



RACE IAS

# Editorial

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## Fishing for workable solutions in the Palk Bay



### Context:

1. After a gap of 15 months, the **India-Sri Lanka Joint Working Group (JWG)** on fisheries held its much-awaited deliberations (in virtual format) on March 25.
2. But between the two meetings of the JWG, a number of events – some of them unfortunate – have occurred in the Palk Bay region that encompasses India's Tamil Nadu and Sri Lanka's Northern Province.
  1. For instance, seven fishermen – five from Tamil Nadu and two from Sri Lanka – have died in “mid-sea clashes”.

3. Just as sections of fishermen from the Palk Bay bordering districts of Tamil Nadu continue to **transgress the International Maritime Boundary Line (IMBL)**, cases of many of them getting arrested and their boats being impounded by the Sri Lankan authorities continue.
4. What has precipitated matters is that in early February, the impounded boats, around 140 in number, were auctioned despite a bilateral understanding on the matter.

#### **Brief Background of India- Sri Lanka Fishing areas:**

1. Both Indian and Sri Lankan fishermen have been fishing into the **Palk Bay area for centuries**. Palk Bay is a semi-enclosed shallow water body between the southeast coast of India and Sri Lanka.
2. Problem emerged only after a maritime agreement was signed by India and Sri Lanka in 1974.
3. In fact, initially the **1974 border agreement** did not affect fishing on either side of the border.
4. In 1976, through an exchange of letters, both India and Sri Lanka agreed to stop fishing in each other's waters.
5. In 1974 and 1976 treaties were signed between the two countries to demarcate the **International Maritime Boundary Line (IMBL)**.
6. The treaties also ended up making the **Palk Strait connecting India and Sri Lanka a 'two-nation pond'**, under the relevant United Nations Convention on the Law of the Sea (**UNCLOS**) rules to the exclusion of all third nations. Simply put, the bilateral arrangement bans international fishing and shipping.

#### **Government's Initiative for Fishermen's in the region:**

**Providing all necessary support:** This included clothes, toiletries, snacks, dry essentials and masks, besides facilitating phone calls to relatives. They were also arranging legal representation.

**Check on their welfare:** In the case of one fisherman who was indisposed, the Indian Consular Officer has visited him in the hospital to check on his welfare.

**Issue of early release of the fishermen and boats:** The Indian High Commission in Sri Lanka had taken up the issue of early release of the fishermen and boats with the Government of Sri Lanka.

#### **However, Trawling as an issue:**

1. Apart from poaching in the territorial waters of Sri Lanka, the **use of mechanized bottom trawlers** is another issue that has become a **bone of contention between the fishermen of the two countries**; the dispute is not just between the two states.
2. This method of fishing, which was once promoted by the authorities in India, is now seen as being **extremely adverse to the marine ecology**, and has been acknowledged so by India.
3. The actions of the Tamil Nadu fishermen **adversely affect their counterparts in the Northern Province** who are also struggling to come to terms with life after the civil war.
4. The ongoing economic crisis in the island nation has only worsened their plight.
5. At the same time, the fishermen of Tamil Nadu experience a genuine problem – the **lack of fishing areas** consequent to the demarcation of the IMBL in June 1974.
6. If they confine themselves to Indian waters, they find the area available for fishing full of rocks and coral reefs besides being shallow.
7. The distance between Dhanushkodi (Tamil Nadu) and the IMBL is nine nautical miles (NM) while the maximum distance – Devipattinam and the IMBL – is 34 NM.
8. Under the **Tamil Nadu Marine Fishing Regulation Act 1983**, mechanized fishing boats can fish only beyond 3 NM from the coast. This explains the trend of the fishermen having to cross the IMBL frequently.
9. Another factor is that the people of the two countries in general and fisherfolk in particular have **common threads of language, culture and religion**, all of which can be used purposefully to resolve any dispute.
10. It is because of this factor as well as the plight of the fishermen of the Northern Province that the two governments have been repeatedly saying that the whole problem has to be looked at **from humanitarian and livelihood angles**.

#### **Fisher-level talks much needed in this Economic crisis in Sri Lanka:**

1. With the problem having been discussed by the JWG, and earlier during the visit of India's External Affairs Minister to Sri Lanka, in March as well, it is time steps are taken to take the process forward.

2. The present situation, which is otherwise very stressful for Sri Lanka in view of the economic crisis, can be utilised to bring the fishermen of the two countries to the negotiating table.
3. This is because the Indian government's two-month ban on fishing on the east coast of the country began on April 15.
4. It is up to Sri Lanka now to ensure that the talks take place as the Indian side is **keen on resuming fisherfolk-level deliberations**.
5. As several substantive issues were discussed threadbare in the previous rounds of such meetings – the last one was in New Delhi in November 2016 – only some fine-tuning of the respective positions had to be done.
6. While Indian fishermen can present a road map for their transition to deep sea fishing or alternative methods of fishing, the Sri Lankan side has to take a **pragmatic view** that the transition cannot happen abruptly.
7. To elicit a favorable response from the fishermen of the Northern Province, the Tamil Nadu fishermen have to commit themselves to a short and swift transition for which the governments in India (Central and State) have to come forward to **perform the role of guarantors**.
8. Also, whenever there is a genuine complaint about Tamil Nadu fishermen having damaged the properties of the Northern Province's fishermen, the Indian government can **compensate this through the proper channels of Sri Lanka**.

### **Solution:**

#### **Deep sea fishing should implement in place of Bottom trawling:**

1. India will have to modify its scheme on deep sea fishing to accommodate the concerns of its fishermen, especially those from Ramanathapuram district, so that **they take to deep sea fishing without any reservation**.
2. The revised scheme has to absorb satisfactorily not only the unit cost of long liners but also the running cost.
3. Also, there is a compelling need for the Central and State governments to implement in Tamil Nadu the **Pradhan Mantri Matsya Sampada Yojana in a proactive manner**.
4. The scheme, which was flagged off two years ago, covers alternative livelihood measures too including seaweed cultivation, open sea cage cultivation, and sea/ocean ranching.
5. During Mr. Jaishankar's visit, India had signed a memorandum of understanding with Sri Lanka for the development of fisheries harbours.

6. This can be modified to include a **scheme for deep sea fishing to the fishermen of the North**.
7. It is a welcome development that the JWG has agreed to have joint research on fisheries, which should be commissioned at the earliest.
8. Such a study should cover the **extent of the adverse impact of bottom trawling** in the Palk Bay region.

### Way Ahead steps:

The two countries should **explore the possibility** of establishing a **permanent multi-stakeholder institutional mechanism** to regulate fishing activity in the region.

At the same time, Sri Lanka should take a lenient view of the situation and refrain from **adopting a rigid and narrow legal view of matters** concerning the release of 16 fishermen or impounded fishing boats (around 90 in number).

Any delay in this will only increase the bitterness between the two countries at a time when the economic crisis of Sri Lanka is **generating empathy in India**.

What everyone needs to remember is that the fisheries dispute is not an insurmountable problem.

A number of options are available to make the Palk Bay not only free of troubles but also a **model for collaborative endeavours in fishing**.

## Keeping Neighbourhood in Sight

**“Neighbourhood First”** has been a cardinal component of **India’s foreign policy**. Unless India manages its periphery well in the subcontinent, its pursuit of a more significant role in the Asian region and the world will remain suboptimal.

Recurrent **political or economic crises in neighbouring countries** draw India back into the subcontinent and constrain its ability to deal with larger regional and global issues. Moreover, **adversaries like China seek to keep India tethered in the subcontinent**.

Amid the recent global as well as internal political and economical shifts within the neighbouring countries, India has a **fresh opportunity to energise its Neighbourhood First policy**. It must grab it with both hands.

## What is the Indian Subcontinent?

- The Indian subcontinent is a single geopolitical unit with strong economic complementarities among its constituent parts.
- It is a **shared cultural space with deep and abiding affinities** among the people of the countries located in the subcontinent because of a **long and shared history**.
  - It includes the countries of **Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka**.
- However, despite this overarching unity, the subcontinent is divided into several independent and sovereign States, each with its challenges and aspirations.

## How India is a Significant Player in this Region?

- **Proximity** is a significant asset, enabling **low-cost and timely flow of goods**, services, and people across borders.
- The asymmetry of **economic and technological power** which India enjoys is an asset in transforming the economy of the entire sub-region.
- India is the **biggest transit country for the subcontinent** and has land borders with Pakistan, Nepal, Bhutan and Bangladesh and maritime borders with Sri Lanka and the Maldives.
- India has also extended a helping hand to Sri Lanka and Nepal facing severe economic setbacks.
  - The **\$400-million currency swap facility extended to Sri Lanka** has been renewed.
  - **During the recent visit to India by Nepal's PM**, a number of **economic assistance programmes** have been revived and some **new ones** have been announced.
- **India's relations with the Maldives and Bhutan are also in a positive territory**, but must not be taken for granted. They need to be nurtured on a continuing basis.

## What could be the Roadblocks in Securing an Friendly Subcontinent?

- **External Influence:** It is quite predictable for the smaller neighbour countries to be **wary of being dominated by a more powerful India** and consequently

seeking to **balance India's influence** through closer relations with external powers. In the past, such an external power was the US and **now it is China**.

- Over the past few years, China's actions and policies all through South Asia and also in India's maritime neighbourhood, including in the **Indian Ocean island countries**, have raised the need to give **deep consideration to India's approach to its neighbours**.

▪ **India's Bilateral Issues with:**

- **Bangladesh:** The **domestic political rhetoric in India** about **illegal Bangladeshi migrants** and their alleged **involvement in communal riots** has had a negative resonance in the country and cast a shadow on our relations.

- It is essential to ensure that the compulsions of domestic politics do not affect India's foreign policy adversely.

- **Pakistan:** With Pakistan too, India has historical **adversity dating back to Independence and Partition** and also the four wars that the former lost.

- Even more critical to the restoration of normalcy in bilateral ties is **terrorism**.

- **Nepal:** In the Indo-Nepal ties, the **Kalapani boundary dispute** is a major issue.

- In 2019, Nepal released a new political map claiming Kalapani, Limpiyadhura and Lipulekh of Uttarakhand and the area of Susta (West Champaran district, Bihar) as part of Nepal's territory.

- **Sri Lanka:** **Killing of Indian fishermen** by the Sri Lankan Navy is a lingering issue between these two nations.

- In 2019 and 2020, a total of 284 **Indian fishermen were arrested** and a total of 53 Indian boats were confiscated by the Sri Lankan authorities.

- The recent **political instability in Pakistan**, the **economic crisis in Sri Lanka**, the '**India Out**' **campaign in Maldives** and **China's growing footprint in Nepal** are other major challenges for India.

## How can India be a Significant Player in this Region?

- **A Revised Foreign & Security Policy:** Being the largest and most powerful country in the subcontinent, India's **security perimeter goes beyond its national borders**, a strong Indian foreign and security policy must **ascertain that its neighbourhood remains peaceful**, stable, and benign, and **no hostile presence** can entrench itself anywhere in the subcontinent and threaten India's security.
  - The challenge for Indian foreign policy lies in **creating effective and enduring incentives for our neighbours** to remain sensitive to India's security interests and use India's more powerful economy to become an engine of growth for them.
  - India shall **emerge for its neighbours as a net security provider** for the region.
- **Lesser Interventions:** To deal with the increasing engagement of the smaller neighbours with external partners **India should not clearly articulate red lines** with each country as it would openly invite charges of disrespect of the sovereignty of neighbours.
  - A better way would be to **intervene less** in the internal political affairs of its neighbours and subtly make it known that what **India will never accept is the physical presence of a hostile foreign power** in a manner that would adversely impact its security especially in a case of open borders.
- **Taking Advantage of Political Shifts:** There are significant shifts taking place in the neighbourhood. There is a **leadership change in Pakistan**, which offers the **prospect of reviving the India-Pakistan engagement**.
  - The objectives should be modest, these include the **resumption of bilateral dialogue** in a format similar to the earlier comprehensive dialogue template.
  - It is in **India's interest to promote regional economic integration**, and **SAARC** is the one important available platform for that purpose.
  - **BIMSTEC** should **not be looked upon as an alternative to SAARC** but should pursue it on its own merits.

## How can India Utilise its Strengths to the Fullest?

- **Cross-Border Connectivity:** To bring into use its proximity with the other countries, India requires efficient cross-border connectivity **both in terms of infrastructure and procedures** to allow the smooth and **seamless transit of goods and peoples**.
- **Opening More to Trade:** The economic and technological power of India is a vast and expanding market.
  - Even if this market were **opened up fully to whatever our neighbours can produce and sell**, this would constitute only a small fraction of India's market but would mean a great deal for them.
- **Transportation:** Given its much more developed land and maritime transport system, **India should develop its role as the partner of choice** for trade and transportation.
  - This will also **create strong inter-dependencies** with our neighbours, thus creating more sensitivity among them to our security concerns.