

Revisiting the conflict in the “not-so-deep blue sea”, Indo-Lanka Fishery issues: A Threat to Comprehensive Security

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Abstract— Indian fishermen that cross the International Maritime Borderline (IMBL) into the Sri Lankan waters is a recurrent problem. The bilateral agreements of 1974 and 1976 between India and Sri Lanka, clearly demarcates and designates the waters between the two countries establishing the International Maritime Border Line (IMBL). These agreements were governed by the United Nations Convention of the Law of the Sea (UNCLOS). Yet, Indian fishermen in large numbers cross over to the Sri Lankan waters in pursuit of fishing within the territorial waters of Sri Lanka. “Not so Deep Blue Sea” – which refers to the narrow strip of water that consists of the Palk Bay, and the Gulf of Mannar which separates India and Sri Lanka, remains controversial to this problem. Indian fishermen crossing the IMBL amounts to violation of the agreements between the two states, as well as their method of fishing, which is bottom trawling also remain illegal causing destruction to the marine-eco destruction as well as posing a security threat. Security in the present context has transcended the boundaries of two extreme polar of traditional and human security to comprehensive security to include all aspects of security as a whole to benefit states and humans alike. The objective of this study is to examine the impact of this fishery issue on comprehensive security. Further, this research will endeavor to examine as to why the solutions sought thus far have not had significant results as expected and how to minimize the threat to comprehensive security in such situations. The research methodology used for this study is exploratory research. The collection of data will be conducted through qualitative interviews of various stake holders and available literature. The Grounded Theory will be used for data analysis taking the fishery conflict as a core category and its impact of traditional and human security as sub categories.

Keywords: Security, Comprehensive Security, Indo-Lanka fishery issues

I. INTRODUCTION

The narrow strip of water that consist of the Palk Bay and the Gulf of Mannar is synonymously referred to as the “not-so-deep blue sea” that separates the two neighbouring states India and Sri Lanka (Jayasinghe, 2003). The North of Sri Lanka and South of India, Tamil Nadu, have been known to have many commonalities from; ethnicity, language, religion, cultural similarities, and even inter-marriages that brings about close ties among these people (Swaminathan and Suryanarayan, 2011), another significant commonality is fishing for a livelihood on both sides among the coastal people that depend on the Indian ocean for a livelihood in India as well as Sri Lanka.

Even though historically both sides have feely engaged in fishing using only traditional methods of fishing, yet, in 1974 and 1976 the territorial waters between the two states, India and Sri Lanka was clearly demarcated by an agreed upon International Maritime Boundary Line(IMBL) that was governed the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 and internationally binding legal agreements (Jayasinghe, 2003). In spite of the legally binding agreements yet, the Indian fishermen cross over to Sri Lanka’s territorial waters, illegal in crossing the IMBL as well as their fishing methods adopted are also illegal which is bottom trawling. This fishery dispute therefore affects all aspect of security making it a threat to Comprehensive Security of Sri Lanka.

II. METHODOLOGY

Since the study has been designed to examine the long drawn out fisheries conflict between Sri Lanka and India, and its implications towards comprehensive security it is going to be of exploratory in nature. The problem is not clearly defined and hence the exploratory research method is considered as the most suitable one for this research. The researcher would locate in the social world of the fishery communities to understand the perceptions and the views of people who are stakeholders to the problem. Therefore, hopes to select the qualitative research design over a quantitative one.

Qualitative Research can be considered as the pathway of pragmatic curiosity by exploring the research interests. It can also satisfy the investigative curiosity and provide effective procedural choices. Qualitative research methods focus on discovering the experience, perceptions and thoughts of participants. In using exploratory research method in this study, it will provide rich quality information that will help identify the main issues that should be addressed. Since this Indo-Lanka fishery issue is a very complex, subjective to people's perceptions and unspecified one which involves traditional as well as human security implications and on an over-all affecting the comprehensive security of the country and people the researcher will use exploratory research method for this study.

The collection of data will be done through qualitative in-depth interviews of various stake holders from the military as well as civilian side. The sample population would include, Sri Lanka Navy officials at various levels of operational command including the areas affected by this conflict, International law experts, government appointed fishery officials, assistant government agents and grama niladaries of areas of concern, the religious leaders of vulnerable communities, the fishery society members, spouses of fisher folk, non-governmental organizations working on the fishing and livelihood issue and diplomatic community from the Indian side, The field work will be carried out to obtain the best possible feedback, perceptions and ideas of the research participants. The sample population selected for qualitative interviews is placed as Annex A. A focus group discussion will also be carried out with a view to obtain impact of this issue at the grass root level. The secondary data will be gathered by various published data pertaining to the subject.

This will be done in order to give fair participant selection and scientific validity while obtaining informed consent from all research participants and all levels of research ethics observed in the process.

A. *Data Analysis*

Since research will be carried out as a qualitative research it is hoped that the field work in the form of unstructured and in depth interviews and focus group discussions will yield a large amount of database. The data will be analyzed through 'Interpretive Paradigm'. This will be done in order to have an in depth subjective understanding of the case study. The researcher will want to understand the inside,

deeper view from the experience and expertise of the research participants of the interviews and focus group. An established analytical tool will not be used as it would not provide a deeper understanding about the case and the researcher will not want to restrict to the parameters of a tool. Grounded Theory has been defined as "theory that was derived from data, systematically gathered and analyzed through research process. (Strauss and Corbin, 1998). The researcher intends to use the grounded theory to analyze the data. Selective coding as per the grounded theory will be done keeping Indo-Lanka fishery issues as the core category and comprehensive security that consist of traditional and human security as sub category.

III. THE FISHERY DISPUTE

"Fish do not respect national boundaries" says Sithara Fernando in his study Maritime Cooperation in South Asia and neither do people in pursuit of fishing, and the fishermen transgress national boundaries (Fernando, 2013).

The fishery conflict between India and Sri Lanka has been an on-going one and poaching takes place within the Sri Lankan waters, in and around Palk Bay, Palk Strait and the Gulf of Mannar. The Kachchativu Island, which is on the Sri Lankan side of the International Maritime Boundary Line (IMBL) is the closest Island to India. The IMBL, demarcates and designates the waters between India and Sri Lanka, in the Palk Bay, Palk Straits and the Gulf of Mannar. Both countries, Sri Lanka and India entered into bi-lateral agreements in 1974 and 1976, concerning the International Maritime Boundary Line (IMBL) which was agreed upon and established governed by the United Nations Convention on the Law of Sea (UNCLOS). However, considering the traditional and historical fishing grounds enjoyed by the Indian fishermen around the island of Kachchativu, certain rights were given to the Indian fishermen to dry their fishing nets and perform religious rights on this island but never fishing rights.

In spite of the clear demarcation of the IMBL, violations take place almost on a daily basis, and illegal fishing takes place within the Sri Lankan waters posing a threat to the security of the country. Indian fishermen and their trawlers enter the Sri Lankan territorial waters which is the main cause towards the Indo – Lanka fishery conflict (de Silva, 2008).

As per the Marine Conservation Institute, 'bottom trawling is an industrial fishing method where a large net with heavy weights is dragged across the seafloor, scooping up

everything in its path—from the targeted fish to the incidentally caught centuries—old corals'. This was further reiterated by Admiral (Dr) Jayanath Kolombage, the former Commander of the Sri Lanka Navy that bottom Trawling is common with the Indian trawlers poaching in Sri Lanka waters, and this can have adverse effects to the rich fish stocks in the Palk strait and Gulf of Mannar in addition to the breaching the maritime boundaries of the country as a whole. It also destroys the opportunity of growth of fishery and scoops away even the corral resources which are meant to safeguard the county's coast line. He further stated that Sri Lanka Navy has on many instances arrested some of these illegal trawlers and fishermen and filed action on them, only for the Tamil Nadu government to make it just another opportunity to politicize the matter and point a finger at a majority Sinhala government in Sri Lanka to highlight atrocities against Tamil Nadu fishermen. Yet, given the good relations between New Delhi and Colombo most often apprehended fishermen are released on friendly negotiations. Even though, friendly negotiations between the two governments remain yet another political move (Faslan, 2014).

According to UNCLOS III, entering into the waters of another state other than for innocent passage amounts to being illegal. The violation of agreements of 1974 and 1976 in transgressing the IMBL illegally is reason enough for state level intervention in the matter. The signs of this conflict amounting to a geopolitical one is seen when prominent Indian scholar Suriyanarayan, pointed out that the "root cause of the present unrest in the Palk Strait is a conflict of Interest between the Government in New Delhi and Colombo" (Suriyanarayan, 2005). In *Regional Powers and Small State Security* (1995), K M de Silva states that "Tamil Nadu factor is an important fact of India's complex role in regard to Sri Lankan affairs". De Sliva also goes on to say that "seldom has a constituent unit (a province or state) influenced the relationship between it and a neighbouring country with the same intensity as and to the same extent that Tamil Nadu did and continues to do so in the case of India's relationship with Sri Lanka" (Sliva, 1995).

Some the insecurities associated with these fishermen illegally transgressing the IMBL amounts to serious livelihood implications on the local fishermen who fend a living off the resources from the sea. Ever since the war ended in 2009, the Sri Lanka fishermen got an opportunity to go back to their standard livelihood and a means of earning by fishing and related entrepreneurship, for example small time processed fish industries, dried fish etc.

Yet, when the Sri Lankan fishermen got back into business of fishing after the war they found that there crosses over a large number of Indian fishermen to fish illegally in Sri Lankan waters as well as fish using illegal fishing methods, bottom trawling that leaves our fishermen with almost nothing. All this amounts to economic, livelihood insecurities and long term social insecurities. Not only the fisherman's livelihood is threatened with the poachers stealing away what is supposed be for the Sri Lankan fishermen and destroying an entire marine habitat. All of which make an economic loss for Sri Lanka. On a traditional aspect of security, to increase defense expenditure and a human aspect the cost in concern with loss of fishery as well as other resources will have serious consequences for Sri Lanka. According to Prof. Karunaratne at a lecture at the Sir John Kotalawela Defence University at the PhD level stated that, "increase of defense expenditure does affect geo-politics (Karunaratne, 2015)".

The illegal fishery issue also implies traditional security implications to even India. The question remains, as mentioned by Dr. Sinharaja Tammita-Delgoda, "what comes into Sri Lankan waters returns to India with what?" meaning that these fishermen illegally moving in and out of Sri Lankan waters can always aid and abate terrorism which is a serious security threat at a traditional level to both the countries. They can assist any terror organization to carry out a devastating attack on both countries.

The fishery conflict therefore, as observed by the researcher as having traditional as well as human security implications on both states in concern, more so for Sri Lanka.

Noteworthy one the main challenges of bringing this fishery problem under reasonable control is the leverage and support they receive from Tamil Nadu. At a public forum on this fishery dispute Dr. Steve Creech highlighted that "Tamil Nadu factor is an important fact of India's complex role in regard to Sri Lankan affairs". Therefore, this fishery conflict is not just a clash among two fishermen on either side of the IMBL but a conflict that can escalate to geo-political concern and a friction between to the two states India and Sri Lanka (Creech, 2015). Dr. Steve Creech also raised the concern that the Tamil Nadu state government does not take much care to discourage the Indian fishermen crossing over to Sri Lankan waters but instead they politicize and sensationalize the issue to their own political benefit leaving the problem at loose ends to escalate.

Even though the two states may not be directly confronting each other concerning this problem, there is an evident undercurrent and friction over this matter. Therefore, it is only apt for academics and policy makers as well as relevant government authorities on both sides to look into the possibility of sourcing a lasting solution for this problem before it escalates into a situation where geostrategic state level involvement even at international level would have to be called for.

It is only apt to revisit the concept of security at a comprehensive level and to focus on the pros and cons of this fishery problem and the security implications that it poses on Sri Lanka on the whole.

IV. SECURITY

The concept of security largely focused on traditional security up until recent years, which focused on safeguarding the boundaries of the state, national interest and its sovereignty.

The concept of security is a long standing one, yet a contested concept according to Buzan. In spite of its dominance in state concerns, security is yet to be given one single definition (Buzan, 1991). And in the present context, as recently as 1994, security has taken a new dimension known as 'human security' which is also another aspect to security, popularly identified by scholarly discourse as "deepening and widening" of security (Hough, 2008). Both of which fundamentally focus on protection, one more so on the aspects of state and territorial boundaries, while doing so protecting the human aspect of that state as well.

A. *Traditional Security.*

Traditional security gained momentum during the Cold War and views the state as the single actor to ensure her own survival in the International system. Walter Lippmann defined security as "A nation has security when it does not have to sacrifice its legitimate interests to avoid war and is able, if challenged, to maintain them by war" – Walter Lippmann (Wolfers, 1952).

Traditional security is of vital importance to a state as most often, it directly correlates to national interest of a state and in doing so safe guards the state, peoples' wellbeing from external threats and other related consequences. It can also be said that, after all, the prevalence of sovereignty of a state would ensure the sovereignty and wellbeing of the people in that state. And in the failure or

absence of a protected state, the human security concerns and aspects of the people are indeed questionable.

The same was highlighted at a discussion the researcher had with Maneesha Pasquel of the University of Colombo, where she too highlighted the importance of the fact "security for whom?" The popular notion is that traditional security is state centric and has very focused areas of protection that is the state boundaries, national interest and sovereignty. Yet, as stated by Pasquel, when the state is protected, automatically its people are protected from external threats initially and also human interest at large as well. Henanayaka held the same view concerning security and traditional security, he specifically stressed that "one cannot be detached from the other in all practical sense". Traditional security on the long run ensures human security and vice versa. Therefore, one cannot eliminate traditional security from human security as they are mere two sides of the same coin.

B. *Human Security.*

Rethinking of the concept of security from a state centric to human centric emerged in the 1990s with the end of the Cold War. A salient aspect of rethinking of security was based on the physical, human dignity and development of the human being (Sabur, 2003). Many academics as well as people felt that traditional security alone cannot ensure security for all. Sabur (2003), states that "one of the worst outcomes of national security was achieved at the expense of the security of the people's rights and choices". He goes on to state that instead of ensuring the security of the people, traditional security has threatened people's security. Human Security was conceptualized not only to cover state but covering all other aspects and stakeholder to a state.

Even though, traditional or state security and human security are treated as two separate areas, scholars like Buzan (1997) and even Choo (2008) hold that in today's context traditional security and human security are very much complimentary of each other and two sides of the same coin, and cannot be eliminated one over the other.

C. *Comprehensive Security*

Comprehensive Security emerged in the 21st Century and the late Swedish Prime Minister Olaf Palme is most often credited for having pioneered the concept of Comprehensive Security (Schmid, 2007). Comprehensive security advocates a shared security culture to encompass a broader understanding of security, and it extends beyond state centric military aspects of traditional security to

amalgamate human security that concern people centric security (Schmid, 2007). According to James C. Hsiung, Comprehensive Security is not just “a buzzword of hype and fashion but it has entered conscious policy planning of government security managers” (Hsiung, 2004) to cover all aspects of security. Comprehensive Security also looks into security within as state as well as outside a state, and also stated by Hsiung, “various components of comprehensive security are intertwined” (Hsiung, 2004) and a “Convergence of all aspects of security culture” (Schmid, 2007) where security is understood in a more comprehensive manner.

Therefore, security for whom? This obviously leaves one answer that is comprehensive security, traditional as well as human is always for the ‘people of the state’, and ultimately to protect the people of the state, their well-being and their interest as a whole.

V. ANALYSIS

Based on the researchers observations in research of this study in can be analysed that the Indo-Lanka fishery conflict caused by the Indian fishermen crossing into Sri Lankan waters pose serious comprehensive security concerns and threats to Sri Lanka. If this issues continues unresolved it has a much possibility of being escalated into a geo-political concern and friction between the two countries India and Sri Lanka. There has been many a conflicts recorded in history over resources and to prevent a conflict from arising out of this fishery issue is the greater objective of the study.

Nilanthi Samaranayake at an interview with the researcher also highlighted that crossing the IMBL is a serious infringement of the sovereignty of Sri Lanka. The cost that has to be incurred to increase the naval and coast guarding security pose an impact on defense expenditure and on a human security perspective the livelihood, economic impact on the local fishermen pose a remarkable human security burden on the country. The same was also confirmed by Admiral Wattawe at an interview with the researcher. He also highlighted the implications to security as a whole, on a traditional aspect the financial cost the government has to continuously increase to enhance naval security and coast guarding to deter the Indian fishermen crossing into Sri Lankan waters and from a human security perspective livelihood insecurities, marine eco-destruction due to bottom trawling were discussed.

Besides, there are any other concerns like transnational crime, terrorist activities and human trafficking that take

place in the guise of Indian fishermen fishing in Sri Lankan waters.

Much effort has been made to bring this fishery issue under control yet, borne only minimal significance when compared to the security implications on the country and her people due to political, legal, economic and social reasons.

VI. RECOMMENDATIONS

Efforts to resolve this issue so far has not borne expected results. In the context of such a situation, it is only appropriate that solutions to this problem should be sought from not only one point of focus but a mixture of efforts from government to government at a diplomatic level, from a grassroots level of the fishermen per se, to educate the Indian fishermen of the consequences of crossing the Sri Lankan IMBL, from a legal perspective to update the laws appropriately in Sri Lanka to deal with the fishermen crossing over illegally as well as for researches and policy makers to continue to research into untapped areas where a solution to this problem may be found and for policy makers to continuously update policy decisions to benefit comprehensive security of Sri Lanka as well as to find a lasting solution to the Indo-Lanka fishery conflict.

VII CONCLUSION

This research has taken into study the ongoing case of the Indo-Lanka fishery conflict and its implications on comprehensive security of Sri Lanka. Even though the International Maritime Boundary Line (IMBL) has been clearly demarcated and agreed upon, yet, continuous transgressing of the IMBL by Indian fishermen in large numbers takes place on a daily basis. Taking into consideration the bilateral agreements of 1974, and 1976 which are internationally binding agreements, this transgressing by the Indian fishermen into Sri Lankan waters amounts to be illegal. Crossing the IMBL per se causes traditional security threats while bottom trawling and fishing per se in Sri Lankan waters causes many human security concerns. There have been many attempts to solve this problem at different levels, yet, due to various reasons these attempts have proved to have failed. As a result, the problem continues, escalating the issue with no permanent solution so far. Therefore, it is of importance that research continues to identify various aspects to this problem with a view to source a lasting and amicable solution to this fishery conflict causing threats to comprehensive security of Sri Lanka.

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