

The Importance of Law Enforcement to Reach a Sustainable Solution for Poaching in Northern Sri Lankan Waters

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This paper addresses the question of how important the enforcement of law against poaching in Northern Sri Lankan waters to reach a sustainable solution. Frequent poaching by Indian fishermen in Northern Sri Lankan waters, using bottom trawling gears, results in adverse consequences on ecological, socio-economic and national security concerns. The government's efforts towards a resolution have taken the form of different approaches such as bilateral negotiations between government delegations, a joint working group, and dialogue between fishing communities; but it has failed to materialize a solution to date. The complexity of Indian domestic political and socio-economic dimensions could be identified as the main challenge in arriving at a solution. Although some researchers have suggested effective law enforcement against poachers as a feasible solution, the Sri Lankan government refrain from resorting to law enforcement in order to avoid bilateral tensions with India, with which Sri Lanka maintains strong ties within many other aspects. This research was based on a qualitative methodology in which secondary sources such as journal articles, international/domestic legislative provisions, and reports published by the Department of Fisheries and Aquatic Resources (DFAR), Sri Lanka Navy (SLN) and Sri Lanka Coast Guard (SLCG) and primary data from interviews conducted with officials of the SLCG, SLN and the DFAR were used. The findings of this study reveal that Sri Lanka possesses the enforcement capacity and legal base to utilize law enforcement against poachers in an effective manner. Although it is not apposite to strictly depend on law enforcement as a solution, this study concludes that law enforcement can be utilized as an important tool which can be used to drive the problem from stagnation towards a solution; without creating unnecessary tension. Moreover, the study was able to identify specific areas which need improvement to enhance effectiveness of law enforcement against poaching in Northern Sri Lanka.

Keywords: *poaching, northern Sri Lankan waters, bottom trawling*