

## **Illegal Unreported and Unregulated(IUU) Fishing in Palk Bay: Issues and Challenges.**

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### **The Context**

Palk Bay is the South-western portion of the strait which is a small stretch of ocean in the Bay of Bengal located between Northern Sri Lanka and south eastern India. The strait is bounded on the south by Pamban Island, Adam's bridge (also known as Rama Setu), the Gulf of Mannar. The strait is 40 to 85 miles (64 to 137 km) wide, 85 miles long. The average depth is less than 100 meters. Many rivers including Vaigai (India) drain in to the Palk Bay., The Sri Lankan side has many Islets including Katchateevu which has been the bone of contention between Indian fishers and Sri Lankan fishers since 1974.

The occurrences of Tamil fishermen crossing the International Maritime Boundary Limit (IMBL) in large numbers—quoting the traditional rights to fish in the Palk Bay and despite the fear of being arrested—has not abated. The mostly intentional crossing of the officially demarcated (IMBL) by quoting historical rights has not helped matters. The agreement of 1974 for demarking the IMBL, and the subsequent clarifications by the Indian Government, do not allow Indian fishers to cross the IMBL. The fishers continue to fish not only around the Katchatheevu Island (where the drying of nets was allowed in the 1974 agreement) but also in areas well in Sri Lankan waters. With the clarifications of 1976 on the floor of the Indian Parliament by the then External Affairs Minister Swaran Singh, the fishermen were specifically directed not to cross the IMBL to fish in Sri Lankan waters. The vows of Tamil fishermen have only accentuated with each passing year due to the complexities involved in resolving the vexed issue of fishing in the Palk Bay. Both Sri Lanka and India are engaged in tackling the issue in an amicable manner; however, a permanent solution seems to be elusive given the ground realities between the fishermen on both sides who insist on juxtaposing historical rights. This

issue brief makes an attempt to understand the present status, and provide some options for finding lasting solutions.

## **Illegal, Unreported and Unregulated(IUU) Fishing**

Fishermen the world over are involved in poaching wherever surveillance and anti-poaching measures are weak. Fishers from neighbouring countries such as Pakistan, Bangladesh, Sri Lanka, and others from South East Asian countries are also regular poachers in unmonitored fishing areas, irrespective of who owns that Exclusive Economic Zone(EEZ). The overlapping claims of the EEZ in the South China Sea between China and its maritime neighbours (Taiwan, Philippines, Brunei, Malaysia and Vietnam) has resulted in aggressive fishing by Chinese fishers who are even escorted by the Chinese Coast Guard. With dwindling stocks and increasing demand, the resulting conflicts have become a regular occurrence. The situation in Europe and west appears to be better managed, with clear demarcations and the monitoring of activities in the fishing zones. However, what needs to be noted is that, irrespective of which country's EEZ is violated, the activities such as the ones witnessed in the Palk Bay would come under the category of IUU,<sup>i</sup> and needs to be dealt with as such by the concerned Governments. From this point of view, the navies and the coast guards of the countries charged with the protection of the EEZ and the prevention of poaching by foreign vessels are well within their rights to apprehend the offenders, and try them according to the law of the land.

In the Indian context, due to the seriousness of the problem between Gujarati fishers and Pakistan fishers, a hot line was set up between the MSA and the Indian Coast Guard. This has certainly helped in resolving such issues as crossing into each other's territory and consequent apprehension. Signed in 2005, this MOU has been extended for another five years—from March 2016<sup>ii</sup> onwards. This CBM has, to a large extent, addressed the issue of the unwarranted detention and harassment of fishermen who are pursuing their livelihood. However, the problems are most acute in the respect of TN fishers who have a Hobson's choice in Palk Bay. It has also been reported that a similar MOU on the lines of the existing one with MSA of Pakistan is being considered for implementation with the Coast Guards of India and Sri Lanka.<sup>iii</sup>

## **Tackling the Problem in Palk Bay: Alternatives**

It was decided by both the Governments last year (2016) that the Joint Working Group formed would meet every three months,<sup>iv</sup> and the ministerial meeting would be conducted every six months. The JWG met in New Delhi in November 2016, and the first ministerial meeting was conducted in Colombo on 02 January 2017. The main issue for the Indian side was the return of the fishing vessels apprehended by the Sri Lankan Navy/Coast Guard. By and large, the release of the fishermen has not posed major hurdles on both sides, despite some occasional delays. However, it is the release of the mechanized vessels that has strained the relations between the fishers of both countries.

As far as the Sri Lankan fishers are concerned, they object to the use of mechanized trawlers, which has created havoc on the Indian side of the IMBL. The insistence of the Indian Tamil fishers that they need to be given some more time (three to five years)—has not been received well by their counterparts who fear that the fishing grounds on the Sri Lankan side will also meet similar fate as on the Indian side. It is noteworthy that Sri Lankan fishers whom are also Tamils from the Island—have not objected to traditional modes of fishing which is least disruptive to the fishing grounds.

The Sri Lankan Navy or the Coast Guard cannot be blamed for arresting the fishermen who are violating the IMBL on a regular basis. It may be noted that many fishermen are also wage earners, and the fear of loss of livelihood compels them to fish in Sri Lankan waters as there is hardly any fish left on the Indian side due to overfishing using mechanized means. Arrests by the Sri Lankan Navy or the Sri Lankan Coast Guard, and the follow up action by the State Government to exert pressure on the centre to secure the release of fishermen is a regular occurrence, and both sides eventually release them. Sri Lanka has serious reservations about releasing the boats which they know will return to Sri Lankan waters to indulge in illegal fishing again. Successive governments in Tamil Nadu have used the fishers as vote banks and support them even when their actions are not in accordance with the agreements. This is also partially due to the political affiliation of some of the boat owners who have invested in trawlers, and have employed fishers to poach in the neighbouring country's waters. The fishers who man these trawlers are wage earners under threat, and hence do not mind taking the risk of venturing deep in to Sri Lankan waters.

## **Joint Patrolling**

Presently, the Indian Navy, Coast Guard and the Sri Lankan Coast Guard have quarterly meeting near the IMBL where issues of security, fisheries, and other related issues are discussed. The maritime security agencies on both sides have good working relations, and exchange all information during such meetings in a spirit of cooperation.

The proposal for Joint Patrol by the two sides in Palk Bay is not new. It has been proposed on many occasions by the Sri Lankan Government at regular intervals. It may be noted that this was rejected outright by the TN Government when the DMK<sup>v</sup> was in power in 2007. However, it appears that India is now looking at this option<sup>vi</sup> seriously, as agreed during a meeting in November 2016 between the External Affairs Ministers of both the countries. However, there are serious challenges associated with enforcing a strict code of conduct for politically supported fishers. Since the number of offenders from the Indian side is huge, it would become the primary task of the Indian Navy/Coast Guard to prevent Tamil fishers from crossing the IMBL.

Going by past precedents, the regional party in power would accuse the centre of interfering with the pursuit of livelihood of fisher's by deploying the Indian Coast Guard alongside its counterparts from Sri Lanka. The possibility of fishers taking to the streets, and precipitating a crisis for the party in power in Tamil Nadu, is immense. This has the potential for creating a law and order problem, and could spiral out of control due to strong emotions that unite the fishers and the politicians in Tamil Nadu.

## **Impasse**

Even in the recently concluded ministerial meeting, the insistence on obtaining more time for stopping Indian trawlers<sup>vii</sup> for fishing has not been received favourably by the Sri Lankan side as there are genuine fears about the wanton destruction to the fishing fields on the Sri Lankan side. It is on record that, during the meeting between the fishermen's association on both sides facilitated by the Centre, Tamil fishers wanted a period of five years. Thereafter, it was brought down to three years—and even that is not acceptable to the Sri Lankan fishers considering the delicate nature of the fishing grounds on the Sri Lankan side.

The problem is the making of the State that has a responsibility for providing alternate means of livelihood to the fishermen. Various suggested options for alleviating the sufferings of the fishers have not been acted upon. Despite the strong advice for moving away from trawlers to deep sea water fishing, not much has been done in that direction for decades. The Tamil Nadu vision document of 2023 which was brought out in 2013, does make a mention about the concept of deep sea fishing, but it is moving at a snail's speed. The procurement of the mother vessels<sup>viii</sup> and other related activities remains as work in progress. The wherewithal for deep sea fishing is just not in place. For deep sea fishing to be effective, it needs an adequate number of suitably equipped vessels, trained man power, hinterland connectivity, cold storage, on board canning facilities, etc.,

Many nations indulge in deep sea fishing on a routine basis, and it is indeed surprising that, despite the advantages of two million plus square kilometres of EEZ, India has not invested in this initiative. The fact that the livelihood options of Tamil fishermen cannot be at the mercy of a small neighbouring nation needs to be borne in mind, and all actions required— including skill development and infrastructure—need to be initiated without any time delay by committing funds and working to a time bound plan to wean the fishermen away from trawlers, and eventually from Palk Bay.

## **Conclusion**

It is evident that any solution to the problems of fishers in the Palk Bay has remained elusive mostly due to the insistence of the TN fishers (who are supported by political parties) to violate the IMBL on a regular basis. As a big neighbour, India has a responsibility to ensure that it abides by the provisions of FAO guidelines on preventing IUU.

Knowing that the fishers affected on their side are also Tamils, Sri Lanka has been sympathetic, and is willing to allow traditional modes of fishing for some more time. The insistence by the TN fishers that they should be allowed to continue with mechanized trawlers defies all logic and reasoning. Unfortunately, they are also supported by political parties with an eye on the vote bank. This does not augur well for bilateral relations. That the Joint Working Groups are meeting every quarter, and the Ministerial meeting is now a six-monthly occurrence, should pave the way for keeping up the dialogue to work on the way ahead.

Both the Centre and the State should fast track the processes for acquiring deep sea fishing capability with the associated augmentation of infrastructure, maintenance facility, hinterland connectivity, skills development, and other such components to make DSF a success which is like the many East Asian and South East Asian countries who have invested in this mode of fishing.

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## Notes and References

<sup>i</sup>Illegal Unreported and Unregulated fishing IUU around the world has assumed serious dimensions due to dwindling stock and poaching in the EEZ. The responsibility of preventing the IUU has been entrusted to the Flag States. FAO has many initiatives and documents which discuss the plan of action for International Plan of Action to deal with IUU. Many documents available on the home page of FAO vide <http://www.fao.org/fishery/iuu-fishing/en>, accessed on 10 January 2017

<sup>ii</sup> The MoU has been extended with effect from 17 March 2016 for another five years vide <http://mea.gov.in/press-releases.htm?dtl/26426/Extension+of+MOU+between+Indian+Coast+Guard+and+Pakistan+Maritime+Security+Agency>, accessed on 12<sup>th</sup> January 2017.

<sup>iii</sup> As reported in Asian age vide <http://www.asianage.com/india/all-india/100117/fishermen-issue-indo-lanka-coast-guards-to-set-up-hotline.html>, accessed on 13 January 2017

<sup>iv</sup>As reported by New Indian Express vide <http://www.newindianexpress.com/nation/2016/nov/06/jwg-on-fisheries-to-meet-every-3-months-1535483.html>, accessed on 7 January 2017

<sup>v</sup>[http://www.therisingsun.in/archives/2007/APRIL/04-08-2007/insideneews\\_03.asp](http://www.therisingsun.in/archives/2007/APRIL/04-08-2007/insideneews_03.asp). As per the release by the political party's website, accessed on 8 January 2017.

<sup>vi</sup> Report on India willing to consider joint patrolling reported by the media on 12th November of the meeting in Delhi, accessed on 3 January 2017 vide <http://www.newindianexpress.com/thesundaystandard/2016/nov/12/india-may-patrol-palk-strait-jointly-with-sri-lanka-1537914.html>

<sup>viii</sup>[http://cms.tn.gov.in/sites/default/files/documents/fisheries\\_e\\_pn\\_2015\\_16.pdf](http://cms.tn.gov.in/sites/default/files/documents/fisheries_e_pn_2015_16.pdf) The detailed paper put out as a policy note by the Fisheries Department of the TN Government covers all issues, including deep sea fishing. However, despite the announcements, nothing much has progressed on the ground. The PDF quoted was accessed on 9 January 2017.