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RESEARCH

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# Fishing rights in post-war Sri Lanka: results of a longitudinal village enquiry in the Jaffna region

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## Abstract

Northern Sri Lanka has gone through a long period of civil war that has had significant impacts on the fishing economy. This paper presents ethnographic material from a longitudinal (1977-2013) study on fisheries regulation from a village in the Jaffna region. Starting from the observation that fisher law, which is based on old perceptions of territorial use rights, has survived the war, it investigates the manner in which the fisheries cooperative of Kadalur has reacted to three challenges occurring at various scale levels: (1) the incursion of a fleet of Indian trawlers into inshore waters, (2) the arrival of diving companies from southern Sri Lanka, and (3) the initiation of squid-jigging by local fishers. The cooperative responds differently to each of these challenges, seeking alliances with, but sometimes engaging in strong opposition to, military and civil authorities. The paper concludes that fisheries governance in northern Sri Lanka is murky and infected by various degrees of power struggle. A conspicuous feature, however, is that fisher organizations enjoy (varying extents of) space to articulate and implement their own perception of fishing rights.

## 1. Introduction

This paper is a reflection on the shape and shaping of fishing rights in the post-war society of Sri Lanka. It is inspired by the remarkable fact that, in a region devastated by long periods of violence, evacuation as well as natural calamity (the tsunami of 2004), age-old notions of fishing rights are still in place and being adapted for contemporary fishing practice. My aim is to document and analyse current practices in this region, making use of material collected at two points of time: the late 1970s, when I carried out masters-level fieldwork in the village of Kadalur (Bavinck 1984), and more recently in January 2012 and 2013, when I returned after the War.

The anthropologist George Dalton noted many years ago that for rural economies in Africa “resource allocation is never unstructured because continuity in the production of basic goods is never unimportant” ([Dalton 1962]:365). This maxim certainly applies to fishing societies that rely on common pool resources and therefore experience more risk of mutual interference. Collective action for the purpose of resource allocation and management is an old and regular phenomenon in fishing (Ostrom 1990; Ruddle 1994; Kurien 2013). In South Asia, such systems of customary management are often far more influential than state-centred fisheries management (Bavinck et al. 2013).

Rural societies no longer stand in isolation and customary law is necessarily confronted by state activity. This is especially true of societies like Sri Lanka. Having

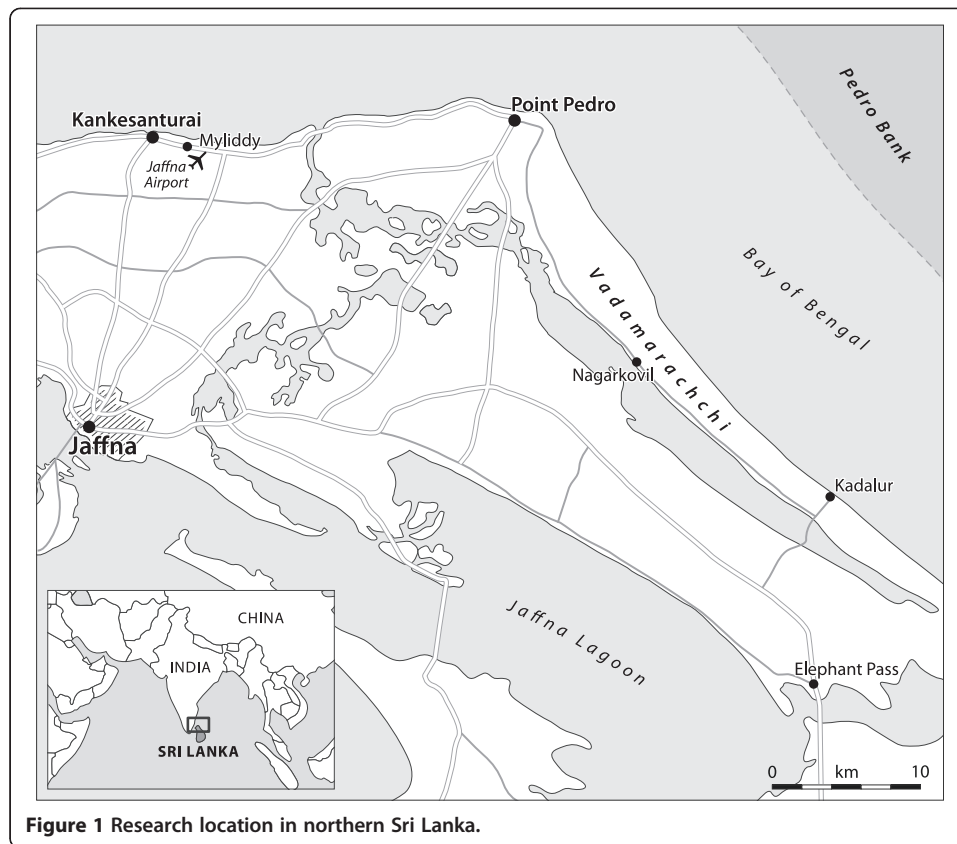
endured protracted periods of civil war and consequently been significantly militarised (Kadirgamar 2013), the Sri Lankan state is now a significant player in all facets of society, including the allocation of fishing rights (Scholtens et al. 2012). Polycentric governance (Ostrom 2010) has therefore become a reality. In this paper I look into ways in which fishers strive to advance their rights in what is now a pluriform institutional set-up.

The paper commences with a description of the case study village, reflecting in particular on the ways it has transformed over a period of 35 years. I then discuss the basic status of fishing rights in the region and highlight three instances of fishing conflict, two of which are external to the village and a third which is internal. This is followed by a discussion of institutional strategies and the complex relationship between fisher organizations and state agencies. I finally return to the vexing question posed above: what is the origin of fishers' re-assertion of rights?

The author's first period of ethnographic study in Kadalur was between June and November 1977 and included a door-to-door household survey, participation in fishing trips and other village activities, interviews with crew members of all fishing units, and efforts to reconstruct fishing history through discussions with key informants. Current research commenced in January 2012 and has continued until the present with a total of 25 days, spread over six visits in various months of the year, spent in the village. It was facilitated by memories of the first fieldwork period, 35 years earlier. Not being allowed by navy personnel to enter the sea, I have observed shore operations on a daily basis and interviewed 23 fishers, some more than once. I have attended a meeting of the local cooperative, and spoken to cooperative leaders at the local, regional, and provincial levels. I have also met with officials of the Department of Fisheries and Aquatic Resources, the naval forces, and the village administration.

## **2. Kadalur –characteristics and trends<sup>a</sup>**

The village of Kadalur, located off the main Jaffna-Colombo road eastward of Pallai (see Figure 1), traces its origin to the 19th century when it boasted of a collection of beach-seine camps. By the early 20th century, road and rail infrastructures in Sri Lanka had improved, encouraging would-be *samaddis* (beachseine operators) to set up migratory enterprises in remote areas such as Vadamarachchi-East (abbreviated below as Vadamarachchi). A road constructed in 1907 connected Kadalur to the main traffic artery and triggered its conversion to a permanent fishing settlement, grouped around the Roman Catholic church of St Anthony. By 1977, the Tamil fishing population of Kadalur (426 in number), a group belonging to the Karaiyar caste, had prospered significantly, in part due to a transition to semi-industrialised fishing. The Sri Lankan government in the 1960s had introduced 3.5 ton, inboard engine-powered boats as part of its modernisation drive. Along this Vadamarachchi coastline, the fishers of Kadalur had taken to this new kind of fishing. The rich Pedro Bank, located only 20 kilometres to the east in what is locally known as the *ān kadal* (male sea, in contrast to the *pen kadal* of the Palk Bay), became their natural fishing ground. At the time of my first fieldwork, in 1977, the village counted no less than 20 mechanised boats and provided employment to approximately 120 men. Significant amounts of high quality seafood were transported to Colombo for sale each day and the village population was



**Figure 1** Research location in northern Sri Lanka.

prospering, a reality evidenced in particular by the fact that many had constructed tiled multi-room houses in the area along the seaboard.

The civil war between Tamil guerrilla groups and the Sri Lankan government commenced soon after, however, and Vadamarachchi became one of the scenes of repeated battle. A number of men and boys joined the guerrillas, but many more – those having made money in mechanised boat or beachseine fishing – fled to Europe and North America. Poorer villagers sought safety in South India or other parts of Sri Lanka. Still, when the tsunami struck the northeast coast in December 2004, a substantial number of people remained – a monument in the village commemorates the 39 people who died.

I next set foot in Kadalur again in January 2012, soon after the military had finally reopened the area. The village appeared desolate. The heart of the original settlement stood in ruins: the combined result of combat hostilities, tsunami devastation and subsequent looting. The site where I lodged back in 1977 is now home to an army camp. The fleet of mechanised boats that once flourished had disappeared – at some distance to the north, at the edge of the former village, I could, however, discern some small-scale fishing activity. Having met one of my erstwhile friends, I settled into a room at the cooperative society with my assistant and started to explore the current situation.

Kadalur today has a population of 430 (161 households), out of which 35 are more-or-less fulltime fishers. The qualifier ‘more-or-less’ refers to the fact that even the most dedicated of fishers seem to go to sea no more than 60 days a year.<sup>b</sup> A combination of bad weather conditions, the prospect of poor catches, and the risk of getting mauled by

Indian trawler operations serves to keep local fishers on shore. Many find temporary employment as masons in the reconstruction effort. The proud fishing industry of old has disappeared. Those who have relatives abroad rely to a large extent on remittances. Others live a hand-to-mouth existence and strive to slowly rebuild their livelihoods.

The population too has transformed. Although a core of original inhabitants still remains, there are many newcomers from other parts of the coast and inland – internally displaced people, who settled in the village at different points of time. Having been allocated land to the rear of the seaboard, and benefiting from generous housing grants, these people are now constructing dwellings. Electricity has also reached the village again. A priest, based in a neighbouring village to the north, says weekly mass. Religious life has, however, changed: the village now counts Hindus and evangelical Christians next to Roman Catholics. Moreover, the war has left deep scars. As one village leader put it, “we are a wounded society” (*nōgutal pōnatu*). The Fisheries Inspector (interview 18-1-2012), comparing Kadalur fishers to others in the Jaffna peninsula, refers to them as *ēzhmai* (impoverished).

Fishing is now a small-time affair. Although the village possesses several kilometres of shoreline, the landing site, situated next to a small navy post, counts only 18 fibreglass boats and 17 simple *kattumarams* (most of which derive from loan or relief programmes).<sup>c</sup> There is no market to speak of. During the beachseine season (March–October), outside merchants sometimes appear to set up camp. In 2012, however, these merchants had yet to come to the village. The poorest category of fishers in the village uses hand-operated *kattumarams* together with a simple set of sardine (Tamil: *sūdai*) or monofilament (Tamil: *sangūsi*) nets or hook-and-line to eke a living from the sea area closest to shore. The kerosene engine-powered boats, manned by crews of 2–3, and making use of a variety of drift- and set-nets,<sup>d</sup> go for one-day fishing trips. Their prize target species are shrimp, seer fish, and squid. All this, the fishers say, is ‘*sinna tozhil*’ (Tamil: small work), in contrast with the multi-day fishing activities (*periya tozhil*) taking place in southern Sri Lanka and India.

The Sri Lankan Navy, the Fisheries Department and the local fisheries cooperative, locally known as the *Sangam*, jointly exercise control over fishing activity. We will discuss their role more extensively below. Here it is useful to note that during the war period the Navy imposed severe restrictions on fishing, including a pass system. This system was still being implemented in Kadalur at the time of my last visit.<sup>e</sup> All fishers possess ID-cards and their craft are registered in close coordination with the Fisheries Inspector, the Navy and the Sangam. Navy personnel of Point 3 (the Kadalur landing site) closely check fishers setting out for sea.<sup>f</sup>

The Kadalur Sangam is part of the unique system of fisheries cooperatives in northern Sri Lanka (Scholtens et al. 2012).<sup>g</sup> These cooperatives are nested in a larger structure of Unions and a Federation at the level of Jaffna district. Kadalur is one of 15 Sangams belonging to the Vadamarachchi East Union. All fishers, and many others with a role in fishing, are members of the Sangam.<sup>h</sup> We will see below that the Sangam and the Union play important roles in fisheries regulation.

The fishers of Kadalur today have many concerns. Some of these are directly related to fishing, whereas others relate to general problems of life in a post-war region. An older inhabitant and former fisher leader Anthonipillai (interview 11-1-2013) identifies three major fishing issues, in order of importance:<sup>i</sup> (1) the negative effects of heavy

Indian trawling in the inshore and offshore regions; (2) the incursion of Sinhalese fishers from the South; and (3) the dramatic depletion of marine resources. In his view, issue (3) follows from issues (1) and (2), and the list is therefore one of external threats requiring urgent attention. We shall see below that there are internal matters requiring regulation too. The sudden rise of squid-jigging in 2012, and its effects on other fishers, however, is currently the most crucial.

### 3. Fishing rights: overview

Territorial use rights are found in fishing the world over (Christie 1982). So too are informal regulations defining who has the right to actually take part in fishing activity (Schlager and Ostrom 1993). Research in south India, which is part of the same cultural region as northern Sri Lanka, reveals a strong regime of community control (Bavinck and Karunaharan 2006), particularly over the fishing technologies employed. A similar regime, with some special emphases, appears to prevail in northern Sri Lanka.

The starting point of all regulation in this geographical region is a notion of territorial privilege. This starts with the beach. Although Kadalur is officially part of the neighbouring village to its south, Kadalur fishers have clear ideas about beach-side boundaries on both sides. Erstwhile Sangam president Joseph (65 yrs, interview 16-1-2013) explains:

The Kadalur beach covers approximately 6 km with only 2 km being inhabited. On both sides there have been problems with establishing the boundary. On the north side the dispute could be resolved quite easily, because they are also Roman Catholic. There is a boundary there that was reaffirmed in approximately the year 2000. On the south side, however, it still has not been resolved. This is because the people there are Hindu (Pillaiyar caste). But also because a Kadalur coconut estate owner sold his estate (that was on the southern side of the village) to people there who then claimed that the beach too belonged to them.

Despite the fact that a dispute remains about the precise location of the southern boundary, the ambit of local authority is more-or-less clear. Within these territorial limits, fishers recognise a number of preferential beach plots, or *pādus*. The majority of these are traditionally connected to beachseine units and possess an official status (cf. Alexander 1982) – the Fisheries Inspector and the Sangam are supposed to keep a register of these *pādus* and issue permits annually to respective rights holders.<sup>j</sup> Joseph explains that there have always been five beachseine *pādus* in Kadalur and, in addition, a so-called common plot (*potu pādu*) for migrant and local fishers using boats or kattumarams. We focus now on the common *pādu*.

For six months in 1977, Kadalur contained a large camp of migrant fishers from Myliddy and a few other locations on the north coast of the Jaffna peninsula. These temporary migrants based their right to fish from Kadalur on an inter-village agreement<sup>k</sup>: the boat fishers of Kadalur would, in the monsoon season, be allowed to anchor their boats along the north coast, while fishers of the north coast would be allowed to fish from Kadalur during the southwest monsoon.

Migration of this kind no longer takes place, however. First of all, Kadalur fishers themselves no longer migrate on a seasonal basis – a pattern that was especially useful when they were operating mechanised boats. In addition, Kadalur fishers dislike

outsiders from operating from their territory. The Sangam, the Fisheries Inspector and the Navy all prohibit movement of outsiders with craft into Kadalur.<sup>1</sup>

FI Kandasamy (40 yrs) [asked whether it is correct that outsiders cannot bring boats to Kadalur]: Yes, this is correct. It is the villagers who won't allow it to happen. The Fisheries Department won't stop boat movement, after all Sri Lankan citizens can go fishing wherever they want. But here, if an outside fisher doesn't have a letter of support from the local Sangam, we don't give him permission to operate (Interview 16-1-2013).

Gnanasekaran (Sangam president, 45 yrs): If boats come from another area, we – the local fishers – don't like it. After all, our population has increased. It is not a problem to bring workers from elsewhere, but one may not bring boats (Interview 14-1-2013).

An exception is made for fishing labour. In the case of squid jigging, for example, which Kadalur fishers were not familiar with at the time, the Sangam permitted a number of outside experts to join fishing in 2012. Christopillai (Sangam secretary, 65 yrs) showed me the list, which included copies of their identity cards. Their employers paid Rs 1000/month tax to the Sangam for each outside worker.

Territorial privileges also extend to the sea. The general principle prevailing in South Asia, and in Kadalur too, is that the sea is a common-pool resource, to be utilised by all fishers without limitation. Fishing hamlets, however, have a right to regulate the kind of technology used within their territories. These coincide with the marine waters enclosed within the lines of beach-side boundaries extended to sea. Such boundaries tend to lose force with distance to sea. Although some fishers in Kadalur point out that, compared to India, the forcefulness of such rulings is less,<sup>m</sup> the prevalence of a territorial principle is evidenced by debates on the permissibility of trawling, diving for sea cucumbers, and squid-jigging (see sections 4,5 and 6 below).

The above suggests that fishers are the principal agents of regulation in northern Sri Lanka. This is, however, only part of the truth. After all, underlying the regulation of fisher movement are the security concerns expressed by the Sri Lanka Navy, both during the civil war years and the period thereafter. Their system of passes and monitoring activity upholds these concerns, and dovetails with the current policy of the Fisheries Department. Interestingly, however, the regulations prohibiting movement are now upheld by local fishers who are especially concerned about maintaining livelihoods. We find here a form of collaboration between Navy, Fisheries Department, and local Sangams.

There are, however, major disagreements between these parties as well. The next sections discuss the most virulent of these problems, relating to Indian trawler fishing, the activities of Sinhala divers, and squid-jigging. The first two belong to the category of external threats, while the third is internal to the Kadalur fishery.x

#### **4. External threat: international trawl operations**

Bottom trawling is a comparatively recent phenomenon in northern Sri Lanka. Throughout its modernisation drive, the Sri Lankan government has wisely chosen

to emphasise gillnet fishing rather than – as their Indian counterparts had done – building up a trawling fleet. Although there was talk of a small and illegal number of small trawlers based in Jaffna town in 1977, these never visited the northeast coast. Nor did Indian trawler fleets, which – at that time – mainly operated in Indian waters. The fishers of Vadamarachchi-East thus probably had the adjacent Pedro Bank more-or-less to themselves.

This situation began to change in the early 1990s with the development of trawling fleets in south India, and the increasing size and capacity of trawl vessels. Attracted by the riches of local fishing grounds, more and more trawl fishers began to operate in vacant northern Sri Lankan waters, gradually moving down the east coast. Whereas the trawl fishers operating in the Palk Bay are generally held to a 3-day/week fishing schedule, those plying the east coast have no restrictions but for an annual closed fishing season of 45 days.<sup>n</sup> Intensive bottom trawling affects local fishers in various ways. It modifies and degrades the benthic environment and reduces total stocks. By targeting the most valuable species, such as shrimp, trawl fishers also compete directly with local fishers and almost always get the better deal. Finally trawling – as an active gear type – tends to conflict directly with fishing practices based on passive gears, such as those employed by local fishers, and results in gear loss and damage among the latter.

I noted above (section 2) that fisher leader Anthonipillai suggested that trawling fishermen is Kadalur fishers' problem number 1. A few qualifications must, however, be made. First, trawling does not affect all fishers equally. For example, those undertaking kattumaram fishing close to shore are not directly impacted by trawler operations (although there may be indirect impacts due to declining fish stocks). It is mainly the group of boat fishers operating in more distant waters that are affected. Second, trawling is not a permanent phenomenon: there are periods of the year in which trawling is intensive (January-February and June-August) and periods in which it is less prevalent. My recent fieldwork periods in Kadalur (the months of January 2012 and 2013) thus coincided with an irregular period of boat fishing, as well as no sightings of Indian trawlers. But what do Kadalur fishers now say about trawling and its impact?

Joseph (former Sangam president, 65 yrs): You can't imagine, if there are 1000 trawlers operating, the noise they make. It even scares me, what about the fish? I actually lost 12 pieces of *tirukkaivalai* (ray fish net) in April 2010, only three days after I had bought them for Rs 2 lakh. Sometimes a whole line of up to 10 trawlers will go through your nets. And of course sometimes the Indian fishers steal the nets too (Interview 17-1-2012).

Thaddeus (boat fisher, 35 yrs): I am afraid of trawlers especially when we go for seer fishing, as there is a risk that they will cut through my nets and I will lose them. That would be a big financial catastrophe. If we stay awake we can try to warn them. But sometimes they won't hear us if the engine sounds are too loud. [Q: Can I conclude that because trawlers may be coming you are not doing seer fishing?]: Yes, you could say that (Interview 14-1-2012).



Worker 1 on Maistry's boat (18 yrs): Trawlers destroy our nets. If we see them coming, we give up (Interview 16-1-2012).

Worker 2 on Maistry's boat (25 yrs): Last year in January and February we caught no shrimp at all. We went for fishing no more than a week in those months (Interview 16-1-2012).

Kadalur fishers point to the Sri Lankan government as the main wrongdoer:

Joseph (former Sangam president, 65 yrs): I think there may be a secret agreement between the two governments [India and Sri Lanka] which prevents them from taking action. Otherwise they could easily stop them, couldn't they? (Interview 13-1-2013).

A few days later, he adds:

If a neighbour wants to enter your garden, he asks permission, doesn't he? Why does the Sri Lankan government not act? This is a situation of treachery (*turoogam*) (Interview 17-1-2013).

Not everyone feels so strongly about the Indian trawl fishers, however.

Gnanasekaran (Sangam president and boat owner, 45 yrs): I can't see the trawl fishers as enemies, after all, we both work the sea. They don't cut our nets deliberately (Interview 16-1-2012).

When trawlers are sighted in the fishing grounds, Kadalur boat fishers react in different ways. The most common response is to not go fishing at all, as this saves fuel expenses. They may, however, also shift to other fishing grounds or other fishing techniques, which involve less risk (like squid-jigging). However, there are always those willing to take a gamble, and try to warn approaching trawl fishers to keep away. This is what Gnanasekaran, as he mentions above, does. He takes an additional small craft along and has it move back and forth along the length of his net, waving a light.

### **5. External threat: sea cucumber diving**

In May 2011, Sri Lankan newspapers carried a small item reporting that fishers in Vadamarachchi had collectively voiced protest against sea cucumber fishing activities in their area. Sea cucumbers (Tamil: *addai*) are a delicacy in East Asia and fetch a high price on the international market. Despite the fact that they are endangered and on the CITES list and their harvest and trade have been prohibited by both the Indian and the Sri Lankan governments, clandestine fishing goes on in various parts of both countries. Fishers in Kadalur explain that the perpetrators along their coast are Sinhalese *mudalalis* (traders) who gather groups of divers in the south and, under the protection of the Sri Lankan armed forces and the Ministry of Defence (MoD), put them to work

on location. The profits are presumably shared between *mudalalis*, divers and their military patrons.

Gnanasekaran (Sangam president, 45 yrs): In 2011 they came with the army, so we allowed them to operate. In 2012, three to four *mudalalis* came with each 50 divers or so and permission from MoD, which had been ratified in Palali. The scuba divers had been given a license to work at a distance from shore (20 km/7-10 fathom), but frequently come in closer. They make use of lights and dynamite. All the Sangams in this region (15 in total) protested right from the beginning (Interview 14-1-2013).

Kadalur fishers are most indignant about the regular application of dynamite, presumably to kill nearby fish stocks, and the use of bright underwater lights. Both practices are felt to chase available fish away. As a consequence of fisher protest throughout Vadamarachchi, the Assistant Government Agent (AGA) responsible finally decided that sea cucumber diving activities must be moved southward to the high security area of Chundikulam. The *mudalalis* and their divers subsequently shifted away. As Gnanasekaran explained, however, there is no guarantee that they will not return in 2013:

Gnanasekaran: In November 2012 the Navy commander in Jaffna organised a meeting on *addai* fishing and I also went. He said that he cannot prohibit this fishing if the divers come again with an order from MoD.

Trawling and sea cucumber diving is carried out by groups foreign to northern Sri Lanka. The protest against trawling throughout the region, if one can call it that (Scholtens et al. 2012), has generally been muted, with only the occasional outburst of rage. The general sentiment is one of powerlessness in the face of roving bandits, a repressive government and elusive international diplomacy. In the case of the sea cucumber diving camps too, the 'illicit contenders' have powerful backing. Being located within the country, however, local fishers have managed to mobilise an effective counterforce that – at least temporarily – has shifted unwanted activities to another region. In the case of squid-jigging, which emerged in 2012 and is discussed below, the Vadamarachchi fishing population is internally divided. These divisions are most palpable in Kadalur, which has come to host the bulk of squid-jigging activity since its emergence in the region.

## **6. Internal threat: squid-jigging by local fishers**

Squid-jigging is a specialised fishing activity making use of a fixed lure (*pattai*) that is anchored to the seabed. The lure used by Kadalur fishers consists of the branches of a jungle shrub, whose smell squid apparently find irresistible. Fishers affix bunches of branches, collected in the hinterlands, to rope and bags of sand and submerge them at sea for a period of 10 days or so. The position of lures is carefully marked by GPS. If these lures survive the activities of trawler vessels or gillnetters, they congregate squid, which can then be caught by means of jigging (moving a simple hook up and down jerkily). The latter

requires specific expertise. Squid (*kanavāy*) are a high value export product. Squid-jigging is practised during the SW monsoon, when the seas off Vadamarachchi are relatively calm.

The fishers of Kadalur were unfamiliar with squid-jigging prior to 2012. However, this fishing method was already being practised in the Mannar region of western Sri Lanka. The practice arrived from Mannar and was taken up by a majority of Kadalur boat fishers in 2012.

Joseph: My younger brother had seen people doing squid fishing in Mannar, and we decided to do it here as well. My relatives and I had 15 boats on the beach at the time. To do so, however, we needed skilled labourers, and we brought them in from elsewhere. No, there were no outside people with boats, it was only workers, the equipment was all ours.

The motivation for its rapid adoption was obvious: the squid caught in this region were especially large and plentiful, and fetched high prices. This fishery thus soon made up for what was otherwise an extremely lean fishing season. The small fleet of boats began to expand with control concentrated in the hands of one extended family.<sup>o</sup>

However, squid-jigging also raised objections from various quarters. The boat fishers who make use of gillnets were most outspoken; they complained that the fixed lures, which could not be seen from the surface, were getting tangled in their gear and causing serious damage as well as a loss of income. Others grumbled that the jungle was becoming denuded with all the hacking that was taking place for the fabrication of lures.

FI Kandasamy: This kind of fishing – which is very lucrative! – does cause damage to those using gill nets, also because the lures become populated with conch and other shell fish and become very long-lasting. It is used mainly in Kadalur, but affects the entire region. It is therefore logical that the Union has been talking about a ban. If a decision of this kind is actually taken, the Fisheries Department may endorse it. But there will be problems (Tamil: *pirachanai varum*) when the season starts, as Kadalur fishers will not like stopping it (Interview 16-1-2013).

Thaddeus (boat fisher, 35 yrs): I did very well because of *kanavāy* fishing last year. But one should do this fishing beyond 10 fathom depth, where it doesn't disturb local *sūdai* fishers. But some people put the lures in sea at 4 fathoms depth. This is asking for trouble. One has to know that *sūdai* nets have a depth of 5 fathoms, and the lures are anchored at one metre above the sea floor (Interview 14-1-2013).

Gnanasekaran (Sangam president, 45 yrs): The Fisheries Department did not prohibit squid jigging in 2012, although some sangams along the coast did voice protest. If the Union decides to ban it in this region this year, we will, however, follow up on it. A decision is reached through a majority vote. After all, if five boats are doing this kind of work, 45 are doing other kinds of fishing. We may have to confiscate boats. But the decision may also be to allocate one area for *kanavāy* fishing. Then other fishers will have to keep away from there (Interview 14-1-2013).

But those involved in squid-jigging have been putting up a fight.

Joseph: There was *erichal* (annoyance, envy) in the village because of our earnings. I then went to the Fisheries Inspector and asked him to determine a specific zone where *kanavāy* fishing could be done. I actually also went to show my accounts at a meeting of the Federation in Jaffna to demonstrate that this kind of fishing is lucrative. They commended me: 'Good, good!' They agreed that it is a modern style of fishing, that it requires skill (Tamil: *tirumai*). A trader, Anton from Navanturai, subsequently encouraged me to continue and also helped to get official permission from the government. After all, the government is also benefiting from the fact that squid is being exported (Interview 13-1-2013).

Although squid-jigging is mainly centred in Kadalur, objections to this practice find a broader base. After all, the lures frequently also became dislodged, drifting with the current to foul the nets of others down the coast. The grumbling mounted and soon found its way to the agendas of individual Sangams and the Union. Nevertheless, a decision could not immediately be reached (interview Christie, 13-1-2013) and in 2013 squid-jigging operations continued. Various parties, such as the representatives of the Union, have already rolled up their sleeves.

Union president Sivaratnam (40 yrs, from Udutturai): This is a kind of fishing which shouldn't be done. Only a few people – some 10 in total – are interested in squid-jigging, while 1000 are against. It is not a suitable vocation. We will shortly have a meeting, and if all member sangams agree, we will prohibit this kind of fishing. Kadalur will have to obey (Interview 17-1-2013).

## 7. Discussion

In this paper, I have noted a long and in many ways tragic development of Kadalur fisheries in the period 1977 to present. Not only has the fishery declined dramatically in economic importance, a large part of the original population has left and been replaced by newcomers. Post-war fishing is a shadow of its pre-war self, wracked by new and difficult challenges. What holds for fishing practice, also applies to regulatory institutions. A significant institutional transformation has occurred.

The Kadalur Sangam and the Union to which it belongs play an important role in all three of the contemporary fishing conflicts discussed above. Basing themselves on a primordial notion of territorial prerogative, these organizations have attempted to steer events in what is felt to be a desirable direction. In each case, their strategies have been different. With trawling from India being a ubiquitous problem in the Northern Province, and antagonists being located across an international boundary line, efforts for control have been two-pronged. The first direction has been to convince the Sri Lankan state to take action, the second to appeal directly to trawl fishers and their political backers in Tamil Nadu. Neither attempt has been particularly successful and local fishers express great frustration with the current state of affairs (Scholtens et al. 2012).

The second conflict, related to the organised activities of divers from the south to collect sea cucumbers, was fought on the regional level. It pitted local fishers, organised in the Union, against private economic interests, the state administration as well as a shady military establishment. The provisional outcome has been remarkably positive,

resulting in the shifting of unwanted activities to another region. The permanence of this arrangement is still, however, far from certain.

The third conflict sets up one category of Vadamarachchi fishers – those engaged in squid-jigging – against another. Here Kadalur, being the current centre of squid-jigging, plays a divisive role. The most interesting aspect of this conflict, and what this paper has addressed, is the relationship between the Sangam and Union. Not only does the Union claim the right to make decisions for the entire Vadamarachchi-East region, its privilege is acknowledged by fisher leaders in Kadalur. The basic argument is a simple one: squid-jigging is carried out by only a limited number of fishers while those affected are many. The counter-argument brought forward by squid-jiggers is that this particular technique is modern and generates substantial wealth for a war-weary region. What direction this conflict will take is still to materialize.

How to characterise the relationship between protagonists in these conflicts? The status of the Sangam and its Union is particularly vexing. Officially these institutions are but local arms of the Department of Cooperative Development and channels for official policy. The long interlude of war and LTTE-rule has, however, created a special dynamic amongst fisheries cooperatives in the Northern Province. The most conspicuous aspect is a sense of institutional ownership, which is so obviously lacking with fishing cooperatives in southern Sri Lanka (Amarasinghe and Bavinck 2011). In Kadalur, fishers recognise the Sangam not only as the most relevant body for fisheries development and management, but one in which they have a major say. The same is true for the Union and the Federation. These are experienced as true fisher organizations that gain additional legitimacy from the regular support provided by state agencies.

For state agencies - such as the Fisheries Department, the civil administration, and the military – the cooperative structure appears to be viewed as a useful, if sometimes trying partner at the local and regional level. Although the Minister of Fisheries has recently launched a parallel institutional initiative, local officers still have a strong working relationship with the cooperatives. Accordingly, boats will not be registered in Kadalur without authorisation from the Sangam. The Sangam also collaborates with the Navy and the civil administration in monitoring unwanted fishing movement. The latter exert substantial control when protest takes an undesirable direction, such as in physically apprehending trawler fishers from India (Scholtens et al. 2012).

## **8. Conclusion**

The manifold interactions between agencies in the fisheries of northern Sri Lanka make up, in the words of Ostrom (2010), a polycentric system of governance. Other than in Ostrom's ideal case, which consists of 'productive arrangements', however, fisheries governance in this region is murky and infected by power struggle. In many instances, the military has the last word. Governance is severely fragmented, horizontally and vertically, and plagued by issues that lie outside the competence of authorities; frequently these issues are also outside the fisheries field (Scholtens and Bavinck 2014). The incursion of fleets of trawlers from big brother India is the most notable external factor. The ethnic tensions that have prevailed between Tamils and Sinhalese in Sri Lanka for over half a century play a strong role in the background. Many of these issues are related, in one way or another, to the fact that northern Sri Lanka is now in what is euphemistically termed a post-conflict phase, and that the fishers of Kadalur – like their colleagues

in the region – are pulling at the wrong end of the rope. They are the weakest party in the configuration with all the cards stacked against them.

This makes the dogged assertiveness of fishers, as demonstrated in all three cases above, all the more remarkable. Why did the structure of fishing rights as it prevailed in 1977 not disappear like the physical structure of the village and the larger part of its population? From where does the conviction of possessing rights to the sea and its resources resurface and coagulate into collective action?

The easiest answer is of course that institutions are part of a collective mental make-up and that they tend to reappear where people do. The fact that at least some of the fishers present in Kadalur in 1977 survived and returned to their professions, provided an implant for revival, as does the fact that these fishers are embedded through marriage and other ties in a social network that embodies the larger region. They rebuild from memory. But collective action arguably requires more than memory; it is facilitated through organizational structure. The history of LTTE occupation of the Northern Province and their sustenance of the Fishing Cooperatives along the coast is an understudied aspect of the civil war period. Further research will have to uncover the contours of cooperative activity in the context of the war and answer why these local bodies and their federations emerged so very much alive.

But the assertiveness of the fishers of Kadalur regarding their fishing rights is also rooted, I would argue, in older caste identity. As is the case in most of South Asia, ocean fishing in northern Sri Lanka is linked to caste groups such as, in our case, the Karaiyar. The Karaiyar are one of a set of traditional fishing castes that, so to speak, have history on their side. The shore and the sea are in the order of nature ‘theirs’: they have preferential rights over others. When such parentage coincides with what geographers call a sense of ‘place’ – the seeds are sown for the elaboration of fishing rights. Now Dalton’s observation, quoted in the introduction, comes into play: “resource allocation is never unstructured because continuity in the production of basic goods is never unimportant.” There are thus strong motivations, in the case of populations depending largely on fishing for a livelihood, to create and maintain a supportive system of fishing rights.

What does this case tell us generally about fishing rights in post-conflict situations? The literature on this topic is particularly scarce. My hypothesis would be, however, that when remnants of fishing populations return to their original fishing locations, they will strive to reconstruct their system of fishing rights, whatever it may be, and adapt it to current challenges. The institutional edifice they thus rebuild is largely invisible to the outside world. Until one happens to tread on it. This is what happened to me in Kadalur.

### Endnotes

<sup>a</sup>In order to respect respondents’ privacy, individual names have been replaced by pseudonyms, as has the name of the village itself.

<sup>b</sup>One of my fisher respondents kept a daily record of fishing activities in the year 2012. Other oral evidence confirms the low intensity of fishing activity for the larger fishing population.

<sup>c</sup>According to the *Sangam* books, there are 20 boats and 31 kattumarams in Kadalur. The difference between this number and the number counted along the beach is

explained by the fact that some fishers are currently not involved in fishing and have stored their vessel elsewhere.

<sup>d</sup>Common net types are trammel nets (*discovalai*), 2.5" mesh gill nets (*arukoddiyan*), and seer fish nets (*arukulavalai*).

<sup>e</sup>The Sunday Observer of April 14, 2013 announces the abolishment of the fisheries pass system in northern Sri Lanka. It is not clear to what extent this abolishment has been implemented, however.

<sup>f</sup>Checking has reduced over the course of time. Whereas in January 2012 navy personnel were carefully noting each departure and arrival, this no longer took place in January 2013. Regretfully, however, the present author, lacking a fisher ID-card, was not allowed to go to sea and see for himself.

<sup>g</sup>For more information on fisheries cooperatives in Sri Lanka, see Amarasinghe and Bavinck 2011.

<sup>h</sup>The Kadalur Sangam has 166 members - many more than the active number of fishers. The current secretary (interview Christophillai (interview 15-1-2013)) explains that the Navy insists that everyone over 18 yrs of age on the beach be registered with the Sangam. The list thus includes many men and women who do not normally go fishing. It also includes the names of old village members who have moved to Jaffna town.

<sup>i</sup>This is the list of points he had prepared for presentation to the French ambassador who was visiting Jaffna; in the end, however, Anthonipillai was not able to attend this meeting.

<sup>j</sup>The current Fisheries Inspector, Mr Kandasamy, explains that in the case of Kadalur all books were lost during the war period. In the post-war period, beachseine samaddis have therefore been allowed to operate without permit. He now plans to start a new register (interview 16-1-2013). Interestingly, although *paadus* can remain with a beachseining family for years and even generations, *samaddis* do not view them as property on which one could also, for example, build a hotel. Wenceslaus (80 yrs, ex-samaddi): No, it isn't like that. One doesn't possess a title deed, as one would have for a regular piece of land. One can only make use of a *paadu* for work purposes. (Interview 12-1-2013).

<sup>k</sup>At the time, in 1977, I was unaware of this agreement. Peter (48 yrs, interview 15-1-2013) pointed out its existence.

<sup>l</sup>The definitions of 'outsider' and 'insider' are of interest. The current Sangam president (interview 14-1-2013) confirms that those born in or married into the village, plus those who have immigrated many years ago, are accepted as locals (as an example he mentions a person we both know, Subramaniam, who belongs to a Hindu family originally from Jaffna). His assessment is as follows: "If the Grama Seveka [village officer] allows people to live here – in other words, if they are registered inhabitants – they are also allowed to fish here. In fact, we have a lack of people here now, and it would actually be good to have more..." But others confirm that the difference between insiders and outsiders may run deeper. Venkatesh (Indian Tamil 52 yrs, interview 20-1-2012), who has lived in Kadalur since the 1970s, thus makes reference to the Tamil saying '*vantān varattān*' (free translation: 'once an outsider, always an outsider').

<sup>m</sup>Not everyone in Kadalur agrees that the rule system of northern Sri Lanka resembles that of South India. Subramaniam (boat fisher, 50 yrs), who says he knows the Indian situation, explains: "The Sangam here does not make its own rules and does not have control such as in India." An older relative, Krishna, intrudes into the conversation: "There used

to be far more control here!" He is presumably referring to the period in which the LTTE was in charge of the Vadamarachchi (Interview 21-1-2012).

<sup>n</sup>The background of this difference is that the northeast coast is generally fished by trawl operators from Nagapattinam and adjacent ports along the Coromandel Coast, who are not held to the 3-day/week regime (which applies only to operators based in the Palk Bay). See Bavinck (2003) for a description of variations along the Indian coastline.

<sup>o</sup>Many of these boats belonged to old-time residents of Kadalur, but rumours have it that non-residents have secretly also given their boats to them for care-taking.

#### Competing interests

The authors declare that they have no competing interests.

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