Fishing for space: Socio-spatial relations of Indian trawl fishers in the Palk Bay, South Asia, in the context of trans-boundary fishing

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Citation for published version (APA):
CHAPTER 3

TERRITORY

Fluid territories: Rethinking state territorialisation in Palk Bay, South Asia

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This chapter has been developed into an article and will be submitted to an international peer reviewed journal.
Abstract

Understanding the current conflict between Indian trawl fishers and Sri Lankan small-scale artisanal fishers in the Palk Bay requires going beyond a Sackian approach to territoriality (and counter-territoriality) and taking a relational approach to territory making. We argue in this paper, using a relational approach to territoriality, that cross-border fishing that underlies the ‘fishing crisis’ in the Palk Bay is largely the result of a complex relationships between actors (fishers and states) both within and across the two countries which has resulted in a porous international maritime boundary line (IMBL) and a difficulty in enforcing this boundary line. Furthermore, we highlight how these complex relationships have been shaped by the war in Sri Lanka and the geopolitics of the region and the manner in which different actors have used mediators to stake their claim to fishing territories. We conclude that the fisheries conflict might continue to be an intractable problem given its complexity and that any possible solution requires deep engagement with the claims of all actors within the wider purview of bilateral relations.

3.1 INTRODUCTION

Indian trawlers continue to trawl in Sri Lankan waters 40 years after the two countries mutually agreed upon the International Maritime Boundary Line (IMBL) in the Palk Bay to delineate Indian and Sri Lankan waters. This incursion of Indian trawlers is directly affecting small-scale artisanal gill netters of Sri Lanka who resumed full time fishing in 2009 after nearly 30 years of war. These same trawlers to a lesser extent violate the three nautical mile ‘no go zone’ reserved for small-scale artisanal fishers within Indian territorial waters. Why do cross-border trawling and near shore trawling continue? Why has not the state’s project of territorialisation, both external and internal, shaped the spatial practices of Indian trawlers as it was intended to do? Answers to these questions, we argue in this paper, require a conceptual analysis of processes of territorialisation and the making of territory in the Palk Bay.

Territorialisation can be conceptualised in two contrasting ways. One way is to see territorialisation, as Vandergeest and Peluso do, as the manner in which the state appropriates spaces in “political and economic zones” (Vandergeest & Peluso, 1995, p. 387) in an exercise to regulate resources and people. Such a conceptualisation of territorialisation is based on the Sackian view that territoriality is a spatial strategy that
individuals, groups, and organisations use to achieve particular social and political ends” (Sack, 1986, p. 159). From such a perspective, the above-mentioned IMBL and no go zone along with the 3-4 day rule¹ in the Palk Bay are means by which the state regulates fishing. Defiance by trawl fishers of these rules, on the other hand, is a form of counter-territorialisation (Lestrelin, 2011). Counter-territorialisation is the manner in which the ‘local’ resists state territorialisation by mapping out its own lived territories (ibid.).

The other approach to territorialisation, namely the relational approach of Claude Raffestin, sees human territoriality as a ‘complex system of relationships linking individuals or/and social groups with territory (exteriority) and with others (alterity) by means of mediators (instruments, techniques, representations etc.), in order to guarantee a maximum of autonomy within the limits of the system’ (Raffestin, 1980 as cited in Klauser, 2008, p. 2). Such an approach is useful to map out both the actual spatial practices of trawl fishers and the reasons that trawl fishers are able to violate law and cross boundaries. More important than the actual strategies of the state are the relationships between different actors that allow trawl fishers to fish in areas regardless of how the state has delineated territories.

In this paper we argue that to understand the specificities of cross-border fishing over the last 40 years, these two approaches to territorialisation must be seen as complementary rather than contradictory. Territorialisation when seen only as a strategic process of the state or as a resistance strategy by the ‘community’ of trawl fishers (counter-territorialisation), while capturing the impediments and costs to trawl fishers of restricted fishing zones and ways in which trawl fishers respond, is inadequate in highlighting the complex social relations that make both territorialisation and counter-territorialisation possible. We argue that a relational approach that intertwines complex social, economic and political relations both in shaping state territorialisation and the manner in which trawl fishers negotiate this territorialisation is better equipped to capture these dynamics. The lived practices of trawl fishers in the Palk Bay have been shaped by multiple factors: their conflict with small-scale artisanal fishers, their organisational strength, the political climate as a result of the war in Sri Lanka and most recently the post-war geopolitics of the region. In other words, territorialisation has been delineated by questions of identity, ethnicity, popular politics and geopolitics.

In the next section (section 2) we conceptualise territorialisation. Section 3 gives a brief description of the fishing crisis in the Palk Bay. That is followed in Section 4 by a detailed analysis of the state’s territorialisation project in the Palk
Bay. Section 5 focuses on relational territorialisation and the manner in which it has been shaped by the wider geopolitics of the region and ethnic conflict in Sri Lanka. Finally, we conclude by linking the relational and Sackian views of territoriality and summarizing how when seen together they better explain the dynamics of cross-border fishing.

3.2 CONCEPTUALISING TERRITORIALISATION

Early engagement with human territoriality can be traced back to the writings of Edward Soja and Jean Gottmann in the early 1970s. Soja’s writing in particular recognized territoriality as a socio-spatial strategy (Murphy, 2012). He argued that territoriality was part of human behaviour to organise space into distinct territories to exert influence and control and consequently constitute the basis of inclusion and exclusion. Gottmann’s writing, on the other hand, paid more attention to the territory itself and not to territoriality per se (ibid.). He focused on the processes that go into the making of territory, namely that territoriality was the result of the “proclivities of peoples, their ideas, and their relationships with others” (ibid., p. 160). It was however Robert Sack’s writing in the early and mid-1980s that significantly influenced the Anglophone world. Sack (1986) defined human territoriality as an “attempt by an individual or group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area” (ibid., p. 19). Sack thus saw human territoriality as a process that aimed at certain political and social ends.

Vanderveest and Peluso (1995), drawing significantly on Sack’s analysis of territoriality, focused more on what they called internal territorialisation, the manner in which the state determines spaces of access and use of natural resources within the bounds of the nation-state. Also grounded in European intellectual, social and material histories of how space can be divided and controlled (Murphy, 2012), the focus of their subsequent works (Peluso & Vanderveest, 2001; 2011; Peluso 2005; 2008) has been to a large extent on how institutions, most notably the state, delineate territories and include and exclude people from them legally.

More recent writings vis-à-vis natural resources in particular have questioned the effectiveness or reach of the state’s territorial project. On the one hand, scholars such as James Scott have alluded to areas that have remained outside the purview of states, and consequently the manner in which communities have learned the
‘art of not being governed’ (Scott, 2009). Others have spoken more about the difficulties the state faces in governing, often creating zones of anomaly or zones of accommodation where non-state actors govern (Sivaramakrishnan, 1999; Menon et al., 2013). Yet others have spoken about the continual process of negotiation that goes on with regard to the boundaries the state sets through territorialisation (Cederlöf, 2008). This broad literature also highlights the importance of resistance to state territorialisation and what Lestrelin (2011) calls strategies of counter-territorialisation. There are, in other words, multiple possible centres of power besides for the ‘state’. Equally important, the limits to territorialisation suggest the difficulty in reconciling modern notions of state territoriality and the lived territories of people (Mahmud, 2007; de Jong, 2012).

The dynamic nature of territorialisation tends to be lost when viewing territorialisation largely in terms of a strategy of control and its socio-spatial end product. A Sackian approach does not adequately explain the constant shifts in social relations between different actors across time and the consequences of these shifts. For example, a Sackian approach does not unpackage why at a given point of time nation-states enforce their territorial boundaries and why they do not at other points of time. Nor does it adequately account for the factors that shape changing social relations which in turn produce different territories. Raffestin’s approach, on the other hand, by examining the multidimensionality of social life from a relational perspective makes it possible to capture the dynamism of such above mentioned property rights (Klauser, 2012). In other words, by studying the ‘skeleton’ of everyday life, as analysed by Lefebvre, through a study of social relations, territory is understood as a more fluid entity. This complements Massey’s (2005, p. 9) conceptualisation of relational space, namely space as a product of social and political relations that harbours the “existence of multiplicity” or “contemporaneous plurality” (ibid.: 9) and is an open process which is constantly in the making (Dell’Agnese, 2013).

The role of mediators is central to such a relational approach. As Raffestin (1984, p. 140) says, social relations between people and relations between individuals and the physical environment presuppose some type of mediation. Mediators can be both material (technology) and immaterial (knowledge or power) instruments that are used to maintain relations with the territory that is being produced (termed exteriority) and with ‘others’ (alterity) outside the produced territory. Language, media, statements, letters, legal documents and communication systems are examples of such mediators. Mediations affect social relations and the making of territory.
These social relations, while not specific to the formation of territories, nonetheless map out how territories are formed. Relational territories capture actual resource use much better than do state-centred legal territories, which are often transgressed by resource users.

A relational approach to territory that is cognisant of the state’s territorial project helps us understand cross-border fishing by trawl fishers in the Palk Bay and its chequered history. On the one hand, it allows us to analyse social relations between trawl and small-scale artisanal fishers, between fishers on both sides of the IMBL, between fishers and their respective governments and the wider geopolitics of the region that result in the drawing of legal boundaries and rules. On the other hand, it also provides a lens through which to examine how fishers violate the law in their everyday practices. Particular social relations between a sub-set of these actors at different points of time shape the lived territories of trawl fishers and consequently the extent and nature of cross-border fishing in particular. In the 1970s-1990s, small-scale artisanal fisher activism in Tamil Nadu led to more cross-border fishing, something made possible by the war in Sri Lanka as the Sri Lankan government was preoccupied with fighting the Tamil Tigers at the expense of enforcing the IMBL. Post-war, however, with the return of Sri Lankan small-scale artisanal fishers from the Northern Province to active fishing, the Sri Lankan navy started to enforce the IMBL more stringently, affecting Indian trawl fishers. In what follows, we examine how changing relations between different actors involved in the ‘fishing crisis’ has impacted upon trawl fishing in the Palk Bay.

3.3 THE PALK BAY FISHING CRISIS

The Palk Bay is a small stretch of sea between northern Sri Lanka and southern India. The sea is generally shallow and has little or no wave action. The Palk Bay is largely land locked, other than for narrow openings in the north to the Bay of Bengal and in the south to the Gulf of Mannar (Map 2). On the Indian side the state of Tamil Nadu borders the Palk Bay. The Palk Bay runs from Point Calimere in the north to Adams Bridge in the south. Five districts border the Palk Bay on the Indian side: Ramanathapuram, Pudukkottai, Thanjavur, Thiruvarur and Nagapattinam. There are nine trawl centres in the Palk Bay. Two of these centres, Mallipattinam and Sethubavachatram, are in Thanjavur. Kottaipattinam and Jegathapattinam are in Pudukkottai district while the rest of the centres, namely Thondi, Soliyakudi,
Lanjiadi, Mandapam and Rameswaram, are situated in Ramanathapuram district.

The Palk Bay has a dark history to it. The bay was the backyard of one of the bloodiest and most protracted wars of recent history between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE). During the war, the Sri Lankan government imposed heavy restrictions on Tamil fishers of northern Sri Lanka. Fishers were not allowed to do night time fishing and were only allowed to fish very close to the Sri Lankan coast during the day if at all and that too with non-motorised fishing crafts. On the other hand, Indian fishers who had grown in number and invested in larger trawlers, increasingly fished in Sri Lankan waters (Vivekanandan, 2010). Indian trawl fishers have over the years become heavily dependent on the rich resources on the Sri Lankan side of the Palk Bay. This dependence has come at a cost; over 100 fishers have been killed by the Sri Lankan navy over the years.\(^5\)

The nearly three decade-long war came to an end in 2009 giving northern Sri Lankan fishers a new lease of life. However, these fishers continue to find their fishing grounds exploited by Indian trawl fishers. This has led to an unequal conflict between the trawl fishers of Tamil Nadu and small-scale artisanal fishers of Sri Lanka, both of whom are Tamil. Trawl fishers claim that they engage in cross-border fishing because their fishing grounds have been curtailed on the Indian side of the Palk Bay due to legal restrictions (three nautical mile and three day/four day rule) and because the Indian side of the Palk Bay has been fast depleted of its fish resources.

The rest of the paper examines cross-border fishing from the perspective of territorialisation. What are the origins of cross-border fishing? How have regulations on the Indian side of the Palk Bay impacted upon trawler fishing? How have trawl fishers continued to be able to fish in Sri Lankan waters despite the delineation of an IMBL?  

3.4 THE BLUE REVOLUTION AND THE STATE’S ATTEMPT AT TERRITORIALISATION

The introduction and promotion of trawling, often referred to as the Blue Revolution in India, was aimed at increasing revenue from the sea and boosting exports for much needed foreign exchange. This saw the state (both at the central and state-level) embarking on a journey of modernisation. The Indo-Norwegian
project of development co-operation in the 1950s provided the technical impetus for this revolution in the form of bottom trawling (Kurien, 1985). This coincided with the discovery of new markets for shrimps in the United States of America, Japan and Western Europe. This further led to a huge investment in infrastructure for the trawl sector along the coast by the central and state governments. Non-fishers, who saw in fishing an opportunity to increase incomes, also invested heavily in the trawl fisheries (Bavinck, 2001).

While burgeoning shrimp markets afforded unlimited economic opportunities to trawl fishers, it also resulted in conflict between trawl fishers and small-scale artisanal fishers. This was the case because the richest fishing grounds were near-shore which was also where artisanal fishers plied their boats. With the number of trawlers increasing manifold in the 1970s and 1980s, conflicts between trawler and small-scale artisanal fishers multiplied (Kurien, 1991). The ever increasing number of conflicts between the two groups of fishers and subsequent protests by small-scale artisanal fishers prompted the Indian state (central government) to circulate the model Marine Fisheries Regulations Act (MFRA) in 1978 to the coastal states as it was the states (not the Centre) who were in charge of managing resources within the 12 nautical mile territorial waters. One of the major recommendations in the model act was the creation of spatially demarcated coastal areas for small-scale artisanal fishers. Coastal states took the queue and started drafting their own acts that delineated exclusive coastal zones for small-scale artisanal fishers.

3.4.1 The Tamil Nadu Marine Fisheries Regulation Act

The Tamil Nadu Marine Fisheries Regulation Act (TNMFRA) was enacted in 1983, five years after the model Marine Fisheries Regulation Act. Tamil Nadu, like many other coastal states, had witnessed violent struggles by small-scale artisanal fishers (Bavinck, 2001). State supported mechanisation of fisheries was directly affecting the livelihoods of small-scale artisanal fishers because there were no rules to govern where trawler fishers could fish (Bavinck, 2011). The TNMFRA, therefore, was aimed primarily at quelling these large scale protests and violence through imposing spatial restrictions on trawlers. The Act restricted trawlers from fishing within three nautical miles from the shore. There were three rationales behind TNMFRA: a) the need to protect traditional fishers, 2) conservation of the fishery and regulation of fishing on a scientific basis, and c) maintaining law and order (Sundar, 2010). While the three nautical mile rule guaranteed a secure fishing site
for small-scale artisanal fishers, it further constrained trawl fishers to an already limited area.

3.4.2 The Three Day/Four Day Rule in the Palk Bay

The three nautical mile rule was not the only restriction imposed on trawl fishers. In fact prior to the passing of TNMFRA, the three day/four day rule was introduced in Pudukkottai District. The physical nature of the Palk Bay, namely the shallowness of the water body, enabled small-scale artisanal fishers to venture far out into sea. Given the small area of the Bay meant that both small-scale artisanal fishers and trawlers were fishing in the same area, more than was the case in other parts of Tamil Nadu where vast expanses of open seas were available to trawlers especially. Night fishing, practiced by all fishers, was especially tricky because trawler nets were not visible and often cut and destroyed the gill nets of small-scale artisanal fishers. Following large scale protests by small-scale artisanal fishers, the Revenue Divisional Officer (RDO) in Pudukkottai in 1976 passed an order restricting trawling from 6.00 am to 6.00 pm. Trawlers challenged this order in the Madras High Court. The Court consequently changed the order, allowing trawlers to fish for three days (including night time fishing) a week and small-scale fishers for the other four days. This very local, district specific judgment, was adapted for Thanjavur and Ramanathapuram at a later date. 6

The logic of the rule was two-fold: (1) that the Palk Bay was not big enough to accommodate all fishers simultaneously and (2) that the technological mismatch between trawlers and small-scale artisanal fishers would result in conflict and damage especially to the gear of small-scale artisanal fishers. Today both the TNMFRA and the three day/four day rule are applicable to trawlers. Though trawlers violate the three nautical mile rule on occasion, they follow the three day/ four day rule strictly. This is the case because trawl fishers can only go to sea once they have been issued a token by the Fisheries Department and that is only done on the three days trawlers are allowed to venture to sea.

3.4.3 The 1974 to 1976 Maritime Agreements

External territorialisation, or the drawing of ‘national’ boundaries, also shaped the legal limits set aside for trawling in the Palk Bay. A secure and well-defined territory were seen as a must for a stable nation state (Krishna, 1999). Both India and Sri Lanka in the mid-1970s faced political challenges of different sorts. India
had just come out of a war with Pakistan over the creation of Bangladesh and faced simmering discontent at home in Kashmir and the Northeast (Guha, 2007, p. 475). Sri Lanka had its own internal ‘ethnic’ and ‘citizenship’ crises vis-à-vis stateless Tamil plantation workers and the Tamils of the North. Sri Lanka wanted India to repatriate close to a million plantation workers (Suryanarayan, 2005). Many of these workers had been in Sri Lanka for a couple of generations but were not afforded Sri Lankan citizenship. India, under the Sirimavo- Shastri Pact, signed in 1964, committed itself to taking back 525,000 of the stateless plantation workers. It belonged as citizens in Sri Lanka that eventually led to both countries wanting to clearly demarcate an IMBL (ibid.). As Krishna (1994) argues, India and many other post-colonial societies were keen and eager to demarcate national boundaries and define national identities as these were seen as crucial for the survival of relatively new and unstable nation-states.

This eventually happened with the passing of the Maritime Agreements of 1974 and 1976. The maritime boundary with Sri Lanka, from the perspective of the then Prime Minister of India, Indira Gandhi, was a relatively minor issue as compared to the above mentioned disputes both internal and external that India was facing. As part of the 1974 agreement, India ceded Katchatheevu to Sri Lanka. While for India Katchatheevu was an uninhabited island of little value, for Tamil Nadu it was an integral part of its territory and critical to fishers (Suryanarayan, 2005). Analysts attribute the actual signing of this rather contested 1974 agreement not only to internal political compulsions but also the friendship between Indira Gandhi and Sirimavo Bandaranaike, the then Prime Minister of Sri Lanka (Suryanarayan, 2005, p. 64). In 1976, the second agreement between India and Sri Lanka was to demarcate the maritime boundary in the Gulf of Mannar (a region south of Palk Bay) and in the Bay of Bengal (a region north of Palk Bay). Though the second agreement did not have any direct connection with Palk Bay the agreement was accompanied by a series of letter exchanges between the foreign secretaries of India and Sri Lanka (ibid., p. 97). We shall discuss the implication of these letters on the earlier agreement of 1974 in the coming sections.

Hence, by the mid-1970s, processes of state territorialisation on the Indian side of the Palk Bay were complete. Trawl fishers had firm ‘legal’ boundaries within which they had to fish. Different state agencies were responsible for the management of the fisheries and the implementation of law. While the Fisheries Department was in charge of regulating fishing as a whole, the Navy and Coast
Guard had to ensure that the IMBL was respected. In what follows, we analyse how and why trawl fishers’ ‘lived’ territories often transgressed the legal territories set out by law.

3.5 LIVED TERRITORY: BEYOND STATE TERRITORIALISATION

The incursion of Indian trawl fishers into Sri Lanka points to the fact that the IMBL has been of limited success in terms of preventing cross-border fishing. Partly, this has been the case because trawler fishing in Indian waters has been curtailed because of legal restrictions and artisanal fisher activism. The other reason is the ethnic conflict and war in Sri Lanka and the wider geopolitics that surrounded it. It is to this that we turn now with special reference to how ethnic politics, a result of the war in Sri Lanka, shaped the enforcement (or non-enforcement) of the IMBL.

**Pre-war Period: 1945-1983**

As mentioned earlier, Indian trawl fishers and Sri Lankan small-scale artisanal fishers are both Tamil. Although ethnic identity is only one form of identity (Bhasin-Malik, 2007), historical developments in Sri Lanka particularly led to ethnic identity assuming prime importance. At the time of erstwhile Ceylon gaining independence in 1948, there were already signs of tension between the two major ethnic groups, i.e. the majority Sinhalese and the minority Tamils. Tamils held prominent positions in the bureaucracy largely due to their better education (Oberst, 1988). The economic slowdown in the 1950s disenchanted large sections of the Sinhalese population. Sinhalese frustration was soon channelled into anti-Tamil sentiment. The 1970s witnessed, the rise of the militant, largely Singhalese JVP (Janatha Vimukthi Peramuna) movement and the centralising of state power with the executive (the president). Finally, the privileging of Sinhalese as the sole language of Sri Lanka and the conferring of special status to Buddhism in the new Constitution of 1972 were major catalysts in further dividing Tamils and Sinhalese (Kearney, 1978).

India first got embroiled in Sri Lankan ‘domestic’ politics because of Sri Lanka’s reluctance to afford citizenship to Tamil plantation workers. India’s involvement increased as a result of northern Tamils expressing a sense of alienation and demanding a more federal system of democracy that accorded equal rights to the Tamil speaking population (Krishna, 1999). Finally, India was concerned about
the increasing influence of China and Pakistan in Sri Lanka. India’s involvement reached its peak when the armed struggle in the North broke out and India chose to support armed groups including the LTTE. \(^{10}\) For our purposes, more important than the specificities of India’s involvement in Sri Lankan affairs and details of the war was the fact that Indo-Sri Lankan relations were increasingly defined by the ethnic question.

The ethnic question shaped cross border fishing as well. Trawl fishers as well as the public at large in Tamil Nadu have always viewed the fisheries crisis as a case of harassment by the Sinhalese-dominated Sri Lankan navy of Tamil Nadu fishers and the denial of ‘legitimate’ historical rights to these fishers to fish in the ‘common’ waters of the Palk Bay. Many critics in Tamil Nadu of the 1974 Agreement justify cross-border fishing through reference to Article 5 of the Agreement which says that:

“Subject to the foregoing, Indian fishermen and pilgrims will enjoy access to visit Kachchativu as hitherto, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes” (quoted from Suryanarayan, 2005, p.158).

Although a subsequent letter written by Kewal Singh, the then foreign secretary to the government of India, in 1976, to his Sri Lankan counterpart stated clearly that there could be no cross-border fishing, this letter was considered illegitimate in Tamil Nadu as it was sent during the Emergency \(^{11}\) in India when democracy had been abandoned and the state assembly in Tamil Nadu not functional due to its suspension by the central government (refer Suryanarayan, 2005, p. 98). The rallying cry, therefore, in Tamil Nadu continued to be that Kachchatheevu belonged to Tamil Nadu. \(^{12}\)

As long as that remained the rallying cry, cross-border fishing was not perceived of as an act of illegality by fishers. Ironically perhaps, therefore, India’s territorial boundaries were contested by Indian fishers of the state of Tamil Nadu, who had moral support from both politicians locally and the public at large. To what extent cross-border fishing took place in the pre-war period is unclear. What we do know is that the number of trawlers increased steadily and reached 1,457 by 1985, setting the stage for possible cross-border fishing during the war given the limited space for fishing in Indian waters (GoTN, 1986).
The Civil War (1983-2009)

The war broke out in 1983 between the Sri Lankan government and the LTTE. The war can broadly be divided into the pre- and post-Rajiv Gandhi assassination periods, namely between 1983 and 1991 and post-1991. The first phase witnessed India’s direct involvement in the war, the second phase a more indirect involvement. There were also two distinct phases to the pre-1991 period.\textsuperscript{13} The first phase was from 1983 to 1987 when India overtly supported the rebels and provided them refuge as well. The Palk Bay witnessed the movement of over 200,000 Tamil refugees to India during this period (Hans, 1993). There are multiple interpretations as to why India supported the LTTE. While the official position was that India was sympathetic to the plight of northern Tamils, there were clearly geopolitical interests at play as well, namely India’s concern about Sri Lanka’s increasing closeness to the West. During the time of the cold war, despite professing non-alignment, India was close to the Soviet Bloc (Mazumdar, 2011). Equally important was the fact that M.G. Ramachandran, the then Chief Minister of Tamil Nadu, who was an ally of the ruling Congress party, was close to the LTTE leadership, prompting the central government to get involved (Manivannan, 1992, p. 165). The second phase more or less started with the signing of the Indo-Sri Lankan Accord of 1987. The Indo-Sri Lankan Accord called for the recognition of Tamil on par with Sinhalese as a national language and the devolution of powers to the provinces\textsuperscript{14} as made possible by the 13\textsuperscript{th} Amendment to the Sri Lankan Constitution of 1978 (Marasinghe, 1988). The Accord also spoke about the disarmament of the rebels, to be overseen by an Indian Peace Keeping Force (IPKF). In other words, devolution would be accompanied by disarmament.

India’s increasing involvement in the war, instead of resulting in peace, led to further conflict and more importantly increased support for the LTTE within Tamil Nadu. The Indian Peace Keeping Force (IPKF) got entangled in a battle with the LTTE. The Sri Lankan government, though initially party to bringing the IPKF to Sri Lankan soil, got increasingly disillusioned with its presence there. Meanwhile in Tamil Nadu, regional sentiment hardened and criticism of India's handling of the situation more severe. When M.G. Ramachandran died in 1987, the opposition DMK\textsuperscript{15} was able to use the ethnic issue in Sri Lanka as a plank to help win them the state elections in 1989 (Manivannan, 1992). At the national level, the National Front came to power with support from the newly elected government in Tamil Nadu.

What these developments meant was that the Palk Bay witnessed heightened movement of arms and supplies to the rebels and consequently poor enforcement of the IMBL (ibid.). There were two main reasons for this: (1) The Indian government
was acutely aware of the sentiments within Tamil Nadu about the war and hence largely unwilling to bear the wrath of the state government by enforcing the IMBL and, (2) the Sri Lankan government had its hands full with the LTTE and its strong naval wing and hence could not commit much time and resources to patrolling its side of the Palk Bay.

The second period of the war, i.e. post-Rajiv Gandhi assassination, witnessed a changing political scenario. When Rajiv Gandhi was assassinated in May 1991, there was a wave of sympathy at the national level for the Congress party and its ally the AIADMK in Tamil Nadu in the elections that followed soon after. A year later in 1992 the LTTE was declared a terrorist organisation in India and public support for the LTTE in Tamil Nadu and within India as a whole dwindled to some extent (ibid.).

While cross-border fishing continued, the costs of it increased significantly. Cross-border fishing continued as the same livelihood pressures remained. Support to the LTTE remained significant and along with this support clandestine smuggling continued (Suryanarayanan, 2005). However, the post-1991 period also saw increased attacks on Indian fishermen. Whereas 15 deaths were reported between 1983 and 1990, the number increased to 70 for the period 1991 to 2000 (Vivekanandan, 2001, p. 84). These increased numbers were possibly due to two reasons: 1) increased patrolling of the IMBL and 2) increased intrusion of Indian fishers into Sri Lankan waters. The former is likely to have happened because of the deteriorating relationship between the two countries due to the botched mission of the IPKF. The latter, on the other hand, was likely the result of dwindling fish stocks on the Indian side.16 Dwindling fish stocks were attributable to the increased number of trawlers. Vivekanandan (2001, p. 82) has highlighted how marine fish production in the Palk Bay increased from 26.7% to the total production of Tamil Nadu between 1984 to 1988 to 34.9% between 1988 to 1992 and then 36.7% between 1992 to 1996.

Towards the end of the war, the indication was that patrolling of the IMBL once again became less stringent. This was perhaps the case because the Sri Lankan government once again had its hands full trying to defeat the LTTE who were now confined to a smaller region in the Northern Province. In 2008, a joint statement was signed and issued by India and Sri Lanka. The statement read:

“Keeping in mind the humanitarian and livelihood dimensions of the fishermen issue, India and Sri Lanka have agreed to put in place practical arrangements to deal with bonafide Indian and Sri Lankan fishermen crossing the International Maritime Boundary Line (IMBL).....As part of these practical arrangements, following the designation by the Government of Sri Lanka of sensitive areas along the Sri Lankan coastline and their intimation to the Government of India, Indian fishing vessels will not venture into these
 identified sensitive areas. Further, there will be no firing on Indian fishing vessels…..”
(source: Ministry of External affairs, India)

It is arguable that allowing Indian trawl fishers to fish in Sri Lankan waters (barring sensitive areas) gave the Sri Lankan government license to try and militarily defeat the LTTE with the support of India (Sathiya Moorthy, 2013). What the above analysis has highlighted is that lived territories of trawl fishers as understood through a relational analysis of territory making was the result of complex bilateral relationships between India and Sri Lanka, themselves shaped by domestic politics within the two countries, and the geopolitics of the region. These complex dynamics were to change yet again after the war.

**Developments Post-war 2009**

The end of the war in 2009 signalled a new phase in terms of cross-border fishing in the Palk Bay. The increased incursion of Indian trawlers into Sri Lankan waters was no longer a problem only for the Sri Lankan Navy but also for northern (Tamil) fishermen who had returned to sea and whose livelihoods were being affected due to the destructive nature of bottom trawling (Scholtens et al., 2012). In other words, northern fishers increasingly saw Indian trawlers as a significant threat to their gillnetting.

Despite this changing scenario, Northern fishers were open to dialogue with Indian trawl fishers. This was most likely the case because of the common Tamil identity that Indian trawler fishers shared with them. Indian trawl fishers and Sri Lankan small-scale artisanal fishers met in August 2010 in Tamil Nadu to formulate an agreement as to how best they could share the resources of the Palk Bay. This dialogue was a continuation of an earlier civil society-led initiative that took place in 2004 when there was a ceasefire during the war but which came to nothing when the war was resumed. An agreement was signed in 2010 by trawl fisher representatives and representatives of the various fisheries cooperatives of northern Sri Lanka. The agreement stated that Indian trawl fishers could only fish for seventy days a year and no closer than five nautical miles from the Sri Lankan shore. However, given the destructive nature of trawling, the Sri Lankan fishers insisted that trawling be discontinued after one year (Stephen et al., 2013).

The agreement fell apart for a number of reasons. On the Indian side, the agreement was not adhered to because of rather weak implementation of the agreement by the respective trawler associations. Trawl fishers were not bound
by any peer pressure to stick to the agreement. Also, as the agreement was not
ratified by either government, there was no legal compulsion on the part of
Indian trawlers to stick to the agreement. In effect, the agreement became a
paper tiger. Northern fishers thus became increasingly vocal in their opposition
to Indian trawlers. They began protesting against Indian incursion into Sri Lankan
waters and equally importantly appealing to the Sri Lankan navy to enforce the
IMBL. ‘National’ territory was invoked along with the idea of Sri Lankan territorial
waters free of Indian trawlers. Things reached a crisis point in February 2011 when
northern fishers captured 136 Indian fishers and 25 of their boats (mostly from
Nagapattinam). This was termed in some media reports as a “citizens’ arrest”.

In India, trawl fishers and political parties urged the Indian government to
protect Indian fishers. Heavy diplomatic initiatives followed and the Sri Lankan
government commuted the remand of the 136 fishers, resulting in their eventual
release. Fisher protests including road rokos (obstruction of the road), demonstrations
and refusal to fish (boycotts) occurred on a regular basis. The Indian state, more
and more, started to negotiate on behalf of Indian fishers. In 2010, when the
AIADMK came to power in Tamil Nadu, they were more vocal about the fisher
problem and the island of Katchatheevu which forced the central government to
raise the fisher issue in bilateral talks with Sri Lanka.

Fisher protests on the Indian side have largely been to no avail. Relational
politics have changed. Sympathy for Indian trawl fishers has worn thin. In response
to a petition filed in the Madurai branch of the Madras High Court seeking protection
of the Indian fishermen against violence of the Sri Lankan navy, the Indian Coast
Guard (an institution under the central government) contended that Tamil Nadu
fishermen cross the IMBL and poach in Sri Lankan waters using nets banned in
that country. Although the affidavit was withdrawn due to pressure from the
state government, the Indian government appears to have taken the position that
Indian trawling is the real problem. This can partly be explained by India’s desire to
reinforce strong bilateral relations with Sri Lanka to counter China’s presence in the
region. China gave military assistance to Sri Lanka during the final stages of the war
and also invested heavily in infrastructure development in Sri Lanka (Kelegama,
2014). This has made the Indian state jittery (Ghosh, 2014).
3.6 CONCLUSION

At the outset, we argued that understanding the fishing crisis in the Palk Bay required juxtaposing the Sackian and Raffestinian approaches to territoriality. While the Sackian approach helped us delineate the state’s project of internal and external territorialisation, it did not adequately explain why at different points of time the (Indian) state made little attempt to enforce the IMBL and why the Sri Lankan state too was largely unable to do so. A Raffestinian approach to territory, on the other hand, by focusing on complex internal (within the nation-state) and external (between nation-states) relationships between different actors gave us scope to engage with variations in territorialisation in the Palk Bay and relate it to political developments both within India and between India and Sri Lanka. The recent attempts at strict enforcement of the IMBL by Sri Lanka and India’s increasing recognition that the fishing conflict is a problem of Indian trawling highlights that processes of state territorialisation too cannot be ignored and consequently that there is an increasing overlap between the state’s territorial project and the relational territory making of Indian trawlers. As Murphy (2012) suggests both forms of understanding territorialisation do not need to be contradictory and in fact can be complementary.

The second point that was central to our argument is that mediators are critical to relational territoriality. According to Raffestin, “the limits of my territoriality are the limits of my mediators” (Raffestin, 1984, p. 141). In other words, the making of territory was possible or limited by relationships and these relationships were constructed through mediators. Mediations included protests and demonstrations as well as communication through the media. Very often protests against arrest or harassment of Indian trawl fishers took place in the form of ‘sit-in fasts’ on highways or in front of central government institutions such as railway stations or post offices. Protestors demanded action from the state, more particularly the central government as they are the guardians of borders. The media played a crucial role in highlighting the claims of Indian trawlers; in big trawling centres such as Rameswaram stringers regularly solicited the views of fishers and then publicized them. Through mediators, trawler fishers staked their claims to abstract space in an attempt to convert their lived territories into concrete space.

Finally, the effectiveness of fisher protests and demonstrations depended on the wider political climate. Of late Sri Lanka has been taking a very strong stand with regard to transboundary fishing by impounding Indian trawlers. Fisher protests
have, in other words, not yielded the desired result. Put another way, other actors are making use of competing mediators to strengthen their claims and translate their vision of abstract space into concrete reality. This also compliments Massey’s (2005) proposition of space as a sphere existence of plurality. Each of these forms bring with them their own set of social relations and its mediators. The changing political context both in India and Sri Lanka thus determines the ever-changing territoriality of the Palk Bay. Competing territorialities, including that of the state and fishers, helps us understand the complex processes that underlie the fishing conflict in the Palk Bay.

Given the dynamic and complex nature of the conflict in Palk Bay, it could well turn out to be an intractable problem. Nonetheless, by focusing on a relational approach to territoriality, we believe that we have captured this dynamism and complexity better and consequently aided the process of coming up with a more informed solution to the problem. It is quite clear that any solution to address the territorial claims of the various actors will have to take into consideration the historically linked political trajectories of these claims.

More broadly, the reconciliation of the Sackian and the Raffestinian approach to territoriality is a modest attempt to understand territorialisation of natural resources in terms of lived practice. With theory on territory and territoriality constantly throwing up more conceptual challenges (Painter, 2010; Agnew, 2013; Sassen, 2013), there is a need to interrogate these challenges ‘on the ground’ so as to understand how the spatial organisation of politics shapes resource use and access. Finally, one of the crucial points that this study of the Palk Bay has highlighted is the need for more inter-disciplinary approaches to understanding territorialisation.

In the case of a transboundary conflict such as that of the Palk Bay where questions of ethnicity and nation-state are critical, post-colonial studies could be an important contributor to the debate in terms of seeing how different identity markers shape resource access and use.

End notes

1. The three day/four day rule is a localised rule in the Palk Bay, which allows traditional small-scale fishers and trawlers to fish for three and four days per week respectively.
2. Our study is based on three years of extensive research in the Palk Bay between 2011 and 2013. This research included open-ended discussions with trawl fishers as well as detailed questionnaire-based household interviews with trawl owners in
the major trawling centres of the Palk Bay, especially Rameswaram as it is here that trawl fishers are most likely to engage in cross-border fishing. In addition, we followed media reports in major English and Tamil newspapers in India and Sri Lanka so as to document the wider political developments in the region. This paper is part of the PhD work of the first author. We are thankful to the Dutch COCOON program (NWO/WOTRO project number W076830200) for funding this research.

3. India is federal polity. The federal government is referred to as the Central government. There are 29 states within India.

4. We have not included Pamban in our analysis because the majority of the Pamban fleet fish in the Gulf of Mannar. Those from Pamban who fish in the Palk Bay are mostly berthed in Mandapam and have been counted along with the Mandapam fleet.

5. The readers are advised to look at Stephen et al. (2013) and Scholtens et al. (2012) for a detailed description of the fishing conflict.

6. Thanjavur passed similar orders in 1977 whereas Ramanathapuram did so in 1993 (Bavinck, 2003).

7. Tamils of northern Sri Lanka have a long historical claim to their land. Tamil Plantation workers were taken from present-day Tamil Nadu during the colonial period to work in the plantations. Many of them, at the time of Sri Lankan independence, had been in Sri Lanka for many generations.

8. Katchatheevu is a small island between India and Sri Lanka. The ownership of this island has been in dispute since the colonial period. For details see Suryanayan (2005).

9. At the time of Independence Sri Lanka was called Ceylon. The name was changed to Sri Lanka in the year 1972.


11. The then Prime Minister Indira Gandhi unilaterally declared a state of emergency across India. This came into effect on June 25, 1975. Emergency entailed the Prime Minister to rule by decree. This included suspension of elections and curbing of civil liberties.


13. We are distinguishing between India’s direct involvement in the War between 1983 and 1991 and its indirect involvement post-1991.

14. Today Sri Lanka has nine provinces. Tamils are numerically dominant in the Northern and Eastern provinces.

15. The two powerful regional parties in Tamil Nadu were The AIDMK (Anna Dravida Munnetra Kazhagam) and DMK (Dravida Munnetra Kazhagam) Both these parties had their origin in the Dravidian movement.
There are no direct data to suggest this, but various indicators (including that from fishermen) to suggest that the stocks on the Indian side have dwindled.


Given the limited scope of this paper we mainly deal with the internal politics of India.

An earlier meeting between the fishers took place in 2004 (Vivekanandan, 2004). The northern fishers had faced similar problems with Indian trawlers during the ceasefire agreement between the Sri Lankan government and the Tamil rebels, the LTTE.

For a detailed account on the agreement and the events that led to its failure refer to Stephen et al. (2013).


A freelance journalist who is normally paid per news item and not on a regular basis. Rameswaram has a couple of such stringers always waiting for some news on cross border fishing.


References


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