

Trawl Brawl

Indian and Sri Lankan fishermen have evolved a formula for co-existence in the Palk Bay, which has long been the arena of conflicts over transborder fishing

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Stop trawling within one year. This was the ultimatum that fishermen from the Northern Province of Sri Lanka gave their counterparts in the Indian State of Tamil Nadu, when representatives from both countries met in Chennai during 22 - 24 August 2010 to evolve a formula that would enable them to fish together peaceably in the Palk Bay and Palk Straits.

In an 'agreement', the Indian fishermen consented—albeit reluctantly—to this one-year deadline and also to the following restrictions until trawling is finally stopped in the

nearly three decades. Since the start of the civil war in Sri Lanka in 1983, Tamil Nadu fishermen from the four districts adjoining the Palk Bay and Palk Straits—Ramnad, Pudukottai, Tanjavur and Nagapattinam—have braved arrests, detention and even bullets to fish in Sri Lankan waters. Over a hundred have lost their lives, caught in the cross-fire between the Tamil Tigers and the Sri Lankan Navy, while a few thousand have been arrested and spent weeks and months in Sri Lankan jails and detention camps. Hundreds of boats have been damaged or seized, forcing many a boatowner into bankruptcy. Yet, transborder fishing by Tamil Nadu boats continues unabated.

The present reality is the existence of a large fleet, severely constrained by several factors like declining catches, reduced profitability and limited number of fishing days, going into a frenzy on the 70 to 100 days it gets a chance to fish. Given that fishing grounds are limited (and depleted) on the Indian side, this fleet goes right up to the Sri Lankan shore where the shallow waters are extremely rich in fish resources. They do in Sri Lankan waters what may be unacceptable in Indian waters. This is clearly a failure of fisheries management.

The ARIF network

It is in this context that a goodwill mission of Indian fishermen was organized in May 2004 by the Alliance for Release of Innocent Fishermen (ARIF), a network of Indian trade unions, fishermen's associations and non-governmental organizations

Transborder fishing in the Palk Bay has been a major headache for Sri Lanka and India for nearly three decades.

Palk Bay: (i) reduction of fishing days to twice a week, with an overall cap of 70 days in a year; (ii) maintaining a distance of three nautical miles from the Sri Lankan shore to avoid destruction of small fishing nets and corals; (iii) reduction of fishing time in Sri Lankan waters to 12 hours per trip; and (iv) establishing a monitoring and enforcement system on the Indian side that will punish violations. The agreement will be reviewed and further steps taken when Indian fishermen go to Sri Lanka for a 'return' visit in a few weeks time.

Transborder fishing by Tamil Nadu fishermen in the Palk Bay has been a major headache for both countries for

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(NGOs) that works to help fishermen of both countries who are arrested for crossing the maritime border. ARIF is supported by the South Indian Federation of Fishermen Societies (SIFFS). The mission also had the collaboration of NGOs in Sri Lanka, including the National Fisheries Solidarity Movement (NAFSO) and the Social and Economic Development Centre (SEDEC).

The May 2004 dialogue was significant in that it brought the trawl issue to the forefront and forced the Tamil Nadu trawlers to acknowledge that they have to think of a future in which trawling will be severely curbed or replaced with more ecofriendly fishing methods. It was also understood that the trawl fleet needed downsizing to survive in Indian waters. This led to the proposal of a 'buy-back' scheme, and many owners said they were willing to give up their trawlers for adequate compensation.

However, the follow-up of the May 2004 agreement was weak due to the Indian Ocean tsunami of December 2004 and the rehabilitation work in both countries. With the escalation of the civil war in Sri Lanka in 2006, many fishermen of the Northern Province became internally displaced persons (IDPs).

The end of the civil war in May 2009 signalled the start of a new phase—no longer could the transborder fishing issue be treated as a mere by-product of the war. As the fishermen of Sri Lanka's Northern Province gradually began reviving their fishing operations, conflicts with Indian trawlers surfaced once more. In mid-2010, two Indian trawlers were sunk by irate Sri Lankan fishermen off the Mannar coast.

Soon strong signals came from both sides that the 2004 dialogue should be resumed. This time, it would be the turn of the Sri Lankan fishermen to visit India. The Fisheries Minister of Sri Lanka himself strongly supported the idea of a dialogue and agreed to send observers along with the fishermen. The Tamil Nadu Fisheries Department also agreed to

send observers for the meeting.

A 24-member Sri Lankan delegation of fishermen leaders from three districts (Jaffna, Killinochi and Mannar), NGO representatives, government observers and media persons arrived on 16 August 2010 at Trichy airport in Tamil Nadu. They visited Rameswaram, Jagadapattinam, Kottaipattinam and Nagapattinam over a four-day period, conducted a series of interactions

with local fishermen's associations and visited major fish landing centres in the Palk Bay. The field visits created great enthusiasm among the fishing communities in Tamil Nadu and also generated unprecedented media coverage. The leader of the Sri Lankan delegation, Soorya Kumar, a fisherman from Wadamarachi in Jaffna, stressed the strong bonds that linked the fishermen of both countries, even as he pointed out the unacceptable nature of the operations of Indian trawlers.

These meetings highlighted the Sri Lankan fishermen's plight and countered the one-dimensional impression of Tamil Nadu fishermen being the only victims. The responses of the Indian fishermen were encouraging. The Rameswaram fishermen openly acknowledged the harm done to Sri Lankan fishermen by Indian trawlers. While acknowledging that it was their duty to find a fair solution, they also stressed the need for government support, compensation or alternative sources of livelihoods to compensate for abandoning trawling.

Workshop

Following the field visits, a three-day workshop entitled "Fishing Together in the Palk Bay" began at



Sri Lanka - India maritime boundary and zones. Fishermen have braved arrests to fish in these waters

the International Centre at St.Thomas Mount in Chennai on 20 August. Around 30 fishermen leaders from the four Palk Bay districts of Tamil Nadu attended the workshop.

The opening statements from representatives of both sides repeated some of the issues already highlighted at the field meetings, in some cases adding more nuances to the problem of transborder fishing. The second day was entirely devoted to evolving a formula for solving the problem. Both sides met separately to formulate their ideas. The Indian side was banking upon reviving the 2004 formula of continuing trawl operations in Sri Lankan waters under stringent restrictions while simultaneously working with the Government of India/Tamil Nadu to find a long-term solution to the trawl issue. The Indian fishermen were even prepared to reduce the number of fishing days a week from three to two. However, the Sri Lankan fishermen wanted trawling to be stopped completely in three months.

The Indian fishermen felt that the three-month deadline was an impossible one to meet. The Sri Lankans, on their part, maintained that in the absence of a reasonable deadline, there would be no pressure

manner without harming the Sri Lankan fishermen.

Once the deadline issue was settled, the details of the regulations on trawling for the one-year period were negotiated. This proved to be much tougher than anticipated. The first Sri Lankan offer was for Indian trawlers to continue fishing for three days a week but not beyond four nautical miles from the Indo-Sri Lankan maritime border. The Indian fishermen found this unacceptable as it would effectively shut them out from their usual fishing grounds closer to the Sri Lankan shore. They preferred an operational boundary of three nautical miles from the Sri Lankan shoreline, which would give them some catches and also ensure that the small fishing nets of the Sri Lankan fishermen were not damaged by trawl operations. In turn, they would reduce their fishing days.

After prolonged negotiations on the third day of the workshop, an 'agreement' was finalized and presented to the two groups in a plenary for signed approval. The chief guest for the final session was S.W. Pathirana, Sri Lanka's Director General of Fisheries. The Indian side was represented by K. Sellamuthu, Director of Fisheries of Tamil Nadu, who was present only as an 'observer'. Pathirana received the agreement on behalf of the Sri Lankan government and agreed to consider it within the framework of Sri Lankan law. The agreement itself was clear that the proposals "will be placed before the two governments for their consideration. The government decision will be final".

The Indian fishermen finally agreed to a one-year deadline...

on Indian fishermen to approach their government for a solution. Indian fishermen had been asked to stop trawling as far back as May 2004 and six years have gone by without any change, it was pointed out. The Indian fishermen finally agreed to a one-year deadline, though without much clarity on how that would be met. More discussions would be held when the two groups meet next in Colombo. It was also hoped that the one-year grace period could be used to demonstrate that the Indian trawlers could operate in a responsible

Careful package

Clearly, for the agreement to work, the support of the two governments is needed. The Sri Lankan Navy will need to be vigilant but should not interfere with the operations of Indian trawlers as long as they keep to their side of the bargain. The Indian and Tamil Nadu governments will have to help Indian fishermen with a carefully developed package to resolve the trawler issue. The non-trawl fisheries may also need to be properly

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The Sri Lankan delegation of fishermen leaders called for the cessation of trawling within three months. An agreement was finally approved with the Indian fishermen agreeing to a one-year deadline at the Chennai dialogue

managed to ensure equitable distribution of the Palk Bay resources between the fishermen of both countries. Only if both Indian and Sri Lankan fishermen co-operate can proper management of fisheries in the Palk Bay be ensured. 3

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