

India-Sri Lanka Fisherman Dispute

1) Introduction

- The Palk Bay, a narrow strip of water separating the state of Tamil Nadu in India from the Northern Province of Sri Lanka, has historically provided rich fishing grounds for both countries.
- The region has become a highly contested site in recent decades, with the conflict taking on a new dimension since the end of the Sri Lankan Civil War in 2009.
- Multiple issues have compounded with serious ramifications for internal and bilateral relations.
- These issues include ongoing disagreement over the territorial rights to the island of Katchatheevu, frequent poaching by Indian fisherman in Sri Lankan waters, and the damaging economic and environmental effects of trawling.
- However, with the governments of both countries recently affirming their commitment “to find a permanent solution to the fisherman issue,” there is an opportunity to create a win-win scenario, in which the bay becomes a common heritage of mutual benefit.

2) Background

- India and Sri Lanka had concluded a maritime boundary agreement which became effective from 8 July 1974.
- The maritime boundary between the two countries was delineated in the Gulf of Mannar
- As per the agreement both countries enjoy sovereign rights over the waters, the islands, continental shelf and sub-soil of the maritime area on their respective side of the delineated boundary.
- Indian fishermen and pilgrims have also been permitted access to Katchatheevu Island which falls on the Sri Lankan side of the maritime boundary.

3) Causes for the dispute

- In India, the fisheries dispute chiefly began with an internal debate about sovereignty related to ceding of the island of Kachchatheevu to Sri Lanka
- the main problem with Indian fishermen is that a large number of them are dependent on fishing in Sri Lankan waters, which is prohibited by the 1976 Maritime Boundary Agreement
- A large number of Indian fishermen are dependent on trawling which is banned in Sri Lanka.
- there are instances of Indian fishermen being prevented from fishing, facing harassment and arrest by the Sri Lankan Navy (SLN)
- SLN operations involving interdictions and firings on suspicion of the Indian trawlers while fishing in the area

- The problem is relatively acute for the Sri Lankan fishermen because their livelihood is more dependent on the catch from the waters concerned, and, also their means of fishing are comparatively less expedient and effective vis-à-vis Indian fishermen.
- The Indians mostly fish at night for shrimp and their use of gill nets and synthetic nets has caused severe damage to the ordinary nets of Sri Lankan fishermen.

4) Implications

- If the underlying issues of the fisheries dispute are not addressed soon, relations between fishermen and their governments, between Tamil Nadu and New Delhi, and between Tamil Nadu and Colombo could worsen and reach a crisis point.
- There have been tensions between those fishermen using traditional methods and those using mechanized methods, as well as increased the infringement of territorial boundaries.
- According to the government of Tamil Nadu, the sufferings of Indian Tamil fishermen is a direct consequence of ceding Kachchatheevu to Sri Lanka and sacrificing the traditional fishing rights enjoyed by Indian fishermen
- trawling by Indian fishermen causes damage to marine ecology and, specifically, fish stocks

5) Solution

- The agreement between India and Sri Lanka on establishing a Joint Working Group (JWG) on fisheries is a small step forward in resolving the dispute between fishermen of both countries.
- **The points agreed on are**
 - a) a hotline between the Coast Guards of both countries
 - b) a meeting of the JWG once in three months
 - c) a meeting of the fisheries ministers every six months
- The immediate decommissioning of trawlers is an important prerequisite for this unconventional solution
- One way of preventing boundary transgression is to find a livelihood alternative for Tamil Nadu fishermen.
- Equipping them for deep sea fishing is an option.
- Sri Lanka can look at a licensing system under which fishermen from both sides can fish on specified days using sustainable methods and permissible equipment.
- Dr APJ Abdul Kalam once opined that an apparent modus Vivendi could be for Indian fishermen and their Sri Lankan counterparts to fish in the Palk Bay and Straits on alternate days.
- Instituting a Palk Bay Authority for devising an integrated solution to the fishermen's problems encompassing their livelihood issues and commerce in the area.

- A restriction is also required on the number of Indian trawlers that are allowed to operate beyond the median line specifying the maritime boundary.
- Restrictions on the number of fishing craft and their technical capacity as well as the nature of the fishing nets
- Institutional framework in which the fishermen's cooperatives of both countries must be involved and committed, and there an oversight body empowered with arbitral powers to resolve disputes.
- Special provisions could be made to protect the interests of traditional fishermen.
- The focus should be on the enrichment of marine resources and a qualitative improvement in the lives of coastal people.

6) Conclusion

- Delhi and Colombo have affirmed their commitment to find a permanent solution to the fishermen issue
- Delhi is also making a new effort to build consensus among domestic stakeholders
- Joint measures such as joint naval patrolling, controlling of smuggling and piratical activities, developing fish farming extensively in the Indian waters and strengthening of communication network is the need of the hour.

