



India-Sri Lanka Fishermen's Issue: Need to Evolve a Consensus Approach

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The Sri Lankan Defence and Urban Development Ministry website published an article on 1st August 2014 that sought to play down the Tamil Nadu Chief Minister Ms. Jayalalitha's stand on the fishermen issue. This has once again brought to the limelight the issue of Indian and Sri Lankan fishermen's fishing rights in Palk Bay, and a need for finding a long term solution to the fishermen issue.

Given the closeness of territorial waters between India and Sri Lanka both the governments have signed two agreements to settle the maritime boundary line in the Gulf of Mannar and Bay of Bengal. The 1974 and 1976 agreements have clearly demarcated the boundary line between the two countries. At the same time, the 1974 document mentioned that "the vessels of Sri Lanka and India would enjoy in each other's waters such rights as they have traditionally enjoyed" and the agreement also allowed access to pilgrims and fishermen to Kachchativu island. Subsequently, the island was ceded to Sri Lanka by the Indian government. Depletion of marine resources on Indian side and easing of restrictions by Sri Lankan government in post Liberation Tigers of Tamil Eelam (LTTE) scenario paved the way for demand for the right of Tamil Nadu fishermen to fish in Palk Bay and retrieval of Kachchativu island became a part of this demand.

Fishermen issue came in prominence when the shooting and arrests of Tamil Nadu fishermen by the Sri Lankan Navy increased since 1990s due to security reasons. For instance, in the two decade period, starting from 1991 there had been 167 incidents of shooting on Indian fishermen; 85 fishermen were killed and 180 injured by the Sri Lankan navy. To deal with the problem the Joint Working Group (JWG) on fisheries was formed in 2004 involving officials from both sides. The JWG till date has met only four times and could not come up with satisfactory solution to address the concerns of fishermen. It failed to explore possibilities of working towards a bilateral agreement for licensed fishing. The JWG on fisheries stressed on the need to release the arrested fishermen on humanitarian grounds.

As a result of an understanding reached between Indian and Sri Lankan governments for the security and safety of fishermen, 'practical arrangements were made to deal with bonafide Sri Lankan and Indian fishermen crossing International Maritime Boundary Line (IMBL) and agreed that there would be no firing on fishing vessels'. It was also agreed that "Indian fishing vessels would carry valid registration/permit and fishermen would have personal identity cards issued by the government of Tamil Nadu".

Due to its consistent efforts, government of India could secure release of 676 fishermen in 2013 and 536 out of 541 fishermen arrested by Sri Lankan navy in 2014 (till 18 July 2014). Even though "fast track approach" is adopted by the Sri Lankan government to repatriate arrested Tamil Nadu fishermen, confiscation of boats by the Sri Lankan Navy has become an irritant in the process. Tamil Nadu government has refused to participate in the next JWG meeting proceedings unless boats are released.

The issue of the fishing rights of Tamil Nadu fishermen to fish near and around Katchatheevu island has come in conflict with the Sri Lankan and Indian government's stand that Tamil Nadu fishermen cannot cross the IMBL for fishing. A series of letters and a memorandum, presented to the Indian Prime Minister on 3 June, 2014 by Chief Minister of Tamil Nadu, reflected the sentiments of fishermen on this issue. The Chief Minister mentioned that the arrests and harassment of Tamil Nadu fishermen by the Sri Lankan navy "have caused great unrest amongst the fishermen community of Tamil Nadu" and made specific suggestions to resolve the

issues such as: “(a) Protection of the traditional rights of the Indian (Tamil Nadu) fishermen in the Palk Bay and ensuring their safety and security, (b) Retrieval of Katchatheevu and restoration of traditional fishing rights of Tamil Nadu fishermen and the government of India should take active steps to abrogate 1974 and 1976 India- Sri Lanka agreements”. It was proposed that these steps be implemented, to resolve the problem.

The Tamil Nadu government also filed a writ petition in 2011 in the Supreme Court questioning the Government of India’s stand on Katchatheevu island. However, these suggestions are not acceptable to the government of India which opted for diplomatic and practical arrangements to deal with fishermen of either side crossing the IMBL.

In an attempt to find a solution, both the governments encouraged talks between Indian and Sri Lankan fishermen associations. As result, two rounds of talks took place in January 2014 in Chennai and in May 2014 in Colombo. Sri Lankan fishermen expressed deep concern about the destruction of marine resources due to the use of ‘mechanized trawlers, bottom trawling and pair trawling’ by Tamil Nadu fishermen and requested their counterparts to stop using these trawlers. On their part, the Indian fishermen have sought three years time to phase out mechanised boats. Sri Lankan fishermen have also conceded to the Tamil Nadu fishermen demand that they will be allowed to fish in Sri Lankan waters. Meanwhile, the government of Sri Lanka’s refusal to concede to the demands of Sri Lankan fishermen has led to deadlock in talks.

These contradictory positions and stance taken by the governments, including the Tamil Nadu government, to address the fishermen issue is deeply affecting fishermen on both sides. Coastal districts of Tamil Nadu fishermen, as well as the future of Tamil fishermen from the Northern Sri Lanka, will be affected by the long term sustainable solution proposed by both the governments.

In this context, both the governments have to work towards evolving a consensus in formulating regulatory mechanisms to manage the fishery and marine resources in respective Exclusive Economic Zone (EEZ). On the Indian side, encouraging Tamil Nadu fishermen to go

for deep sea fishing and placing restrictions on mechanised bottom trawling to preserve the resources near coastal waters is an option that can address the concerns of Sri Lankan fishermen. Involving all the stake holders in decision making process, particularly the fishermen on both sides is important for long lasting solution. Both the governments along with respective state/provincial governments should devise a road map to ensure livelihood, safety and security of the fishermen. Formulating a plan for development and cooperation in the field of fisheries is another option to address long standing bilateral issue between India and Sri Lanka.

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