August 2010, the Alliance for Release of Innocent Fishermen (ARIF) on the Indian side, along with the National Fishermen's Solidarity Organisation (NAFSO) on the Sri Lankan side, facilitated a negotiation process between fishers of both

countries. The article examines this negotiation process, which concluded with the August 2010 Meeting and an Agreement. The basic underlying assumption by the organisers, which included both civil society members and some fishing leaders, was that the Palk Bay is a common resource that can be managed collectively by the collective of fishers using these waters. The set of gatherings, under this process, were actually the second in line. An earlier meeting took place in 2004 (Vivekanandan, 2004), when there was relative peace in the northern districts of Sri Lanka due to a ceasefire agreement between the Sri Lankan government and the Tamil rebels, the Liberation Tigers of Tamil Eelam (LTTE). The 2004 and 2010 meetings were by far the most concrete effort at bringing about a consensus among the fishers of the two countries. A viable solution was sought specifically by addressing the concerns of overfishing by Indian trawlers in Sri Lankan waters and the evident disruptive impact on Sri Lankan fishers' livelihoods. The objective of the August 2010 Meeting was to arrive at an agreement that established sustainable rules for all stakeholders with regard to fishing in the Palk Bay.

By the end of the seven-day visit of the Sri Lankan team to India, which involved a number of gatherings in various locations, an agreement with several clauses and conditions was indeed reached. This Agreement was subsequently given to the respective governments for ratification. Henceforth termed the 'August 2010 Agreement', this was to come into effect from November 2010 onwards. In brief, it was to restrict Indian trawler activity in Sri Lankan waters to 70 days a year with a stipulation that Indian trawling there should end in a year's time. At the time of writing, however, the August 2010 Agreement remains unimplemented.

The aim of this article is partly to analyse why this is so. Two major arguments are presented. First, it appears that despite cultural and historical connectedness and assumptions of a common identity of occupation and 'Tamilness' that underlay the faith in a common property solution among these 'brothers at sea', the inequities between Indian and Sri Lankan fishers in terms of fishing practices seriously undermined the possibility of collective action. Second, in the context of conflict within a 'transnational community', we argue that fishers make use of their multiple identities across scale (state/province and nation in addition to locality) to defend their particular interests in the process, further undermining a possible commons solution. The result, as in the present case, may be that everyone remains, literally, at sea, clueless about a viable solution.

The article is divided into several major sections. The next section introduces the collective action and politics of scale literature as a backdrop to analysing the limits of the August 2010 Agreement. Following brief details of research methodology, we trace the complex socio-political dimensions of the Indo-Sri Lankan conflict in the Palk Bay. Several further sections engage with the two main conceptual arguments, namely the limits to community and the manner in which the politics of scale further impedes collective action. We conclude by arguing for a stronger institutional process across scales to reinforce transboundary local initiatives.

### **Theory of Collective Action and Scalar Dynamics**

Hardin (1968) theorised the 'Tragedy of the Commons', in which individual grazers in the course of maximising self-interest collectively degrade the common pastures. This continues to be the starting point for common property theorists. Two major strands exist within the broad literature on common property resources aimed at critiquing Hardin. The first approach holds that under certain conditions selfish utility maximisers can, and frequently do, come up with collective institutional arrangements that prevent the tragedy from occurring.<sup>2</sup> This literature is grounded in game theory, new institutional economics and rational choice collective action theory (Agrawal and Goyal, 2001; Agrawal and Ostrom, 2001; Ostrom, 1998 and 2000). The second strand of literature takes the perspective that individuals are guided by principles and/or social responsibilities that shape their individual behaviour (Jentoft and McKay, 1995; Jentoft et al., 2010; Pretty, 2003). This approach focuses more on common norms and identities and privileges the role of society over the role of individuals. The two strands of literature are to some extent two sides of the same coin because both aim to understand the behaviour of the 'collective of users' involved. Both approaches have made academics and policy-makers look more carefully for traits among resource users and their institutions that contribute to collective governance.

In fisheries, the importance of social norms and collective action among user groups in managing common resources was explicitly recognised by the 1980s (Berkes, 1989).<sup>3</sup> Numerous studies have since then focussed on understanding social norms and the community structures in place for management of fisheries.<sup>4</sup> Bavinck (2001), for example, highlights the importance of social norms in fisheries regulation among one caste group of Tamil fishers along the Coromandel Coast in Tamil Nadu, India. He highlights the complex interactions of these social norms with traditional and modern institutions in conflict situations arising out of the introduction of modern fishing methods in the coastal belt.

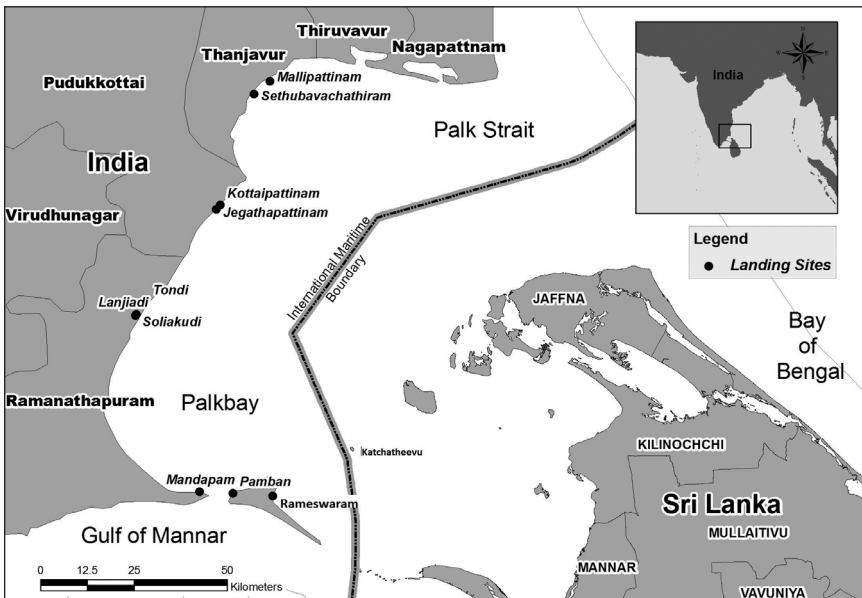
In this context, important questions have been raised about the possible limits to collective action.<sup>5</sup> One point of contention has been the conception of 'community', a term frequently applied to indicate the collective of common pool resource users. Agrawal (1999: 101) makes the important distinction between community as a form of social organisation and a form of shared understanding. When community is analysed as a form of shared understanding, one effectively glosses over inherent heterogeneity and power differences within this community. Agrawal (1999) suggests that by looking at community as a social organisation one is able to engage with the existence of differences, hierarchy and conflict within the community and hence can also treat it as a political entity. Another critique of community-centric analyses is that viewing communities as discrete units blurs the linkages that these units have with other parts of society.

This brings us to the scalar nature of social relations (Herod, 2003). Scale, like space, is a social construct (Benda-Beckmann et al., 2009: 3), a 'relational, power laden and contested construction that actors strategically engage with, in order to

legitimise or challenge existing power relations' (Leitner et al., 2008: 158).<sup>6</sup> This means that scale, rather than being an ontologically given entity, is itself a product of social and political processes and interactions. The 'politics of scale' literature helps to engage and analyse these nuances of social interactions and has been used in a variety of contexts.<sup>7</sup> Here we make use of the distinction between spaces of dependence and spaces of engagement. According to Cox (1998: 2), spaces of dependence are those 'more or less localised social relations upon which people depend for the realisation of essential interests and for which there are no substitutes elsewhere: they define place specific conditions for our material wellbeing and our sense of significance'. Spaces of engagement, on the other hand, are larger networks of social relationships over wider spatial scales that help secure the 'conditions for continued existence' (Cox, 1998: 2). In the context of the Palk Bay, we refer to three scales: the local, the regional and the national. The local includes the areas in which the fishers fish and live (see Figure 1). The regional refers specifically to the state of Tamil Nadu and its apparatuses under the federal system in India. The national or central refers to the Union Government of India and its machinery.

We first see how changes in material practices and the involvement of the state have been instrumental in constructing and restructuring scale in the marine fishing sector. We then use the 'politics of scale' analysis as proposed by Cox (1998) to understand the

Figure 1 Map of Palk Bay Along with the Major Trawl Centres in Tamil Nadu



Source: University of Jaffna, Department of Geography (2012).

August 2010 Meeting and scrutinise why it did not succeed. Our analysis suggests that in transboundary contexts, especially where the local collective of users is comprised of people from two nation-states and the resource—as well as fishing activity in this case—transcends national boundaries, there is a tendency for actors to jump scales. This dynamism, coupled with the different identities of the actors at various scales, undermines any efforts to build a consensus among local users of the commons.

## Methodology

It is beyond the scope of this article to undertake the above analysis from both the Sri Lankan and Indian perspective. Hence, the present analysis has been largely restricted to the Indian side. This study is part of a doctoral research project of the first author that falls under a larger project in the region that aims to understand and contribute to the resolution of fisheries conflicts in the Palk Bay.<sup>8</sup> The first author was part of the Indian delegation for three days during the August 2010 Meeting and participated in various gatherings and negotiations that were held. The remaining days, including the final negotiations between the fishers, for which the author was not present, were viewed by him on video.

The first four days included field visits by the Sri Lankan delegation to various trawl centres on the Indian side of the Palk Bay. Public gatherings took place in each centre in which leaders from both sides gave speeches. There were, however, no formal discussions or negotiations during the field visit. In the final three days, there were closed door negotiations in Chennai, the capital of Tamil Nadu, among fishers from both sides, aided by representatives of civil society groups (namely ARIF, NAFSO and the Catholic diocesan organisation CARITAS Sri Lanka). Video recordings viewed included group discussions both within and among the fishers of Sri Lanka and India and plenary sessions. The negotiations ended with a press meet in which the August 2010 Agreement was released. The direct participation of the first author in some of these gatherings helped analytically make sense of the manner in which fishers negotiated amongst themselves and came up with particular positions during the dialogue process.

A series of 13 in-depth interviews was subsequently conducted with all the fishing leaders who participated in the negotiations on the Indian side. These interviews focused primarily on the August 2010 Meeting and its outcomes and enabled the first author to get further in-depth understanding. All four authors have paid extensive visits to the Indian side of the Palk Bay and also visited the Northern Province of Sri Lanka in January 2011. There the first author was able to discuss the August 2010 Agreement with various fishing leaders of the Northern Province. These discussions were informal and focused on the negotiations and developments thereafter. Inputs were also received from civil society representatives who facilitated the negotiation process.

The authors also analysed how both the English and vernacular press in India and Sri Lanka covered the August 2010 Meetings. Finally, we paid specific attention

to the role of civil society in the process. Our ultimate aim was to see how various actors perceived the August 2010 Agreement. Our analysis of the negotiations was not just in terms of outcomes, but also with attention to the process, examining how particular actors were embedded within it. Moreover, the August 2010 Agreement was contextualised within the wider dynamics of Palk Bay fisheries and the geopolitics of Indo-Sri Lankan relations.

### **The Palk Bay: Understanding the Fishing Conflict**

The Palk Bay was a rich pearl fishing ground during the British period (Hornell, 1922). The British Empire divided the pearl fishing grounds between British India and British Ceylon. Shank, famous for its lime content, was another major colonial fishery in the Bay (Jayasinghe, 2003; Hornell, 1922). Post-Independence, the area has been the source of a boundary dispute between India and Sri Lanka, finally settled through a controversial bilateral agreement in 1974 (Suryanarayan, 2005). Most importantly, and the prime reason for the present fisher conflict, the Palk Bay is the main source of livelihood for a fishing population of 262,560 fisher folk on the Indian side,<sup>9</sup> and approximately 119,000 on the Sri Lankan side (Scholtens et al., 2012).

On the Indian side, five districts border the Palk Bay: Ramanathapuram, Pudukottai, Thanjavur, Thiruvarur and Nagapattinam. Only the northern parts of Ramanathapuram and the southern regions of Nagapattinam fall inside the Palk Bay. Within this coastal stretch, there are six major trawling centres: Rameswaram, Mandapam, Jagathapattinam, Kottaipattinam, Mallipattinam and Sethubavachatiram. The minor trawling centres include Soliyakudi, Lanjiadi, Pamban and Thondi. The Indian trawlers vary in size, from 28 to 55 feet with engine powers ranging from 70 to 193 horse power.

Experts believe that an oversized trawler fleet of 5,300 boats in Tamil Nadu lies at the heart of the conflict (Vivekanandan, 2001 and 2010). The history of trawling in Tamil Nadu has been detailed by various authors.<sup>10</sup> Approximately 2,500 of the 5,300 boats are located in the Palk Bay and have now become substantially dependent on Sri Lankan waters (Scholtens et al., 2012; Vivekanandan, 2004).

The post-Independence inception of trawling in India precipitated a long series of clashes with so-called artisanal fishermen, those generally utilising small boats and passive fishing gear, such as stationary nets and implements, along the shores. The 'trawl wars' that took place in Tamil Nadu in the late 1970s and early 1980s are a prime example of this (Bavinck, 2001; Subramanian, 2003 and 2009) as are the current struggles between trawl fishers of northern Tamil Nadu and southern Andhra Pradesh (Bavinck, 2011a). These conflicts focus on two issues: the fact that trawl vessels frequently run through and damage artisanal fishers' gear and artisanal fishers' perceptions that trawlers are environmentally destructive and appropriate a disproportionate share of available resources.<sup>11</sup> Such technical incompatibility is exacerbated by the fact that the trawl sector has created a new class of fishers whose



practices demanded greater capital investment which, in turn, has created further economic pressures and interests that will also impact on bargaining and negotiation processes (see Kurien, 1978).

While this general situation of local conflict is replicated across the Palk Bay, the significant difference is that trawling has never been promoted in Sri Lanka and the civil war which embroiled the country (1983–2009) has seriously affected domestic fishing operations in the Northern Province. Other factors, too, have aggravated the situation in the Palk Bay. The density of the trawl fleet on the Indian side of the Palk Bay has induced massive boundary crossings to northern Sri Lankan fishing grounds, which were significantly under-fished during the war period. Some Indian trawl centres are well situated for this purpose. Rameswaram trawl fishers, for example, have hardly any space to fish in Indian waters, given their proximity to Sri Lanka, with just approximately six to seven nautical miles to the International Maritime Boundary Line (IMBL). Although other centres possess larger Indian fishing grounds, for their fishers, too, the inshore waters of northern Sri Lanka have become a prime fishing area.

The three-and-four-day rule that affects Indian trawl fishers in the Palk Bay is an additional reason for the additional fishing pressure. This rule, brought into effect from 1976 onwards in response to the massive protests of Indian artisanal fishers, limited trawling in the Palk Bay to only three days a week (Bavinck, 2003; Sathyapalan et al., 2008). This implies that trawl fishers are pressurised, within this tight time slot, to seek out the most profitable fishing spots, invariably located in Sri Lankan waters. Nagapattinam fishers, however, are not bound by this rule by virtue of not being situated fully in the Palk Bay. Hence, they often cross the international border, even more frequently than other trawl fishers. The map (see Figure 1) provides an illustration of the spatial proximities.

As mentioned earlier, transgressions of the international boundary have been possible because fishers in the Northern Province of Sri Lanka were only intermittently allowed to fish over the last 30 years due to restrictions imposed upon them because of the civil war.<sup>12</sup> Since the end of this war, fishers from the districts of Mannar, Killinochi and Jaffna have slowly resumed fishing activities and hence, precipitated the conflict. All the fishers from the Northern Province are Tamils. While Jaffna and Killinochi fishers are predominantly Hindus, Mannar fishers are mainly Christians, with the Catholic Church playing an active role in their social life (Scholtens et al., 2012). The Northern fishers mostly use multi-filament gill nets from fibreglass reinforced plastic (FRP) boats. The dominant scenario, therefore, is that of Indian trawlers with efficient but potentially harmful gears destroying the gear and fishing grounds of their counterparts in Sri Lanka. This has caused much dissent, frustration and anguish among the Sri Lankan fishers, who see Indian fishers as encroaching upon their territory, poaching their resources and depriving them of their livelihood (Scholtens et al., 2012).

It is thus obvious why Sri Lankan fishers would want a solution to the conflict. But there are also reasons why Indian fishers would want an amicable agreement. First, transgression by Indian fishers has not been free of cost. ARIF estimates that till date

238 Indian fishers have been shot and killed by the Sri Lankan Navy and that another 80 are missing at sea.<sup>13</sup> Indian fishers have long put pressure on the Indian government to get Sri Lanka to stop these killings, but to no avail (Subramanian, 2007). Second, there have been historical ties between Indian and Sri Lankan fishermen in the Palk Bay. Fishers from both sides have acknowledged that previously, before the introduction of trawlers and the commencement of the civil war, the fishing grounds were used harmoniously between these fishers. Fishermen report that it was a common practice to exchange food amongst each other. The shared festivity among the Catholic fishers from both countries at the St Antony's church at Katchatheevu Island is a much cited example of such cordial relationship. The island became a part of Sri Lanka in 1974 after a complex set of negotiations between the two countries (Suryanarayan, 2005). However, in Tamil Nadu, many people believe that the island should be a part of India, claiming that the sentiment of fishers was not upheld by the Centre when the boundaries were drawn. This issue finds constant resonance in the current conflict, as highlighted later.

Finally, there is the important matter of the civil war. Throughout the war period, there was immense sympathy among Indian Tamils for the Tamils of Sri Lanka, who were felt to be victims of severe domestic discrimination. Sympathy for Tamils is part of a wider discourse of Sinhalese atrocities against Tamils (Krishna, 1999), which extends to the Tamil fishers of Tamil Nadu. For Indian fishers and the wider public in Tamil Nadu, therefore, the conflict in the Palk Bay is viewed as occurring between Sri Lankan security forces and Indian fishers. Like their Indian compatriots, Tamil fishers of northern Sri Lanka are seen as victims of the Sri Lankan armed forces and not so much of Indian trawlers. Though recently this interpretation has begun to shift, it still holds considerable force.<sup>14</sup>

### **Towards the August 2010 Agreement: A Commons Solution?**

The civil society group ARIF wanted to build upon the alleged solidarity between Tamils in Tamil Nadu and Northern Sri Lankan fishers. Initially formed in 1997 to help fishermen stranded or imprisoned in the other country get released, ARIF subsequently started to promote a fisher-to-fisher dialogue process through exchange missions, with a firm belief that only an agreement that had the support of the fishers would stand the test of time. On the Sri Lankan side it sought the help of NAFSO, a civil society organisation established to support fisher interests.

The first set of gatherings between fishers of the two countries was organised in 2004, during a ceasefire between the LTTE and the Sri Lankan government. This resulted in the 2004 Agreement, an initiative supported by the Indian government, both at state level and at the centre, and to a certain extent by the Sri Lankan government (Vivekanandan, 2004). A delegation of Indian fishers consisting of fisher leaders of the Palk Bay and representatives from ARIF visited Sri Lanka over a period of a week to meet their counterparts with the purpose of finding a solution to the fishing conflict.

Nothing further happened for several years. A large part of the Northern Province in Sri Lanka was at the time of this first agreement under the control of the LTTE. A follow-up to the 2004 meeting was planned three months later. However, after the tsunami of December 2004 struck, though much of the Palk Bay remained unaffected, the priorities of fishers, governments and NGOs shifted to rehabilitation of the affected fishers. Moreover, the ceasefire between the LTTE and the Sri Lankan government collapsed soon after in 2006, leading to a renewal of fighting in the Northern Province. Hence, the dialogue process was put on hold until 2010.

The second meeting between the two groups of fishers, thus, took place in August 2010, one year after the decisive end to the Sri Lankan civil war. In previous months, Tamil fishers in northern Sri Lanka had asked NAFSO and ARIF about the reciprocal visit to India that had been planned in 2004, at a time when fisher-to-fisher dialogue had received some support from both governments. Realising the severity of the problems experienced, these civil society organisations took the lead in organising the visit between 16 and 23 August 2010. The Sri Lankan delegation consisted of fisher leaders (12 in total), representatives from CARITAS Sri Lanka, NAFSO, the Sri Lankan Fisheries Department, the parish priest from Pesalai (a coastal town in Mannar district) and a few independent journalists from the Sri Lankan media.

Most of the Sri Lankan fisher representatives were chosen by NAFSO and derived from the fisheries cooperatives operating in the three northern districts. In 2010, the Sri Lankan government at first showed a lot more enthusiasm than in 2004. Top level fisheries officials, including an advisor to the Ministry of Fisheries, actually attended the August 2010 Meeting. The arrival of the Sri Lankan delegation in Tamil Nadu aroused much attention both among the media and local security police personnel, indicating the sensitivity of the visit. The first stop for the Sri Lankan group was at Thangachimadam, a major fishing village close to Rameswaram. After a brief informal meeting with fishing leaders on the evening of 16 August 2010, a large public gathering was organised on 17 August. During this gathering, the Sri Lankan fishers underscored their suffering on account of indiscriminate trawling.

During the next few days, the Sri Lankan team travelled north from Rameswaram in a bus specially hired for them. Visiting the other trawl centres of the Palk Bay, they held meetings with fishers and fishing leaders. Their position, namely that Indian trawling was a major cause of their suffering, was hardened as they witnessed the huge number of trawlers berthed in various harbours. The group finally arrived in Chennai, the capital of Tamil Nadu, on 20 August for a three-day closed door negotiation with their Indian counterparts. Fisher representatives from all trawling centres in the Palk Bay were present. ARIF was represented by its co-convener Mr Arulanandam. Indian and Sri Lankan groups met separately and then jointly to thrash out an agreement. Only the delegates and the fishing leaders were allowed to attend the meetings. The final document was signed by all fisher representatives and presented at a press conference. This Agreement was later sent to both the Indian and Sri Lankan governments for formal recognition from the state.

The outcome of the August 2010 Meeting was an agreement that restricted Indian fishers from undertaking destructive practices such as purse seining (a method of fishing where shoals of fishes are rounded up and caught using a purse-like net) and pair trawling (trawling using two boats) and going too close to the Sri Lankan shore. Acknowledging that each of the fishing centres in India had its own unique problems when it comes to crossing the border, trawl fishers of the different Tamil Nadu districts were given different restrictions on how close they could come to the Sri Lankan shores to fish, based on the spatial characteristics of their fishing grounds and the hurdles they faced. For example, Rameswaram fishers were allowed to fish closer to the Sri Lankan coast near Mannar due to the limited territorial waters available to them in India, while trawlers from other centres were restricted to fishing no nearer than five nautical miles from the Sri Lankan shore. Another important outcome of the August 2010 Meeting was a promise made by Indian trawler fishers that in principle they would reduce the size of the fleet and the incidence of trawling.

The August 2010 Agreement was thus quite specific in its content, stating that Indian fishers would stop trawling after a year. During this one year (2010–11), it allowed Indian trawlers a window of 70 days to fish in Sri Lankan waters, on condition that they do not come too close to the shore (5 nautical miles) and do not use pair trawling. The Indians agreed to this. While this was an agreement between fisher leaders, the leaders wanted their respective governments to endorse the agreement. This is where the politics of scale kick in.

### Probing ‘The Community’

The August 2010 Agreement was a collective, civil society-led initiative aimed at resolving a common dilemma. Asking why it was not implemented, we first probe the basics of the ‘community’ or collective of Palk Bay users to help answer that question. The foundation for whatever agreement was to come about was to be a sense of ‘shared understanding’ (Agrawal, 1999), the idea that fishers on either side of the Palk Bay shared a common identity, their ‘Tamilness’. Frequent invocations of and appeals to a common Tamil identity were indeed made in the course of the gatherings of August 2010. Both sides were often seen referring to each other as *Udan Perva Sagodargal*, literally translated as brothers, but not born from the same mother, or as having an umbilical cord relationship (*ihoppil kodi uravu*) when trying to reach out to one another during the August 2010 Meeting. The Indian fishers also lost no opportunity in explaining their role in helping Tamil refugees from Sri Lanka cross over to India during the war.

Especially scholars from India (Gupta, 2007) have emphasised the common linguistic and ethnic identity of actors in arguing that the Palk Bay should be considered a commons. Suryanarayan (2005) argues that fishers in this geographical region have no boundaries and that they fish where fish is available. Fishers, in other words, have traditionally followed the fish and never respect the boundaries drawn up by nation-states.

Such reasoning, however, neglects the fact that there are substantial differences of interests and identity between fishers of both countries and within each country. First and most obviously, the fishers on the western side of the Palk Bay are Indian, whereas those on the eastern shores are Sri Lankan, with their respective nation-states as reference point. Second, as seen above, there are large differences and conflicts of interest between the categories of artisanal fishers and trawl fishers. Not only are there technical incompatibilities between them, each category tends to appeal to different legal systems and worldviews (Bavinck, 2005).

Hence, treating the fishers of the Palk Bay as a community of 'shared understanding' is problematic. Events in the post-Agreement phase, after the Sri Lankan delegation had returned to the island, confirm the difficulties noted above. Indian fishers first of all started asking for more time to stop trawling. This suggested that the rules might not be implementable, because the entire premise of sharing the fisheries relied on time-bound reduction of trawling. In addition, it became clear that the Agreement would affect various fishers and landing centres differently. Nagapattinam fishers, for example, were extremely unhappy with the rules agreed upon. By virtue of their location and fishing practices, Nagapattinam fishers require about three months of fishing in Sri Lankan waters and could not adhere to the allocated 70 days under the August 2010 Agreement.<sup>15</sup> However, no special provisions were made for them and they were clubbed with the rest of the Palk Bay trawlers. Similar misgivings existed in other trawl centres, with the result that the stipulations of the Agreement were simply not adhered to. Consequently, Sri Lankan fishers became increasingly restless (Scholtens et al., 2012). In February 2011, Sri Lankan fishers captured Indian trawlers that were fishing close to their shores, suggesting that the goodwill and trust created by the August 2010 Agreement was dissipating.<sup>16</sup> Put another way, the August 2010 Agreement had come under pressure from within.

### **Moving Across Spatial Scales: The Politics of Identity**

Thus far, we have engaged with the drawbacks of looking at the fisher population as a homogenous category or group. This section adds a scalar perspective, emphasising that local fishers are embedded in larger wholes. Bavinck (2001) and Subramanian (2003 and 2009) have highlighted, in a historical perspective, the multifaceted relationship between fishers and the state. Here we commence by investigating how material practices in fishing along the Indian coast and more particularly in the Palk Bay have been instrumental in creating distinct scales within the nation-state. We then use the August 2010 Agreement to analyse the scalar politics involved in this transboundary context.

Local–global linkages in Indian fisheries date back to the early 1970s with the introduction of the 'Blue Revolution' in capture fishing (Bailey, 1985). This general term was used to denote industrialisation of fishing coupled with exports of seafood to markets mainly in Europe, America and Japan. The Blue Revolution was actively

encouraged to earn foreign exchange through heavy state investment (both centre and state-level) in mechanisation of fishing (Kurien, 1978). This process, however, came with its own set of problems. Shrimps, by far the most valuable catch for exports, were available only from the narrow continental shelf and hence, the trawl fishers moved inshore for their operations. As the artisanal fishers depend wholly on resources from closer to the shore, conflict was imminent when both groups sought to share the same coastal space.

A very important development occurred as a consequence of this conflict. Marine fisheries, traditionally managed by local institutional arrangements, could not accommodate and handle the new trawl sector (Bavinck, 2001; Bavinck and Johnson, 2008). As a result, the state (here the state government, as coastal fisheries is a state subject) intervened in order to regulate fisheries. In 1983, the Tamil Nadu government enacted the Tamil Nadu Marine Fisheries Regulation Act. This Act mandated that mechanised trawlers could only fish beyond three nautical miles and it also imposed restrictions on the type of boats and nets allowed. The Act also invariably brought the traditionally managed artisanal fishers under its purview.

The creation of the Act and the role given to the Fisheries Department to oversee marine fishing activities meant that 'local' fishers were now increasingly linked to the state and influenced by state policy. Although traditional caste-based institutions remained important in the artisanal sector for conflict resolution, the trawling centres generally lack such robust institutions. The Fisheries Department therefore quickly assumed a prominent role in regulating any conflict. Moreover, fishers increasingly availed of government subsidies in the form of diesel and other government programmes such as insurance schemes (Bavinck, 2001). The central government in India, too, became an important actor given the international boundary and resulting security concerns involved. Foreign relations, national security and intelligence rest with the Centre, something that assumes importance given the frequent transgression of the international border by trawlers in all parts of India. All of this meant that Indian fishers in the Palk Bay were now involved in multiple relationships with other governing actors across scale.

A similar situation exists in Sri Lanka,<sup>17</sup> where fisheries come under the authority of the Department of Fisheries and Aquatic Resources (DFAR). Although directed from Colombo, this is operating through local officials. However, issues of security and sea surveillance are, again, beyond the authority of the DFAR and are dealt with by the Ministry of Defence and the Navy. Policy-making in international affairs, such as implied by the International Maritime Boundary Line (IMBL) in the Palk Bay, falls under the Ministry of Foreign Affairs. Members of Parliament and district government officials function as additional authorities to whom fishermen may appeal.

'Politics of scale' has been used as a metaphor to study various scalar relationships (Lebel et al., 2005). Brown and Purcell (2005) explain how in research the 'local' invariably takes priority and is analysed as a given entity without actually engaging with other processes across scales which affect both the local and other dimensions.

They suggest that to understand processes at various scales one has to examine the politics behind these interactions. Making use of the distinction between 'spaces of dependence' and 'spaces of engagement' (Cox, 1998) to analyse the politics of scale, we see that in the Palk Bay context, the 'spaces of dependence' include the whole Palk Bay and the social relations between fishers in both countries. Even the 'local' here is, therefore, transboundary in nature, cutting across the territories of two nation-states. Fishers in both countries depend upon a shared sea for livelihood needs. Spaces of engagement involve social interactions such as those with Fisheries Department staff (at the regional level) and members of the Coast Guard and Navy (central level) at supra-local scales. In a physical sense, in this transboundary context, spaces of dependence and engagement are at a similar spatial scale. However, in terms of social relations, spaces of engagement involve actors beyond the immediate community.

At one level, the August 2010 Agreement can be seen as a way by which fishers sought to engage simultaneously with both these spaces and in the process, invariably also jump scales and work at different scale levels to support their local needs. The premise of those involved in organising the August 2010 Meeting was that only fishers who fished in the Palk Bay could come up with a binding solution to the conflict. While notions of common past and shared fisheries were frequently invoked, the attempt to arrive at a viable solution through fisher-to-fisher dialogue was a way to restrict conflicting spaces of engagement to the level of the local.

At another level, however, the August 2010 Meeting process brought out the manner in which both Indian and Sri Lankan fishers contested and defended 'their fishing space' in the Palk Bay. While on the one hand fishers look for common solutions, fishers in times of crisis do go to the state at both regional and central scales. This happened during the gatherings in the August 2010 Meeting as well. The Northern Province fishers of Sri Lanka frequently alluded to how 'their' fishing grounds were being transgressed upon by Indian fishers, invoking the Sri Lankan nation-state in the process. Similarly, Indian fishers talked about how Katchatheevu Island was 'theirs' (meaning it belonged to India) or at least that it was common and should be shared by fishers on both sides of the Bay. Thus, fishers invariably used both 'local' as well as 'national' identities in their negotiations, which then becomes contradictory at times. The national interest and identity may not be best or suitable for the local level. Nonetheless, it tells us something about how fishers take on different identities at different points of time. At the local level, Indian fishers, while engaging with Sri Lankan fishers with whom they share fishing grounds, also appeal to both state and central governments with regard to issues such as harassment by the Sri Lankan Navy and retrieving the island of Katchatheevu. However, these acts undermined the fisher negotiations, as we illustrate below.

The post-Agreement phase has also been characterised by acts of jumping scale. On the Indian side, fishers have not only mobilised collectively around the issue of harassment and shooting by the Sri Lankan navy, something picked up by the media as well, but have also lobbied extensively to get the state government to take up this

issue with the centre. Fishers lobby through demonstrations, filing of police complaints, speaking to the media and meeting ministers. They have also demanded compensation from the regional government for loss of life/injury. Jumping to a broader spatial scale, they have reminded the Indian government (mostly by getting the regional government to pressure the Centre) that they are Indian citizens and that the Centre should ensure that Sri Lanka adheres to the existing laws of detention rather than firing and causing bodily harm.<sup>18</sup> In February 2011, the Centre had to intervene to seek release of 136 fishers detained by the Sri Lankan authorities. In a sense, these fishers were spared from facing due process of law (that of ‘illegally’ crossing into Sri Lanka) as the government intervened.<sup>19</sup> Indian fishers found it easier to jump scales and make the regional government, in turn, pressurise the Ministry of External Affairs at the Centre to intervene to release the local fishers.

A similar situation of jumping scales appears to be taking place in the Northern Province of Sri Lanka as well. Fishermen there have constantly appealed to the Sri Lankan navy to stop Indian trawlers and brought the problem to the attention of the media, various political parties and the Department of Fisheries. They have protested in front of the Indian High Commission at Jaffna.<sup>20</sup> They have also gone to the extent of writing a petition to the Chief Minister of Tamil Nadu (Scholtens, 2012).

The mobilisation of fishers across scale, mostly within the boundaries of their respective nation-state, has complicated the process of coming to an internal agreement among fishers themselves. This mobilisation has taken place primarily because of a sense of injustice felt by both sets of fishers, the ‘brothers at sea’. In the Sri Lankan case, the injustice is about unequal fishing practices, namely the fact that Indian trawl fishers have bigger and more harmful gear that threatens their livelihoods. On the Indian side, the sense of injustice is related to the damage caused to both gear and lives by the Sri Lankan navy.

The act of jumping scales is not a one-way process (Cox, 1998). The state also responds to activities at the local level by supporting some such activities, going down the scale ladder. It is important here to understand that the ‘state’ itself is scalar and behaves or reacts differently at different levels. As mentioned earlier, the Indian state (both central and state level) had in August 2004 supported ARIF’s efforts with regard to the dialogue process (Vivekanandan, 2004). However, the 2010 visit was not endorsed fully by the Indian government.<sup>21</sup> The Sri Lankan government had initially shown keen interest in the entire process, but post-Agreement did not indicate much excitement. This, we argue, is due to the fact that any endorsement of the community dialogue means compromising on the territorial sovereignty of the nation, as the Agreement explicitly recognised Indian fishers’ ‘right’ to fish in Sri Lankan waters. Despite these contradictory tensions, the indication is that both nation-states, more so India, were eager to endorse a fisher-level dialogue. The greater enthusiasm of India may be attributed to the fact that India stands to gain more on account of a less rigid border. The uneven support by the two countries, however, might not be conducive for a successful community-led initiative.



## Conclusions

Transboundary fishing conflicts are evidently complicated matters that require a pluralist perspective (Bavinck, 2005). The present article used the August 2010 Agreement as a case study to critically understand the present conflict and its resolution in the Palk Bay region. The 2010 Agreement did not succeed in reducing Indian trawling in the Palk Bay. Part of the reason for its 'failure' was that assumptions of the commonness of the collective of users turned out to be problematic. While historical commonness of resources and identity may have been a platform for negotiations, changing material practices over time have segmented the collective of users and their institutional support systems in ways that undermined this commonness. In particular we paid attention to how heterogeneity and multiple identities across scales created tensions within the local, more so in the post-Agreement phase.

The perspective of politics of scale was useful to explain how these tensions were built by fishers engaging not only with local actors but also with regional and national agents, often invoking their multiple identities. We drew attention to the difference between spaces of dependence and engagement of the Palk Bay fishers and the tensions created by spaces of engagement across scales. Furthermore, we highlighted the fact that movements across scales by fishers undermined the August 2010 Agreement, the core precepts of which currently remain unimplemented.

Having said this, the August 2010 Agreement still stands as the only set of rules that fishers of both nation-states have in principle subscribed to. In time, it may prove to be a useful stepping stone for a workable solution to fishing conflicts. There have been encouraging developments of late. The Joint Working Group (JWG), an official group of bureaucrats from both countries designated to find a solution to the Palk Bay problem, has recently issued a statement endorsing the role of fisher associations on both sides of the Palk Bay.<sup>22</sup> Fisher negotiations have thereby become part of a larger intergovernmental strategy.

It is, however, imperative at this stage, that the collective of users charged with leading the process be viewed politically and as a social organisation. Any further intervention would require that this social organisation goes through a process of 'painfully negotiating' (Agrawal, 1999) differences both within and between the parties involved. This would involve multiple processes of institution building. On the Indian side alone, there is a huge task at hand. Not only do trawl fishers need to sort out their differences, but the other fishers of Palk Bay, namely the artisanal fishers of this coastline, must be brought on board, because any kind of intervention is likely to change the dynamics of these artisanal fishers as well on the Indian side. Only once such a comprehensive and robust institution is established, can a genuinely fruitful dialogue process be conducted across the border.

In sum, then, brothers at sea, like brothers and sisters anywhere sharing common property, are at the same time friend and foe. To sort out inherent conflicts of interests in sharing of joint resources, co-operation between actors from multiple scales is

necessary to result in equitable and effective arrangements, while at the same time this very strategic engagement with actors from different scales complicates issues. This is more than a theoretical problem, as the current non-implementation of the 2010 Agreement about the Palk Bay fishing rights affects the very livelihood and survival of hundreds of thousands of fishers. Clearly, this article does not solve matters, but by unravelling the complexities of the politics of scale, it may well contribute to formulate new strategic initiatives which might help in bringing together different actors across scales to find an effective solution.<sup>23</sup>

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### Notes

1. The Palk Bay refers to the water body that separates India from Sri Lanka. On the Indian side, the Palk Bay is demarcated by Kodiyakarai in the north and Dhanishkodi in the south. Fishing in Palk Bay is exclusively done by the Tamil-speaking fishing community on either side.
2. This may be related to the ancient Indian chaos theory, fittingly called 'rule of the fish' (*mātsyanyāya*), according to which a responsible ruler ought to prevent the big fish from eating all the small fish, as they in turn would starve.
3. It is to be noted that the three-dimensional nature of the medium and the complex nature of resources makes the marine environment different from other commons. For detailed discussion on spatial aspects of the marine environment, see Steinberg (1999).
4. See Bavinck (2001, 2011a and 2011b); Berkes (2006); Jentoft (2000); Jentoft and McKay (1995); Jentoft et al. (1998); Marston (2000); Pinkerton (1989).
5. See Guijt and Shah (1998); Jeffery and Sunder (1999); Meinzen-Dick and Di Gregorio (2004) and O'Reilly (2011).
6. See also Dukes (2007: 16) and Smith (1992: 76).
7. See particularly Agnew (1997); Lebel et al. (2005); Smith (1992); Swyngedouw (1997 and 2004).
8. See [www.reincorpfish.info](http://www.reincorpfish.info). The third author is currently completing his PhD on fisheries conflicts in the Northern Province of Sri Lanka. The second and fourth authors have a long history of research on natural resource dynamics in South Asia, including fisheries.
9. The total fisherfolk population was calculated by adding up numbers from the four districts of Thiruvavur, Thanjavur, Pudukkottai and Ramanathapuram as given in the CMFRI (2010) data.

10. For details, see Bavinck (2001 and 2003); Ram (1991); Subramanian (2003 and 2009).
11. Details of this are taken from a CD-Rom prepared by Derek Johnson and Maarten Bavinck under the title 'Social Justice and Fisheries Governance: The View from India' (Rome: FAO, 2010). This is part of the FAO Fisheries and Aquaculture Conference Proceedings on "Sharing the Fish" 2006—Allocation Issues in Fisheries Management', held at Freemantle in Australia.
12. Moreover, quite a few appear to have left Sri Lanka, see Roberts (2013).
13. Personal communication from the ARIF co-convenor.
14. For details, see 'India, Lanka Working Out a Solution for Fishermen: Rao', *The Outlook*, 18 July 2011. Available at <http://news.outlookindia.com/items.aspx?artid=728153> (last accessed on 11 September 2011). Also, 'Fraying Brotherhood over Troubled Waters', *The Hindu*, 11 September 2012. Available at <http://www.thehindu.com/opinion/lead/article3882428.ece?homepage=true> (last accessed on 11 September 2011).
15. Personal communication from Nagappatinam leader, Mr Manohar.
16. See also "Betrayal" by Sri Lankan Tamil Fishermen Haunts Them', *The Hindu*, 20 February 2011. Available at <http://www.hindu.com/2011/02/20/stories/2011022052090400.htm> (last accessed on 29 June 2011).
17. For details, see Scholtens, Bavinck and Soosai (2012).
18. See 'Fishermen Launch Indefinite Strike', *The Hindu*, 4 November 2009. Available at <http://www.thehindu.com/news/cities/Tiruchirapalli/article43181.ece> (last accessed on 25 October 2011).
19. See 'Sri Lanka Frees Indian Fishermen', *The Hindu*, 19 February 2011. Available at <http://www.hindu.com/2011/02/19/stories/2011021968081800.htm> (last accessed on 29 June 2011).
20. For details, see 'Sri Lankan Fishermen Meet High Commission Officials', *The Hindu* (19 March 2011). Available at <http://www.thehindu.com/news/national/article1553172.ece>. 'Fishermen Injured in "Attack by Lankan Navy"' (last accessed on 29 June 2011).
21. Personal communication from the ARIF co-convenor.
22. For details, see 'India, Sri Lanka Joint Working Group on Fisheries Meet', DNA Report (14 January 2012). Available at [http://www.dnaindia.com/india/report\\_indo-lanka-joint-working-group-on-fisheries-meet-in-colombo\\_1637543](http://www.dnaindia.com/india/report_indo-lanka-joint-working-group-on-fisheries-meet-in-colombo_1637543) (last accessed on 22 March 2012).
23. Meanwhile, the Department of Fisheries, Tamil Nadu, in a FAO/World Bank funded FIMSUL (Fisheries Management and Sustainable Livelihoods) project, has recently recommended the setting up of a Palk Bay platform. This platform intends to gather representatives from the government and fishing communities on the Indian side for co-management of the Palk Bay area. Time will tell whether this platform is able to take on its expected role.

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**Johny Stephen** is a Research Associate at the Madras Institute of Development Studies and a PhD candidate at the Amsterdam Institute for Social Science Research, University of Amsterdam.

Address: Madras Institute of Development Studies, 79 Second Main Road, Gandhinagar, Adyar, Chennai 600 020, Tamil Nadu, India. [e-mail: johnyste@gmail.com]

**Ajit Menon** is an Associate Professor at the Madras Institute of Development Studies in Chennai, India.

Address: Madras Institute of Development Studies, 79 Second Main Road, Gandhinagar, Adyar, Chennai 600 020, Tamil Nadu, India. [e-mail: [ajit@mids.ac.in](mailto:ajit@mids.ac.in)]

**Joeri Scholtens** is a doctoral candidate at the Amsterdam Institute for Social Science Research, University of Amsterdam.

Address: Amsterdam Institute for Social Science Research, University of Amsterdam, Plantage Muidergracht 14, 1018TV Amsterdam, The Netherlands. [e-mail: [J.Scholtens@uva.nl](mailto:J.Scholtens@uva.nl)]

**Maarten Bavinck** is an Associate Professor at the Amsterdam Institute for Social Science Research, University of Amsterdam.

Address: Amsterdam Institute for Social Science Research, University of Amsterdam, Plantage Muidergracht 14, 1018TV Amsterdam, The Netherlands. [e-mail: [J.M.Bavinck@uva.nl](mailto:J.M.Bavinck@uva.nl)]

