

THE HISTORICAL CONTEXT OF THE PROBLEM

India and Sri Lanka share a long and common history with considerable interaction between the coastal communities of both nations. However, to understand the historical evolution of the particular problem at hand, a quick look at the geographical aspects is vital.

The Geographical aspects

The island nation of Sri Lanka lies off the southeast coast of India with the northern part of the island being at the same latitude as the southern part of Tamil Nadu, India's southern most state (*latitudes to be given*). The maritime boundary between the two countries were settled through two agreements in 1974 and 1976, even before the Law of the Sea was negotiated in the United Nations, and India declared its 200 nautical mile EEZ. The Indo-Sri Lanka maritime boundary cuts through three different seas : the Bay of Bengal in the north, the Palk Bay in the centre, and the Gulf of Mannar (which opens to the Indian Ocean) in the south. The 1974 agreement between Indira Gandhi and Srimavo Bandaranayaka, the then Prime Ministers of the two countries, was for the Palk Bay, which was termed as the "historic waters". The 1976 agreement was for the Bay of Bengal and the Gulf of Mannar.

The maritime boundary (or International Boundary Line or IBL as it is called by the Coast Guard and Navy) is uncomfortably close to the shores of both countries in the Palk Bay where the maximum distance between the two countries is only around 45 km, and the minimum is just 16 km between Dhanushkodi on the Indian coast and Thalaimannar on the Sri Lankan coast. A crossing of the IBL would imply entry into the territorial waters (12 nautical miles or 22 km) rather than the EEZ. The distances between the Indian coast and the Sri Lanka coast are much longer in the Bay of Bengal and the Gulf of Mannar. As far as the Gulf of Mannar is concerned, except for a few of the centres like Mandapam, south of Rameswaram, the distances are considerable with Tuticorin being – km away from the nearest point in Sri Lanka and Kanyakumari being as far away as – km. As far as the Bay of Bengal is concerned, except for centres close to Pt.Calimere (Kodikarai), the distances to Sri Lanka are quite considerable.

Some remarks about the Palk Bay are warranted at this point. The bay is a shallow system with the depth not increasing beyond 50m at any point. The southern end of the bay is narrow and the so called Adams Bridge that connects Dhanushkodi and Thalaimannar acts as a barrier to the Gulf of Mannar. This ridge between Dhanushkodi and Thalaimannar makes it difficult for larger vessels to cross over from the Bay to the Gulf and *vice-versa*. This makes the Palk Bay a distinctly different eco system and the fish resources and stocks are different from that of the Gulf.

Historic contacts

The fishermen communities on either side of the Palk Bay are Tamil speaking and have common origins. Further, the Bay is a common fishing ground for fishermen of both countries. It is therefore not surprising that there has been close contact between the fishermen of both countries for centuries. There has also been a free movement of goods across the bay before independence, which did not completely stop after independence.

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The maritime boundary (or international boundary line or IBL as it is called by the Coast Guard and Navy) is discontinuously close to the shores of both countries in the Palk Bay where the maximum distance between the two shores is just 16 km between the Sri Lankan coast. A crossing (12 nautical miles or 22 km) exists between the Indian coast and the Sri Lanka coast and much longer in the Bay of Bengal and the Gulf of Mannar. As far as the Gulf of Mannar is concerned, except for a few of the centres like Mandapam, south of Kanyakumari, the distances are considerable with Tuticorin being - km away from the nearest point in Sri Lanka and Kanyakumari being as far away as - km. As far as the Bay of Bengal is concerned, except for centres close to P.O. Calimere (Kodikerla), the distances to Sri Lanka are quite considerable.

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Some remarks about the Palk Bay are warranted at this point. The bay is a shallow system with the depth not increasing beyond 20m at any point. The southern end of the bay is narrow and the so-called Adams Bridge that connects Dhampskodi and Thalaimannar acts as a barrier to the Gulf of Mannar. This ridge between Dhampskodi and Thalaimannar makes it difficult for larger vessels to cross over from the bay to the Gulf and vice-versa. This makes the Palk Bay a distinctly different eco system and the fish resources and stocks are different from that of the Gulf.

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During the colonial period both countries were under the administration of the British, and this ensured that the free intercourse that existed prior to colonisation was not disrupted. The coming of independence and the creation of two modern nation states did not alter the picture substantially as far as the coastal fishermen were concerned. The free movement of men and material continued across the Palk Bay. The two events that affected this and progressively lead to the current situation were the 1974 agreement between India and Sri Lanka on the maritime border in the Palk Bay and the start of the civil war in Sri Lanka in 1983.

The pre-1974 scenario

As mentioned earlier, there was a great deal of continuity in the relationship between the fishermen on either side of the Palk Bay, even after independence. But some of the developments during this period are worth mentioning. Upto the 1940s, the Rameswaram Island was only a seasonal base for migrant fishermen from the Gulf of Mannar side. Only a small group of cast net fishermen permanently resided in the island. The *parava* fishermen from the Gulf would come with their fishing equipment during the lean season in the Gulf and base themselves in the island, putting up temporary huts. It is only after independence that the *parava* fishermen started settling down permanently in Rameswaram.

The changes in the post independence period were essentially related to technological changes. In the beginning, the fishing craft of the Bay on both the Indian side as well as the Sri Lankan side were non-motorised with a predominance of the *kattumarams*. A variety of traditional nets made of natural fibres were in use. The boat seine (*thattumadi*) was an important gear for the *parava* fishermen who went after the shoaling fishes in an operation that needed two *kattumarams*. Kachchativu, a small uninhabited island (which has no water source) was of special significance to the fishing operations. It is located around two and a half hours-sailing distance from Rameswaram. In an era of non motorised fishing it was a very useful place to have as a base to exploit the fishing grounds that were difficult to cover in daily operations. Seasonally, the Rameswaram fishermen would put up huts and stay there for up to a week, conducting fishing operations. The island was ideal for drying the fish and nets. The fishermen from Mannar would also come and fish from Kachchativu, and both had an excellent understanding. It was worth noting that the two groups used different fishing gears (the boat seine in the case of the Rameswaram fishermen and gill nets in the case of the Mannar fishermen) and had very little competition between them.

The Kachchativu was also a place of annual pilgrimage due to the presence of the St. Antony's church, which was under the ecclesiastical jurisdiction of the Bishop of Jaffna. Fisherfolk from both sides of the Palk Bay would turn up in large numbers for the annual feast.

An important development in the early 60s that lead to friction between the two groups of fishermen was the introduction of nylon nets in Sri Lanka. Finding the nylon nets much superior, the Rameswaram fishermen used to be envious of their brothers across the bay. Things became serious when some Indian fishermen started stealing the nylon nets at night when they were set at sea. This resulted in a clash and the first reported firing by the Sri Lankan navy on Indian fishermen. The problem was however transient in nature and got

resolved once the Indian fishermen also acquired nylon nets which became easily available in India also. The nylon nets gave a boost to gill netting, especially with large drift nets. This in turn led to the Tuticorin *vallams* (canoes), which are solidly built and have greater carrying capacity, becoming more popular and replacing a part of the *kattumaram* fleet of Rameswaram.

The late 60s saw another gear conflict erupting. This was due to the introduction of small mechanised trawlers (32 footers) on the Indian side in 1967. The trawlers created conflicts with artisanal fishermen on both sides of the bay. This problem also got resolved (at least as a source of conflict between the fishermen of the two countries) when the Sri Lankan fishermen also acquired trawlers. However, it must be understood that the trawler problem is a permanent one in India with constant conflicts between the mechanised trawlers and the artisanal fishermen.

Thus the pre-1974 period was one of a long history of close contact between the fishermen on either side of the bay. Towards the end, however, new technological developments had led to some conflicts, which got resolved when the new technologies became accessible to both groups.

The 1974 and 1976 agreements

In 1974, the Prime Ministers of India and Sri Lanka met to decide on crucial issues between the two countries that had been hanging fire for long. The most important issue that affected the relationship between the two countries was that of the "stateless Tamils", the large number of people from Tamil Nadu who had gone to work on the tea plantations of Sri Lanka during the British period and who were refused citizenship by independent Sri Lanka. The other pending problem had been the absence of a mutually agreed upon maritime boundary between India and Sri Lanka. This boundary problem was related to differences on the status of Kachchativu. Since the 1920s (well before independence!), the Sri Lankan side had been staking claims on the island while India (represented by the Madras Presidency) was convinced that it belonged to India.

The Government of India saw the Kachchativu problem as a minor irritant and the mandarins in Delhi felt that a "barren rock" in mid sea was not worth fighting for with a friendly country. The problem of the stateless Tamils was the more serious one and all diplomatic energies were concentrated on that problem. Whether the concessions made by the Sri Lankans on the problem of the stateless Tamils were satisfactory or not can be debated. However, the GOI felt satisfied enough to concede Kachchativu to Sri Lanka. As a result, a boundary in the Palk Bay was agreed upon with Kachchativu going to the Sri Lankan side.

The extent to which the fishing interests were taken into account by either Government is difficult to assess. Even for Sri Lanka, the main reason for seeking Kachchativu appears to have been a suspicion of untapped petroleum resources in the Bay. However, the fishermen on either side do not appear to have played any role in the negotiations and their opinions never sought.

It is however worth noting that the 1974 agreement has two special clauses that appear to protect the interest of Indian fishermen. Article 5 states

Subject to the foregoing, the Indian fishermen and pilgrims will enjoy access to visit Kachchativu as hitherto and will not be required by Sri Lanka to obtain travel documents or visas for these purposes.

Article 6 is even more significant as it states

The vessels of Sri Lanka and India will enjoy in each other's waters such rights as they have enjoyed there in.

While article 5 relates to the continuing use of Kachchativu for pilgrimage and for drying nets and fish, article 6 appears to grant Indian fishermen the right to continue fishing in the Palk Bay as before (even though fishing is not explicitly mentioned).

The Dravidian parties of Tamil Nadu (the DMK was in power) had strongly criticised the agreement and the DMK members had walked out of the parliament in protest. However, they were unable to make much impact on the GOI's thinking on the matter.

In 1976, another agreement was signed between India and Sri Lanka on the boundary in the Bay of Bengal and the Gulf of Mannar. Both these boundaries were non-controversial with no disputed island in the picture. The well-accepted principle of equidistance was adhered to.

Probably the most important event that actually deprived the Indian fishermen of their right to fish in the Palk Bay was an exchange of letters between India and Sri Lanka in 1976. In March 1976, the Foreign Secretary of India wrote to his counterpart that

.....The fishing vessels and fishermen of India shall not engage in fishing in the historic waters, the territorial sea and the exclusive economic zone of Sri Lanka nor shall the fishing vessels and fishermen of Sri Lanka engage in fishing in the historic waters, territorial sea and the exclusive economic zone of India, without the express permission of Sri Lanka or India, as the case may be.....

The contents of this letter, apparently, are also binding on the GOI and constitute an agreement. The Minister of External Affairs Shri Y.B.Chavan, stated this categorically in the Parliament.

.....Consequent to the signing of the Agreement, there was also an Exchange of Letters*This Exchange of Letters also constitutes an agreement between the two countries*.....Both countries have agreed that after the determination of the maritime boundary, fishing vessels and fishermen of one country shall not engage in fishing in the waters of the other.....

Thus through an exchange of letters, the GOI had more or less given away the benefit that article 6 of the 1974 agreement appeared to grant the Indian fishermen (despite some ambiguity in its wording).

1974 to 1983 : some trouble, but business as usual

The agreement of 1974 and the exchange of letters in 1976 did not lead to any significant change in the activities of the fishermen. It was business as usual. If anything, the fishing operations in the Bay only further intensified as a result of the expansion of the fleet of trawlers on both sides. The nylon net revolution had led to an increase in gillnetting on the Indian side and the *vallams* also increased as a result. Motorisation of the *vallams* using single cylinder diesel engines also took place increasing the range of operations of these vessels. The nylon net usage also meant that Kachchativu's significance, as a centre for drying nets was lost. With increased mechanical propulsion, the need of Kachchativu as a base for fishing and fish drying was also reduced.

However, the Sri Lanka authorities did attempt to restrict fishing by Indian vessels on the basis of the agreement. In this they were obviously handicapped by the limitations of their navy. The Sri Lankan Navy prior to the civil war was a nominal entity and had very little capacity to undertake patrolling. Small vessels with handguns would occasionally stop Indian vessels and direct them to the Sri Lanka shores for interrogation and subsequently release them after a few hours. A significant fact was that on such occasions the Sri Lanka authorities would seize the fish and the nets. Often the violations were by Indian trawlers and trawl nets would be seized. The Indian fishermen attributed this in part to the fact that trawling was still developing in Sri Lanka and the seized Indian nets would find their way to Sri Lankan boats!

There seems no evidence that the Indian authorities had taken any steps to restrict the fishing vessels of Sri Lanka similarly. The Indian Coast Guard, with a mandate to protect India's EEZ, came into being only in 1979, and if any action had to be taken, it was possible only after that.

The civil war and its consequence

The start of the civil war in 1983 completely altered the nature of the problem, and produced tragic consequences for the fishermen. The LTTE, which had open support from various political organisations in Tamil Nadu prior to the IPKF operations (and even after!), was receiving supplies from the Tamil Nadu coast. The LTTE also developed its own naval wing called the "Sea Tigers" which mounted deadly attacks at times on the Sri Lankan navy. The Sri Lankan navy had to expand its fleet and intensify patrolling to counter this threat. Innocent Indian fishermen have become victims of the war and many incidents have occurred in the last 15 years wherein Indian fishermen have been shot dead and many more wherein Indian fishermen have been taken in custody by Sri Lankan authorities and have been kept for months in detention in Sri Lanka.

Despite the mechanisation of fishing and motorisation of artisanal vessels, navigation is entirely based on fishermen's traditional skills and in the absence of chart work, it is difficult for the fishermen to pin point their location at sea. Modern communication equipment are non-existent and the fishermen normally do not know even the rudiments of signalling. This means that a patrol vessel cannot find out from a distance whether a vessel is a genuine fishing vessel or not. This increases chances of mis-identification at night and firing by jittery naval personnel.

From 1983 to mid 1998, ___ fishermen have been killed in firing by the Sri Lanka navy, ___ fishermen have been injured and ___ fishermen have been arrested. Though the number of firings has come down since January 1997, the problem still remains intractable.

The affected area and fishermen

The Palk Bay is clearly the most affected area as far as Indian fishermen are concerned. This is undoubtedly due to the earlier mentioned proximity. Even in the Palk Bay, the most affected place is the Rameswaram Island (Ramanathapuram District) which is extremely close to Sri Lanka. Here both the Mechanised boats (all using trawl nets) and the traditional canoes (Tuticorin type vallams with or without motors) can easily cross the IBL and get into trouble. Over 75% of incidents involving shooting and of arrest of fishermen by Sri Lanka navy relate to the Rameswaram Island.

As far as the rest of the Palk Bay is concerned, Jagadapattinam, an important mechanised landing centre in Pudukottai District is the next affected centre with occasional incidents of shooting and arrest of Indian fishermen by the Sri Lanka navy. Kottaiapattinam, another mechanised boat centre is also at times affected. Jagadapattinam and Kottaiapattinam are around 32 km from the IBL.

Nagapattinam District also has a part of its coast line in the Palk Bay and a few incidents affecting centres of that district have also been reported. Kodikarai (Point Calimere), the northern end of the Palk Bay on the Indian side is just 24 km from the IBL.

As far as the Bay of Bengal is concerned, it is generally unaffected but for the southern extreme of the coast close to the Palk bay. Some fishing centres of Nagapattinam District and Karaikal (Union territory of Pondicherry) have also in the past recorded incidents involving the Indian fishermen and the Sri Lankan Navy.

As far as the Gulf of Mannar is concerned, if there is a problem, it is essentially on the northern end, south of Rameswaram. Boats from Mandapam which go fishing in the Gulf of Mannar have chances of reaching /crossing the IBL and hence are sometimes affected. Further down the coast, there are virtually no recorded incidents involving the Indian fishermen and the Sri Lankan navy.

It must be however mentioned that the Arabian sea coast has had some incidents of artisanal fishing craft drifting to the Sri Lanka shores due to engine failure or natural causes in view of the deep sea going aptitude of the Kanyakumari fishermen and the risks they take. These incidents, of course, do not normally involve shooting or arrest.

To sum up, the affected area is essentially the Rameswaram-Mandapam area with most incidents taking place in the Palk Bay and a few in the Gulf of Mannar. Jagadapattinam, Kottaiapattinam and a few other centres of the Palk Bay are also occasionally affected. A few fishing centres on the southern end of the Bay of Bengal have also been affected.

The type of fishing vessel that gets affected is normally the small mechanised trawler (32'-42') which dominates the fishing in the affected areas. In Rameswaram Island however, even the traditional canoes from the Pamban area are among those affected in view of the proximity to the IBL and the use of large drift nets. Occasionally one hears of

kattumarams also being affected. Both the mechanised boats and the *vallams* have a five man crew while the *kattumarams* have just 1-2 persons on board. While the fishermen on *vallams* and *kattumarams* are locals, the crew of mechanised boats might come from distant centres and may at times include fishermen from castes, which are not traditionally involved in fishing.

Crossing the border—fisheries compulsions

The closeness of the IBL at Rameswaram has been already discussed. When this fact 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 actually cover only a small percentage of the cases.* The vast majority of cases is based on intentionally crossing over 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. Fishing takes place in Indian waters only in the season for oil sardines when most trawlers do pair trawling with pelagic trawl nets. Prawns, the mainstay of the trawler fleet of Rameswaram, are mainly obtained in the Sri Lankan waters. Every alternate day, around 500 Rameswaram trawlers routinely cross the IBL and go into Sri Lankan waters and conduct fishing operations.

Behind this routine incursion into Sri Lankan waters lie the following factors :

- (i) The limited trawling grounds available on the Indian side
- (ii) The growth of the trawler fleet at Rameswaram to a level that it has depleted the Indian grounds and its survival depends on fishing in Sri Lankan waters.
- (iii) The virtual collapse of the fishing operations on the Sri Lankan side of the Palk Bay due to the civil war, leaving the fishing grounds open to the Indian vessels without any competition.

The growth of the Rameswaram fleet and the increase in fish landings after the civil war started in 1983, provide validation for the above analysis. A.J.Vijayan has termed it "unnatural growth in the midst of severe constraints" in his report "An overview of the marine fisheries and fishers in and around Rameswaram". The following table from his report is revealing.

Table 1 : Coastal Region-wise estimation of marine fish production in Tamil Nadu
(four year annual averages)

Year	Coromandal coast (35.0)*	Palk Bay (27.0)	Gulf of Mannar (32.0)	West Coast (6.0)	Total (100.0)
1980-84	57,850^(24.3)* *	59875 (25.2)	66,559 (27.9)	53,858 (22.6)	238,142
1984-88	51,196 (20.5)	66,848 (26.7)	69,386 (27.8)	62,535 (25.0)	249,965
1988-92	67,527 (23.3)	101,116 (34.9)	87,948 (30.3)	33,265 (11.5)	289,856
1992-96	92,780 (28.6)	118,890 (36.7)	84,158 (25.9)	28,450 (8.8)	324,278

* % Share of Tamil Nadu's coast line

^ Quantity in tonnes

** % Share of Tamil Nadu catches in brackets

Source : S.Durairaj et.al, Dept. of Fisheries, Govt. of Tamil Nadu, March 1997.

While the landings of Tamil Nadu increased during the 16 years under analysis, the growth of the fish landings in Palk Bay has been very significant and higher than for the other regions of Tamil Nadu. This is undoubtedly due to the additional fish resources and grounds tapped by the Palk Bay boats in the Sri Lanka waters due to the decline of fishing effort on the Sri Lankan side.

An important conclusion one can arrive from this analysis is that the Sri Lankan authorities are not strict in restricting access to Indian fishing vessels and that the few vessels captured each year are not for fisheries violations. The various incidents of capture and shooting are related to the situation created by the civil war that is still raging. Only when the civil war ends will the fisheries issues come to the fore.

The problems of Sri Lankan fishermen

It is worth noting that the above historical background is not of much consequence in understanding the problem of Sri Lankan fishermen arrested in Indian waters. This problem appears to have different origins altogether and needs to be analysed separately. It is significant that the fishermen arrested by the Indian Coast Guard do not come from the Palk Bay area, which is the civil war affected area. The phenomenon of Sri Lankan fishermen caught in Indian waters is also mostly a post 1990 phenomenon, long after the Indian Coast Guard came into existence and the Maritime Zones of India (MZI) Act of 1981 came into existence. (This act deals with foreign fishing vessels in Indian territory.)

The affected area and fishermen (Sri Lanka)

As mentioned, the Sri Lankan boats and fishermen regularly captured by the Indian coast guard do not come from the Palk Bay where the IBL is close, but from other areas. The state of fishing as well as the plight of the fishermen in the Palk Bay areas of Sri Lanka is

pathetic. The civil war has meant that there are severe restrictions on fishing and fuel for mechanised operations is unavailable. Whenever they go fishing, the Sri Lanka vessels set out for short distances and come back soon. Similar is the case of fishermen on the war affected east coast. It is only on the western coast (south of Mannar) and the south coast that fishing is normal and fisheries development has been taking place during the civil war period.

The fishing vessels of Sri Lanka can be broadly categorised into non-motorised craft, motorised craft and mechanised (multi-day) boats. The non motorised craft are *kattumaram* types as well as outrigger canoes (*oru*) and small canoes (*vallam*). The motorised craft are small 18 foot FRP boats with Out Board Motors (OBMs) which operate a variety of gears in the coastal waters. The mechanised vessels are essentially 40-50 foot vessels (wooden and FRP), that go deep into the ocean for long voyages of 2-3 weeks operating longlines and gillnets for offshore pelagic resources like Tuna and Pelagic sharks.

On the western and southern coasts, non motorised fishing has become marginal in most places as the artisanal fishermen have shifted to the FRP motorised craft which the Govt. promoted with subsidies during the 60s and 70s. These FRP boats are used with many small gillnets and handlines for coastal fishing on the continental shelf. With Sri Lanka being a small island country with a narrow continental shelf, it is no wonder that the limit to fisheries development was being felt in the early 80s itself. The artisanal fishermen of the west coast used to migrate during the lean season to the north and east before the civil war. This stopped after 1983 and the fishing pressure has therefore increased in the shelf areas of the western and southern coasts. The Govt., aware of the dangers of this, has therefore promoted a new class of vessels that can fish in the deeper waters and go after untapped resources. These vessels called "multi-day fishing boats" are 40-50 foot vessels with a good insulated fish hold and have the capacity for staying up to a month at sea. Almost all of them have good navigation aids like the GPS (Global positioning system) and navigational charts. They are also equipped with radio equipment that enables them to communicate with other vessels at sea as well as their home base. The fishing methods are passive and most vessels use a large drift net in combination with a pelagic long line. The fishing is entirely in the deep and mainly for Tunas and sharks.

It is the growth of this multi-day fishing boats that is behind the problem of Sri Lankan fishermen getting caught by the Indian Coast Guard. Except for the rare FRP boat that drifts accidentally towards the Indian coast in the Gulf of Mannar, the Sri Lankan vessels captured are all multi day fishing boats, which are found, operating in the Arabian Sea and the Bay of Bengal. A number of them are caught near the Andamans and the Lakshwadeep. It is worth mentioning that the Sri Lankan boats are caught even in the Maldives and Seychelles!

The current fleet strength of multi-day fishing boats is around 1500 and they are spread over half a dozen landing centres on the west and southern coasts of Sri Lanka. The Govt. provides up to 50% subsidy for these vessels and the fleet is still growing. In the early phase the vessels were smaller and the ownership was with artisanal fishermen who graduated from FRP boats. But now the size is increasing and even 60 footers costing over Rs.50 lakhs have made their entry, owned by rich entrepreneurial fishermen. There are clear indications that this large fleet cannot survive on just the Tuna and shark resources of

Sri Lanka's EEZ and have to necessarily poach in other waters for survival. It is interesting that these vessels often make a beeline for island territories where there is aggregation of Tuna resources.

The Indian coast guard are very strict in their implementation of the MZI Act and Sri Lankan fishing vessels inside India's EEZ are caught and handed over to civilian authorities on shore.

Thus it is the multi day vessels from the west and south coasts of Sri Lanka that are caught in Indian waters and they are manned by traditional fishermen, predominantly Sinhala.

Concluding remarks on the problem of IBL crossing

It will be obvious from the above detailed history of the problem, the crossing of the IBL by the Sri Lankan and Indian fishing vessels are due to honest mistakes or unavoidable reasons like engine failure, natural causes, etc., only in a few cases. By and large, the IBL crossing is deliberate and for better fishing opportunities. In both cases, the respective Governments (Tamil Nadu and Sri Lanka) have actively promoted the development of fishing fleets that cannot fish profitably in their own grounds but whose economics depend on "poaching" in foreign waters.

INTRODUCTION

The problem

The number of incidents of firing at Indian fishing boats in the Palk Bay by the Sri Lankan navy and the consequent loss of lives has been a serious issue in Tamil Nadu for the last many years. An equally important issue associated with this has been the arrest of Indian fishermen at sea and their subsequent detention in jails by the Sri Lankan authorities. At times, the resentment of the fisherfolk of Rameswaram and neighbouring villages has boiled over, leading to demonstrations and even violent protests. Less publicised in India has been the regular arrest and detention of Sri Lankan fishermen by the Indian authorities for crossing the maritime border. However, this is an important issue in Sri Lanka itself and many fisherfolk organisations and NGOs from that country have been contacting NGOs and fisherfolk organisations in India to seek help in the release of arrested Sri Lankan fishermen.

The SALF initiative and ARIF

The initiative taken by SALF in highlighting the problem of fishermen on the Indo-Pak maritime border had by then generated a demand among the SALF membership that a similar intervention be taken up for the Indo-Sri Lanka border. Preliminary discussions started by mid 1997 on the modalities of taking up the problem of fishermen on the Indo-Sri Lanka border. Given the presence of strong fishworkers' organisations and NGOs in the south, a slightly different approach was taken in comparison to the Indo-Pak initiative. In September 1997, the South Indian Federation of Fishermen Societies (a co-operative organisation of fishermen in the non-governmental sector) was mandated by SALF to organise a meeting of NGOs, Trade Unions and Fisherfolk organisations and discuss the problem. The meeting held in Nagercoil led to the formation of a strategy of simultaneously pursuing a short term approach and a medium term approach. The short term approach would involve the work for the release of individual fishermen on a case by case basis. The medium term approach would involve the study of the problem and the lobbying for a change in national policies that would permanently solve or ameliorate this problem.

An alliance of Trade Unions, NGOs and Fishermen Organisations was formed to take up the problem of arrested fishermen on a regular basis. The alliance, subsequently named ARIF (Alliance for Release of Innocent Fishermen) has been operating ever since, taking up cases of fishermen arrested in both India and Sri Lanka. It has established contact with like-minded groups in Sri Lanka and has their support in getting early release of Indian fishermen in Sri Lankan jails.

Formation of a fact finding team

While ARIF took on this worthwhile task, SALF was mandated to study the problem thoroughly and to work for appropriate policy changes. After giving ARIF a few months to get going and establish the necessary contacts and information base, SALF constituted a fact finding team to visit Tamil Nadu and to meet fishing communities, concerned officials and policy makers. The mission also was asked to meet Sri Lankan fishermen in Indian jail and the presence of a group of 15 Sri Lankan fishermen in Madurai jail made

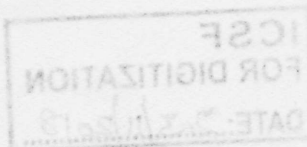
this a possible task. The following was the terms of reference given to the fact finding team.

- 1.
- 2.
- 3.

The fact finding team composed of the following seven persons met at Madurai on --- and started its work.

H.Mahadevan – Deputy General Secretary, AITUC
K.K.Neogy – Secretary, AICCTU
S.Ponraj – Vice President (Tamil Nadu State Unit), HMS
Ravindra Bhatt – Advocate, Supreme Court
Mukul Sharma – Journalist
Souparna Lahiri – Centre for Education and Communication, New Delhi
V.Vivekanandan – South Indian Federation of Fishermen Societies, Trivandrum

After a visit to the Madurai Central Jail to meet the Sri Lankan fishermen, the team travelled to Rameswaram where it was based for two days meeting a variety of fishermen organisations and many affected fishing families. Many individual case details were collected and a large number of fishermen and women interviewed. Detailed discussions were held with the Assistant Director of Fisheries and data collected from his office on the Indian fishermen shot at and arrested. Subsequently discussions were also held with the District Collector and Asst.Collector of Customs at Ramanathapuram. The team then travelled to Madras and held discussions with fisheries officials and the Coast Guard. A discussion with the Sri Lanka Dy.High Commissioner at Madras helped to understand the Sri Lankan point of view. A meeting with the Ministers of Fisheries and Labour of Tamil Nadu helped in getting the State Government's thinking on the subject. An informal discussion with Prof.Suryanarayana of Madras University, who has researched extensively on Indo-Sri Lanka affairs, also helped in clarifying some crucial issues.



This a possible task. The following was the terms of reference given to the fact finding team.

The fact finding team composed of the following seven persons met at Madurai on --- and stated its work.

- M. Mahadevan - Deputy General Secretary, AITUC
- K.K. Noyy - Secretary, AICTU
- S. Ponnai - Vice President (Tamil Nadu State Unit), HMS
- Ravindra Bhatt - Advocate, Supreme Court
- M. S. Srinivasan - Journalist
- Soujanya Lahiri - Centre for Education and Communication, New Delhi
- V. Vivekanandan - South Indian Federation of Fishermen Societies, Thiruvananthapuram

After a visit to the Madurai Central Jail to meet the 241 Lankan fishermen, the team travelled to Ramswaram where it was based for two days meeting a variety of fishermen organisations and many affected fishing families. Many individual case details were collected and a large number of fishermen and women interviewed. Detailed discussions were held with the Assistant Director of Fisheries and data collected from his office on the Indian fishermen shot at and arrested. Subsequently discussions were also held with the District Collector and Asst. Collector of Customs at Ramnathapuram. The team then travelled to Madras and held discussions with fisheries officials and the Coast Guard. A discussion with the Sri Lanka Dy. High Commissioner at Madras helped to understand the Sri Lankan point of view. A meeting with the Minister of Fisheries and Labour of Tamil Nadu helped in getting the State Government's thinking on the subject. An informal discussion with Prof. Srinivasan of Madras University, who has researched extensively on Indo-Sri Lanka affairs, also helped in clarifying some crucial issues.

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DATE: 23/11/2018**