

# **Post-war Reconciliation and Development in Sri Lanka: Implications from the Periphery**

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## **Introduction**

The conclusion of the twenty eight years of armed conflict between Liberation Tigers of Tamil Ealam (LTTE) and the Government of Sri Lanka (GoSL) in May 2009 brought new hopes for the Sinhalese and Tamil speaking communities of the island to reconstruct and reconcile their battered relationship and lives. After the war,<sup>1</sup> the GoSL introduced large scale intensive development projects to rebuild the war-torn northern and eastern province, namely, *Vadakkın Vasantham* (Northern Spring) and *Kilakkın Vidiyal* (Eastern Reawakening). The GoSL also established a “reconciliation commission” – *Lessons Learned and Reconciliation Commission* (LLRC) and initiated negotiation with Tamil political parties to reach a political settlement. Despite the strong criticisms of its post-war development and reconciliation strategies, the GoSL continues to claim considerable success in returning normalcy both in economic and political sectors in the northern and eastern provinces.

This paper intends to problematize the claims made by both the GoSL and its critics regarding its reconciliation and development strategies with a focus on the ‘Indian Trawler Conflict,’ that has become a main challenge to the livelihood of fishing communities in the northern province of Sri Lanka. In this paper I argue that the

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<sup>1</sup> LTTE rebels fought since 1983 with the GoSL for a separate Tamil Ealam state in North and East Sri Lanka for Tamil ethnic minorities in the country. After 28 years of prolonged conflict the LTTE rebels were crushed by the GoSL in 2009 by defeating them militarily. The conflict resulted nearly 100, 000 deaths and refugees and IDPs and massive economic and large scale destroy of infrastructure in North and East of Sri Lanka.

post-war development and reconciliation process of the GoSL are not capable of addressing the ground realities of the northern fisher communities. Especially it has failed to address the Indian Trawler issue, that has become a pestering canker in the lives of the fishermen living in the north of the country. As the result of the continuous exclusion and subordination of their collective grievances both in the socio-political discourse and the application of the post-war development and reconciliation endeavors, they are further pushed back to the periphery.

This is a descriptive analysis which aims to identify the nature of the conflict between Indian Trawlers and the North Sri Lankan Fishermen, and its implications in the context of the post-war reconciliation and development. The study involves both qualitative and quantitative methods to collect and analyze the data. The data was collected through interviews, field visits, focus group discussions and archival research. The paper will begin with a background to the Indian Trawler Conflict and then move on to analyzing the responses to the conflict from different parties. Finally it will provide the suggestions for the post-war reconciliation and development process.

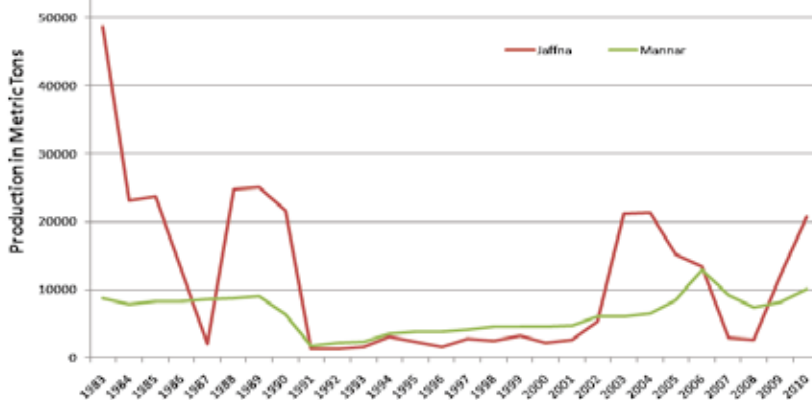
## **1. Background**

A brief introduction to the marine fisheries sector of Northern province of Sri Lanka would be helpful to understand the Indian Trawler conflict in broad. Northern Province consists with four coastal districts out of five: Kilinochchi, Jaffna, Mannar and Mullaitivu except Vavuniya. It has a 480km-coastal line (Provincial Planning Secretariat 2009, 120). In 2011, 28, 639 fishing families were living in three coastal districts of the Northern Province. Fishing is one of the main livelihoods of Northern province (Scholtens, Bavinck and Soosai 2012 June, 90), in addition to agriculture and livestock.

In 1983, before the war between Tamil Rebels and GoSL broke out, the Northern Province produced the one third of the country's total fish production (Chaaminda 2012, 6). But, during the war the production drastically decreased. The

trend of fish production during the period of war (1983-2010) of two main coastal districts<sup>2</sup> of Northern Province is illustrated in Graph # 01. It shows that this is because of the imposed restrictions and the security threats that prevented fishing. The Northern Province's share dropped to 33,600 metric tonnes per year by 2010 from 75,740 as it stood in 1983. The table further shows that the share of Northern Province in national fish production of Sri Lanka decreased to 12% in 2011 from 41% in 1983.

Graph # 01: Fish production of two coastal districts of Northern Province from 1983-2010



Source: Anandan, Soosai. 2011 July, "Current Situation in the Fisheries Sector of Northern Region," presented at ICES workshop on Building Bridges Through Collective Action,

<sup>2</sup>Data not available for Kilinochchi and Mullaitivu. Therefore only Jaffna and Mannar have included.

Table 01: Northern Province's share of National fish production in 1983 and 2010 and 2011

	1983	%	2010	%	As at August 2011	%
<b>Northern Province</b>	75,740	41	33,600	10	28,660	12
<b>Total Marine</b>	184,740	100	332,260	100	241,760	100

*Source: Ministry of Fisheries and Aquatic Resources Development. 2010, Fisheries Sector Progress and Future plans Report, Sri Lanka.*

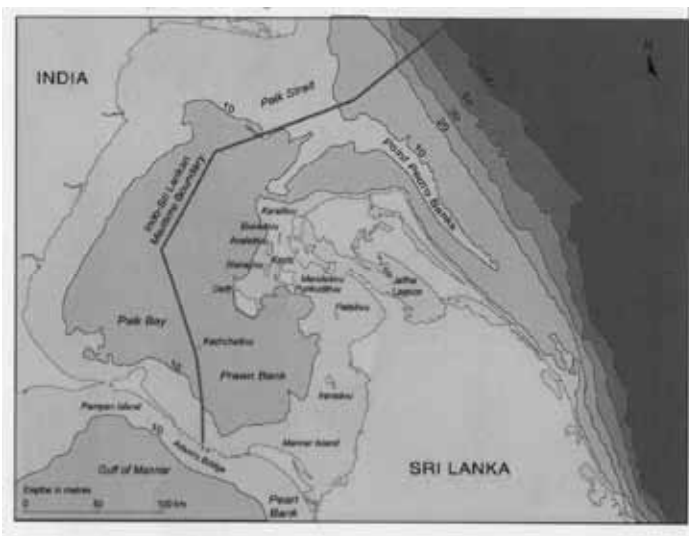
After the war, the Northern Sri Lankan fishermen resumed fishing. Most of the restrictions for fishing, such as High Security Zones and the Pass System have been removed gradually. In addition to relaxing the restrictions, the GoSL began to develop infrastructure facilities in the North. The graph # 01 also shows that the annual fish production of both districts has increased since 2008. However, the increase has not reached the pre-war level. One of the main reasons for this low-level of production compared to its pre-war rate can be attributed to the destruction caused by the Indian trawling fleets' 'poaching' in the North Sri Lankan waters. This is a concern raised by the fishermen in the North. As observed by Scholtens, Bavinck and Soosai (2012), the Indian Trawler intrusion is the primary issue faced by North Sri Lankan fishermen. It is clear that Indian Trawler intrusion is the main threat for a major livelihood of North Sri Lankan Fishermen.

## **2. The Conflict between Indian Trawlers and North Sri Lankan Fishermen**

The Palk Bay, the Gulf of Mannar, and the Palk Strait are main fishing areas for Sri Lankan fishermen in the Northern Province. As shown in the picture # 01 below, these sea areas of the northern coast of Sri Lanka share close boundaries with the south east coast of India. For Jayasinghe (2003): a former secretary of Foreign Affairs of Sri Lanka, "A bare twenty two miles of water, the Palk Strait and Palk Bay, narrower than

the English Channel and a few hours sail lies between the North West coast of Sri Lanka and of the South East coast of India.” The “immemorial usage” of this sea including pearl and chank fisheries exploitation by fishermen from both countries gave that “Historical Waters” title for this shared waters. It is also noted that this sea area was used peacefully by fishermen from both countries until recent years (*Ibid.*).

Picture 01: International Maritime Boundary Line between Northern Sri Lanka and South Eastern India



Source: Scholtern, Bavick and Soosai (2012)

The structural imbalances between fishermen from both countries transformed the peaceful use of Historical Waters into a conflicting ground. The introduction of merchandised trawler boats in the Indian fisheries sector and the over-harvest of fisheries resources in Indian side pushed them into Sri Lankan waters (Scholtens, Bavinck and Soosai 2012: 89). Despite the security threat from both the LTTE and Sri Lankan Navy, Indian Fishermen used to fish in Sri Lankan Waters during the war time. A fishing vacuum in the Sri Lankan side of the Palk Bay which created by the war in

Sri Lanka was favorable to Indian fishermen to fish in Sri Lankan waters during the time of war (*Ibid.*). It is evident that Indian trawlers were able to fish in Sri Lankan waters during war time without strong resistance from North Sri Lankan Fishermen.

After the war, Indian Trawlers continued to fish in Sri Lankan waters in a mass scale and they are dependent on resources in Sri Lankan side. By quoting Sathyapalan *et al* and Vivekanandan, Scholtens, Bavinck and Soosai show that approximately 2500 trawler fleet from Tamil Nadu are fully or partially dependent on resources on Sri Lankan side. At the beginning of the post-war period, Indian trawler fleets fish in Sri Lankan waters for three days per week. Later they increased the number of days of fishing in Sri Lankan waters. The picture # 02 shows almost all the Indian trawlers fish in Sri Lankan waters. They mainly come from Ramandhapuram, Pudukottai, Tanjore, Tutucorin and Nagapatnam coastal districts from Tamil Nadu. (*Ibid.*). Their intrusion is large scale and expanding.

Picture 02: Intrusion of Indian Trawlers in Sri Lankan waters



*Source: Representation made by the Chief of Navy of Sri Lanka at the public sittings of the Lessons Learned and Reconciliation Commission, 2010, in Colombo.*

### **3. The Impact of the Indian Trawler Intrusion**

Indian trawler intrusion has badly affected the fisheries sector in Northern Provinces of Sri Lanka. Trawlers destroy the fishing equipments, especially damage the long invisible gill nets employed by North Sri Lankan fishermen in the sea. The survey done by Scholtern Bavick and Soosai (2012) reveals that between 2009-2011, the average lost per boat of two major fisheries cooperative societies of Karainagar and Mathagal in Jaffna, Rupees 67,395 and 77,820 respectively. Compared to the earnings of fishermen, this is a considerable loss for them from which it is hard to recover soon. Many fishermen therefore, avoid to go to the sea when Indian Trawlers fish. This has caused a significant loss of the income of North Sri Lankan Fishermen. The catch difference of North Sri Lankan Fishermen between “Trawler Night” and Trawler free night” is significant. Scholterns, Bavick and Soosai surveyed the catch difference between these categorized days in Karainagar and reveals that 75% of all landings in Karainagar lose 6 million Sri Lankan rupees annually or 40,000 Sri lankan rupees of a fisherman, which constitutes 20% of annual income of a fisherman. In macro level, Amarasinghe (2011a) estimates that Sri Lanka is loosing USD 33 – 77 million annually due to the Indian trawler intrusion.

Indian Trawlers not only cause income loss for North Sri Lankan Fishermen, but also a threat to future of marine resources in the Palk Bay area. Trawling nets sweep the sea bed and catch all sea-creatures indiscriminately. It destroys the environment in sea bed which is crucial for reproduction of fish. Also, it destroys the the sea bed cause increased level of bi-catch which is part of valuable sea creatures (Scholtens, Bavinck and Soosai 2012). It is therefore create a vulnerability of intense degradation of marine resources in Sri Lankan side.

The GoSL banned trawling in August 2010, because of its invisible and long-term harm for the marine bio-diversity (Government of Sri Lanka, 2010). North Sri Lankan Fishermen are not allowed to trawl after publishing this circular whereas their counterparts are not bind by these laws. A fisherman from Northern Sri Lanka has explained the destruction caused by the Indian trawlers: “They exploit all our resources

in the sea and damage our equipments. Ultimately they destroy the seabed and there will be nothing left for our children in future if they continued to exploit our marine resource” (Fishermen Interview No 01, 2011). This will produce a strong feeling of antagonism towards Indian trawlers.

It is very clear from these evidences that Indian Trawler Intrusion is a major issue among fishing communities in Northern Sri Lanka. According to the survey done by Scholterns, Bavick and Soosai (2012), North Sri Lankan fisherman is against to trawling by Indian fishermen in Sri Lankan waters but not non-trawl fishing in Sri Lankan waters. This issue has significant impact on the North Sri Lankan fishermen’s view on Indian fishermen. As found in the survey, 55% of the sample population believes that “brothers” (Indian Fishermen) became now their enemies (*Ibid.*).

#### **4. Responses to the Conflict**

This section will focus on analyzing the responses from different stakeholders of the conflict. North Sri Lankan fishermen in many ways collectively resisted to the Indian trawler poaching. They continuously complained to the Sri Lankan Navy to take action against Indian trawlers. A fishermen from Mannar district noted that “Our Navy has do nothing to prevent Indian Trawlers poaching in to our waters. They tell us they were not given instructions from top level to do so (Fishermen Interview No 02, 2011).” Having failed all these attempts North Sri Lankan fishermen intercepted 136 Indian trawlers who were fishing in Sri Lankan waters and handed them over to the police in February 2011 (Patronobis 2011). Although they were remanded for two weeks, the fishermen were released after two days of arrest due to the top diplomatic level intervention of both Indian and Sri Lankan government (*Ibid.*). Moreover, *Mathagal* fisheries society in Jaffna staged a protest with 100 fishermen in front of the Indian High Commission in Sri Lanka (Scholterns, Bavick and Soosai (2012, 92). These resistances also accompanied with an advocacy program.

Fisheries Cooperative societies in the Northern Provinces have written many



letters to responsible authorities both in India and Sri Lanka including members of Parliament of Sri Lanka, the Fisheries Minister of Sri Lanka, the Chief minister of Tamil Nadu Jayalalitha Jayaram and Indian High Commissioner in Colombo. In March 2011 North Sri Lankan Tamil fishermen formed a covenant organization called “Alliance of Northern Province Fisher Peoples” and submitted a petition to the Indian High Commission in Colombo. But none of those appeals have been responded by relevant parties.

With the assistance of civil society fishermen from both countries engaged in “Fisher to fisher” dialogue twice. In 2004, a group of 21 members including 16 Tamil Nadu fishermen visited Sri Lanka and held dialogues with North Sri Lankan Fishermen regarding the co-existence in the Palk Bay and to find a solution for sharing of space and resources in the Palk Bay (Vivekanandan 2004, 14). Indian delegation accommodated that trawling is detrimental to North Sri Lankan Fishermen and agreed to gradually stop trawling in Sri Lankan waters with the assistance from government side (*ibid.*, 66).

In August 2010 a group of 23 North Sri Lankan Fishermen visited the Tamil Nadu coastal areas: from Rameswaram to Nagapattinam and able to reach an agreement. Both parties agreed to permit trawling in Sri Lankan waters under certain restrictions with the aim of complete removal of trawling from Sri Lankan waters within a period of one year. A seventy days of phase out period was introduced. Indian trawlers were allowed to fish Mondays and Saturdays from afternoon 4pm to 4 am in the morning. They were allowed to fish up to 5 nautical miles in to Sri Lankan waters from IMBL in Palk Straits and Gulf of Mannar (Text of Agreement Between Indian and Sri Lankan Fishermen Representatives, 2010). This shows the willingness of fishermen from both countries.

Although Fisher to fisher dialogue seems to be positive, the lack of support from both governments resulted the implementation of the agreement in failure. By quoting a letter sent by Sri Lankan Ministry of Fisheries to the National Fisheries Solidarity Movement -one of the convener of the fisher to fisher dialogue- Scholterns, Bavick and Soosai (2012: 92), show that, none of the agreed proposals were accepted

by both governments. Further Indian Fishermen continued to Trawling in Sri Lankan waters more extensively than before the agreement (*ibid.*).

Both India and GoSL initiated bilateral discussion on several issues related to transborder fishing. The first meeting was held in New Delhi, India on April 2005. This meeting was followed by a draft MOU between two respective ministries, which made provisions for Joint Working Group (JWG) on fisheries issues. The draft MOU was mostly dealt with the safety of fishermen from both countries who fish each others' waters (Amarasinghe, 2011b). After that, three JWG meetings were held on 2008, 2011 and 2012. In 2008 because of the war, the JWG statement suggested that the Indian fishermen should avoid sensitive identifiable areas in Sri Lankan waters. In 2011 and 2012 meetings both governments did not discuss about important issue and India emphasized the security of bona fide fishermen while GoSL adhered to the respect of IMBL between two countries (Scholterns, Bavick and Soosai 2012: 92).

Bilateral discussions did not focus on Indian Trawler Intrusion. There is very little attention provided for sustainable fishing in Palk Bay and nothing mentioned about trawling and its impact on North Sri Lankan fishermen (see The Joint Statement 2012 ). In The Joint Statement issued by the JWG on 14<sup>th</sup> of January 2012 stated that,

Both sides reiterated the highest priority accorded by their respective Governments to the well being, safety and security of fishermen from the two countries... agreed to enhance cooperation that would allow both countries to pursue their fishing activity in a safe, secure and sustainable manner, including discouraging fishermen from using destructive fishing methods.

It is very clear in this statement that both governments have mentioned only about sustainable fishing and destructive methods. There is neither interpretation of what is agreed as destructive methods nor the recommendations to discourage destructive methods. Despite the fact that Trawling is harmful to North Sri Lankan Fishermen which has been continuously reiterated by the Indian fishermen side in many occasions and statements, there is no single term in the Joint Statement about trawling and its destruction to North Sri Lankan Fishermen. The only development that can be seen is for the first time JWG acknowledged the importance of "Fisher to

Fisher” dialogue and agreed to encourage another visit of Sri Lankan fisherman to India in 2012. But there is no interests have shown in the statement about the consultative process between officials and fishermen.

## **5. Implications of the Conflict**

The responses to the conflict reflect certain features that are not favorable for resolving the conflict. The JWG, the official discussions between India and Sri Lanka has no link with the ground level discussions between fishermen from both countries. The perspectives of fishermen from both countries have been excluded in top level discussions. Both governments agreed only to encourage a dialogue between “Fisher to Fisher” and not between Fisher Representatives and Government Representatives.

One could argue that these issues like trans-border fishing involve foreign policy and security concerns which fall within the authority of state. However, the Indian trawler intrusion is not uni-dimensional. It involves the livelihood of fishermen, the sustainability of fishing, historical and economic imbalances in the fishing industries of both countries. Moreover, being core party of the conflict fishermen know what is feasible to implement and how it can be implemented. It does not suggest that fishermen's ideas are more valid and should be given priority. The point is that the conflict is not uni-dimensional. It consists of both top level and bottom level concerns of governments' and fishermen and a multi-dimensional approach is more feasible. Moreover, the separation and isolation of fisher dialogues from JWG obstruct the formation of multi-dimensional approach to the conflict. This is one of the main reasons for the failure of implementation of the agreement between fishermen from both countries (Scholterns, Bavinck and Soosai 2012).

There is no space to exchange the views between fishermen and governments and form a multilateral front to approach the conflict. In Sri Lankan context the state still prefers to exercise its monopoly of decision making in foreign policy without a consultative process which provides a platform for citizens to raise their voices in

foreign policy decision making. The continuous ignorance of a consultative process between fishermen and government by Sri Lankan state raise the issues of national interests of the country. Given this context, one could ask does the response of the Sri Lankan government to the conflict represents the interests of North Sri Lankan Fishermen? Some North Sri Lankan Fishermen perceive this as an unequal treatment by the state. A fishermen noted that “our government do nothing to stop them entering in to our waters. If this happens in South (refers to Majority Sinhalese areas) their response would have been different. They are silent, because this happens in North (refers to Tamil areas)” (Interview No 01 2011). It is therefore, crucial to address the conflict through a multi-dimensional approach as soon as possible.

The conflict negatively impacts the historically friendly relations between two neighboring fishing communities in both sides of Palk Bay who speak the same language. The increasing tension between Indian Trawler Fishermen from Tamil Nadu and North Sri Lankan Fishermen can be observed. The clause (4) of the petition submitted by North Sri Lankan Fishermen to the Indian High Commission in Sri Lanka states that “There instances of conflict among the fishermen of two countries in the sea. This aggravates the possibilities of bitterness and divisions among Tamil fishermen” (Petition 2011: 2). This represents the changing nature of the relations between Tamil Nadu and North Sri Lankan Fishermen. Tamil Nadu has been a strong ally for Sri Lankan Tamils during and after the civil war (Scholterns, Bernwick and Soosai 2012). This conflict creates a stalemate between Tamil Nadu and Tamil political parties of Sri Lanka which represent the north. Tamil Political parties except parties ally with the Government, therefore do not take up this issue against Tamil Nadu.

The absence of a mechanism to listen to and address the grievances of North Sri Lankan fishermen increases the economic and political vulnerability among them. It will widen the frustration and poverty among fisheries communities. This can also lead to the re-production of political patronage system and exploitation which could reduce the possibilities to reconcile and rebuild the war-torn communities in Northern Sri Lanka and increase the possibility of cultivating the violent resistances in future.

## **Conclusion**

Fishing is one of the main livelihoods of North Sri Lankan Tamils. The intrusion of Indian trawler in to Palk Bay, Palk Straits and Gulf of Mannar of Sri Lankan waters is a grave threat to the livelihood of them. That also negatively affects the historical relations between Tamil Nadu and North Sri Lankan Fishermen.

The solutions agreed by fishermen from both countries have failed due to the lack of support from both Indian and Sri Lankan governments. The approach adopted by both governments is uni-dimensional which does not address the multidimensional nature of the conflict directly. The isolated uni-dimensional approach of the GoSL raise the concerns about the representation of North Sri Lankan fishermen's interests in "National Interests" of the country.

The lack of a suitable mechanism that consists with fishermen and government, and the continuous ignorance by both the Sri Lankan government and Tamil political parties in the North have created a vulnerable situation among fishing communities of that area. Unless there will be a timely relevant response from relevant parties, these conditions would increase the risk of repetition of the exploitative relationship among communities which can possibly obstruct the reconciliation and rebuilding of war affected community in Northern Sri Lanka

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"[http://www.sldhcchennai.org/index.php?option=com\\_content&view=article&id=315:joint-press-statement-&catid=38:pr&Itemid=68](http://www.sldhcchennai.org/index.php?option=com_content&view=article&id=315:joint-press-statement-&catid=38:pr&Itemid=68)"Itemid=68)

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