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Breaking the Deadlock: Resolving the Indo – Lanka Fisheries Conflict

Ahilan Kadirgamar and Joeri Scholtens¹
8 February 2015

INTRODUCTION AND SCOPE

The Palk Bay fisheries conflict has been escalating for years and continues to polarize the fishing communities on both sides of the Palk Bay. It also has serious implications for Indo-Lanka relations as the escalation of this conflict also polarizes Sri Lanka and Tamil Nadu, resulting in difficulties for strengthening relations between Colombo and Delhi.

The socio-economic implications of this conflict have resulted in the tremendous suffering of the fisher-folk in the Northern Province. More than 20% of the Northern Province population is dependent on fisheries and any process of reconciliation and reconstruction needs to take their concerns into consideration.

Arresting fishermen has been an option in recent years, but has led to immense political fallout and appears to have little potential for an eventual solution. In this context, a credible approach for negotiations with both interim measures and a long-term vision of a solution are required, which necessarily entails downsizing the trawler sector.

THE URGENCY AND THE RISK OF NEGLECT

There are significant risks of a “hands off” approach on this fishing conflict, particularly given the shift now to improve bilateral relations between Sri Lanka and India. Given the deteriorating livelihoods of fisher-folk in Northern Sri Lanka due to the encroachment of Indian trawlers, there is rising resentment against both Governments in India and Sri Lanka. Such resentment can undermine reconciliation and reconstruction efforts by the Government of Sri Lanka including with the support of India, particularly if polarizing forces capitalize on this resentment.

The fisheries issue contributes to ongoing tensions between Sri Lanka and Tamil Nadu, resulting in further pressure on Delhi and in the process undermines relations between Colombo and Delhi. Neglecting the Palk Bay fishing conflict and the absence of a solution can aggravate the polarizing politics in Tamil Nadu with unpredictable fallout in the future.

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PALK BAY PROFILE²

The Palk Bay is shallow basin with maximum depth of 15m and the average depth of 9m. It has approximately a 300 km coastline on both sides and a total surface area of 6500 square-kms. On both sides, a large number of fishers are dependent on Palk Bay fisheries resources. On the Sri Lankan side, the dominant subsector consists of FRP boats that operate gillnets. In addition, there are a few mechanized boats and a sizable traditional fleet used for small inshore operations. On the Indian side, apart from a sizable fleet of small-scale motorized and non-motorized boats, the dominant subsector consists of 1907 trawlers with inboard engines of 70-190hp.

Fig. 1 Comparison of fishing capacity and fishers operating on the Sri Lankan and Indian side of the Palk Bay³

	No. active fishers	Mechanized boats	Motorized boats	Non-motorized boats
Sri Lankan Palk Bay fishery (1)	36,918 ⁴	317	6,003	5,350
		trawlers & gill netters 30 feet 30 hp IBM	FRP boats 18 feet 8 to 25 hp OBM	Kattumarams and wooden canoos 9-15 feet
Indian Palk Bay fishery ⁵	61,162 (3)	1,907 (2)	4,141(3) ⁶	3,864 (3)
		Trawlers 30-60 feet 70-190hp IBM	Vallams & FRP boats 18-30 feet 5-30hp	vattai's and Kattumarams 12-15 feet

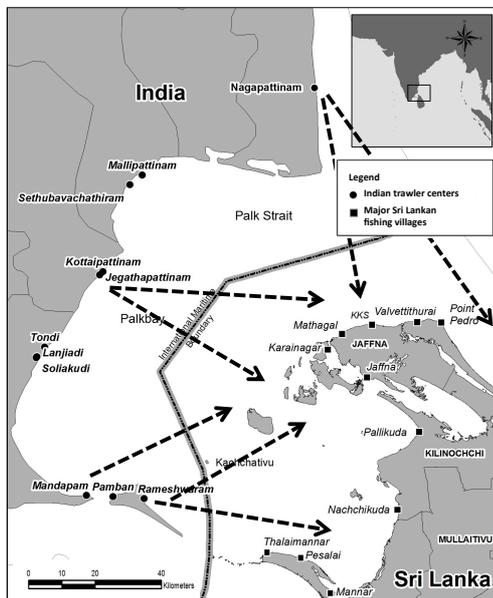


Fig. 2 Size of Indian trawl fleet and extent of transboundary fishing

Landing site	No. of trawlers ⁷	Dependence on SL waters ⁸
Nagapattinam	600	partly
Malipattinam	130	hardly
Sethu. Chattiram	75	hardly
Kottalpattinam	280	partly
Jegathapattinam	240	partly
Soliyakodi	60	hardly
Lanjadi	55	hardly
Thondi	7	hardly
Mandapam	450	partly
Rameshwaram	610	mostly
Total	2507	

² While cross-border fishing is most prevalent in the Palk Bay, trawlers from Nagapattinam also cross into North-East Sri Lankan waters, and also the Gulf of Mannar is the scene of frequent trawlers encroachment.

³ Sources: Government of Sri Lanka 2013 (1); Stephen et al. 2013 (2); Government of India 2010 (3)

⁴ Jaffna (23740), Mannar (8998), Killinochchi (4180).

⁵ This include fishing villages from Rameshwaram to Thiruvapur. Nagapattinam district (about 600 trawlers) is excluded.

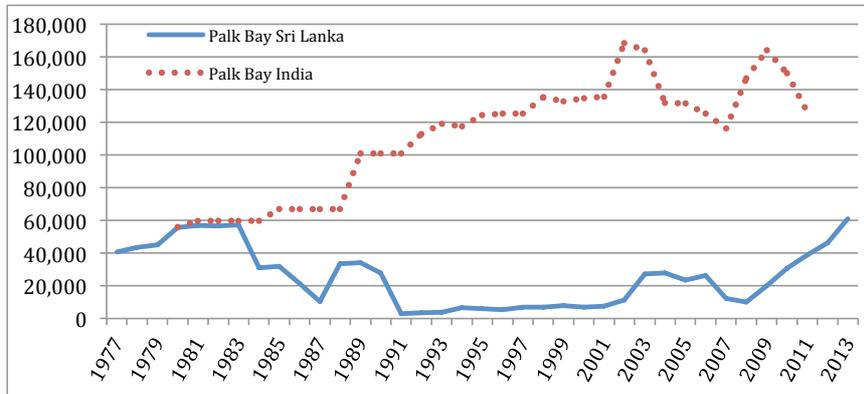
⁶ Motorized boats from TN, operating mostly monophlament nets banned in Sri Lanka, are also increasingly fishing in SL waters since 2011.

⁷ These numbers are based on countings, and can therefore differ from official numbers.

⁸ Exact numbers that cross-over are impossible to give. The SL Navy in 2013 recorded 45,167 sightings of Indian trawlers.

While scientific data about the status of Palk Bay fisheries resources are limited, most analysts believe that Indian fishers are compelled to fish in Sri Lankan waters due to declining resources on the Indian side. Fishers in Sri Lanka have consistently shown major decline in catch rates, which they attribute primarily to bottom-trawling. Catch figures in both Sri Lanka and India are (still) high mostly due to the abundance of low value (oil) sardines.

Fig.3 Comparison of fish catch volumes (metric tons) in the Palk Bay between Indian and Sri Lankan fleets⁹.



UNDERSTANDING THE PROBLEM

The cause of the problem is essentially simple: that is the over-capacity and inappropriate technology of the Indian trawler sector. In the early 1970s, trawling took off with the support of international donors and the Indian Government launched subsidy programs to modernize the fisheries sector. These policies led to the emergence of a sizable trawler fleet on which a large number of people are dependent, both for livelihoods and profits. This is in fact an all-India problem, but has led to a particularly intense conflict in the Palk Bay due to the relatively narrow sea-space and the trans-border complication.

The civil war in Sri Lanka, which reduced fishing activities in Sri Lanka to a bare minimum, provided a vacuum that was eagerly filled by Indian trawlers. During this war-period, a large number of Indian fishers (estimates range from 150 to 500) have been killed in the Palk Bay, but after the war the problem has shifted from a trawler-SL Navy issue into a conflict between two groups of fishers. With the restrictions in the Northern Province being gradually lifted post-war, the North Sri Lankan fishers had to encounter the presence of a large trawler fleet that had become dependent on 'their' waters.

⁹ Sources: Sri Lankan data: Government of Sri Lanka (2013). India: 1980 to 1996 Vivekanandan (2010). 1997-2007 and 2011 Government of Tamil Nadu (2012) Endeavors and Achievements; 2008-2010 Marine fisheries census Tamil Nadu 2010. CMFRI.

The consequences of the unsolved fisheries crisis in the Palk Bay mainly affect Sri Lankan small scale fishers from the Northern Province, who suffer tremendously from the continuous influx of trawlers in four ways:

- 1) trawlers catch fish that is partly also targeted by the Sri Lankan fishers;
- 2) trawlers cause harm to the ecosystem and sea-bed;
- 3) trawlers come at night and regularly cut Sri Lankan fishers' nets, causing enormous financial losses;
- 4) to avoid the trawlers, Sri Lankan fishers often stay home or adapt their fishing methods to less profitable near shore operations.

Small-scale fishers from Tamil Nadu are negatively affected for similar reasons. On the Indian side, it was a fishing conflict between small scale fishers and trawlers that led to an agreement leading to Indian trawlers going out to sea for three days of the week ([leaving the other 4 days for the small-scale fleet](#)). Thus if it was not a trans-border conflict, solutions might have been more forthcoming as the problem [would be](#) negotiated on the same coast by the authority of the same state. Therefore, simple solutions do not exist for this Palk Bay problem. Adopting a similar Three-Four day rule for the entire Palk Bay would be unacceptable for the North Sri Lankan fishers.

It might be prudent to frame the problem primarily as Northern fisher's livelihood issue, to avoid further politicization of the problem. Actors in Tamil Nadu arguing about 'traditional fishing grounds' or deflecting the problem onto the issue of sovereign claims about Katchchativu, or the illegitimate IMBL, will find it hard to attack demands linked to the livelihoods of the fisher-folk in the North who have suffered from the war.

Avoid linking with Multi-Day boat issues

There have been statements in the media claiming there can be concessions to Indian trawlers, if India is willing to give permission to Sri Lankan multi-day boats to fish in Indian waters. Reciprocal licensing of Indian trawlers in the Palk Bay in exchange for licensing of multi-day boats in India's Exclusive Economic Zone could have been a consideration when Sri Lankan Northern fishers were unable to fish in the Palk Bay as during the war. However, that solution is no longer realistic and will only aggravate the fishing conflict now. This will have a negative impact on the fishers of the Northern Province and also have negative fallout in Tamil Nadu. The Sri Lankan Government's intentions will be severely questioned as merely being concerned about Sinhala fisher interests. The moral high ground may be lost and will be hard to recover.

A separate set of negotiations can be held at official levels to find a solution to this issue of Sri Lankan multi-day boats crossing into the Indian waters. Furthermore, confidence building joint ventures in deep sea fishing making use of Sri Lankan expertise could be discussed at both fisher and official levels. It is important to ensure that the solution to the multi-day boat problem is not perceived as exchanging Tamil interests for Sinhala interests.

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PAST EFFORTS TO ADDRESS THE CONFLICT

Bilateral engagements

The first bilateral meeting regarding the fisheries problems between the two countries was held in New Delhi on 21 April 2005, in response to agitations by Tamil Nadu fishers and their political leaders. Here, a MoU was drawn up between the respective ministries, which made a provision for the establishment of a bilateral Joint Working Group (JWG) of fisheries.

Although the MoU has not been approved, three JWG meetings were subsequently held: one in 2008, one in March 2011, and most recently in January 2012. These Joint Working Groups have so far lead to Joint

Statements which emphasize that: 1) the issue has to be dealt with keeping in mind the livelihood dimension of the issue, 2) use of force could not be justified under any circumstances, 3) fisher dialogues are to be encouraged, and 4) that practical arrangements are to be put in place to deal with bona fide Indian and Sri Lankan fishermen crossing the International Maritime Boundary Line (IMBL).

Fig.4: Arrests of Indian fishers in SL waters¹⁰

Year	No. of arrests	No. of arrested fishers	Average duration in custody (days)
2009	12	175	9.8
2010	10	56	7.1
2011	6	182	3.0
2012	10	205	3.5
2013	27	730	29
Total	65	1,348	

Since August 2013, Sri Lanka is taking a tougher stand, arresting Indian fishers at a higher frequency and keeping them longer in jail. In addition, a strategy has been adopted to keep the boats in custody while releasing fishers. The arrest and detention of Tamil Nadu fishermen and boats has kept the issue boiling in Tamil Nadu and leads to an increased awareness of the trawler issue. However, eventually a broader approach is required to address this conflict.

Fisher Dialogues

Due to the political difficulties of addressing the issue, and given the cultural-linguistic commonalities and mutual sympathies of fishers on both sides, the potential of fisher-dialogue is frequently emphasized. Five such dialogues have taken place in the past decade.

Date/location	Organization	Outcome
May 2004 Mannar & Colombo	Initiated by NGOs and background observation by both governments	- Agreement that trawling is harmful and has eventually to be stopped through negotiating a package with TN Govt. - Avoid harmful nets and avoid fishing within 3 nautical miles from the SL coast.
August 2010 Ramnad & Chennai	Initiated by NGOs with active encouragement from both governments.	- Trawling in SL waters needs to be stopped in 1 year. - In the interim period, 70 days are stipulated when trawlers can cross the border. - Governments do not endorse fisher agreement.
March 2011 Colombo	Sri Lankan government invites fisher representatives from both countries.	- Preliminary discussions to be followed up in Chennai did not materialize, as the TN Govt changed in May 2011, and did not take a decision on the talks. Subsequently, SL Govt getting tougher led to unrest

¹⁰ Source: The Hindu and Daily Mirror digital newspaper records

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		in TN. The Nagapattinam fishermen went on hunger strike in late 2013 seeking to resume dialogue. This pushed the TN Govt to agree (reluctantly) to the resumption of the dialogue.
January 2014 Chennai	Governments (Fisheries Ministries) take charge. Tami Nadu fisheries Minister as observer.	- Sri Lankan fishermen frame <u>the conflict purely as a</u> livelihood issue. - Indian fishermen promise not to cross over for a 1 month period.
June 2014 Colombo	Governments (Fisheries Ministries) take charge. but now more inclusive delegation of Sri Lankan fisher leaders	TN fishers ask for more time to stop trawling. SL fishers harden stand on territorial border and do not wish to give more time to TN fishers. Also lack of trust due to failure to follow up on Jan 2014 agreement results in deadlock.

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Despite the current deadlock, direct dialogue has been valuable for various reasons:

- 1) In such dialogue Tamil Nadu fishermen know they can't twist the argument into a political discussion around Katchchateevu or legal agreements, which is one reason why the TN establishment has regularly tried to delay such dialogue.
- 2) Tamil Nadu fishermen have agreed that trawling cannot go on forever. However, they have consistently bought more time and not kept up with their promises. Sri Lankan fishermen have now lost patience with the Indian fishermen and increasingly taking a harder stand.
- 3) Trawler associations have by now got used to the idea of a 'trawler buy back scheme', and have even started openly proposing it. In the course of the past year, this idea has gained further ground in the Tamil Nadu and with the Indian government.

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The following can be considered if dialogues are to be further pursued:

- 4) It is worth noting that the two dialogues in 2014 were organised with the involvement of the TN Govt and their Minister and officials were observers, but their role was very passive. It left the negotiations to the fishers and did not attempt to follow up with support for implementing the agreement of Jan 2014. The agreement to stop trawling for a month was partly due to the TN fishermen waiting for the minutes of the meeting that came just before the ban was to take effect. The TN Govt did not have a strategic discussion with the fishermen before or after the June 2014 talks either. So, the failure of the talks can be attributed to lack of efforts by the TN Govt and leaving everything for fishermen to sort out.
- 5) There is a need for Governments to back up agreements made by fishers if deemed productive. The Governments will find it difficult to solve this problem through bilateral negotiation alone. Similarly, fishers alone cannot solve it due to lack of enforcement power.
- 6) There have been difficulties with selecting legitimate representatives of fishers from the Sri Lankan side. Earlier delegations have been delegitimized as 'hand picked' or pro-LTTE, while the delegation in the last two meetings consisted of leaders of the newly erected "Rural Fisheries Federation", who mostly lacked experience and some lack local legitimacy.

AN APPROACH TO MOVE FORWARD

There is no immediate ready-made solution to solve this problem. The problem of a trawler fleet which has grown out of proportions remains on the Indian side, and any solution also has to be crafted by the Indian side. The solution has to eventually involve the scaling down of the Tamil Nadu trawler fleet.

Tamil Nadu fishermen know that trawling must eventually stop – but they can't stop on their own. The Tamil Nadu government has to work out a solution that is agreeable to all parties with a clear deadline, which is the major challenge. The main problem is the Tamil Nadu government's reluctance to accept this reality for political reasons. Thus, Tamil Nadu politics stands in the way of engaging on an issue of great importance to its own fishers.

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The position taken in the Jan 27th, 2014 dialogue by the Sri Lankan delegation was prudent. By completely avoiding the political dimensions (sanctity of the international border, historical rights of Tamil Nadu fishers, Katchchathivu, etc.) and focusing entirely on environmental and livelihood issues arising from trawling, Northern Tamil fishers took the moral high ground. This put the Tamil Nadu Government in a defensive position, even though it would have liked to politicize the dialogue. However, it could not counter this position by the Sri Lankan delegation. This approach should be firmly continued.

There can be no doubt that it is the arrest and detention of Tamil Nadu fishermen and confiscation of boats that forced the Tamil Nadu Government to agree to fishers talks under pressure from its fishers. The continuation of such arrests has kept the issue boiling in Tamil Nadu and increased awareness of the trawler issue. However, SL should handle this matter in a careful manner.

Breaking the deadlock with Tamil Nadu

- 1) There is little space for Colombo to deal directly with Tamil Nadu. Colombo is unlikely to get a response from the Chief Minister of Tamil Nadu.
- 2) The Northern Provincial Council (NPC) and the Tamil National Alliance (TNA) should take some responsibility to address the concerns of the Northern fishers, including by breaking the political deadlock with Tamil Nadu. The NPC and TNA have mostly remained silent on the trawler issue and have been unwilling to confront Tamil Nadu. However, they are probably the only actor in the position to do so.
- 3) Northern Sri Lankan fishers should be given the room to speak independently to Tamil Nadu in a way that cannot be interpreted as being forced by Colombo. A supportive environment to strengthen independent fisher co-operatives is crucial. And such co-operatives can both push the NPC and TNA to take a stand as well as challenge Tamil Nadu.

Contours of a possible negotiation process

- 1) Get to an agreement in principle that trawling will have to be stopped on the SL side of the IMBL, and therefore the number of trawlers in India will have to be reduced. This can probably only be achieved by increasing pressure from all sides.
- 2) Tamil Nadu then has to make a firm commitment that their trawlers will not cross the maritime boundary after a certain deadline.
- 3) Such a deadline will require a package. A large number of people in Tamil Nadu are currently dependent on the trawler sector and therefore it involves a problematic livelihood issue. Tamil Nadu needs to do the socio-economic and fish resource calculations and work out a solution to relieve and compensate their fishers.
- 4) Once a timeline including agreement on a deadline is reached, it should be strictly enforced by both navies and coastal authorities.
- 5) There will have to be a treaty on how to deal with offenders; including whether it will be through Sri Lankan law or a different protocol.
- 6) Tamil Nadu will inevitably need time for a permanent solution. In the meantime, there has to be a clear interim agreement for a specific transition period. The fishers will have to negotiate this interim arrangement.
- 7) Downsizing of the trawl sector on the Indian side should be part and parcel of a comprehensive fisheries management plan that looks not only at the conflict, but at long-term environmental sustainability. This plan should be developed in collaboration with the Palk Bay Management Platform, which includes fisher representatives and Tamil Nadu Government, and was initiated under FIMSUL 1, as well as with delegations of fishers and Government of Sri Lanka.

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References

- Amarasinghe, O (2011): "Fisheries Conflict in PalkBay: Is There a Way Out? From a Sri Lankan View Point", Working Report, University of Ruhuna.
- Government of Sri Lanka. (2013) Fisheries statistics 2013, Ministry of Fisheries and Aquatic Resources Development.
- Government of India (2010) Marine fisheries census Tamil Nadu 2010. Centre for Marine Fisheries Research Institute.
- Hettiarachchi (2007) "Fisheries in the Palk Bay Region: The Indian Factor", J Nat Aquat Resour Dev Agency, 38, 01-15.
- Sathyapalan J, J Srinivasan and J Scholtens (2007): "Fishing Fleet Reduction and Its Livelihood Implications: A Case Study of Palk Bay Resource Users in the East Coast of Tamil Nadu, India". FAO/UNTRs publication.
- Scholtens, J., Bavinck, M., Soosai, A.S. (2012) Fishing in dire straits. Economic Political Weekly, XLVII(25), 87-96.
- Scholtens, J., Stephen, J., Menon, A. (2013) Between the devil and the not-so-deep blue sea: Asymmetrical power in the Indo-Sri Lankan fisheries conflict. The Broker Online, pp.1-6.
- Soosai, S. A., & Stokke, K. (2006) Fisheries under fire: Impacts of war and challenges of reconstruction and development in Jaffna fisheries, Sri Lanka. Norsk Geografisk Tidsskrift - Norwegian Journal of Geography, 60(3), 240-248.
- Stephen, J., Menon, A., Scholtens, J., Bavinck, M. (2013). Transboundary dialogues and the 'politics of scale in Palk Bay fisheries: Brothers at sea? South Asia Research, 33(2), 141-161.
- Stephen, J., Menon, A., Anbazhagan, P. (2013). Socio-economic profile of Palk Bay fisheries India.
- Suryanarayan, V (2004) Conflict over Fisheries in the Palk Bay Region (New Delhi: Lancer Publishers and Distributors), 207.
- Vivekanandan, V (2004) "Fishing for a Favour, Netting a Lesson", South Indian Federation of Fishermen Societies, Trivandrum, p 68.
- Vivekanandan (2010) "Crossing Maritime Borders: The Problem and Solution in the Indo-Sri Lankan Context", unpublished working report.
- Vivekanandan (2011) "The Plight of Fishermen of Sri Lanka: The Legacy of Sri Lanka's Civil War", Centre for Security Analysis.



Above: Rameshwaram trawler fleet. Left: FRP boats in Mathagal, Jaffna District. Right: Karainagar fisher with broken nets, Jaffna District