

Transborder fishing

Historic goodwill

This is a report on a goodwill mission of Indian fishermen to Sri Lanka in May 2004

Since the start of the civil war in Sri Lanka in 1983, the Palk Bay has been a troubled location. (Palk Bay needs to be understood as also referring to Palk Straits and proximate areas in the Gulf of Mannar and Bay of Bengal.) As the bay is a shallow sea with a limited area between the Indian State of Tamil Nadu and the northern province of Sri Lanka, the civil war has had a deep impact on the fishing operations on both sides. Until 1983, the fishermen of both sides, who share a common language and a long history of contact, fished harmoniously in the Palk Bay, with only occasional problems being reported. Though an international border was demarcated at sea in 1974, fishing across the border was not uncommon and rarely an issue. However, the civil war led to major changes. The fishing operations of the Sri Lankan fishermen were drastically reduced due to severe restrictions placed on fishing on account of security requirements and the large-scale displacement of fishermen from their areas due to the war.

On the Indian side, fishermen faced great hardship as the Sri Lankan Navy shot at and imprisoned a large number of those who crossed over to Sri Lankan waters in the two decades of the civil war. However, as such incidents were only occasional ones, and the Indian fishermen were not generally prevented from fishing in the Sri Lankan waters by the Sri Lankan Navy, the Indian fleet, especially the trawlers, had free access to the fish resources of the Palk Bay, without competition from the Sri Lankan fishermen. This led to a significant expansion of the Indian fleet. Currently, 4,000 trawl boats operate on the Indian coast from Rameswaram in the south to Nagapattinam in the north, with all these boats depending, to varying degrees, on

fishing in Sri Lankan waters. The 1,000 boats of Rameswaram are almost totally dependent on Sri Lankan resources, being very close to the Sri Lankan border. (The distances from the Indian coast to the Sri Lankan border at sea range from 7 km to 22 km.) Over the years the trawlers have been fishing right up to the shores of Sri Lanka, helped by Sri Lankan refugee fishermen in India who often went as crew on Indian boats. The Indian fleet fishing in Sri Lankan waters includes motorized canoes involved in gill-netting as well as, at times, sailing country craft.

The truce between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) that came into effect in 2002 has altered the situation in the Palk Bay. For the first time in two decades, restrictions on fishing have been removed in many areas of the Northern Province and normal fishing operations have commenced. The return of displaced fishermen from the refugee camps has accelerated and there is considerable amount of re-investment in fishing equipment, both privately and by various donor-supported rehabilitation programmes. This has led to an eclipse of the virtual monopoly the Indian boats had in Sri Lankan waters, and the emergence of competition. The operations of the Indian fleet, especially the trawlers, have become a major threat to the rejuvenation of the livelihood of the Sri Lankan fishermen, who have started protesting.

Clashes at sea

Starting from February 2003, there have been a number of incidents of Indian boats being captured by Sri Lankan fishermen and handed over to the authorities for further action. In some instances, there have been clashes at sea; in early 2004, a Sri Lankan fisherman was killed in one such clash.

In late 1996, various trade unions, non-governmental organizations (NGOs) and fishermen's associations got together in India to take up the problem of Indian fishermen getting arrested on the Indo-Sri Lankan border. The Alliance for Release of Innocent Fishermen (ARIF) was formed with the secretariat hosted by the South Indian Federation of Fishermen Societies (SIFFS) in Trivandrum. ARIF took up cases of Indian fishermen arrested and detained in Sri Lanka and, with the help of a variety of civil society actors in Sri Lanka, managed to expedite the release of the fishermen. Similarly, ARIF also took up the issue of Sri Lankan fishermen detained by the Indian Coast Guard and provided them humanitarian and legal assistance. The Sri Lankan boats that fished in Indian waters were basically 'multi-day' fishing boats that fished in deeper waters with longlines and drift-nets. These boats came from the south and west of Sri Lanka, where normal fisheries development had taken place and there were no restrictions on fishing operations.

The idea for a dialogue between the Tamil Nadu fishermen and Sri Lankan fishermen of the Palk Bay was mooted in early 2003 by some Sri Lankan leaders when the first set of clashes took place between the two fishermen groups. Subsequently, ARIF worked on the idea with the Tamil Nadu fishermen, many of whom were sceptical about an entirely

unofficial dialogue without government backing. By the end of 2003, the situation in the Palk Bay had deteriorated and the Tamil Nadu fishermen realized that they have to take the initiative for a dialogue if they wished to fish peacefully in the Palk Bay. ARIF then took a fresh initiative to organize the dialogue through a mission programme designed to include exposure trips to Mannar and Negombo, and culminating in Colombo with a two-day workshop where the Indian and Sri Lankan fishermen would be able to discuss the problem and work out solutions.

The general consensus among the Indian fishermen was to keep an open mind in responding to the proposals of the Sri Lankan fishermen, realizing that they could fish in Sri Lankan waters only with the co-operation and understanding of the Sri Lankan fishermen. Nonetheless, there was great optimism that the Sri Lankan fishermen would give a fair deal as the relationship between the two sides remains very good, despite the recent capture of boats and the violent clashes.

Warm welcome

The goodwill team arrived in Colombo on 23 May and reached Mannar by midnight. While there was a warm welcome for the mission and no shortage of love and affection, there was also a firm resolve against the Indian trawlers. Speaker after speaker stressed the havoc done by

trawling to local fish resources, fish habitats and livelihoods.

It became clear that between the Fisheries Department, the church and others, a local awareness-building campaign had been organized on the need to preserve fish resources. Various harmful fishing methods, including the dynamiting of fish by locals, had been targeted by the campaign and a consensus was built among the fishermen against such practices. A local consensus had also been built against monofilament nets that were felt to be harmful. The fishermen, who were perhaps more bothered about livelihood loss rather than resource depletion, were clearly made to see the link between the two and ensure community control over fishing activities. It was in this context that the objection to Indian trawlers was presented, rather than in purely emotional terms.

While the harm done by the Indian trawlers to the Sri Lankan fishermen's livelihoods was expected to be the main theme, trawling and its environmental impacts became the main theme of discussion, much to the discomfort of the mission members. The Indian team explained the constraints under which the boats of Tamil Nadu operated and agreed to give serious consideration to the issues raised by the Sri Lankan fishermen.

Field visits revealed that the local fishermen were quite bitter about the Indian trawlers and the loss they caused to their nets. The three days of the week that the Rameswaram trawlers fish are dreaded by the Sri Lankan fishermen, and many take evasive action and avoid getting in the way of the trawlers or even stop fishing. (Boats from Rameswaram and Pudukottai fish only on Tuesdays, Thursdays and Saturdays on account of an agreement with local traditional fishermen, who fish on the other four days with their drift-nets. This compromise formula was worked out after a long period of conflict in the Palk Bay.) The local fishing communities in the villages that the team visited appeared to be well-knit, with the local fishermen's co-operative societies providing a common forum.

The Indian fishermen leaders had clearly not expected such a strong attack on trawling as a method of fishing. They had also underestimated the depth of anger and resentment of the Sri Lankan fishermen in response to the operations of the Indian fishermen. The mission leader expressed his opinion that the situation had appeared a lot more manageable when he had visited the area in June 2003. Then, although similar views had been proffered, the fishermen themselves appeared to be ready for compromise. Now they appeared to be closing ranks, and the opinions of the fishermen have hardened, reflecting an overall consensus reached between the fishermen, the church, the district administration and political leaders. A number of incidents, including the death of a Sri Lankan fisherman in Vadamarachi, seem to have contributed to this state of affairs. If some of the restraint that the Indian fishermen were now ready to show had happened even a few months back, the situation might not have become so bad.

Although many fishermen were ready to accept that trawling caused environmental damage, some felt that this was exaggerated. It was argued that the total catch in Rameswaram had actually not come down and the current crisis is due to the increased fleet size as well as the unprofitable operations on account of increasing fuel costs and reduced price for shrimp. (In technical terms, this means that there is no 'biological overfishing', just 'economic overfishing'.) Some of the Rameswaram fishermen felt that the four types of trawl nets that were recently voluntarily banned (pair trawl, 'mixture' net, *chank* net and 'roller' net) did most of the damage, and the standard shrimp trawl was not such a danger. According to them, it is some of these nets that are operated very close to the shore that did most of the damage to the environment as well as the livelihoods of the Sri Lankan fishermen. The Nagapattinam fishermen were more ready to accept that the trawl net did damage the environment but they were unable to dismount the tiger they had chosen to ride.

Trawl crisis

The recent changes in the Nagapattinam fisheries were also discussed. There has been a crisis in the trawl sector on account

of uneconomic operations, and 40 to 50 trawlers had been sold off as scrap during the last season. In recent seasons, the boats have become larger in size so as to help reach the deep-sea prawn resources available at the depth of 500 m.

These deep-sea prawn resources were showing signs of decline too, as the Chennai trawlers competed for the same resource. However, an interesting development in Nagapattinam district was the diversification into hook-and-line operations for yellowfin tuna that the fishermen have discovered in deeper waters. Around 60 boats from Akkaraipettai are seasonally catching yellowfin tuna, using the deep-sea prawns as bait. Even more revolutionary was a group of Nagore fishermen who have completely given up trawling and shifted to yellowfin tuna fishing. They have even set up Philippines-style fish aggregating devices called *payaos* for aggregating tuna. For this group, the multi-day fishing boats of Sri Lanka are a threat as they have, on occasion, destroyed the *payaos*.

Whatever be the truth about the damage caused by trawling to the environment, there was a consensus that the trawl sector, from Rameswaram to Nagapattinam, was facing a major economic crisis and that the current fleet size is just not sustainable. The discussion then shifted to the possibility of fleet reduction. All agreed that fleet reduction

was essential but had no clue how this could be effected. ARIF members suggested various methods by which the fleet could be reduced, either compulsorily or voluntarily. The possibility of approaching the government and, in turn, international donors for a buyback scheme was also suggested. The response to this idea was enthusiastic, as a large number of trawler owners were just looking for a way out and were prepared to jump at any offer that covered at least their debts. Obviously, any buyback scheme should be backed by a management regime that did not allow new trawlers to come in place of those that have left the sector.

Interestingly, some of the associations had sought a freezing of the fleet strength in Rameswaram, when the number of boats had swelled to 500. However, the Fisheries Department did not take this suggestion seriously and kept issuing licences until the current fleet strength of nearly 1,000 was reached. The attitude of the department to trawling was also discussed and it was felt that many of the officers were still in the old frame of mind that saw promotion of trawling as being synonymous with 'modernization' and 'progress'.

Working together

The divisions and lack of unity among the Rameswaram fishermen were also discussed. The fishermen were clear that

Details of trawlers engaged in transboundary fishing

District and trawl bases	No. of trawlers	No. of trawlers that cross over to Sri Lanka	Areas in Sri Lanka where fishing is done	Dependence on Sri Lankan resources
Ramnad dist. (Rameswaram, Mandapam)	1700	900	Arc between Thalai Mannar and Delft Island	Very High
Pudukottai (Kot-taipatinam, Jagadapatnam)	1000	1000	Delft Island to Jaffna within the Bay	High
Nagapatinam (Kodikarai and further north on Bay of Bengal coast)	1200	600	Palk Straits and beyond; Jaffna, Vadamarachi area	Medium to low; mostly seasonal incursion into Sri Lankan waters
Total	3900	2500		

the time has come for working together and if ARIF facilitated a coming together, a coordination committee of the 13 associations could be set up to follow up the results of the mission and to work on long-term issues. They were ready to initiate a process of discussion on hard issues like fleet reduction and alternative employment, if ARIF also helped out.

The discussion reflected a significant departure from the normal position that trawl boat associations in India tend to take when criticized. The strong stand taken by the Sri Lankan fishermen, the atmosphere of camaraderie created by the mission and the consequent breaking down of mental barriers undoubtedly contributed to this change in stance.

On 25 May, the mission members met to decide on the stand to be taken at the workshop in Colombo, now that the Sri Lankan fishermen had revealed their thinking in Mannar. The meeting tried to understand the dimensions of transborder fishing by the Indian boats in the Palk Bay. It emerged that the Ramnad, Pudukottai and Nagapatinam fishermen had different areas of fishing in Sri Lanka, with perhaps some overlap. An attempt was made to quantify the size of the problem by looking at numbers of boats involved in each district in transborder fishing and the extent of dependence on Sri Lankan fish resources. The table summarizes the result of the discussion.

This exercise helped to clarify the kinds of concessions that the different groups could offer. The Rameswaram fishermen

felt they could keep a distance of three nautical miles from the Sri Lankan shore, which should, to a large extent, take care of the problems faced by the Mannar fishermen. The Pudukottai fishermen also felt that they could remain three nautical miles from the Sri Lankan coast. The Nagapattinam fishermen, on the other hand, felt that they could stay as far as seven nautical miles on the Jaffna-Vadamarachi stretch where they normally operate and where the sea is also deeper near the shore. Though there already is an informal ban on the use of four types of trawl nets, a rigorous application and formalization of this ban was also suggested as an additional concession from the Indian side. Any violation of the agreement by Indian boats would be punished by not allowing such boats to fish any longer (that is, by getting the Fisheries Department to withdraw their licences or stop issuing tokens).

It was felt that if trawling became an issue, the Indian side could offer to reduce the fleet strength gradually to around half, over a period of three to five years, based on discussions with the government.

Maritime borders

The workshop in Colombo on 27 May featured a session of presentations on the problem at hand. V.Vivekanandan, leader of the Indian mission, outlined the historical evolution of the fishing conflict in the Palk Bay, starting from pre-independence days to the present time, with major changes taking place due to the 1974 and 1976 agreements on the maritime borders, the start of the civil war in 1983 and the recent post-2002 peace

process in Sri Lanka. He stressed the historical relationship between fishermen on both sides and the general harmony that has prevailed in the Palk Bay, despite the occasional hiccups that occurred when new technologies were introduced like nylon nets in the early 1960s and trawling in the late 1960s.

The 1974 Kachchativu agreement produced a political storm in Tamil Nadu but did not actually affect fishing operations in the Palk Bay, where movement of fishermen across borders continued unabated. The start of the civil war and the restrictions of fishing on the Sri Lankan side led to the Indian fleet expanding to make use of the unexploited resources on the Sri Lankan side. The restart of fishing operation on the Sri Lankan side has now led to a situation wherein the Indian fleet is in conflict with the Sri Lankan fishermen who are re-establishing their claim over the Palk Bay resources.

Soosai Anandan, Reader in Geography, University of Jaffna, made a presentation of the problem from the perspective of the fishermen from the Northern Province. He stressed the importance of resource conservation and management for a small nation like Sri Lanka and the enormous importance of fish resources for the livelihoods of people in the northern province. He talked about the 1974 and 1976 agreements. He pointed out that the

very productive Wadge Bank, south of Kanyakumari, went entirely to India. Even though India allowed fishing by Sri Lankan fishermen in the Wadge Bank for some years, the benefit was only for the Western Province; the Northern Province fishermen had no real chance to fish in the Wadge Bank. As far as the Pedro Bank on the northern side is concerned, two-thirds of it went to India after the boundary was demarcated. Thus the fishermen of the Northern Province have limited fishing areas and have to protect their resources.

Fish catches had peaked in Jaffna around 1983, when the civil war started. Subsequently, they declined drastically before making a small recovery in the early 1990s. Now, after the peace process began, there has been a new growth in fish landings, but catch levels still remain a far cry from the heydays of 1983. Resource depletion seems to be the main cause, as the fishing effort is now significant.

The problem of the 'high security zones' that cover large areas of Jaffna, where fishing is prohibited up to 5 km from the shore, was also discussed. It was also pointed out that the government was unwilling to give multi-day fishing boats to the Tamil fishermen in the north, citing security reasons.

Sharing session

The post-lunch session saw representatives from each district sharing

their problems and experiences. Devadoss from Rameswaram talked about the risks to life and limb that the fishermen faced during the two-decade civil war and the price they paid for pursuing their livelihood in a war-affected zone.

He also explained why Rameswaram trawlers ended up in Sri Lanka. It was not because of depletion of resources, as assumed by the Sri Lankan fishermen, but because the area close to Rameswaram was rocky and unsuitable for trawling. The trawling grounds start only after a few miles and any normal trawling operation will automatically take the trawler into Sri Lankan waters, since the boundary was just 7 km from Dhanushkodi.

Ravi from Pudukottai talked about a similar problem that made their trawlers end up in Sri Lankan waters. The 3-mile zone reserved for artisanal fishermen in Tamil Nadu force the trawlers to start operations after that distance from the shore, which only increases chances of crossing the border and ending up in Sri Lankan waters. Manoharan from Nagapattinam explained how the Nagapattinam fishermen come to Sri Lankan waters seasonally and concentrate on deep-sea fishing in the other months. He explained how some of their boats have diversified operations to go after yellowfin tuna and face

competition from the multi-day fishing boats of Sri Lanka.

The Sri Lankan fishermen cited the long war period and the loss of fishing livelihoods, the large-scale displacement of fishermen and the loss of property as common problems. Though NGOs and the church were helping to some extent with revolving funds for equipment purchase through co-operatives, fishermen still had to raise a lot of resources themselves. It is in this context that the incursion of Indian trawlers was hampering the pursuit of their livelihoods. Based on the awareness-raising campaign conducted by the Fisheries Department, the church and concerned individuals, action has been taken against harmful methods of fishing.

The operations of around 200 trawlers in the Jaffna area have been curtailed by the Sri Lankan fishermen. The trawler owners have been given a deadline of December 2004 to stop trawling completely. The co-operatives, even though short of resources, have offered to help them shift to alternative fishing methods.

Unacceptable operations

The Vadamarachi fishermen also found the operation of Indian trawlers close to their shores unacceptable, especially as long stretches of their coast had been converted into high-security zones. They felt that the Indian fishermen have a large

area of their own to fish in and it made no sense for them to operate in the limited area that Sri Lankan fishermen of the north possessed.

The group discussions resulted in two points of view. The Sri Lankan fishermen wanted an end to trawling in their waters. They felt that the Indian trawlers could be given a few months to stop trawling. The Indian fishermen, on the other hand, wanted to keep a 3-mile distance from the shore and avoid certain trawl nets.

A working group was then formed to work out a compromise solution. In its report, it said that the Indian side had agreed in principle that trawling has to be stopped in Sri Lankan waters, given that Sri Lankans are banning their own trawlers. No agreement was, however, reached on the time frame for stopping trawling, as the Indian side wanted a much longer period than what the Sri Lankans found acceptable. A three-month period has been given for further dialogue on the issue and for a mutually acceptable time frame; a Sri Lankan delegation will visit India during this period to carry forward the dialogue.

As an interim measure, the Indian trawlers will keep a distance of three miles from the Sri Lankan coast in the Palk Bay and seven miles on the northern coast (the Jaffna-Vadamarachi stretch). The Indians will not use the four types of trawl nets earlier identified. Any violation of the above understanding by Indian boats will be reported to the Indian fishermen's organizations, which will take suitable action against the erring boats; the Sri Lankan fishermen will not take direct action. Both sides will work for the speedy release of fishermen and boats currently detained by both countries.

In an intervention, Vivekanandan explained the significance of the agreement reached by the two fishermen groups. He wanted the Sri Lankan fishermen to understand the implications of the agreement for Indian fishermen. He said that the agreement, in principle, to stop trawling was a revolutionary decision in the Indian context. Despite various conflicts over trawling in Indian waters, it had, over the years, become the

most important fishing method. India caught around 2.8 million tonnes of fish each year and was among the leading marine fish producing countries in the world. It is important to recognize that trawling contributes to over half of this catch.

Though the dangers of trawling were acknowledged, and many restrictions put on trawling, including a seasonal ban, the vast shelf area that India possessed gave trawling greater scope than in Sri Lanka. Given the importance of trawling and the sheer size of the sector (which has approximately 50,000 trawlers), it was unthinkable of talking about stopping trawling in India. Even government agencies and fisheries departments would find it difficult to accept such an idea.

In the area between Rameswaram and Nagapattinam (the area relevant for the agreement with Sri Lankan fishermen), the total trawl fleet was 4,000, representing an investment of around 1.2 billion Indian rupees (approximately 2.5 billion Sri Lankan rupees). The total debt of trawl fishermen would be at least 600 million Indian rupees. The total number of fishermen manning this fleet was around 20,000. If shore-based workers and dependent families are also counted, the numbers would be in the range of 200,000-300,000 in this area alone. Given the size of the sector, stopping it overnight was impossible. Only the government can take up the task of rehabilitating such a large population and even this is a difficult and time-consuming task, according to Vivekanandan.

He, however, acknowledged that a great beginning had been made in the Colombo meeting, which had the potential to transform fishing in India. He felt that the Indian fishermen's representatives might not have made the trip had they had even a hint of the nature of the agreement they were to conclude.

Unexpected outcome

The fishermen back home would wonder whether it had been worth sending this team to Sri Lanka, if the outcome was to stop trawling. Therefore, it needed a lot of courage on the part of the Indian fishermen to accept this agreement. Sri Lanka may be a small country but the

concern shown by the Sri Lankan fishermen for resource protection is a lesson for Indian fishermen.

The mission team met on 29 May to take stock of the situation and decide on follow-up action. Though the members had boldly agreed to the decision to stop trawling in Sri Lankan waters, there were doubts about the implementation of the decision. There was also a feeling that some of the Sri Lankan fishermen had got the impression that the Indians had agreed to stop trawling in three months, rather than ask for three months' time to take a decision on the time frame for stopping trawling. It was felt that the reciprocal visit from the Sri Lankan side would help to clear up the ambiguity. Overall, it was felt that something had been accomplished by the mission, but success now depends on follow-up.

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