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THE PALK BAY DISPUTE - TRAWLING, LIVELIHOODS AND OPPORTUNITIES FOR RESOLUTION

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DISCUSSION PAPER

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Fishermen at Chennai's Marina Beach rest after bringing in the morning's catch.

| ABSTRACT

For centuries, Indian and Sri Lankan fishermen have fished in the waters of the Palk Bay – a waterway that connects both countries. However, this space has become a subject of contention due to multiple factors, including territorial issues over the island of Kachchatheevu, the intrusion of Indian fishermen into Sri Lankan waters and trawling. This paper attempts to engage with the traditional ideas of ownership over the Palk Bay, and the modern international treaties that govern nation-states, in the context of the country's economic dependence on seafood and the environmental implications of trawling.

| CONTEXTUALISING THE DISPUTE

Fishing contributes to 1% of India's overall Gross Domestic Product (GDP) and 5% to India's agricultural GDP (Press Information Bureau 2019). Around 20% of all marine fisherfolk are from Tamil Nadu; that is a total fisherfolk population of 8,12,912 (Central Marine Fisheries Research Institute 2010).

The Palk Bay is home to 580 species of fish, 302 species of marine algae, 11 seagrass species, 5 marine turtle species as well as several species of mangroves (Salagramma 2014:7; Purohit 2017). This 15,000 square kilometre waterway that connects India and Sri Lanka has been an essential source of livelihood for fishing communities on both sides. Historically, it has allowed for the movement of ideas, goods, and people - ferrying Indian Tamil migrants to work on Ceylon tea estates, as well as Sri Lankan Tamil refugees to India at the height of the Civil War. Presently, however, it is home to a broader dispute between the two nations, emerging from the frequent encroaching of Indian trawlers into Sri Lankan waters and the island of Kachchatheevu, as well as the environmental implications of trawling on the Palk Bay's biodiversity.

Subsequently, the Palk Bay dispute is representative of larger issues resulting from overfishing the world over.

Indian fishermen encroach into Sri Lankan waters for several reasons; including overfishing on the Indian side, the large number of Indian fishermen, as well as the fact that, during the Civil War, Indian fishermen faced little competition to fish in Palk Bay waters. Furthermore, the international boundary line is 11.5 nautical miles from Rameshwaram, India and 34.4 nautical miles from Jaffna, Sri Lanka, highlighting the critical aspect of geographical proximity of the two countries (Mayilvaganan 2014).



Kachchatheevu is a tiny island, used traditionally by fishermen to dry and clean their nets and fish catch. The church of St. Anthony, which is host to an annual festival at the end of March, is also located on the Island, and is frequented by pilgrims from both countries. Historically, the island was a part of the zamindari of the Raja of Ramnad, and considered a disputed territory until the 1974 Agreement.

The 1974 Maritime Boundary Agreement ceded the island of Kachchatheevu to Sri Lanka and also agreed to the current formulation of boundaries in the historic waters of the Palk Strait. It, subsequently, also allowed Indian fishermen to continue their traditional rights over fishing in and around Kachchatheevu, which were later taken away with the 1976 Maritime Boundary Agreements. Fishermen have consistently claimed that they were excluded in the consulting process of these agreements. Various politicians in Tamil Nadu, most notably former Chief Minister Jayaram Jayalalitha, have filed petitions against these agreements, and local politicians demand the abrogation of the Boundary Line Agreement to encourage Indian fishermen to fish in Sri Lankan waters.

| THE PRACTICE OF TRAWLING

Historically, fishing has been an essential source of income, both in the state of Tamil Nadu, in India, and the northern districts of Sri Lanka. In the 20th Century, traditional canoes and nets, that practiced hook and line fishing, were used.

Trawlers¹ emerged in the 1950s, when the Food and Agriculture Organisation (FAO) of the United Nations, the Government of India, and the Government of Norway (having banned trawling domestically) began to encourage the use of trawler fishing. The ‘pink gold rush’² between 1965 and 1980 saw an increase in the number of trawlers being used, with encouragement from both the economic returns it provided, as well as from the subsidies that the Indian Government was handing out to buy these vessels.

In 1980, there were 2,295 mechanised trawlers and 6,219 trawl nets in Tamil Nadu, making trawling the most popular craft amongst fisherfolk (Central Marine Fisheries Research Institute 1981: 19). In 2010, trawlers comprised 35,228 (49%) of the total mechanised fishing boats in India. In Tamil Nadu, specifically, out of the 10,692 mechanised fishing crafts, 54% were trawlers (Central Marine Fisheries Research Institute 2010: 4).

This rise in popularity, however, was one-sided; the Government of Sri Lanka announced that it was principally against trawler fishing, and the Civil War, which began in 1983, further impacted the Sri Lankan fishing industry. For instance, before the Civil War, the Northern Province of Sri Lanka contributed to over a third of the total fish catch. However, when Jaffna district is taken into consideration, it is evident that the period of the Civil War saw the collapse of the fishing industry in Sri Lanka; in 1983, Jaffna district produced 48,776 metric tons of fish, but in 2000, it only produced about 2,211 metric tons of fish (Siluvai, Tahsan and Stokke 2006: 244).

It is important to note that trawling, as a practice, isn’t developed for tropical waters. It developed in temperate marine waters, which are home to larger magnitudes of fewer species which, within themselves, limited inter-species interactions. Tropical marine waters, on the other hand, like that of the Palk Bay, have thousands of species, most of which are limited in number, with “phenomenal inter-species interaction” (Kurien 2017). Trawling has thus led to several environmental consequences.

For instance, in a study conducted on the impact of bottom trawling off the Varaval coast in Gujarat, it was found that trawling destroys coral reef formations (Bhagirithan, Meenakumari, Panda et al. 2013). This destruction of coral reef formations has been consistently found to be linked to the related mortality of fish and invertebrates as it destroys the ecosystem within which these fish thrive. Trawling is also responsible for up to half of all discarded fish and marine life worldwide, including fish, turtles, seabirds, marine mammals and other animals (Stiles, Stockbridge, Lande and Hirshfield 2010; Kelleher 2005; Morgan and Chuenpagdee 2003). It also leads to overfishing due to the lack of selectivity, which leads to juvenile fish being caught and the depredation of fishlings and eggs, which subsequently affects the breeding cycle. Indian white prawns, cuttlefish and sea cucumber are now endangered as a result of the same (Gustafsson 2017).

These environmental issues will soon have economical implications to those communities that earn their livelihood from fishing the Palk Bay.

¹ Trawlers are vessels that practice a form of fishing that involves dragging heavy nets across the seafloor in order to sweep up fish. Trawler nets capture everything, including deep-sea corals, sponge beds and non-target species like turtles and non-mature fish, amongst others. Since they allow fishermen a large catch of seafood, they are an attractive choice for high yield.

² Pink gold here refers to shrimp, that saw an international demand in the late 20th century.

Trawling, due to its higher yielding abilities, has also begun to replace the more traditional forms of fishing. Due to this, previously traditional practices that were sustainable due to their selectivity, as well as mindful of possible overfishing, are now being lost (Purohit 2017).

The most critical impact of trawling, however, is the strain of resources which force fishermen to move to other fish rich waters, and are leading to disputes, as can be seen between Tamil Nadu and Sri Lanka in the Palk Bay. An increase in the number of trawlers also puts pressure on fishery resources, along with several disputes with small scale fishermen, who often alleged that the trawlers cause damage to the gear used by artisanal fishers¹.

Post the introduction of trawling, small-scale fisheries have suffered, as is evident by a decrease in the number of small scale fisheries by upto 75%. These small fisheries have regularly been at odds with larger trawlers, reflecting a larger conflict between the traditional practice of fishing for subsistence, and the larger, more modern, private entity backed practice of fishing for profit (Gustafsson 2017). While smaller scale fishermen have already begun to face losses to their livelihoods, habitat destruction and overfishing will have consequences for all.



Members of the fishing community assist in the cleaning and detangling of the nets.

¹ Sri Lanka, at present, alleges that this practice still takes place with smaller fishing boats and equipment of their fishermen being regularly destroyed by the trawlers.

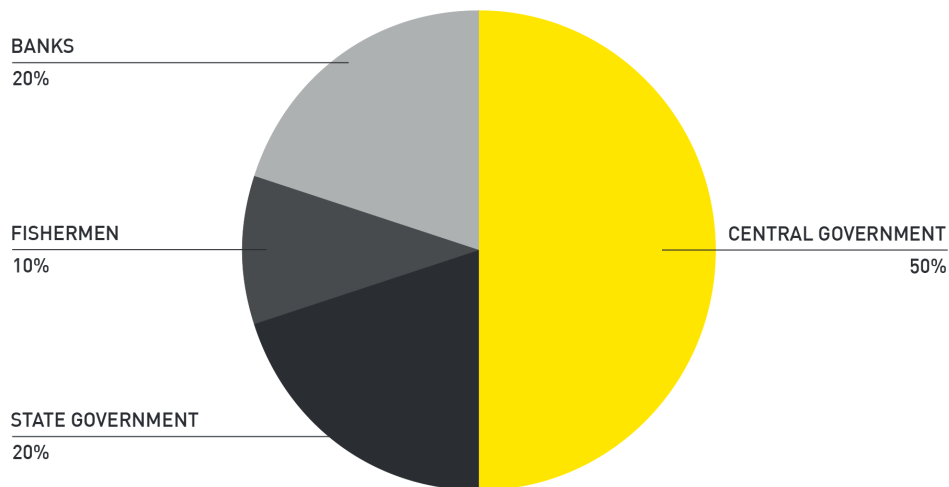
PREVIOUS ATTEMPTS AT RESOLVING THE DISPUTE

Several dialogues have taken place between the two nations. Most notable are the talks in 2004 and 2010. In 2010, the Indian government agreed to ban trawling in Sri Lankan waters completely. In 2016, a Joint Working Group on fisheries was set up between the Ministry of Agriculture and Farmers Welfare of India and Ministry of Fisheries and Aquatic Resources Development of Sri Lanka to find a permanent solution to the dispute.

Sri Lanka banned trawling in 2017, and in 2018 prescribed heavier fines for foreign vessels found fishing in Sri Lankan waters. In a meeting with his Sri Lankan counterpart in 2018, Prime Minister Narendra Modi raised the issue of assault on arrested Indian fishermen by the Sri Lankan Navy.

The government of India initiated the Assistance for Deep Sea Fishing scheme in 2017, which allows for the exchange of traditional trawler boats for deep-sea fishing boats under the Blue Revolution Scheme. This scheme aims at replacing all trawler boats with 2,000 deep sea fishing boats at a cost of INR 1,600 Crore (PTI 2019). 3,046 Trawlers are fishermen owned in Tamil Nadu, making it likely that the government will have to make efforts to buy back trawlers to entice these fishermen to switch to deep sea fishing boats (Central Marine Fisheries Institute 2010).

BREAKDOWN OF FUNDING FOR DEEP SEA FISHING BOATS



Previously, the government of Tamil Nadu also enacted the Tamil Nadu Marine Fisheries Regulation Act, 1983, stipulating that mechanised fishing boats should not be allowed to fish within three nautical miles from the coast, reserving the area purely for artisanal fishermen. Artisanal fishermen claim the government has made no efforts in the enforcement of the act (Suryanarayan 2005; 2016).

| POSSIBLE PATHS TO RESOLUTION

It remains critical to resolve this dispute, as Sri Lanka is an important geo-strategic neighbour to India. Further, fishing is an important source of livelihood for people in the coastal belt of India, and the lack of opportunities could lead to a crisis of unemployment. The environmental implications of trawling and the foreseeable future of having a fish less Palk Bay also needs to be kept in mind.

The following are possible solutions that can be used to resolve the Palk Bay dispute:

1. The Sri Lankan government can be persuaded to allow Indian fishermen to fish in Sri Lankan Waters for up to five nautical miles from the International Maritime Boundary Line, and allow, in exchange, Sri Lankan fishermen to fish in India's Exclusive Economic Zone (Suryanarayan 1994: 41). Precedence for such an action can come from the 1976 boundary agreement¹.
2. Additionally, the Indian government should make strategic investments in coastal Sri Lanka, serving the dual purpose of not only attempting to transform the dispute, but also stopping the slow, but sure movement of China into the Indian Ocean.
3. The Indian government can take steps to have Sri Lanka lease the island of Kachchatheevu for perpetuity, allowing Sri Lanka to maintain ownership while still allowing Indian fishermen to fish in its waters (Suryanarayan 1994: 8).
4. Several agreements were made during a 2004 goodwill mission to Sri Lanka by Indian fishermen. These include: Firstly, to allow trawling only twice a week, with reduced fishing hours of twelve hours per trip. Secondly, having trawlers maintain a distance of three nautical miles from the coast of Sri Lanka, thereby ensuring that the livelihood of Sri Lankan small scale fishermen is not affected, and thirdly, instituting and enforcing a monitoring and enforcement mechanism. While these agreements could not be implemented due to the 2004 Tsunami, they remain unique solutions to deal with the dispute.
5. The Indian government, as well as the government of Tamil Nadu, must establish a buy back scheme for trawlers, which gives incentive to their owners to sell and buy deep sea fishing vessels. When incentivised to move to deep sea fishing, fishermen would move to the Indian Exclusive Economic Zones, and further into international waters, that are deeper and not as fished as the Palk Bay. Deep sea fishing would tap into a previously untapped, and therefore, rich resource like tuna, and generate employment for more members of fishing communities.
6. Subsequently, at a point where the government has taken steps to incentivise the replacement of trawlers, it must attempt to create and pass legislation banning the use of trawlers.

However, most of these solutions would not resolve or largely reverse the environmental implications of trawling. The only solution for this is to simply ban trawling altogether and move back to more traditional, subsistence oriented practices of fishing that would help the sea bed to recover from the long drawn implications of trawling. Such an act however, would lead to economic losses to the communities around the shore.

¹ Allowed licensed Sri Lankan Fishermen to fish in the Wadge Bank for a period of three years.

| CONCLUSION

The Palk Bay dispute needs to be resolved, not only to better relations between the two nations, but also to, in a status quo where overfished stocks have tripled in only half a century, and most fisheries are being pushed beyond their biological limits, ensure a sustainable future for those who achieve their livelihood from these waters.

The resolution of this dispute, thus, remains a key study on simultaneously addressing environmental concerns, economic interests, traditional rights over resources, and the formulation of modern treaties, and, therefore, must take into cognisance the various stakeholders involved in this issue.



Fishermen untangle their nets after a morning of fishing.

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