
DEEP-SEA POACHING IN SRI LANKAN WATERS, INDO-LANKA RELATIONS AND TAMIL NATIONALISM

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Introduction

Kachchativu, although handed over to Sri Lanka by an agreement between the governments of India and Sri Lanka in 1974, is an issue not fully resolved at least for some Indians. Once in a while, particularly the leaders of the state of Tamil Nadu in India raise their voice against what they call handing over of their land to Sri Lanka. So continues the debate over this tiny island, in the national news as well. What is not in the mainstream news is the continuing violent clashes between Indian fishermen and Sri Lankan fishermen resulting from fishing activities of Indian fishermen in Sri Lankan waters. Nevertheless, this is an issue that could have implications not only on Indo-Sri Lanka relations but also on national security and integration. Therefore, it is worth an investigation. In early 2004 the author visited about ten fishing villages in Mannar district and collected data from fishermen, community leaders and government officials in the region.¹ In addition was data from internet sources.

Deep-Sea Poaching

The Indian fishermen regularly enter into the Sri Lankan waters in large numbers for fishing, and those who enter are mostly from Ramanathapuram region. There are about 2,000 trawler vessels in Ramanadapuram district and it is possible that all of them venture into this illegal activity. According to fishing communities in Mannar districts, the Indian trawlers enter into the Sri Lankan waters in thousands at the same time. As one fisherman pointed out, the Indian vessels in Sri Lankan waters look like a “carnival at sea” at night. Since the Mannar fishermen’s Association is leading a protest campaign against what they call poaching in their waters, activities of the Indian fishermen have been well-documented and are available.

Indian authorities, however, maintain that the Indian fishermen stray into Sri Lankan waters by accident or due to mechanical failure or loss of direction, implying that the violations are indeed unintentional. They also maintain that these problems are only taking place adjoining the IBL,² and

not in the exclusive economic zone of Sri Lanka. People in Mannar, however, maintain that Indian Fishing boats could be seen from the shore itself and insist that the illegal activities take place not in the region adjoining the International Boundary Line but deep in Sri Lankan waters. Supporting the argument of the Mannar fishermen an Indian observer points out that that:

When this fact [closeness of the IBL] is combined with the lack of proper equipment on board the Indian vessels, one may believe that this explains the inevitability of accidental border crossing by the Indian fishermen. However, such a scenario only provides a partial picture. Fishing vessels crossing over by mistake cover only a small percentage of the cases. The vast majority of border crossing is intentional and involves travel deep into Sri Lankan waters. It is an open secret that Rameswaram fishing vessels, especially trawlers, find good fishing grounds only on the Sri Lankan side and, therefore, do most of their fishing on that side.³

Indian fishermen also do not hide the fact that they illegally fish in the Sri Lankan waters. For instance, an Indian fisherman who had been apprehended by fishermen in Mannar, in 2003 maintained “we crossed beyond Kachchativu, well into their waters, but that’s what we have been doing for a very long time.”⁴ The Indian fishermen every alternate day go into Sri Lankan waters in large groups of 500 to 1000 vessels at a time, confirmed many local fishermen in Mannar. There are two major reasons why Rameswaram fishermen venture into Sri Lankan waters: (1) depletion of resources on the Indian side of the sea, and (2) over-growth of the same resources in Sri Lankan waters.⁵ This state of affairs has been caused by the combined factors of fishing methods in India and the impact of the internal war on the fishing communities in northern Sri Lanka. First, the fishing methods in India, for instance, using large number of trawlers, led to the overexploitation of marine wealth in the Palk Bay and Gulf of Mannar regions. Therefore, currently the Indian fishermen find it difficult to have a decent catch in their seas. Meanwhile, following the growth of the LTTE as a

formidable military force, the seas adjoining the Northern and Eastern provinces became areas of concern for the armed forces of Sri Lanka. The LTTE not only smuggled contraband goods into Sri Lanka from Tamil Nadu, but also maintained illegal transport systems between Northern towns and Tamil Nadu even after the assassination of Rajiv Gandhi. Moreover, the Mullaitivu sea became the hub of the LTTE's activities related to supplies of arms and ammunition to sustain the war with the Sri Lankan armed forces. Hence, restricting LTTE activities in the waters surrounding the Northern and Eastern provinces formed a critical part of the Sri Lankan Army's strategy to contain the LTTE. One way to achieve this goal is to restrict all activities of the local fishermen in the area, regardless of the humanitarian consequences of such an act. Because the LTTE's maritime activities were almost always undertaken in the cover of fishing activities in the surrounding areas.

Sri Lanka, therefore, imposed restrictions on all activities related to fishing in the region. For instance, night fishing was not allowed, purchase of fuel was restricted (only 50 litres were allowed), they could not fish in deep sea (only 3 and half km from shore allowed), in some areas motors of fishing boats have to be returned to the police after every use, purchase of spare parts for fishing boats were restricted by a pass system, and the local fishermen could not engage in fishing activities in areas considered to be High Security Zones.⁶ These regulations obviously restricted adequate exploitation of available resources in Sri Lankan waters, which in turn lured the Indian fishermen into the Sri Lankan territories. Confirming this view, an Indian fishermen claimed "we have over-fished in our own waters, there is no fish catch on our side, now it is only here that we can get a profitable catch."⁷

Reaction of Local Fishermen

Although the Sri Lankan Tamil fishermen had been protesting fishing restrictions and Indian poaching in their waters for a long time, the relationship between the two sets of fishermen remained relatively peaceful until very recently. Some of the major reasons that underscored the nature of this relationship were the traditional links and ethnic affiliations of both groups as both are of Tamil origin. Moreover, until the mid-1990s the Sri Lankan Tamil struggle had been benefiting immensely from Tamil Nadu. In the past, activities of Indian fishermen in Sri Lankan waters were very limited. Hence the Tamil fishermen in Sri Lanka wanted to preserve the traditional relationship and thus largely ignored the Indian fishing activities in their backyard.

All this began to change during the last decade. First, Sri Lankan fishermen began to realize that that danger massive trawler fishing could pose to marine resources in the region, thus to the survival and well-being of their communities. Then they began to experience the impact of fishing restrictions and Indian fishing activities in their day-to-day life. For instance, many fishermen who were doing extremely well in the past have now given up their businesses as they could not compete with the Indian fishermen. Others have given up the profession and moved to other areas. According to the President of the Pessalai Fisheries Association, formally in a thriving fishing village in Mannar, the impact could be seen even on their children, as many of them were hit by malnutrition. Once allowed to fish unrestricted in very close to the shores, some of the Indian fishermen took the liberty of landing in some of the thinly populated fishing villages to take advantage of resources on the land as well, contributing to the increasing hostility.

Paradoxically, institutionalization of the Ceasefire Agreement between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in February 2002 and the resulting easing of some of the restrictions on the fishing activities in the North East had triggered violent clashes between the poachers and fishermen of the North. Following the relaxation of some of the fishing restrictions on the Sri Lankan fishermen, they found that while they are not free to fish in their waters, there is stiff competition from the Indian fishermen, which angers them, frustrates them and makes them feel helpless. Sri Lankan fishermen have two major complaints against the Indians: (1) the large number of trawler fishing boats used by the Indian fishermen is obviously leading to depletion of marine resources in the region, and (2) the local fishermen could not compete with the Indians as the larger vessels of the Indians could and do destroy small boats that are used by Sri Lankan fishermen and their fishing instruments such as nets and so on.

On the other hand, Indian fishermen also did not like the changing scenario in Sri Lanka as they were used to fishing Sri Lankan waters with out too much competition from local fishermen during the war. Therefore, Indian fishermen purposely damaged fishing boats and nets of Sri Lankan fishermen in order to discourage competition. Interestingly Indian fishermen perceive the increasing activities of Sri Lankan fishermen in the region as a "problem." A problem that has led to tension and violence in the waters.

Why Not?

Determined to “completely stop” the Indian fishermen from poaching in Sri Lankan waters, the Sri Lankan fishermen characteristically turned to the Sri Lankan Navy. They expected the Navy to take necessary steps to prevent the incursion, only to be disappointed as the Navy apparently was adopting a soft approach to the whole issue. The Sri Lanka Navy, although it engaged in some sort of shooting and threatening tactics against Indian fishermen, according to local fishermen in Mannar, never took sincere and concrete measures to stop the violators, which is apparent from the fact that the Indian boats still enter Sri Lankan waters in Palk Bay and Gulf of Mannar on alternate days for fishing. This is why an observer called the Sri Lankan Navy “a silent observer.”⁸ And there is no hiding from the Sri Lankan side about the soft approach either. For instance, the state-run *Daily News* reported: “there are only a few cases of Indian fishermen taken into custody by the Sri Lankan Navy. However, there have been specific instances of the LTTE resorting to shooting at Indian fishermen in Sri Lankan waters to create a cause for tension between the two countries.”⁹ Moreover, some of the very prominent Sri Lankan Ministers in the past have proclaimed that it is the LTTE that is preventing Indian fishermen from fishing in Sri Lankan waters and not the Sri Lankan Navy.

The Navy on its part maintains that the problem over effective enforcement of maritime regulations is lack of resources. For instance, a Navy officer in the northern region maintained, “even if we arrest them and seize their craft, we do not have enough space to keep them,”¹⁰ which a local fisherman termed a lame excuse. Moreover, a small number of Indian fishermen who were had been arrested by the Navy released sooner than later because of the excellent relationship between the two countries. According to an Indian Foreign Ministry press release, “given the excellent relationship between India and Sri Lanka, apprehended Indian fishermen are released promptly by Sri Lanka on Indian request.”¹¹ This trend, the Sri Lankan fishermen believe, is part of the problem. They argue that since Indian fishermen are released “promptly” and “quickly,” the Indian fishermen have nothing to fear when they violate international borders with the Sri Lanka. This is exactly one of the theories that from Sri Lankan fishermen’s point of view, explains Navy inaction. They do not believe that Sri Lankan Navy’s activities are hampered by lack of resources but by lack of motivation. As some foreign policy observers point out, India - Sri Lanka relations are at peak like never before. Sri Lankan authorities do not

want to disturb this cordial situation by taking steps against the poaching Indian fishermen.

The other theory that is being floated, in the Mannar district in particular and among Tamil people in general, is that the Sri Lankan Navy is adopting the current ‘policy of inaction’ as a strategic manoeuvre with the larger national interest in mind. As aforementioned, Tamil Nadu was a hub of Tamil militant activities in the 1980s, but currently the dependence on Tamil Nadu and its value as a base for anti-state activities in Sri Lanka have been eroded for various reasons. But the fear of collaboration between the Tamils in Tamil Nadu and northern Sri Lanka is still fresh in the mind of Sinhala people. The fear of greater Tamil Eelam is not a fiction for them, and the threat is real. Moreover, support for the Tamil cause in Tamil Nadu had not eroded completely in spite of the criticisms leveled against the LTTE. This support base, at least in theory, could be revived in the future strengthening Tamil nationalism. Therefore, creating a schism between these two groups of Tamil fishermen could help diminish the support in Tamil Nadu for the Tamil cause and keep pan-Tamil nationalism under control.

For instance, Sri Lankan Tamil parliamentarian Selvam Adaikalanathan, who was elected from the Northern province, in a letter addressed to the Prime Minister of Sri Lanka reiterated: “I strongly condemn the SLN [Sri Lanka Navy] for purposely allowing Indian fishermen to fish in Sri Lankan waters as a ploy to create ill-feeling between fishermen of Mannar and India.”¹² In fact, the increasing presence of Indian fishermen and actions of Sri Lankan Tamil fishermen to prevent them, had resulted in violent clashes, which is of course creating animosities between Tamils in Tamil Nadu and Sri Lanka. The Sri Lankan government, it seems, rather than balancing the foreign policy concerns and well-being of a segment of its citizenry, adopted a soft approach in order not to antagonize the Indians. Some fishermen in Mannar also maintain that the Navy has been heavily bribed by the poaching fishermen with cash and other goods from India that are not easily available in Sri Lanka. Not being able to get the Navy and the government to act, the local fishermen in Sri Lanka have constantly organized protest campaigns including protest marches, demonstrations and letters to political leaders and relevant authorities, which so far has failed to bring results in their favour.

The LTTE

Of significance is the attempts by the local fishermen to get the LTTE to act in favour of their cause. In Mannar district and other Northern fishing villages, the LTTE has a very strong presence and the local activities have been to a large extent controlled and coordinated by the LTTE. Moreover, the LTTE have the capacity to prevent Indian fishermen from poaching, as they presumably possess a strong naval wing in the region. Therefore, the local fishermen in Mannar believe that the LTTE has a responsibility to address their grievances. Hence, they have complained to the LTTE about the hardships encountered by the fishing communities due to the poaching issue and requested them to take tangible measures to completely prevent Indian fishermen from entering into Sri Lankan waters. Although the LTTE promised action and pledged to take up this issue with the Government of Sri Lanka during the peace negotiations, the LTTE have not taken any direct actions to prevent the Indian fishermen from entering into Sri Lankan waters, the Tamil fishermen in Mannar claim.

It is interesting to note that this view is substantially different from the view of many Indian observers, who believe that the LTTE is even shooting at the Indian fishermen. For example, former Indian Foreign Secretary M.K. Rasgotra contended that India is deeply concerned about LTTE cadres capturing Indian fishermen in Sri Lankan waters. He warned the LTTE that: "India is concerned over Prabhakaran capturing Indian fishermen. We ask them to avoid provocation of this kind."¹³ Nevertheless, the Sri Lankan fishermen maintain that it is for the same reason, that is not to antagonize the Indians, that the LTTE is also not helping them in this regard. The LTTE is, in fact, currently reorienting its policies and strategies to improve its relations with India. The LTTE constantly maintain that they do not consider India as an enemy and urge India to forget the past and form new a strategic relationship with them. For example, in the press conference held in Kilinochchi in April 2002, the LTTE leader reiterated his desire to forge a new relationship with India.

From Fishermen to Policemen

Because of this general trend, the frustrated Sri Lankan Tamil fishermen took the law onto their own hands and organized campaigns against poaching fishermen that have often resulted in violent clashes. Their strategy was to go into seas in large numbers, round up the poaching fishermen and hand them over to local police. In other words, they were trying to do what they thought the Sri Lankan Navy

should be doing and obviously they were using violence. In February 2003, for example, 16 fishermen and 4 boats were captured.¹⁴ In March the same year an additional 23 boats and 73 fishermen were captured. After a brief detention, all of them were handed over to the local police.¹⁵ Obviously, these attempts result in violent clashes, as the Indian fishermen now come prepared to face any challenge from the local fishermen. As such, poaching in Sri Lankan waters, which is primarily a humanitarian problem for the people involved, has been transformed into a bilateral issue between India and Sri Lanka.

For Sri Lanka it could also be a national security and national integration issue as the local fishermen are looking at the Sri Lankan government's response to this question essentially through ethnic lenses. They believe, that the Sri Lankan government is ignoring this only because the people involved in this issue are Tamils; ramifications of which could be further polarization of ethnic sentimentalities and strengthening of a sense of discrimination among the Tamil people. They argue that, if the community involved in this problem were Sinhalese, the government response would have been completely different. For them it is essentially another example of unfair treatment from the government. Currently, some of the prominent Tamil community leaders are beginning to argue that, "only when we have self-government will we be able to safeguard our fishing resources and the lives of our fishermen."¹⁶

Meanwhile, it is imperative to note that Sri Lankan fishermen also poach in Indian waters, and more often than not these fishermen are from southern and western regions of Sri Lanka. Also it is the multi-day fishing boats that are engaged in violating international borders and mostly found in areas such as Gulf of Mannar, Arabian Sea, Bay of Bengal and near the Andaman Islands.¹⁷ After India modernized its surveillance capacities and stepped up coastguard activities, Sri Lankan fishermen in Indian waters are often arrested by the Indian coastguards. These fishermen are then produced in court of law and tried. At times, depending on the nature of pressure from Sri Lankan authorities, some of the cases are expedited rapidly and released. Nevertheless, there are a substantial number of Sri Lankans still in India, hence the Sri Lankan government is under pressure from the families of these fishermen to secure their release. Nevertheless, Sri Lanka finds it difficult to "force India to send them back because the fishermen have broken their laws."¹⁸ These rules however, are not implemented as far as Sri Lanka is concerned; so much for the partnership and cordial relationship.

Options

As far as a solution to this problem is concerned, there is hardly any discussion at the national level in Sri Lanka, as political leadership and mainstream media have chosen to ignore the problem. However, there is an ongoing debate about this issue and Kachchativu in India, as they see these two problems as intrinsically intertwined. The primary argument emanating from India is that this is essentially a humanitarian question, hence it deserves a humanitarian approach. The implication being, that the fishermen from both sides should be allowed mutual poaching. Others meanwhile propagate a licensing system, where the Sri Lankan government could collect levies from Indian fishermen who are allowed legally to fish in Sri Lankan waters. Both of these suggestions completely ignore the interests of local fishermen in Sri Lanka, who simply want to fish freely in their own waters. Mutual poaching for example, will only benefit the Indian fishermen, as there are no marine resources on the Indian side. This is precisely why the Indian fishermen are illegally entering into the Sri Lankan waters. The best option, at least in the short run, however, is to engage India on this question while strictly enforcing the maritime rules and bilateral agreements reached with India in the past.

End Notes

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2 International Boundary Line.

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