Indo – Lanka Fishery Issues: Traditional and Human Security Implications

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Abstract— The International Maritime Boundary Line (IMBL) demarcates and designates the waters between India and Sri Lanka. Even though, both countries ratified bilateral agreements governed by United Nations Convention on the Law of Sea (UNCLOS) in 1974 and 1976 yet conflicting situations regarding fishery concerns have been persistent, causing traditional and human security implications. This situation has coloured relations between the two states. From a traditional security perspective crossing of IMBL leads to security implications on citizens, border, territorial, and sovereignty and human security implications like food, livelihood, environment and economy. This study examines the geo-strategic relationship of the two states concerning the Indian Ocean, and the fishery problem. Security is an approach to understanding relations between states. While Traditional security views state as the single actor to ensure survival internationally, Human security is a new concept. Research objective - establish/examine traditional and human security implications due to Indo– Lanka fishery issues, and to analyze the unresolved fishery conflict with a view for a solution. Qualitative research methods would be adopted with an exception of quantitative methods when required to prove validation of data, a mixed method in nature. The research design – to be carried out by analyzing existing literature subjective to qualitative analysis. Empirical studies carried out by scholars, fishery organizations, focus / pressure groups, use of statistics and data published by recognized institutions (authoritative sources) to be used. Qualitative data would be collected from well-informed individuals such as academics and policy makers. Method of data collection would be semi-structured interviews done informally. In the light of contemporary understanding of security, traditional as well as human, this research will focus on importance of addressing persistent fishery issues with a view to seek lasting solutions that would benefit fishers of Sri Lanka in North and East. From this perspective the study is unique and is believed that the effort would contribute to existing body of knowledge.

Keywords— Indo-Lanka Fishery Issues, Traditional Security, Human Security

l. INTRODUCTION

India and Sri Lanka are two states in the Indian Ocean as well as two neighbouring states that have much in common specially concerning the North of Sri Lanka and the South of India, Tamil Nadu. The narrow strip of water, the Palk Straits, Palk Bay and the Gulf of Mannar separates the two states and the International Maritime Borderline (IMBL) demarcates and designates the maritime boundary line between India and Sri Lanka. This bilateral agreement between India and Sri Lanka in 1974 &1976 was governed by the United Nations Convention on the Law of the Sea (UNCLOS). The controvercial island Kachchativu fell within the Sri Lankan territorial waters with both countries ratifying the said agreements of 1974 and 1976 (Jayasinghe, 2003). Yet, issues and conflicting situations with regard to fishery concerns between the people of the two states has always been persistent, arrests, detention and according to some even situations of death as claimed by India (de Silva, 2008). This situation has most often coloured the relations between India and Sri Lanka. Given this persistent problematic situation with regard to fishery issues between the two states, this paper seeks to examine the geopolitical relationships between India and Sri Lanka as well as the traditional and human security implications to Sri Lanka and the Indian Ocean at large.

India and Sri Lanka geographically placed in the Indian Ocean any negative security implications can certainly affect the security of the Indian Ocean and the other regional states as well. The Indian Ocean bears significance due to its vastness in size, navigation and sea lanes and the rich resource base inclusive of the fishery and aquatic resources. The livelihood of the people of the coastal states eg: Sri Lanka therefore depends much on the Indian Ocean. All of which personifies the relevance and importance of the Indian Ocean (Fernando, 2012).Given its strategic, economic and environmental importance the Indian Ocean is considered an important maritime space and this very importance spells out as to why the Indian Ocean is of paramount security importance as well as why its susceptible to security threats. States and people alike benefit from the Indian Ocean, on the other hand security of the ocean amounts to security as a whole which comprise of traditional and human aspects as well as any implications of security.

"The Indian Ocean is of strategic importance and so its security importance" (Ragavan et al, 2008).

Indo – Lanka fishery issues taking place in the Indian Ocean poses security implications that can even escalate into a conflict between the two states if a lasting solution is not sought. Indian trawlers and fishermen cross the IMBL into Sri Lankan territorial waters in large numbers in pursuit of illegal fishing, use illegal methods of fishing (bottom trawling) all of which amounts to poaching. This problem acknowledged by certain academics as the "fishery conflict"(Suriyanarayan, 2005) poses serious security threats at a traditional as well as non-traditional or human security level. Citizen security, border security, territorial security and sovereignty comprise traditional security implications. On the other hand, food security, livelihood security, environmental and economic security comprise human security implications. In the light of the fishery issues causing security implications at both levels of security, - traditional and human, the focus of this study is elimination of these traditional and human security implications and threats with a view to shed focus on the importance of a lasting solution for this fishery problem between the two states. On an over-all to make the Indian Ocean a more secure place.

LL. SECURITY: TRADITIONAL AND HUMAN

"Security is pursuit of freedom from threats" – Buzan, yet, a contested concept with no one single definition (Buzan, 1991). Security is of profound importance to states and humans alike and a concept in existence even before the inception of the Nation State, and almost always associated at a military level defending the state from external forces and threats. Therefore, security and security concerns of state have been an aspect of prime importance from the very inception of state and has been an integral part of formulation of defense policies and to-date remains a matter of the state. Security, directly or indirectly contributes to the Foreign Policy decision making and international relations of a state which adds to a greater part of defense of a state. It is also a focal consideration concerning geopolitical relations among states, as in the case of India – Sri Lanka relations.

Security has been biased towards Traditional Security up until the end of the Cold War (Clingendael Netherlands Institute of International Relations, 2007). Yet, from as recently as 1994, security has taken on a human dimension as Human Security which today has contributed to make the concept of security a holistic one to well cover the state and the humans alike – as "Deepening and Widening" of security (Hough, 2008).

A. Traditional Security

"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" – Lippmann, (Hough, 2008). Traditional Security gained momentum during the Cold War and views the state as a single actor to ensure her own survival in the international system and is concerned with state or national security and focuses on maintaining the survival of the state's sovereignty, people, values, territory and safeguarding the state boundaries from external threats. Therefore, relies on the military might of a state for her security. As explained by Walter Lippmann traditional security is about a "states ability to deter or defeat an attack" (Baldwin, 1995).

"Security for whom?" – RuchitraBeri, also connected the popular concept of "widening and deepening of security", where security transcends traditional aspects to the modern notion of security – Human Security that concern the human beings of a state (Beri, 2007).

B.Human Security

A new dimension to security emerged in the recent years and is associated with the United Nations Human Development Report 1994 (Desouza, 2006). Yet, there is no one internationally acclaimed definition and to date remains flexible concerning its definition. Yet, academics have come up with various definitions and Kanti Bajpai defines human security as protection of individuals' personal safety and freedom from indirect threats to violence (Desouza, 2006). Subrina Alkire has defined it as "the objective of human security is to safeguard the vital core of human lives from critical pervasive threats, in a way that it is consistent with long term human fulfillment" (Alkire, 2003). This encompasses the overall wellbeing of humans all over the globe from freedom from want and fear. Yet, this remains subjective among majority of states as the priority of human security differ from the Western developed states to the requirements of Eastern developing block. "From security though armaments to security though sustainable development", human security takes on a people centric focus on the individuals and community in eliminating "human insecurities" and to provide food security, health security, environmental security, personal and community security, economic security and political security (Sabur, 2003). The ultimate objective is to attain the well-being of the people of the country.

Realization of human security in a state is a contribution of many parties like the government, local and international actors as well as peoples' participation and good governance. Good governance at all levels on an overall is seen as important in achieving human security.

Therefore, achievement of human security cannot be done at an individual level but only on a collective effort.

III. INDO – LANKA FISHERY ISSUES

A country uses its ocean space for strategic military purposes as well as to enhance the livelihood of people who depend on the ocean (Fernando, 2013). Basically, the ocean is used for traditional as well a human security purposes. India and Sri Lanka too are no exception to this and both states depend on the Indian Ocean for traditional and human security purposes.

Given the strategic importance of the Indian Ocean, security concerns are on the rise and maritime security is also "security" amounting to traditional and human security and it has gained heightened importance given the gamut of activities associated with the seas.

Even though the IMBL demarcates and designates the waters between India and Sri Lanka, in the Palk Bay, Palk Straits and the Gulf of Mannar by ratifying agreements of 1974 and 1976, yet the fishery conflict between India and Sri Lanka has been a persistent one. Illegal crossing of the IMBL, poaching by illegal methods of fishing like bottom trawling takes place on a regular basis, this has brought about a conflicting situation with traditional and human security implications more so to Sri Lanka – an island state surrounded by the sea. Arrests, detention and according to some even death has taken place as a result of poaching (de Silva, 2008). Reported cases of this fishing conflict bears evidence that there is significant influence of Tamil Nadu, in politicizing this issue and taking it to the level of a geostrategic and geopolitical one, solely seeking the benefit of Tamil Nadu (Faslan, 2014).

The fishery conflict as observed by the researcher has traditional and human security implications for both states, yet more so to an island state Sri Lanka and a small developing country in comparison to India in many aspects. Given the present situation on an over-all Sri Lanka has to increase her defense expenditure to safeguard her coast line from poachers who enter Sri Lankan territorial waters illegally from a human perspective protection of the interests of the ordinary fishermen, all of which amounts to economic implications in the form of costs and expenditure to Sri Lanka. On the other hand increase of defense expenditure at a traditional security level and on the other cost concerning loss of fishery and other resources. According to Prof. Karunaratne, increase of defense expenditure does affect geopolitics (Karunaratne, 2015)

C. Traditional Security Implications
1) Citizen Security

Citizen security is much to do with personal security of people which relates to crime and what-ever that aid and abates criminal behavior in people that causes a threat of insecurity to the society and people and exceptional levels of violence associated with organized crime.

The security of the people in the North and East of Sri Lanka as well as the society at large is at stake when it concerns citizen insecurity caused by the fishery issues. Many illegal activities besides illegal fishing has been reported, some of which are smuggling of narcotics and cannabis, gun running and illegal migration to name a few that causes much of internal insecurity and threats to people within the county. Fishery issues affect the citizen security as it is the citizens of Sri Lanka most often at the receiving end of all these issues. Noteworthy, also the many confrontations and physical conflicts the Sri Lankans face with the illegal Indian poachers (Des Gasper and Gomez, 2013).

2) Border Security

"Indian trawlers crossing the IMBL constitute a threat to Sri Lankan maritime security" (Joseph, 2013). In spite of the agreements and the IMBL, the Indian trawlers and fishermen cross the boundary in large numbers regularly causing border security concern to Sri Lanka. It is a breach of agreement and amounts to trespass of the Sri Lankan territorial waters. This causes much threat to Sri Lankan security concerns as illegal activity in concern to traditional and human security takes place and regular confrontations with the Sri Lanka Navy who has no choice but to arrest and apprehend these fisherman who cross the border which is considered an illegal act. Sri Lanka has to face the ramifications of encroaching and Sri Lanka has a major responsibility on herself for border protection as Indian trawlers crossing the IMBL constitutes a threat to Sri Lankan Maritime Security as well as traditional security at large.

3) Territorial Integrity

Territorial integrity of a state is closely associated with the sovereign state system (Jackson, 2007). Popular academic discourse indicates that United Nation's actions with regard to decolonization linked sovereignty with territorial integrity (Barnet and Finnemore, 1999).

Territorial integrity in the international system is best defined by International Law, where it considers the state as a person of International Law. Accordingly a state should possess the following to be recognized as a state: (a) Permanent population (b) A defined territory (c) Government (d) capacity to enter into relations with other states (Wallas and Ortega, 2013). Defined territory

explicitly deals with the extent of a states sovereign power says Elden (2006) and International Law attempt to protect existing borders. It can be thus observed according to Brownlie, that the legal principal of territorial integrity is derived from the principals of state sovereignty and that state sovereignty is the legal foundation for states in the international system (Brownlie, 1998).

The fishery issues, confronted by Sri Lanka has much impact on the territorial integrity of the state as it is a serious boundary concern, and a maritime security concern that amounts to traditional security when the Indian poachers cross the IMBL with no regard to the established legality of Sri Lanka which extends up to the demarcated maritime border and the territorial interest of Sri Lanka.

4) Sovereignty
"A system of political authority based on territory, mutual recognition, autonomy and control" (Kranser, 2001), and Rouke and Boyer (2010) identifies sovereignty as the most important political characteristic of a state having supreme legal authority. The state to have the right to govern the people within their boundaries and not recognize legitimacy of any outside authority. Sovereignty also denotes legal equality among states (Rouke and Boyer, 2010).

In relevance to the fishery issues in concern the fact that the Indian poachers so feely cross the IMBL, which demarcates the territorial rights within that boundary line amounts to violation of the established legitimacy of Sri Lanka. Yet, at times due to political and diplomatic reasons Sri Lanka Navy and the Coast Guards are unable to arrest and apprehend these illegal poachers. Also, Tamil Nadu has often made this an opportunity to interfere in the domestic affairs of Sri Lanka, which sometimes is not only in the sphere of fishery but also other politically sensitive areas as well, eg: Training, assistance and cover provided to the LTTE during the war period. All this would amount to infringement of the sovereignty of Sri Lanka.

D. Human Security Implications
1) Food Security
Food security is the ability of the individuals to obtain sufficient food on a day to day basis. Food insecurity primarily takes place because of poverty may it be financial or resources. USAID (1992), defines food security as "When all people, at all times have physical and economic access to sufficient safe and nutritious food to meet their daily needs and food preferences for an active and healthy life". (Waller et al, 1992)

The fishery issues face by the citizens of Sri Lanka attributes to a matter of food security, as when the fishery resources from the Sri Lankan waters are scooped away by the Indian poaches, the loss of such resources amounts to food security within Sri Lanka. Lack of fish affects the lives and livelihood of the fisher community, as a result, the economy of the people among the fisher community in the North and East. As an industry that is suffering due to lack of resources the state would be economically effected. At the same time, lack of fish for consumption, not only to the people of North and East but to the entire nation, as the catch would deplete with nothing left for distribution within the people of the state, causing a dearth in protein consumption contributing to nutritional and financial threats among the people of Sri Lanka.

2) Livelihood security
"Represents the stock of resources on which households can draw to generate income, meet their basic needs, manage risks and cope with stresses and shocks. A larger asset base generally translates into greater livelihood opportunities and greater livelihood security" (Waller et al, 1992).

Livelihood security is most often generated through economic security, and economic conditions of the people to be considered as an asset and an opportunity to enhance livelihood of the people, which is also the case with the fishery community in concern at North and East of Sri Lanka, lack of which amounts to livelihood insecurities among the said communities. Lack of fishery resources, not being able to fish which is a means of employment for the fishery community, is a threat to livelihood of these people. This situation is created by the Indian poachers snatching our resources, using illegal fishing methods (bottom trawling), damage the fishing gear, boats and nets of the Sri Lankan fishermen causing an occupational risk to the fishermen as they cannot go out fishing which in turn is an economic as well as livelihood insecurity.

3) Environmental Security
Environmental security refers to security hazards and environmental threats. It is intertwined with all other dimensions of human security. Environmental security is achieved when basic human needs such as pure water and unpolluted air are available and there is freedom from natural hazards. Environmental security is crucial not only to the well-being of the people but to their very survival. Environmental insecurities occur when anthropogenic factors contribute to the depletion and

degradation of natural resources such as water, soil and air (UNDP Human Development Report, 1994).

In this context of fishery issues illegal bottom trawling damage all aquatic resources in our seas, which not only has implications on the sea and its immediate resources but also the lagoon as well as the coast line.

4) Economic Security

Economic security can be described as the availability of an assured income from productive or remunerative work or from other sources. Economic insecurity includes poverty unemployment among all employable. Environmental insecurities leading to climate change can impact adversely on poorer communities whose livelihood depend on subsistence agriculture, fishing collecting and gathering food, herbs like occupations, amounting to lack of availability of their regular occupation (UNDP Human Development Report, 1994).

Lack of resources, in the case of the fishery issues, lack of fish in the Sri Lankan territorial waters will certainly lead to lack of occupation to our fishery community who depend on the sea and fishing for their livelihood. Illegal poaching by the Indian fisherman in Sri Lankan waters will amount to economic insecurity to our fisher communities.

IV ANALYSIS, RECOMMENDATIONS AND CONCLUSION

It can be observed in the raised discussion that all these securities / insecurities can be inter-connected and inter-related. When one takes place most often all other areas are affected creating a negative cycle of events for the Sri Lankan fishermen in the North and East and the country at large due to the fishery issue with the Indian poachers in Sri Lankan waters.

Given the present status-quo, a field research over experimental method of research design is desired & the researcher would adopt chronological analysis to observe the situation over a period of time and qualitative research methods for the majority of this study except in the case of validation where quantitative methods would be adopted when required. Therefore, a mixed method in nature, with a theoretical base of Securitization Theory to support the study.

In this light the writer's recommendations are in line with that of security is of paramount importance to a state in protecting its sovereignty, territorial integrity in doing so to protect the state from any kind of negative and undue external influences as well as the interest and well-being of her people. Traditional and human security implications brought about by the Indo-Lanka fishery issues contribute to the greater gamut of security of Sri Lanka both at a state and peoples point of concern.

The writer's under taking with regard to this specific research is to call focus and attention towards this persistent problem. To look into the possibility of suggesting or identifying a solution that can be put to practice with a view for a lasting solution.

Many an academic and political view is that this fishery problem cannot be solved. It is recommended that this problem concerning the Indo – Lanka fishery issues be given far more concern and focus than it is now by the government of Sri Lanka as well as researchers to come up with a research studies to identify solutions so that there may be areas untapped which might bring about a lasting solution. To have more and more academics and policy makers think about this problem with a view for a solution.

The government of Sri Lanka to seek a negotiated settlement with the Central Government of India through diplomacy and international relations, so that a settlement could be sought taking into consideration the UNCLOS lll – a legal framework and to come upon an agreement where both states will work towards practice and implementation of that agreement to stop illegal crossing of the IMBL into Sri Lankan territorial waters.

Both states to stress the importance of not politicizing this fishery issue seeking vested political gains as and when governments change. Basically the fishery issue should not be politically coloured. Yet, policies to be implemented regardless of politics and related gains only based on seeking a lasting settlement to ensure security and good relations to both India and Sri Lanka.

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