

FISHING RIGHTS IN POST-WAR SRI LANKA – RESULTS OF A LONGITUDINAL VILLAGE ENQUIRY IN THE VADAMARACHCHI

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1. Introduction

This paper is a first reflection on the shape and shaping of fishing rights in post-war societies such as northern Sri Lanka. It is inspired by astonishment that, in a region devastated by long periods of violence, evacuation as well as natural calamity (tsunami 2004), old notions of fishing rights are adapted for contemporary fishing practice. My aim is to document and analyse current practice in this region, making use of material collected in two time periods: the late 1970s, when a colleague and I carried out master-level fieldwork in the village of Thalaiyadi (Bavinck and Van Dijk 1978; Bavinck 1984), and more recently in January 2012 and 2013, when I was again able to spend time on location.

Many years ago, the anthropologist George Dalton noted for rural economies in Africa that “resource allocation is never unstructured because continuity in the production of basic goods is never unimportant” (1962:365). This maxim certainly applies to fishing societies that rely on common pool resources and therefore experience more risk of mutual interference. Collective action for the purpose of resource allocation and management is therefore an old and regular phenomenon in fishing (Ostrom 1990; Ruddle 1988; Bavinck 2005). In South Asia, such systems of customary management are frequently even more influential than those exercised by the state (Bavinck 2001; Bavinck et al. forthcoming).

But rural societies no longer stand in isolation, and customary law is necessarily confronted by state activity. This is more than true in societies like Sri Lanka that have gone through protracted periods of civil war and have been significantly militarized (Kadirgamar 2013). Here the state is now a more than significant player in determining fishing rights (Scholtens et al. 2012). In this paper I inquire into some of the ways in which customary law and state regulations relate.

The paper commences with a description of the case study village, as it has developed over a period of 35 years. I then discuss the basic condition of fishing rights and highlight three instances of fishing conflict, two of which are external and one internal to the village. This is followed by a discussion.

2. Thalaiyadi –characteristics and trends

The village of Thalaiyadi, located off the main Jaffna-Colombo road eastward of Pallai, found its origin in the 19th century as a collection of beachseine camps. By the early 20th century, road and rail infrastructures in Sri Lanka had improved, encouraging would-be samaddis (beachseine operators) to set up migratory enterprises in remote areas such as the Vadamarachchi. A road (now the B402) constructed in 1907 connected Thalaiyadi to the main traffic artery and triggered its conversion to a permanent fishing settlement, grouped around the Roman Catholic church of St Anthony. In 1977, the Karaiyar fishing population of Thalaiyadi (426 in number) had prospered significantly, mainly through a transition to mechanized boat fishing. The Sri Lankan government in the 1960s had

introduced 3.5 ton, inboard engine-powered boats as part of its modernization drive. Along this Vadamarachchi coastline, the fishers of Thalaiyadi had taken to this new kind of fishing in a big way. The rich Pedro Bank, located at only 20 (?) kilometres to the east in what is locally known as the *aan kadal* (male sea, in contrast to the *pen kadal* of the Palk Bay), became their natural fishing ground. At the time of my first fieldwork, in 1977, the village counted 20 mechanized boats and provided employment to approximately 120 men. Significant amounts of high quality seafood were transported to Colombo for sale each day and the village population prospered. Many had constructed tiled multi-room houses in the area along the seaboard.

The civil war between Tamil guerrilla groups and the Sri Lankan government commenced soon after, however, and the Vadamarachchi lies became one of the scenes of repeated battle. A number of men and boys joined the guerrilla, but many more – those having made money in mechanized boat or beachseine fishing – fled to Europe and North America. Poorer villagers sought safety in South India or in other parts of Sri Lanka itself. Still, when the tsunami struck the northeast coast in December 2004, a substantial number of people remained – a monument in the village commemorates the memories of the 39? people who died in the force of the wave.

I set foot for the first time in Thalaiyadi again in January 2012, after the military had finally re-opened the area. The village made a desolate impression. The heart of the original settlement stood in ruins: the combined result of combat hostilities, tsunami devastation and subsequent looting. In the place where I lodged in 1977, an army camp is now situated. The fleet of mechanized boats had disappeared – in a distance to the north, at the edge of the former village, I could, however, discern some small-scale fishing activity going on. Having met one of my erstwhile friends, I settled into a room at the cooperative society and started to explore the current situation.

Thalaiyadi today has a population of 430 (161 households), and 35 more-or-less fulltime fishers. The qualifier ‘more-or-less’ refers to the fact that even the most dedicated of fishers go to sea no more than 60 days a year.¹ A combination of bad weather conditions, the prospect of poor catches, and the risk of getting mauled by Indian trawler operations serves to keep local fishers on shore. Many find temporary employment as workers in the reconstruction effort. The proud fishing industry of old has disappeared. Those who have relatives abroad rely to a large extent on remittances. Others live a hand-to-mouth existence, and strive to slowly rebuild their livelihoods.

The population has transformed: although a core of original inhabitants still remains, there are many newcomers from other parts of the coast and inland – refugees, who settled at some point of time. Having been allocated land to the rear of the seaboard, and benefiting from generous housing grants, these people are now constructing dwellings. Electricity has reached the village again. A priest, based in the neighbouring village of Chempianpattu, says weekly mass. Religious life has, however, changed: the village now counts Hindus and evangelical Christians next to Roman Catholics. Moreover, the war has left deep scars: as one village leader put it, “we are a wounded society” (*noogutal poonatu*). The Fisheries Inspector (interview 18-1-2012), comparing Thalaiyadi fishers to others in the Jaffna peninsula refers to them as *eezhmai* (impoverished) .

¹ Bookkeeping Kanagaratnam 2012.

Fishing now is a small-time affair. Although the village possesses several km of strand², the landing site, situated next to a small navy post, counts only 18 fibre-glass boats and 17 simple kattumarams (most of which derive from loan or relief programmes).³ There is market to speak of. During the beachseine season (March-October), outside mudalalis sometimes appear to set up camp (but in 2012 they had not come). The poorest category of fishers in the village uses hand-operated kattumarams together with a simple set of sardine (*sudai*) or monofilament (*sangoosi*) nets or hook and line to eke a living from the sea area closest to shore. The kerosene engine-powered boats, manned by crews of 2-3, and making use of a variety of drift- and set-nets⁴, go for one-day fishing trips. Their prize target species are shrimp, seer fish, and squid. All this, the fishers say, is 'sinna tozhil' (lit. 'small work'), in contrast with the multi-day fishing activities (*periya tozhil*) taking place in southern Sri Lanka and India.

The Sri Lankan Navy, the Fisheries Department, and the local fisheries cooperative, locally known as the *Sangam*, jointly exercise control over fishing activity. We will discuss their role more extensively below. At this moment, however, it is useful to note that, during the war period, the Navy imposed severe restrictions on fishing, also making use of a pass system. This system is still implemented in Thalaiyadi today.⁵ All fishers possess ID-cards and their craft are registered with the Fisheries Inspector, the Navy, and the Sangam, in close coordination. The navy personnel of Point 3 (the Thalaiyadi landing site) exercise a close check on fishers setting for sea.⁶

The Thalaiyadi Sangam is part of the unique system of fisheries cooperatives in northern Sri Lanka (Scholtens et al. 2012). These cooperatives are nested in a larger structure of Unions and a Federation at the level of Jaffna district. Thalaiyadi is one of 15 sangams belonging to the Vadamarachchi East Union. All fishers, and many others with a role in fishing, are members of the Sangam.⁷ We will see below that the Sangam and the Union play important roles in fisheries regulation.

The fishers of Thalaiyadi today have many concerns. Some of these are directly related to fishing, whereas others relate to general problems of life in a post-war region. An older inhabitant and former fisher leader Stanislaus (interview 11-1-2013) defines three major fishing issues, in this sequence:⁸ (1) the negative effects of heavy Indian trawling in the inshore and offshore regions; (2) the incursion of Sinhala fishers from the South; and (3) the dramatic depletion of marine resources.

² Sangam leader Balan

³ According to the *sangam*, there are 20 boats and 31 kattumarams in Thalaiyadi. The difference between this number and the number counted along the beach is explained by the fact that some are currently not involved in fishing and have stored their vessel elsewhere.

⁴ Common net types are trammel nets (*discovalai*), 2.5" mesh gill nets (*arukoddiyaan*), and seer fish nets (*arukulavalai*)

⁵ The Sunday Observer of April 14, 2013 announces the abolishment of the fisheries pass system in northern Sri Lanka. It is not clear to what extent it is implemented, however.

⁶ Checking has reduced in the course of time. Whereas in January 2012 navy personnel was carefully noting each departure and arrival, this no longer took place in January 2013. But this author, lacking a fisher ID-card, was regrettably not allowed to go to sea...

⁷ The Thalaiyadi sangam has 166 members - many more than the active number of fishers. The current secretary (interview Mariyanayagam 15-1-2013) explains that the Navy insists that everyone over 18 yrs of age on the beach be registered with the sangam. The list thus includes many men and women who do not normally go for fishing. It also includes the names of old village members who have moved to Jaffna town.

⁸ This is the list of points he had prepared for presentation to the French ambassador who was visiting Jaffna; in the end, however, he was not able to attend this meeting.

In his view, point (3) follows from points (1) and (2), and the list is therefore one of external threats requiring urgent attention. We shall see below that there are internal matters requiring regulation too. The sudden rise of squid-jigging in 2012, and its effects on other fishers, however, is currently the most crucial.

3. Fishing rights: overview

Territorial use rights are found in fishing the world over (Christie 1982), as are informal regulations defining who has the right to actually take part in fishing activity (Schlager and Ostrom 1993). Research in South India, which is part of the same cultural region as northern Sri Lanka, reveals a strong regime of community control (Bavinck 2001), particularly over the fishing technologies employed. A similar regime, with some special emphases, appears to prevail in northern Sri Lanka.

The starting point of all regulation in this geographical region is a notion of territorial privilege. This starts with the beach. Although Thalaiyadi is officially part of the neighbouring village of Marathankerni, Thalaiyadi fishers have clear ideas on beach-side boundaries on both sides. Erstwhile Sangam president Balan (65 yrs, interview 16-1-2013) explains:

The Thalaiyadi beach covers approximately 6 km, with only 2 km being inhabited. On both sides there have been problems with establishing the boundary. On the Chempianpattu side this could be resolved quite easily, also because they are also Roman Catholic. There is a boundary there [reaffirmed in approximately 2000]. On the Marathankeni side, however, it still has not been resolved. This is also because the people there are Hindu (Pillaiyar). But also because a Thalaiyadi coconut estate owner sold his estate (that was on the Marathankeni side of the village) to Marathankeni people, who then claimed the beach too belonged to Marathankeni.

Despite the fact that a dispute therefore remains about the precise location of the southern boundary, the ambit of local authority is more-or-less clear. Within these territorial limits, fishers recognize a number of preferential beach plots, or *paadu*. The majority of these are traditionally connected to beachseine units, and possess an official status (cf. Alexander 1982) – the Fisheries Inspector and the Sangam are supposed to keep a register of these *paadus* and issue permits annually to respective right holders.⁹ Balan explains that there have always been five beachseine *paadus* in Thalaiyadi, and, in addition, a so-called common plot (*potu paadu*) for migrant and for local fishers using boats or kattumarams. We concentrate now on the common *paadu*.

During 6 months in 1977, Thalaiyadi contained a large camp of migrant fishers from Myliddy and a few other locations on the north coast of the Jaffna peninsula. These temporary migrants based their right to fish from Thalaiyadi on an inter-village agreement¹⁰: the boat fishers of Thalaiyadi would, in the monsoon season, be allowed to anchor their boats along the north coast, while fishers of the north coast would be allowed to fish from Thalaiyadi during the southwest monsoon.

⁹⁹ The current Fisheries Inspector, Mr Kalistan, explains that in the case of Thalaiyadi all books were lost during the war period. In the post-war period, beachseine samaddis have therefore been allowed to operate without permit. He now plans to start a new register (interview 16-1-2013). Interestingly, although *paadus* can remain with a beachseining family for years and even generations, *samaddis* do not view them as property on which one could also, for example, build a hotel. Arulanantham (80 yrs?, ex-samaddi): No, it isn't like that. One doesn't possess a title deed, as one would have for a regular piece of land. One can only make use of a *paadu* for work purposes. (Interview 12-1-2013).

¹⁰ At the time, in 1977, I was unaware of this agreement. Interview .. (date) pointed out its existence.

Migration of this kind no longer takes place, however. First of all, Thalaiyadi fishers themselves no longer migrate on a seasonal basis – a pattern that was especially useful when they were operating 3.5 ton boats. In addition, they jealously prevent outsiders from operating craft from their territory. The Sangam, the Fisheries Inspector, and the Navy, all prohibit movement of outsiders with craft into Thalaiyadi¹¹.

FI Kalistan (@40 yrs) [asked whether it is correct that outsiders cannot bring boats to Thalaiyadi]: Yes, this is correct. It is the villagers who won't allow it to happen. The Fisheries Department won't stop boat movement, after all, Sri Lankan citizens can go for fishing wherever they want. But here, if an outside fisher doesn't have a letter of support from the local Sangam, we don't give him permission to operate here. (interview 16-1-2013)

Yoogan (Sangam president, 45 yrs): If boats come from another area, we – the local fishers – don't like it. After all, our population has increased. It is not a problem to bring workers from elsewhere, but not boats. (Interview 14-1-2013).

An exception is made for fishing labour: in the case of squid jigging, for example, which Thalaiyadi fishers were not familiar with at the time, the Sangam permitted a number of outside experts to join fishing during 2012. Mariyanaayagam (Sangam secretary, 65 yrs) shows me the list, which includes copies of their identity cards. Their employers paid Rs 1000/month tax to the Sangam for each outside worker.

Territorial privileges also extend to sea. The general principle prevailing in South Asia, and applied in Thalaiyadi too, is that the sea is a common-pool resource, to be utilized by all fishers without limitation. Fishing hamlets, however, have a right to regulate the kind of technology used within their territories. These coincide with the marine waters enclosed within the lines of beach-side boundaries extended to sea. Such boundaries tend to lose force with distance to sea. Although some fishers in Thalaiyadi point out that, compared to India, the forcefulness of such rulings is less¹², the prevalence of a territorial principle is evidenced by debates on the permissibility of trawling, diving for sea cucumbers, and squid-jigging (see sections below).

The above suggests that fishers are the principal agents of regulation in northern Sri Lanka. This is, however, only part of the truth. Underlying the regulation of fisher movement are after all the security concerns expressed by the Sri Lanka Navy, both during war years and the period thereafter. Their system of passes and monitoring activity upholds these concerns, and dovetails with the current policy of the Fisheries Department. Interestingly, however, the regulations prohibiting

¹¹ The definitions of 'outsider' and 'insider' are of interest. The current Sangam president (interview 14-1-2013) confirms that those born in or married into the village, plus those who have immigrated many years ago are accepted as locals (As an example he mentions a person we both know, Kanagaratnam, who belongs to a Hindu family originally from Jaffna). His assessment is as follows: "If the Grama Seveka (village officer) allows people to live here – in other words, if they are registered inhabitants – they are also allowed to fish here. In fact, we have a lack of people here now, and it would actually be good to have more..." But others confirm that the difference between insiders and outsiders may run deeper. Selvaraja (Indian Tamil 52 yrs) thus makes reference to the Tamil saying 'vantaan varattaa' (interview 20-1-2012).

¹² Not everyone in Thalaiyadi agrees that the rule system of northern Sri Lanka resembles that of South India. Kanagaratnam (boat fisher, 50 yrs), who says he knows the Indian situation says: "The Sangam here does not make own rules and does not have control such as in India." An older relative, Kumar, butts in: "There used to be far more control here!" He is presumably referring to the period in which the LTTE was in charge of the Vadamarachchi. (Interview 21-1-2012)

movement are now upheld by local fishers who are especially concerned about maintaining livelihoods. We find here a form of collaboration between Navy, Fisheries Department, and local Sangams.

But there are major disagreements between these parties as well. The next sections discuss the most virulent of these problems, relating to Indian trawler fishing, the activities of Sinhala divers, and squid-jigging. The first two belong to the category of external threats, while the third is internal to the Thalaiyadi fishery.

4. External threat: international trawl operations

Bottom trawling is a comparatively recent phenomenon in northern Sri Lanka. Throughout its modernization drive, the Sri Lankan government has wisely chosen to emphasize gillnet fishing, rather than – as their Indian counterparts had done – building up a trawling fleet. Although in 1977 there was talk of a small and illegal number of small trawlers based in Jaffna town, these certainly never visited the northeast coast. Nor did Indian trawler fleets, which – at that time – mainly operated in Indian waters. The fishers of Vadamarachchi thus probably had the adjacent Pedro Bank more-or-less to themselves.

This situation started to change in the early 1990s with the further development of trawling fleets in South India, and the increasing size and capacity of trawl vessels. Attracted by the riches of local fishing grounds, more and more trawl fishers began to operate in vacant northern Sri Lankan waters (Scholtens and Bavinck 2013), gradually also moving down the east coast. Whereas the trawl fishers operating in the Palk Bay are generally held to a 3-day/week fishing schedule, those plying the east coast have no restrictions but for an annual closed fishing season of 45 days¹³. Intensive bottom trawling affects local fishers in various ways. It modifies and degrades the benthic environment, and reduces total stocks. By targeting the most valuable species, such as shrimp, trawl fishers also compete directly with local fishers, and almost always get the better deal. Finally trawling – as an active gear type – tends to conflict directly with fishing practices based on passive gears, such as employed by local fishers, and results in gear loss and damage among the latter.

I noted above that fisher leader Stanislaus suggested that trawling fishermen is Thalaiyadi fishers' problem number 1. A few qualifications must, however, be made. First, trawling does not affect all fishers equally. For example, those doing kattumaram fishing close to shore are not directly impacted by trawler operations (although there may be indirect impacts due to declining fish stocks). It is mainly the group of boat fishers operating in more distant waters that is affected. Second, trawling is not a permanent phenomenon: there are periods of the year in which trawling is intensive (January-February and June-August) and periods in which it is less prevalent. My recent fieldwork periods in Thalaiyadi (the months of January 2012 and 2013) coincided, however, with an irregular period of boat fishing, as well as a non-sighting of Indian trawlers.

But what do Thalaiyadi fishers now say about trawling and its impact?

¹³ The background of this difference is that the northeast coast is generally fished by trawl operators from Nagapattinam and adjacent ports along the Coromandel Coast, who are not held to the 3-day/week regime (which applies only to operators based in the Palk Bay).

Balan (former Sangam president, 65 yrs): You can't imagine, if there are 1000 trawlers operating, the noise they make. It even scares me, what about the fish? I actually lost 12 pieces of *tirukkaivalai* (ray fish net) in April 2010, only three days after I had bought them for Rs 2 lakh. Sometimes a whole line of up to 10 trawlers will go through your nets. And of course sometimes the Indian fishers steal the nets too. (interview 17-1-2012)

Dolin (boat fisher, 35 yrs?): I am afraid of trawlers especially when we go for seer fishing, as there is a risk that they will cut through my nets and I will lose them. That would be a big financial catastrophe. If we stay awake we can try to warn them. But sometimes they won't hear us if the engine sounds are too loud. [Q: Can I conclude that because trawlers may be coming you are not doing seer fishing?]: Yes, you could say that. (interview 14-1-2012).

Worker 1 on Maistry's boat (18 yrs): Trawlers destroy our nets. If we see them coming, we give up. (interview 16-1-2012)

Worker 2 on Maistry's boat (25 yrs): Last year in January and February we caught no shrimp at all. We went for fishing no more than a week in those months (interview 16-1-2012).

Thalaiyadi fishers point to the Sri Lankan government as the main wrongdoer.

Balan (former Sangam president, 65 yrs): I think there may be a secret agreement between the two governments [India and Sri Lanka] which prevents them from taking action. Otherwise they could easily stop them, couldn't they? (interview 13-1-2013).

A few days later, he adds:

If a neighbour wants to enter your garden, he asks permission, doesn't he? Why does the Sri Lankan government not act? This is a situation of treachery (*turoogam*) (Interview 17-1-2013).

But not everyone feels so badly about the Indian trawl fishers.

Yoogan (Sangam president and boat owner, 45 yrs?): I can't see the trawl fishers as enemies, after all, we both work the sea. They don't cut our nets deliberately. (interview 16-1-2012)

When trawlers are sighted on the fishing grounds, Thalaiyadi boat fishers have different ways of reacting. The most common is not to go fishing at all, as this saves fuel expenses. They may, however, also shift to other fishing grounds or other fishing techniques, which involve less risk (like squid-jigging). But there are always some who take a gamble, and try to warn approaching trawl fishers to keep away. This is what Yoogan, mentioned above apparently does. He takes an additional small craft along, and has it move back and forth along the length of his net, waving a light.

5. External threat: sea cucumber diving

In May 2011, Sri Lankan newspapers (source) carried a small item reporting on the fact that fishers in Vadamarachchi had collectively voiced protest against sea cucumber fishing activities of their area. Sea cucumbers (Tamil: *addai*) are a delicacy in East Asia, and fetch a high price on the international market. Although, being endangered and on the CITES list, their harvest and trade have been prohibited by both the Indian and the Sri Lankan (?) governments, clandestine fishing goes on in various parts of Sri Lanka and India (Bavinck and Vivekanandan 2011). Fishers in Thalaiyadi explain that the perpetrators along their coast are Sinhala *mudalalis* (traders) who gather groups of divers in the south and, under the protection of the Sri Lankan armed forces and the Ministry of Defence, put

them to work on location. The profits are presumably shared between *mudalalis*, divers, and their military patrons.

Yoogan (Sangam president, 45 yrs?): In 2011 they came with the army, so we allowed them to operate. In 2012 3-4 *mudalalis* came with each 50 divers or so and permission from MoD, which had been ratified in Palali. The scuba divers had been given a license to work at a distance from shore (20 km/7-10 fathom), but frequently come in closer. They make use of lights and dynamite. All the Sangams in this region (15 in total) protested right from the beginning (interview 14-1-2013).

Thalaiyadi fishers are most indignant about the regular application of dynamite, presumably to also kill nearby fish stocks, and the use of bright underwater lights. Both practices are felt to chase available fish away. As a consequence of fisher protest throughout the Vadamarachchi, the assistant government agent (AGA) responsible finally decided that sea cucumber diving activities must be moved southward to the high security area of Chundikulam. The *mudalalis* and their divers subsequently shifted away. But as Yoogan explained, there is no guarantee that they won't return in 2013, however:

Yoogan: In November 2012 the Navy commander in Jaffna organized a meeting on *addai* fishing, and I also went. He said that he cannot prohibit this fishing if the divers come again with an order from MoD.

Trawling and sea cucumber diving is carried out by groups alien to northern Sri Lanka. The protest against trawling, if one can call it such (Scholtens et al. 2012), that is felt throughout the region, has generally been muted, with an occasional outburst of rage. The general sentiment is one of powerlessness in the face of roving bandits, a repressive government, and elusive international diplomacy. In the case of the sea cucumber diving camps too the 'illicit contenders' have powerful backing. Being located within the country, however, local fishers have managed to mobilize an effective counterforce that – at least temporarily – has shifted unwanted activities to another region. In the case of squid-jigging, which emerged in 2012, however, the Vadamarachchi fishing population is internally divided. These divisions are most palpable in Thalaiyadi, which came to host the bulk of squid-jigging activity.

6. Internal threat: squid-jigging by local fishers

Squid-jigging is a specialized fishing activity making use of a fixed lure (*pattai*) that is anchored to the seabed. The lure used by Thalaiyadi fishers consists of the branches of a jungle shrub, whose smell squid apparently find irresistible. Fishers affix bunches of branches, collected in the hinterlands, to rope and bags of sand and submerge them at sea for a period of 10 days or so. The position of lures is carefully marked by GPS. If these lures survive the activities of trawler vessels or gillnetters, they congregate squid which can then be caught by means of jigging (moving a simple hook up and down jerkily). The latter requires specific expertise. Squid are a high value export product, fetching (in 2012) up to ... Rs/kg in Thalaiyadi. It is practiced during the SW monsoon, when the seas off the Vadamarachchi are relatively calm.

The fishers of Thalaiyadi were unfamiliar with squid-jigging prior to 2012. This fishing method, however, was already being practiced, however, in the Mannar region of western Sri Lanka. It was from Mannar that it arrived in Thalaiyadi and was taken up by a majority of boat fishers in 2012.

Balan: My younger brother Alwyn had seen people doing *kanavaay* fishing in Mannar, and we decided to do it here as well. My relatives and I had 15 boats on the beach at the time. To do so, however, we needed skilled labourers, and we brought them in from elsewhere. No, there were no outside people with boats, it was only workers, the equipment was all ours.

The motivation for its rapid adoption was obvious: the squid caught in this region were especially large and plentiful and fetched high prices. This fishery thus soon made up for what was otherwise an extremely lean fishing season. The small fleet of boats began to expand, with control concentrated in the hands of one extended family.¹⁴

But squid-jigging also raised objections from various quarters. The boat fishers who make use of gillnets were most outspoken; they complained that the fixed lures, which could not be seen from the surface, were getting entangled in their gear and causing them serious damage as well as a loss of income. Others grumbled that the forest was becoming denuded with all the hacking that was taking place for the fabrication of lures.

FI Kalistan: This kind of fishing – which is very lucrative! – does cause damage to those using gill nets, also because the lures become populated with conch and other shell fish and become very long-lasting. It is used mainly in Thalaiyadi, but affects the entire region. It is therefore logical that the Union has been talking about a ban. If a decision of this kind is actually taken, the Fisheries Department may endorse it. But there will be problems (*pirachanai varum*) when the season starts, as Thalaiyadi fishers will not like stopping it. (interview 16-1-2013)

Dolin (boat fisher, 35 yrs): I did very well because of *kanavaay* fishing last year. But one should do this fishing beyond 10 fathom depth, where it doesn't disturb local *sudai* fishers. But some people put the lures in sea at 4 fathoms depth. This is asking for trouble. One has to know that *sudai* nets have a depth of 5 fathoms, and the lures are anchored at one metre above the sea floor (interview 14-1-2013).

Yoogan (Sangam president, 45 yrs): The Fisheries Department did not prohibit squid jigging in 2012, although some sangams along the coast did voice protest. If the Union decides to ban it in this region this year, we will, however, follow this up. A decision is reached through a majority vote. After all, if 5 boats are doing this kind of work, 45 are doing other kinds of fishing. We may have to confiscate boats. But the decision may also be to allocate one area for *kanavaay* fishing. Then other fishers will have to keep away from there. (interview 14-1-2013).

But those involved in squid-jigging have been putting up a fight.

Balan: There was *erichal* (annoyance, envy) in the village because of our earnings. I then went to the Fisheries Inspector and asked to determine a specific zone where *kanavaay* fishing could be done. I actually also went to show my accounts at a meeting of the Federation in Jaffna, to demonstrate that this is a kind of fishing that is lucrative. They commended me: 'Good, good!' They agreed that it is a modern style of fishing, that it requires skill (*tirumai*). A trader, Anton from Navanturai, subsequently encouraged me to continue and also helped to get official permission from the government. After all, the government is also benefiting from the fact that squid is being exported. (interview 13-1-2013).

Although squid-jigging is mainly centred in Thalaiyadi, objections to this practice are broader-based. After all, the lures frequently also became dislodged, drifting with the current to foul the nets of

¹⁴ Many of these boats belonged to old-time residents of Thalaiyadi, but rumours have it that non-residents have secretly also given their boats to them for care-taking.

others down the coast. Grumbling mounted and soon found its way to the agendas of individual sangams and the Union. A decision, however, could not immediately be reached (interview Anthonis Fernando, 13-1-2013). The question now is what will happen when the fishing season for squid opens again in April 2013. Various parties, such as the representatives of the Union, have already rolled up their sleeves.

Union president Nateshwaran (40 yrs, from Udutturai): This is a kind of fishing which shouldn't be done. Only a few people – some 10 in total – are interested in squid-jigging, while 1000 are against. It is not a suitable vocation. We will shortly have a meeting, and if all member sangams agree, we will prohibit this kind of fishing. Thalaiyadi will have to obey. (interview 17-1-2013).

7. Discussion/Conclusion

I have noted a long and in many ways tragic development of Thalaiyadi fisheries in the period 1977 to present. Not only has the fishery declined dramatically in economic importance, a large part of the original population has left and been replaced by newcomers. Post-war fishing is a shadow of its pre-war self, wracked by new challenges. What holds for fishing practice, also applies to regulatory institutions. A significant institutional transformation has occurred.

The Thalaiyadi Sangam and the Union to which it belongs play an important role in all three of the contemporary fishing conflicts discussed above. Basing themselves on a primordial notion of territorial prerogative, these organizations have attempted to steer events in what is felt to be a desirable direction. In each case, their strategies have been different. Trawling from India being a problem ubiquitous to the Northern Province, and antagonists being located across an international border line, efforts for control have been two-pronged. The first direction has been to convince the Sri Lankan state to take action, the second to appeal directly to trawl fishers and their political backers in Tamil Nadu. Neither attempt has been particularly successful, and local fishers express great frustration with the current state of affairs (Scholtens et al. 2012).

The second conflict, related to the organized activities of divers from the south to collect sea cucumbers, was fought on the regional level. It pitted local fishers, organized in the Union, against private economic interests, the state administration as well as a shady military establishment. The provisional outcome has been remarkably positive, resulting in the shifting of unwanted activities to another region. The permanence of this arrangement is still, however, far from certain.

The third conflict sets up one category of Vadamarachchi fishers – those engaged in squid-jigging – against another. Here Thalaiyadi, being the current centre of squid-jigging, plays a divisive role. The most interesting aspect of this conflict, as far as this paper is concerned, is the relationship between Sangam and Union. Not only does the Union claim the right to make decisions for the entire Vadamarachchi-East region, its privilege is acknowledged by fisher leaders in Thalaiyadi. The basic argument is a simple one: squid-jigging is carried out by only a limited number of fishers, while those affected are many. The counter-argument brought forward by squid-jiggers is that this particular technique is modern and generates substantial wealth for a war-weary region. What direction this conflict will take, will materialize in the course of 2013.

How to characterize the relationship between protagonists in these conflicts? The status of the Sangam and its Union is particularly vexing. Officially these institutions are but local arms of the Department of Cooperative Development and channels for official policy (Amarasinghe and Bavinck 2012). The long interlude of war and LTTE-rule has, however, created a special dynamic amongst fisheries cooperatives in the Northern Province. The most conspicuous aspect is a sense of institutional ownership, which is so obviously lacking with fishing cooperatives in southern Sri Lanka. In Thalaiyadi, fishers recognize the Sangam not only as the most relevant body for fisheries development and management, but one in which they have a major say. The same is true for the Union and the Federation. These are experienced as fisher organizations that, however, gain additional legitimacy from the regular support provided by state agencies.

For state agencies - such as the Fisheries Department, the civil administration, and the military – the cooperative structure appears on the other hand to be viewed as a useful, if sometimes trying partner at the local and regional level. Although the Minister of Fisheries has recently launched a parallel institutional initiative, local officers still have a strong working relationship with the cooperatives. Thus, for example, boats will not be registered in Thalaiyadi without authorization from the Sangam. The Sangam also collaborates with the Navy and the civil administration in monitoring unwanted fishing movement. The latter exert substantial control when protest takes an undesirable direction, such as in physically apprehending trawler fishers from India (Scholtens et al. 2012).

The manifold interactions between agencies make up, in the words of Ostrom (2008), a polycentric system of governance for fisheries. Other than in Ostrom's ideal case, however, fisheries governance in northern Sri Lanka is murky and infected by power struggle. In many instances, the military still has the last word. A conspicuous feature is however, that fisher organizations enjoy (varying extents of) latitude to bring forward and implement their own perception of fishing rights.

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