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**CHURNING “HISTORIC WATERS”: MARITIME AND  
NATIONAL SECURITY IN THE PALK BAY AND  
SRI LANKA**

by

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December 2017

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**CHURNING “HISTORIC WATERS”: MARITIME AND NATIONAL SECURITY  
IN THE PALK BAY AND SRI LANKA**

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## **ABSTRACT**

The current Sri Lankan–Indian fishery conflict substantially threatens the maritime security of the Palk Bay region and the national security of Sri Lanka. No research has provided a sustainable solution for this issue thus far. Hence, this research identifies three spheres of national security concerns associated with this fishery problem: traditional and human security, non-traditional security, and environmental security. This study examines and explores the strengths, weaknesses, opportunities, and threats associated with the Palk Bay fishery dispute. In addition, it explains how the fisheries issue has affected the maritime and national security of Sri Lanka and its maritime border with India. This research studies India’s hegemonic attitude and the diplomatic context and maritime security threats this unresolved fishery dispute poses. Then, it analyzes the importance of establishing a sound bilateral relationship between both neighboring states. This thesis finds that the absence of honest diplomatic intervention is the key reason why this fishery crisis has remained unresolved. Moreover, the study finds that adopting a comprehensive maritime strategy is vital for a sustainable solution. Hence, Sri Lanka should exercise a vigorous foreign policy that facilitates a comprehensive maritime strategy to resolve this protracted fishery dispute.

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## LIST OF ACRONYMS AND ABBREVIATIONS

AIADMK	All India Anna Dravida Munnetra Kazhagam
AIDS	acquired immunodeficiency syndrome
BRICS	Brazil Russia India China South Africa
CHOGM	Commonwealth Heads of Government Meeting
DMK	Dravida Munnetra Kazhagam
EEZ	exclusive economic zone
FAO	United Nations Food and Agricultural Organization
INCB	International Narcotics Control Board
IMBL	international maritime boundary line
IOR	Indian Ocean Region
IUU	illegal, unreported, and unregulated
LTTE	Liberation Tigers of Tamil Eelam
NCB	Narcotics Control Bureau
NDDCB	National Dangerous Drug Control Board
NTS	non-traditional security
SLN	Sri Lanka Navy
SWOT	strengths, weaknesses, opportunities, and threats
TAFII	Task Force for the Prevention of Illicit Immigration
TOC	transnational organized crime
UNCLOS	United Nations Convention of the Law of the Sea
UNHCR	United Nations Human Rights Council
UNODC	United Nations Office of the Drug and Crime
UNTFHS	United Nations Trust Fund for Human Security

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## I. INTRODUCTION

Sri Lanka and India are neighboring countries with mutual influences that have been present throughout their shared history. However, India has exerted much more political influence over Sri Lanka for geopolitical reasons. The area between Sri Lanka and India known as Palk Bay is rich in fishery resources. Thus, both Sri Lanka and India have interests in and concerns about the area. The fishing communities in both north Sri Lanka and Tamil Nadu (South India) have commonalities apart from their main livelihood. The fishermen from both countries have shared this region for fishing since the 1970s. At that time, the Indian government introduced the use of fishing trawlers that used a bottom-trawling method to increase the Indian fishermen's catch. Because of the bottom trawling in Indian waters, the fishery resources have been depleted over time, which has resulted in fishermen crossing into Sri Lankan territory. During that time, the Sri Lankan government realized the gravity of this issue and undertook to demarcate the maritime boundaries between India and Sri Lanka with the International Maritime Boundary Line (IMBL), including Kachchativu Island.

Both India and Sri Lanka legally agreed to the IMBL and Sri Lanka's sovereignty over Kachchativu Island. However, despite the agreement, Indian fishermen continued to cross the IMBL and poach in territorial waters, generating numerous problems, largely for Sri Lanka. A number of initiatives have been taken between the two states, such as high-level ministerial talks and discussions of joint working groups including government officials and fishermen to address this poaching, but the issue remains unresolved. The lack of the Indian government's effort has been identified as the main reason for this. Indian authorities were unable to provide suitable alternatives to the Indian fishermen's livelihood to stop the ongoing poaching in Sri Lankan waters. Further, joint naval efforts and legal measures have become futile because of political interference and complexity created by Tamil Nadu. If this issue is not addressed, there may be economic, social, environmental, and political implications for both states, especially Sri Lanka.

## **A. MAJOR RESEARCH QUESTIONS**

This study explores the issues, challenges, and opportunities that Palk Bay presents to Sri Lankan national security. Specifically, this study attempts to explain the following: How does the fishery dispute affect the maritime and national security of Sri Lanka? Why has Sri Lanka been unable to protect its maritime border with India?

## **B. SIGNIFICANCE OF THE RESEARCH QUESTIONS**

The bilateral agreements of 1974 and 1976 between India and Sri Lanka marked and designated the waters between the two countries, establishing the IMBL.<sup>1</sup> The United Nations Convention of the Law of the Sea (UNCLOS) administered these agreements.<sup>2</sup> Yet, Indian fishermen in large numbers cross over in pursuit of fishing in the territorial waters of Sri Lanka. This persistent poaching is a clear violation of the agreement between the two states.

In addition, bottom trawling remains illegal because Indian poaching causes great destruction to the marine ecosystem. The area is rich in fish stocks, but continued bottom trawling has degraded the sustainability of species in the region. Furthermore, Sri Lanka's Kachchativu Island, situated close to the line, also remains a contested area despite the agreement between both states in 1976.

The security implications of this continued encroachment on Sri Lankan maritime sovereignty are both real and long-standing. Even during the time of the Liberation Tigers of Tamil Eelam (LTTE)'s ethnic conflict from the early 1990s to May 2009—when the government imposed fishing restrictions on the local fishing community in the Northern and Eastern Provinces of Sri Lanka—poaching by Indian fishermen continued on a large scale in Sri Lanka's territorial waters.<sup>3</sup> Often, they came

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<sup>1</sup> W. T. Jayasinghe, *Kachchativu and the Maritime Boundary of Sri Lanka* (Pannipitiya, Sri Lanka: Stamford Lake [Pvt.] Ltd, 2003), 136–140.

<sup>2</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 159.

<sup>3</sup> Bernard Goonetilleke and Jayanath Colombage, "Indo-Sri Lanka Fishery Conflict: An Impediment to Sustainable Development, Traditional and Human Security," Pathfinder Foundation, November 19, 2016, <http://pathfinderfoundation.org/pf-projects/on-going/view-point/270-indo-sri-lanka-fishery-conflict-an-impediment-to-sustainable-development-traditional-and-human-security>.

just a few nautical miles off the Sri Lankan shoreline. The LTTE exploited this scenario to transport men and materials such as weapons, explosives, and fuel from India to their territories in the Northern and Eastern Provinces in particular.<sup>4</sup> The LTTE was able to carry out these illegal activities with the help of the coastal Tamil fishing populations in both Sri Lanka and Tamil Nadu. According to Suryanarayan, Palk Bay became a war zone during the conflict because the law enforcement authority, the Sri Lanka Navy (SLN), could not distinguish Tamil Sea Tigers from Tamil Nadu fishermen.<sup>5</sup>

Today, Sri Lanka's national security is affected considerably due to the persistent presence of the large Indian fishing trawler fleet in the territorial waters of Sri Lanka.<sup>6</sup> Other possible issues include the utilization of these trawlers to carry out illegal trade from South India to Sri Lanka. Therefore, both neighboring states should work together to arrive at a sustainable solution early; otherwise, regional security implications are inevitable.

### C. LITERATURE REVIEW

This literature review focuses on previous research and academic material to analyze the definition of maritime security and threats in terms of traditional and human security (THS), non-traditional security (NTS), and environmental security.

#### 1. The Nexus of Poaching and the Notion of IUU

Regarding the Indian fishermen issue, the term *poaching* is often used to describe the act of illegal fishing. Simply defined, poaching, according to a leading dictionary, describes “the action of trespassing in pursuit of game, fish, etc.; or more generally the taking of something illegally or by underhand methods.”<sup>7</sup> As the term is commonly used for all kinds of illegal hunting of animals including fish, the more

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<sup>4</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>5</sup> V. Suryanarayan, *Conflict over Fisheries in the Palk Bay Region* (New Delhi: Lancer Publishers & Distributors, 2005), 117–118.

<sup>6</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 117–118.

<sup>7</sup> *Oxford English Dictionary*, s.v. “poaching,” accessed June 3, 2017, [http://www.oed.com/search?searchType=dictionary&q=poaching&\\_searchBtn=Search](http://www.oed.com/search?searchType=dictionary&q=poaching&_searchBtn=Search).

technically accurate term, as defined by the United Nations Food and Agriculture Organization (FAO), is illegal, unreported, and unregulated (IUU) fishing. The FAO defines IUU fishing as follows:

- Illegal fishing refers to activities: conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations.
- Unreported fishing refers to fishing activities: which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations.
- Unregulated fishing refers to fishing activities: in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.<sup>8</sup>

Under the UNCLOS explanation, Indian fishermen are allowed only innocent passage in Sri Lankan territorial waters. Therefore, trawlers engaged in IUU fishing violate the UNCLOS. According to Dan Malika Gunasekera, a well-regarded Sri Lankan scholar in maritime law, “Article 19.2 (i) of the UNCLOS makes proviso for any ‘fishing activities’ by foreign vessels to be regarded as an act of prejudice towards peace, good order or security of the coastal state, thereby confirming that such passage is not innocent.”<sup>9</sup> Moreover, as per Bernard Goonetilleke and Jayanath Colombage, eminent Sri Lankan maritime experts, Indian fishermen engage in activities that violate India’s obligation to the UNCLOS for the preservation of living marine resources because they engage in bottom trawling and fail to declare fish harvests and locations.<sup>10</sup>

On the other hand, growing international concern for conserving the marine environment is significant in the efforts to curb IUU fishing. UN Resolution 70/1, “Transforming Our World: The 2030 Agenda for Sustainable Development,” ratified by

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<sup>8</sup> Dan M. Gunasekera, “Decision of South China Sea Dispute: A Lesson for Sri Lanka-India Fisheries Dispute,” Daily Financial Times, August 17, 2016, <http://www.ft.lk/article/561882/Decision-of-South-China-Sea-Dispute-A-lesson-for--Sri-Lanka-India-fisheries-dispute>.

<sup>9</sup> Gunasekera, “Decision of South China Sea Dispute.”

<sup>10</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

the United Nations development summit, rests on the assertion that the seas are vital to creating an earth habitable for human beings.<sup>11</sup> Clearly, the objective of this resolution is to underline the importance of marine resources. Therefore, “oceans and their resources should be carefully managed for a sustainable future.”<sup>12</sup> Moreover, according to the resolution, “the main objective of Goal 14 of this agenda, ‘Life Below Water,’ is to conserve and sustainably use oceans, seas and marine resources for sustainable development.”<sup>13</sup> This statement is a clear indication of growing worldwide concern of the great importance of the sea and, thereby, a focus on international efforts and collaboration to eradicate IUU fishing.

Further, as highlighted by Goonetilleke and Colombage, the Indo–Lankan fishery dispute is very much applicable to the core of this resolution.<sup>14</sup> The UN resolution emphasizes the ocean’s protection in both international law and the UNCLOS. In addition, it encourages traditional fishing methods, which promote the sustainability of resources. Therefore, recognizing the international effort of preserving the marine environment for sustainable use, states are obliged to the international mandate. Hence, “Sri Lanka and India being member states of the UN and committed to sustainable development, should abide by this resolution.”<sup>15</sup>

## **2. Definition of Maritime Security**

Maritime professionals and experts have different bases for maritime security, and thus, a widely accepted explanation has not yet materialized. For the past decade, maritime policy, ocean governance, and international security have been included in the mandate of such major actors as states and international organizations.<sup>16</sup> Therefore, it is

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<sup>11</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>12</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>13</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>14</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>15</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>16</sup> Christian Bueger, “What Is Maritime Security?,” *Marine Policy* 53 (2015): 160, <http://dx.doi.org/10.1016/j.marpol.2014.12.005>.

vital to review some explanations and definitions given by experts in the maritime domain.

The experts and scholars in the maritime domain often refer to the terms *maritime security* and *maritime safety*. However, their definitions offer two different connotations. The United Nations secretary general's 2008 report stresses, "Maritime security is widely agreed as a global task."<sup>17</sup> Thus, maritime security requires a fresh cooperative paradigm and shared responsibility. The United Nations' 2008 report, *Oceans and the Law of the Sea*, defines the term maritime safety as

ensuring safety of life at sea, safety of navigation, and the protection and preservation of the marine environment. The shipping industry has a predominant role in that regard and many conditions must be fulfilled before a vessel can be considered safe for navigation: vessels must be safely constructed, regularly surveyed, appropriately equipped (e.g., with nautical charts and publications) and adequately manned; crew must be well trained; cargo must be properly stowed; and an efficient communication system must be on board.<sup>18</sup>

Moreover, the different political perspectives and institutional needs directly reflected in defining the term maritime security also create complexity in the maritime domain. The SLN's *Maritime Strategy – 2025* has emphasized providing security in the maritime domain.<sup>19</sup> Further, the U.S. Department of the Navy's *Cooperative Strategy for 21st Century Sea power* emphasizes how "maritime security protects U.S. sovereignty and maritime resources, supports free and open seaborne commerce, and counters weapons proliferation, terrorism, transnational crime, piracy, illegal exploitation of the maritime environment, and unlawful seaborne immigration."<sup>20</sup> In

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<sup>17</sup> United Nations, *Oceans and the Law of the Sea* (New York: United Nations, 2008), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/266/26/PDF/N0826626.pdf?OpenElement>

<sup>18</sup> United Nations, *Oceans and the Law of the Sea*.

<sup>19</sup> Sri Lanka Navy, *Sri Lanka Navy's Maritime Strategy – 2025* (Colombo: Sri Lanka Navy, 2016), <http://www.navy.lk/>. This document defines maritime security as "providing security in the maritime domain required to protect citizens, territory, and trade from terrorists, criminals, piracy, and state sponsored insurgents and unlawful restrictions on freedom of navigation. This responsibility covers the Sri Lanka's territorial waters, EEZ, trade on the high seas. In an interconnected world maritime security is vital to Sri Lanka's economic prosperity."

<sup>20</sup> Department of the Navy, *A Cooperative Strategy for 21st Century Seapower* (Pentagon: U.S. Navy, 2015), <http://www.navy.mil/local/maritime/150227-CS21R-Final.pdf>.



general, these definitions emphasize security of maritime resources and seaborne activities.

Carlyle A. Thayer argues that maritime security is the “protection of sovereignty and territorial integrity in the maritime domain; security of shipping and seafarers; protection of facilities related to maritime affairs; port security; resource security; environmental security; [and] protection against piracy and armed crimes at sea.”<sup>21</sup> In addition, Thayer emphasizes the importance of the “protection of fisheries; safety and freedom of navigation and over flight; regulation of maritime affairs; and maintenance of law and good order at sea.”<sup>22</sup> In a broad sense, Thayer emphasizes the safety and security of both living and non-living resources in the maritime domain.

According to Sam Bateman, neighboring states have mutual responsibilities that affect maritime security.<sup>23</sup> He contends, “This extends to a common interest in countering piracy and maritime-terrorist threats, as well as concern for search and rescue . . . and other marine safety services, particularly in regional ‘choke points,’ such as the Malacca and Singapore straits.”<sup>24</sup> Bateman’s definition focuses mainly on the safety and security of shipping and seaborne trade in the maritime domain.

Christian Bueger identifies the components of maritime security as “maritime inter-state disputes, maritime terrorism, piracy, trafficking of narcotics, people and illicit goods, arms proliferation, illegal fishing, environmental crimes, or maritime accidents and disasters.”<sup>25</sup> He stresses the need “for more coordination, information sharing, regulation, law enforcement and capacity building” to outline maritime security due to the inconclusive policies of stakeholders.<sup>26</sup> He contends that maritime security consists of both older and newer definitions, comprising marine safety, sea

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<sup>21</sup> Carlyle A. Thayer, “Efforts to Ensure Maritime Security” (Paper presented at Second Tokyo Defense Forum Seminar, Tokyo, Japan, March 16, 2012).

<sup>22</sup> Thayer, “Efforts to Ensure Maritime Security.”

<sup>23</sup> Sam Bateman, “Solving the ‘Wicked Problems’ of Maritime Security: Are Regional Forums up to the Task?,” *Contemporary Southeast Asia* 33, no. 1 (April 2011): 3, <http://dx.doi.org/10.1355/cs34-1a>.

<sup>24</sup> Bateman, “Solving the ‘Wicked Problems’ of Maritime Security.”

<sup>25</sup> Bueger, “What Is Maritime Security?,” 161.

<sup>26</sup> Bueger, “What Is Maritime Security?,” 161.

power, blue economy, and resilience. Furthermore, he claims, “Studying these relations leads to the outline of a maritime security matrix that can be used to map divergent understandings of maritime security and explore how different actors situate threats.”<sup>27</sup> The potential explanations and hypotheses section discusses Bueger’s matrix further.

### **3. Traditional and Human Security, Non-traditional Security, and Environmental Security**

Traditional human security has emerged as one of the key concerns surrounding the maritime security of Sri Lanka. According to Clausewitz, as cited by David Arase, “Traditional security is relying on military, intelligence, and diplomatic capabilities both to defend the state against aggression and to force the state’s will on others. In this traditional view of security, the main instrument is the military and the only security referent is the state.”<sup>28</sup> Human security, on the other hand, involves not only the military but the non-military aspects as well.<sup>29</sup> Consequently, human security assures the relationship of society to uphold an individual’s freedom.<sup>30</sup> In other words, human security is a right that governments are obliged to respect.<sup>31</sup> The United Nations Trust Fund for Human Security (UNTFHS) defines human security as follows:

Protect[ing] the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms—freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social,

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<sup>27</sup> Bueger, “What Is Maritime Security?,” 161.

<sup>28</sup> David Arase, “Non-Traditional Security in China-ASEAN Cooperation: The Institutionalization of Regional Security Cooperation and the Evolution of East Asian Regionalism,” *Asian Survey* 50, no. 4 (July/August 2010): 812, <http://dx.doi.org/10.1525/as.2010.50.4.808>.

<sup>29</sup> Arase, “Non-Traditional Security in China-ASEAN Cooperation,” 812.

<sup>30</sup> Arase, “Non-Traditional Security in China-ASEAN Cooperation,” 812. It is a concept that was first given wide currency by the UN Development Programme in its 1994 human development report. There, it was broadly defined as a right to “freedom from fear and want” in a discourse on poverty alleviation.

<sup>31</sup> Arase, “Non-Traditional Security in China-ASEAN Cooperation,” 812.

environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.<sup>32</sup>

Non-traditional security threats have emerged because poaching has heavily affected the maritime security of Sri Lanka. Mely Caballero-Anthony states, “Non-traditional human security challenges to the survival and well-being of peoples and states that arise primarily out of non-military sources, such as climate change, infectious diseases, natural disasters, irregular migration, food shortage, smuggling of persons, drug trafficking, and other forms of transnational crimes are now confronting South East Asia.”<sup>33</sup> Furthermore, she argues that such challenges exist among states facing globalization and rapid technological advances.<sup>34</sup> States cannot curb these problems on their own; to this end, they need international alliances.<sup>35</sup> Moreover, non-traditional security concerns not only national security “but also the survival, well-being and dignity of people, at both individual and societal levels.”<sup>36</sup> Therefore, non-traditional human security can greatly affect national and global security.

In the present-day context, environmental security focuses on sustainability and the protection of natural resources, thereby gaining new meaning. Therefore, environmental security has become an important component of both national security and foreign policy. Marc A. Levy argues that environmental security lies with the

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<sup>32</sup> United Nations Human Security Unit, *Human Security in Theory and Practice: An Overview of the Human Security Concept and the United Nations Trust Fund for Human Security* (New York: United Nations Human Security Unit, 2009), 5, [http://www.un.org/humansecurity/sites/www.un.org.humansecurity/files/human\\_security\\_in\\_theory\\_and\\_practice\\_english.pdf](http://www.un.org/humansecurity/sites/www.un.org.humansecurity/files/human_security_in_theory_and_practice_english.pdf). As per the UNTFHS report, “Overall, the definition proposed by the CHS re-conceptualizes security in a fundamental way by: (i) moving away from traditional, state-centric conceptions of security that focused primarily on the safety of states from military aggression, to one that concentrates on the security of the individuals, their protection and empowerment; (ii) drawing attention to a multitude of threats that cut across different aspects of human life and thus highlighting the interface between security, development and human rights; and promoting a new integrated, coordinated and people-centered approach to advancing peace, security and development within and across nations.”

<sup>33</sup> Mely Caballero-Anthony, *ASEAN and the Institutionalization in East Asia* (New York: Routledge, 2012), 1. This definition of the term *non-traditional security* is used by the Consortium of Non-Traditional Security Studies in Asia, otherwise known as NTS-Asia. For more details, see the NTS-Asia website at <http://www.rsis-ntsasia.org>.

<sup>34</sup> Caballero-Anthony, *ASEAN and the Institutionalization in East Asia*, 1.

<sup>35</sup> Caballero-Anthony, *ASEAN and the Institutionalization in East Asia*, 1.

<sup>36</sup> Caballero-Anthony, *ASEAN and the Institutionalization in East Asia*, 1.

national security, defining it as a “physical and biological” system that deviates from areas such as “politics, economics or societal concerns.”<sup>37</sup> Perhaps, in contrast, as Hauge and Ellingsen declare, environmental security encompasses “political, economic, environmental facets, and their integrated impacts on security.”<sup>38</sup> Goonetilleke and Colombage also comment that “continuous bottom trawling disturb[s] and damage[s] sea floor significantly which is rich in living marine resources.”<sup>39</sup> Therefore, environmental security has been largely degraded, will have huge economic, social, and political consequences, and will, in turn, affect human security for the northern coastal population of Sri Lanka.

#### **D. POTENTIAL EXPLANATIONS AND HYPOTHESES**

As Bueger writes, four core concepts must inform any conception of maritime security.<sup>40</sup> They are the blue economy, sea power, marine safety, and human resilience. Maritime security dimensions combine these areas and generate knowledge about the field.

First, the concept of sea power represents the projection of maritime power outside land or territory.<sup>41</sup> Bueger further stresses that a state’s navy is considered key in maritime security. Considering the Sri Lankan context, the fishery dispute could be avoided if both states deploy naval forces to Palk Bay—unless such efforts are disturbed by political complexity.

Second, Bueger contends the major objective of “marine safety” concerns all stakeholders in the maritime domain. He also claims that this includes “the safety of

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<sup>37</sup> Marc A. Levy, “Is the Environment a National Security Issue?,” *International Security* 20, no. 2 (Fall 1995): 38, <http://dx.doi.org/10.2307/2539228>.

<sup>38</sup> W. Hauge and T. Ellingsen, “Beyond Environmental Scarcity: Causal Pathways to Conflict,” *Journal of Peace Research* 35, no. 3 (May 1998): 304, <http://dx.doi.org/10.1177/0022343398035003003>.

<sup>39</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>40</sup> Bueger, “What Is Maritime Security?,” 161. Moreover, the “concepts of ‘blue economy’ and ‘blue growth’—proposed at the 2012 Rio+20 world summit and widely endorsed, for instance, in the European Union’s Blue Growth Strategy—aim at linking and integrating the different dimensions of the economic development of the oceans and constructing sustainable management strategies for these.”

<sup>41</sup> Bueger, “What Is Maritime Security?,” 161.

ships and maritime installations protecting maritime professionals and the marine environment.”<sup>42</sup> Thayer is among the many scholars who uphold Bueger’s argument.<sup>43</sup> He contends that both maritime security and marine safety are interwoven and that stakeholders in the domain are “simultaneously potential targets (e.g., of pirates, terrorists, or criminals).”<sup>44</sup> As a result, the presence of these parties causes further felonies.

Finally, human security influences the concepts of the blue economy, food security, and resilience.<sup>45</sup> Bueger argues, “The core dimensions of human security concern food, shelter, sustainable livelihoods, and safe employment.”<sup>46</sup> IUU fishing impedes human security in underdeveloped countries because of the importance of marine resources to them. Furthermore, Bueger explains that some elements of human security “stretch from the security of seafarers to the vulnerability of coastal populations to maritime threats, more broadly.”<sup>47</sup> Most importantly, he stresses that maritime security concerns and their avoidance essentially depend on the resilience of fishing communities in underdeveloped countries.

Figure 1 shows Bueger’s maritime security matrix and denotes the four components of sea power, marine safety, blue economy, and resilience. It also shows the impacts of problems incurred in maritime security between these aspects.

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<sup>42</sup> Bueger, “What Is Maritime Security?,” 159–164.

<sup>43</sup> Thayer, “Efforts to Ensure Maritime Security.”

<sup>44</sup> Bueger, “What Is Maritime Security?,” 160.

<sup>45</sup> Bueger, “What Is Maritime Security?,” 161.

<sup>46</sup> Bueger, “What Is Maritime Security?,” 161.

<sup>47</sup> Bueger, “What Is Maritime Security?,” 161.

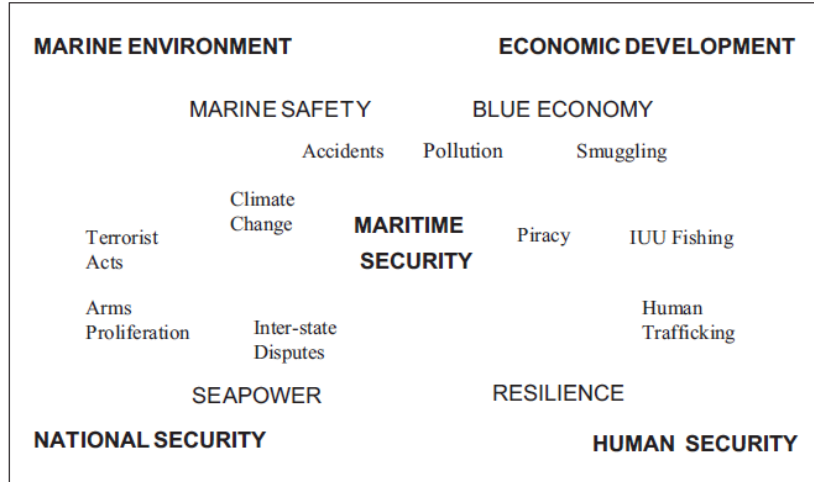


Figure 1. The Maritime Security Matrix<sup>48</sup>

The maritime security matrix delivers a better understanding of the actors and threats posed to maritime security in the Sri Lankan context. Further, it helps to comprehend that maritime security is affected when three facets of security—traditional and human security, non-traditional security, and environmental security—are at risk due to poaching. This study reveals that Indian fishing trawler intrusion into Sri Lankan territorial waters has affected these three spheres of security significantly, thus crippling maritime security in the region. Furthermore, since the three aspects of security concerns are interdependent, they pose a severe threat to the national security of Sri Lanka.

### E. RESEARCH DESIGN

The lack of genuine efforts by political leaders and the decision-making authorities of both Sri Lanka and India has led to this fishery dispute being unresolved for a long period. As Suryanarayan has noticed, “If the underlying issues of the fishery dispute are not addressed soon, the relations between fishermen and their governments, between Tamil Nadu and New Delhi, and between Tamil Nadu and Colombo could worsen and reach a crisis point”<sup>49</sup>. The implications of this fishery dispute have already affected the following

<sup>48</sup> Bueger, “What Is Maritime Security?,” 161.

<sup>49</sup> V. Suryanarayan, “The India-Sri Lanka Fisheries Dispute: Creating a Win-Win in the Palk Bay,” Carnegie India, September 9, 2016, <http://carnegieindia.org/2016/09/09/india-sri-lanka-fisheries-dispute-creating-win-win-in-palk-bay-pub-64538>.

spheres of security: traditional and human security, non-traditional security, and environmental security in Sri Lanka.

This thesis analyzes continual large-scale poaching and its effects on the national security of Sri Lanka. The thesis consists of previous scholarship, material from respective agencies and authorities, treaties, and laws. The analysis focuses on poaching and how it affects traditional and human security, non-traditional security, and environmental security of the Northern Province of Sri Lanka.

After investigating the causes for poaching, the research analyzes the potential effects on social, economic, and political spheres as well as identifies security impacts at the national level. In order to identify potential barriers to a sustainable strategic and policy solution, this thesis reviews bilateral relations, treaties and laws on the subject, maritime strategy, and homeland security to arrive at a potential long-lasting solution, thus ensuring the national security of Sri Lanka. A potential robust solution for the fishery dispute is derived through strengths, weaknesses, opportunities, and threats (SWOT) analysis.

## **F. THESIS OVERVIEW**

Chapter II explains India's hegemony, which led to this unresolved fishery dispute. It discusses the maritime boundary agreement of 1976, which delimited the IMBL between Sri Lanka and India and sovereignty of Kachchativu. This chapter also presents how the Tamil Nadu factor has evolved into a fishery dispute, creating a more complex situation, which has remained unresolved for a long time.

Chapter III presents the maritime security concerns and threats that have emerged from poaching. This chapter focuses on traditional and human security, non-traditional security, and environmental security. Further, it explains how these security concerns are interrelated and affect the national security of Sri Lanka.

Finally, Chapter IV presents the analysis and conclusion followed by recommendations for arriving at a much-needed amicable solution for the fishery dispute over historic waters.

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## **II. THE FISHERY ISSUE: A POTENTIAL MARITIME AND NATIONAL SECURITY THREAT**

The IMBL between Sri Lanka and India in the Palk Bay region has become an area of concern for both states since the 1970s. South Indian fishermen have seriously threatened the maritime security of Sri Lanka for a considerable period. A large number of Indian fishing trawlers encroach on Sri Lankan territorial waters crossing the IMBL on a regular basis and have generated many maritime security concerns. The ethnic conflict hindered the maritime and national security of Sri Lanka remarkably. Though the war ended in May 2009, this fishery dispute continued to disrupt the maritime and national security of Sri Lanka to a great extent. Sri Lankan maritime and national security is at risk because the regular presence of Indian fishermen in Sri Lankan waters potentially threatens the traditional human security—territorial integrity and sovereignty—of Sri Lanka. In addition, this scenario eventually troubled the countries' non-traditional and environmental security as well. Hence, this chapter discusses both the pattern of Indian trawler intrusion with the help of the radar images and the ways the current fishery issue potentially affects three spheres of Sri Lankan national security: traditional and human security, non-traditional security, and environmental security.

### **A. RADAR PICTURE ANALYSIS**

Considered the most valuable tool for analyzing poaching as a potential threat to maritime security, radar pictures provide insights on the trawler intrusions into Sri Lankan waters. The SLN possesses accurate details pertaining to poaching trends by the Indian fishermen in Sri Lankan waters. The overlapping sensor data, obtained from radar images and superimposed on a nautical chart of the northern waters of Sri Lanka, track the poaching patterns of Indian fishermen. The Indian fishing trawlers set their course toward the IMBL from the coastal belts of Thiruvallur, Chennai, Kanchipuram, Pondicherry, Cuddalore, Thanjavur, Nagapattinam, Pudukottai, Ramanathapuram, Toothukudi, Tirunelveli, and Kanniyakumari in Tamil Nadu.

Indian trawlers intrude in a regular pattern. With speeds of 6–8 knots, most of these fishing vessels reach the IMBL around 1400 hrs. and remain well clear of the IMBL three days of the week (Monday, Wednesday, and Saturday). Indian fishing boats continue to cross the IMBL illegitimately despite clear instructions by naval patrol craft. Naval units cannot practically seal off the full stretch of the IMBL, and the Indian fishermen exploit such a scenario to intrude into Sri Lankan waters to engage in poaching. Figure 2 below depicts the situation around 1400 hrs. along the IMBL with a dense presence of Indian trawlers.

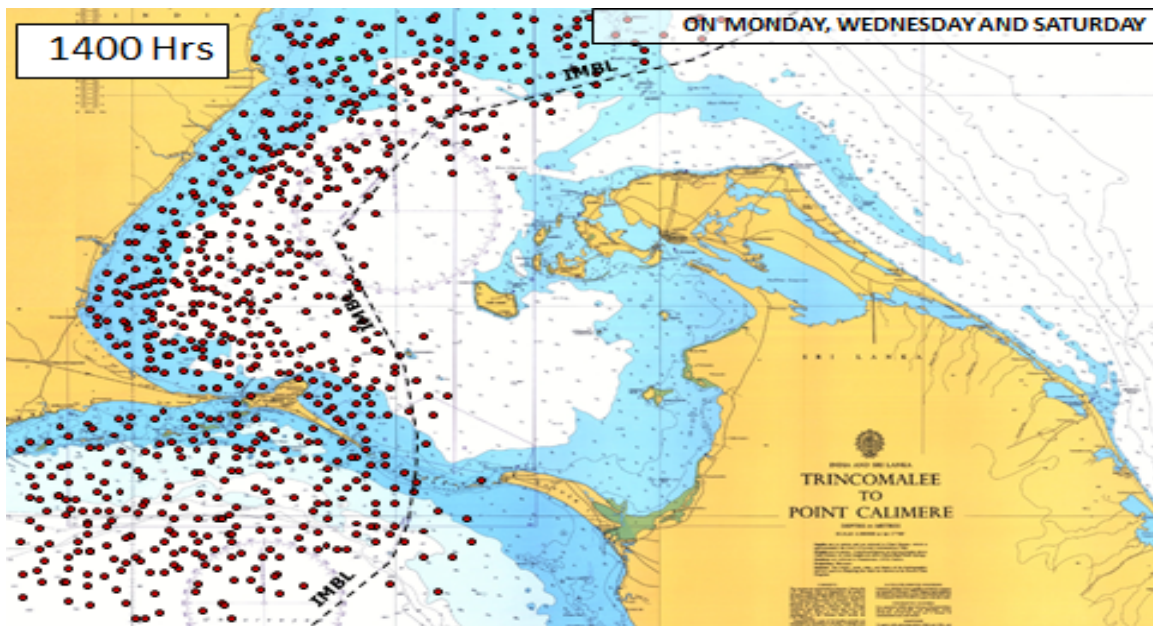


Figure 2. Poaching Pattern of Indian Fishermen at 1400 Hrs. (2012)<sup>50</sup>

Subsequently, Indian trawlers reach the IMBL by around 1800 hrs. and, then, gradually encroach on Sri Lankan waters. At night, the SLN units encounter more difficulty in controlling the situation because they encroach in an organized manner and tend to become violent when disturbed in their illegal acts.<sup>51</sup> During the night, the trawler

<sup>50</sup> Naval Assistant to the Commander of Sri Lanka Navy, Email message to the author, October 10, 2017.

<sup>51</sup> Naval Assistant to the Commander of Sri Lanka Navy, Email message to the author, October 10, 2017.

operators continue to infiltrate the naval blockade purposely because Indian fishermen know the SLN units cannot clearly identify them. When a large number of Indian fishing trawlers continues to cross the IMBL, the possibility of collision, especially at night, is a serious concern and aggravates the existing tension between Sri Lanka and India. The Indian fishermen exploit the constraints of the SLN units, thereby invading Sri Lankan territorial waters. Figure 3 demonstrates the intrusion pattern of Indian fishing trawlers around 1800 hrs.

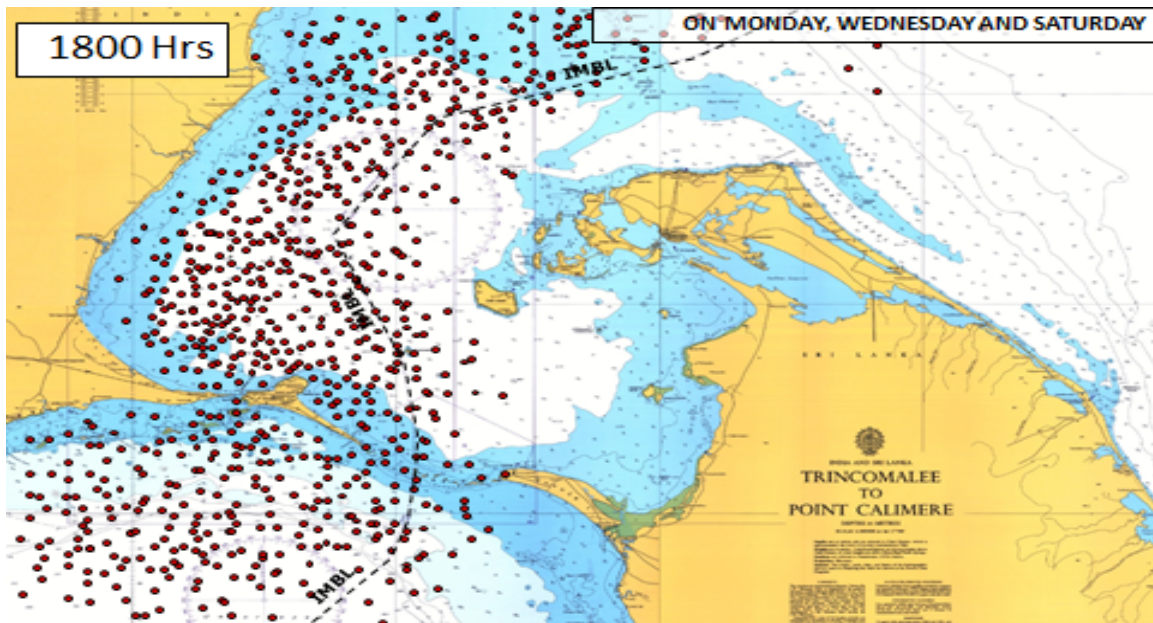


Figure 3. Poaching Pattern of Indian Fishermen at 1800 Hrs. (2012)<sup>52</sup>

Indian fishermen continue to reap maximum benefits during dark hours. Fishing trawlers continue to navigate deep into the Sri Lankan territorial waters while engaged in bottom trawling. At midnight, Sri Lanka's northern territorial waters become cluttered and congested with thousands of Indian trawlers. Further, these trawlers often reach 2–3 nautical miles ashore of the Northern Province and even spread toward the Eastern Province waters of Sri Lanka, as shown in Figure 4. Thereafter, these Indian fishing

<sup>52</sup> Naval Assistant to the Commander of Sri Lanka Navy, Email message to the author, October 10, 2017.

trawlers continue to bottom trawl until dawn (around 0400–0500 hrs.) and return to the Indian side.

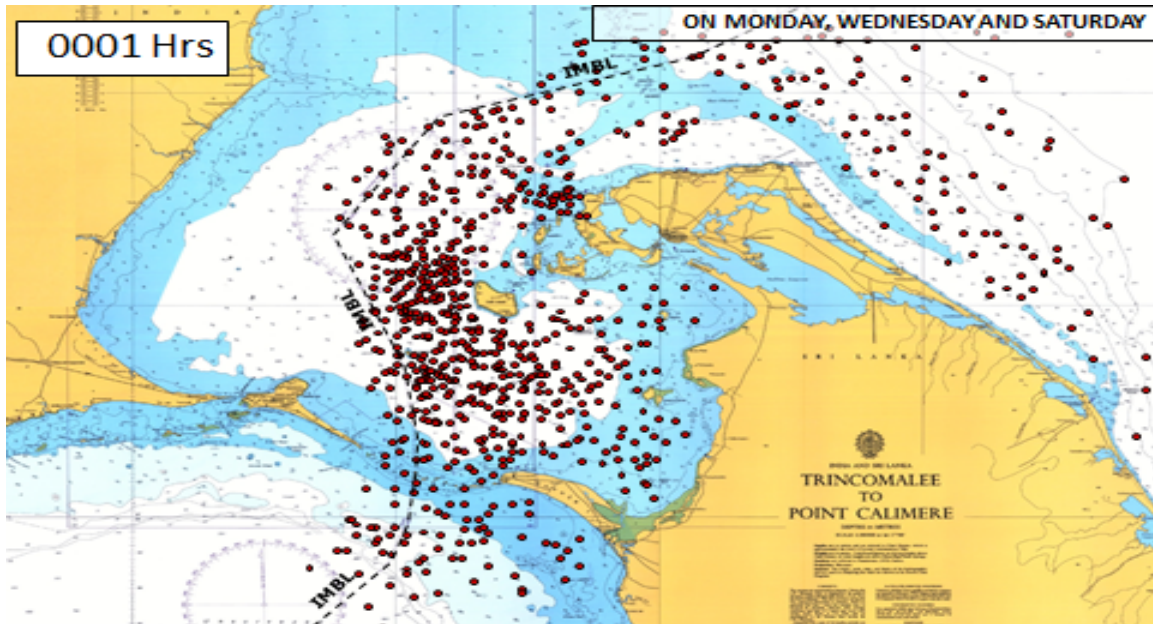


Figure 4. Poaching Pattern of Indian Fishermen at 0001 Hrs. (2012)<sup>53</sup>

Further, as depicted in Figure 3, some trawlers travel nearly 100 nautical miles from the Indian shores in search of fishing grounds to areas in the eastern waters of Sri Lanka such as Mullaithivu. Due to the inherent nature of the radar echoes on the radar screen, a single red echo does not necessarily mean a single trawler. The possibility of two or three trawlers being closer to each other and then representing a single echo on the radar display is a normal phenomenon that occurs quite often. Prevailing atmospheric conditions, too, affect the detection capabilities of the radars. According to the SLN, though the normal pattern has been to trawl for one day and return, some fishing boats remain in Sri Lankan waters for two days or more.<sup>54</sup>

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<sup>53</sup> Naval Assistant to the Commander of Sri Lanka Navy, Email message to the author, October 10, 2017.

<sup>54</sup> Naval Assistant to the Commander of Sri Lanka Navy, Email message to the author, October 10, 2017.

Large numbers of such trawlers continuing to poach in Sri Lankan waters on a regular basis certainly raise a grave security concern. Figure 5 demonstrates Tamil Nadu trawler sightings in the northern territorial waters of Sri Lanka. The SLN fleet cannot monitor the activities of every Indian fishing trawler in the Sri Lankan waters; therefore, fishing trawlers engaged in illegal activities cannot be underestimated. Moreover, reaching close to the shores of the Northern and Eastern Provinces of Sri Lanka and remaining there for longer durations pose direct threats to traditional human security, thereby affecting maritime security in the region and the sovereignty of the country.



Figure 5. Indian Trawler Sightings in the Territorial Waters of Sri Lanka (2006–2015)<sup>55</sup>

## B. TRADITIONAL AND HUMAN SECURITY

Traditional security refers to the military capacity and political stability of the state to defend against external hostility. According to Clausewitz, as cited by David Arase, traditional security “relies on military, intelligence, and diplomatic capabilities both to defend the state against aggression and to force the state’s will on others. In this traditional view of security, the main instrument is military and the only security referent

<sup>55</sup> J. Scholtens, “Fishing in the Margins: North Sri Lankan Fishers’ Struggle for Access in Transboundary Waters,” (PhD diss., University of Amsterdam, 2016), 69.

is the state.”<sup>56</sup> On the other hand, the United Nations Development Programme’s 1994 report defines human security as follows:

The concept of human security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust. It has been related more to nation-states than to people. The superpowers were locked in an ideological struggle-fighting a cold war all over the world. The developing nations, having won their independence only recently, were sensitive to any real or perceived threats to their fragile national identities. Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives.<sup>57</sup>

Thus, in the present-day context, human security broadly consists of socioeconomic and political security.<sup>58</sup> Further, as per Roland Paris, a conventional realist of security studies, traditional security refers to military threats against the security of a state or its national security.<sup>59</sup> Similarly, according to Susan L. Craig, military threats generated between nations are classified as traditional threats.<sup>60</sup> Moreover, Barry Buzan, Ole Wæver, and Jaap de Wilde contend that security threats largely focus on “the state and the state is and should be about security, with the emphasis on military and political security.”<sup>61</sup> Therefore, traditional and human security refers to both the military and the political situations of a country. The political and military involvement of Sri Lanka and India over the fishery dispute in Palk Bay has certainly affected traditional security in Sri Lanka.

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<sup>56</sup> Arase, “Non-Traditional Security in China-ASEAN Cooperation,” 812.

<sup>57</sup> United Nations Development Programme, *Human Development Report 1994* (Oxford: Oxford University Press, 1994), 22, [http://hdr.undp.org/sites/default/files/reports/255/hdr\\_1994\\_en\\_complete\\_nostats.pdf](http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf).

<sup>58</sup> Shahrbanou Tadjbakhsh and Anuradha M. Chenoy, *Human Security: Concepts and Implications* (New York: Routledge, 2007), 1.

<sup>59</sup> Roland Paris, “Human Security: Paradigm Shift or Hot Air?,” *International Security* 26, no. 2 (2001): 98, <http://dx.doi.org/10.1162/016228801753191141>.

<sup>60</sup> Susan L. Craig, “Chinese Perceptions of Traditional and Non-traditional Security Threats” (master’s thesis, U.S. Army War College, Strategic Studies Institute, 2007), vii, <http://www.strategicstudiesinstitute.army.mil/>.

<sup>61</sup> Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publishers, 1998), 37.

Moreover, the lack of political cooperation and maritime surveillance in Palk Bay by the navies of Sri Lanka and India has heavily affected traditional and human security. Paul A. Pavlock argues that the lack of effective naval patrols along either side of the IMBL facilitated an easy transfer of the LTTE cadres and their weapons to the northern part of Sri Lanka from Tamil Nadu.<sup>62</sup> Figure 6 shows the maritime zones of Sri Lanka including the exclusive economic zone (EEZ), the IMBL, and the historic waters of Palk Bay. Further, according to Jayanath Colombage, the LTTE depended heavily on sea-lanes of communication between Sri Lanka and South India via Palk Bay to facilitate transferring wounded cadres for medical treatment and to have an escape route for its leaders to and from Tamil Nadu.<sup>63</sup> Further, he stresses that in 1983, the LTTE first procured ammunition from Tamil Nadu. In addition, the close affiliation between the LTTE and fishing communities of both Sri Lanka and India proved a significant factor in expanding and developing the LTTE maritime force.<sup>64</sup> In addition, V. Suryanarayan points out, “The travails of the fishermen from both sides of the Palk Strait are closely linked with the emergence of the Sea Tigers.”<sup>65</sup> The fishing factor in Palk Bay became central for LTTE development, thus requiring diplomatic intervention by the two neighboring states to curb the LTTE’s movement.

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<sup>62</sup> Paul A. Pavlock, “Guerilla War at Sea: The Sri Lankan Civil War,” Small Wars Foundation, September 9, 2011, <http://smallwarsjournal.com/sites/default/files/848-pavlock.pdf>.

<sup>63</sup> Jayanath Colombage, *Asymmetric Warfare at Sea: The Case of Sri Lanka* (Saarbrücken, Germany: Lambert Academic Publishing, 2016), 59.

<sup>64</sup> Colombage, *Asymmetric Warfare at Sea*, 59.

<sup>65</sup> V. Suryanarayan, “Sea Tigers and Indian Security,” *Journal of Indian Ocean Studies* 12, no. 3 (2004): 407.

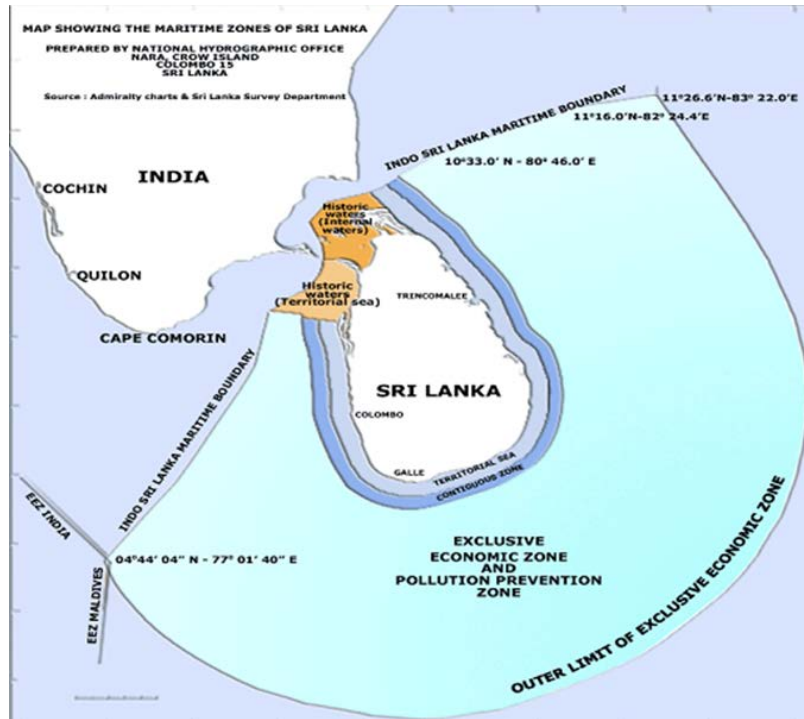


Figure 6. Maritime Zones of Sri Lanka Including the EEZ, the IMBL, and the Historic Waters of Palk Bay<sup>66</sup>

The lack of political and diplomatic cooperation paved the way for the development of the LTTE. During the late 1970s and early 1980s, political ties between Sri Lanka and India were not in good order for several reasons, among which was the fishery dispute in Palk Bay. The early development of the LTTE and its close link with local and Tamil Nadu fishermen have been identified by the Sri Lankan government. As per T. D. S. A. Dissanayaka, then-president of Sri Lanka, J. R. Jayewardene, insisted the Indian government make efforts to resolve LTTE terrorism in Sri Lanka. On October 3, 1985, he officially intimated to Indian Prime Minister Rajiv Gandhi,

We have [been] receiving reports from reliable sources that there is regular movement of weapons, explosives and manpower from Tamil Nadu to Sri Lanka, particularly after the ceasefire became operative. It is between Rameshwaram and Point Calimere and also points North of Point Calimere including Vedaraniyam and Nagapattinam that much of this movement took place. If [there] is any way possible to increase your coast guard patrols in Indian waters to prevent these movement[s] from taking

<sup>66</sup> Scholtens, "Fishing in the Margins," 53.



place, it would be great assistance to us; it will also help in a long way resolve the major problem of terrorism that face us. We have to increase our defensive mechanism much more to make detections and ultimately to stop this illegal traffic. This requires large expenditure of capital in training of personnel which will take quite a long time. If you consider it useful I can send my Commander of the Navy or his representative to brief your relevant officials in this problem that faces us.<sup>67</sup>

The fishery problem of the Palk Bay region raised concerns over the maritime and national security of Sri Lanka. The diplomatic letter stressed the significance of effective naval surveillance and monitoring activities in Palk Bay. Consequently, Colombage claims that fishermen from Valvettithurai were confident and capable of steering without any navigational aids through Palk Bay, crossing the IMBL to and from India.<sup>68</sup> Similarly, some fishermen from Valvettithurai who had mastered navigation became members of LTTE's Sea Tiger wing. Figure 7 depicts Palk Bay and the main trawl centers in Tamil Nadu as well as the major northern Sri Lankan fishing centers. Against this backdrop, the significance of the fishing in Palk Bay reverberates as a vital factor for the development of the LTTE. Further, Suryanarayan posits, "During the negotiation between the sea tigers and the government of India, before the conclusion of the India-Sri Lanka accord, the LTTE sought for the sea Tigers an 'unfettered right to police the sea-lanes in the vicinity of India's coastline.'"<sup>69</sup> Moreover, the LTTE suggested delimiting the sea areas under the control of either the LTTE or the SLN.<sup>70</sup> This scenario clearly demonstrated how military and political aspects transpired in tandem with fishing activities in Palk Bay, which surely disturbed the maritime security and subsequently the national security of Sri Lanka.

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<sup>67</sup> T. D. S. A. Dissanayaka, *War or Peace in Sri Lanka*, vol. 2, 1st ed. (Colombo: Swastika [Pvt.] Ltd., 1995), 296–297.

<sup>68</sup> Colombage, *Asymmetric Warfare at Sea*, 59.

<sup>69</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 47.

<sup>70</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 47.

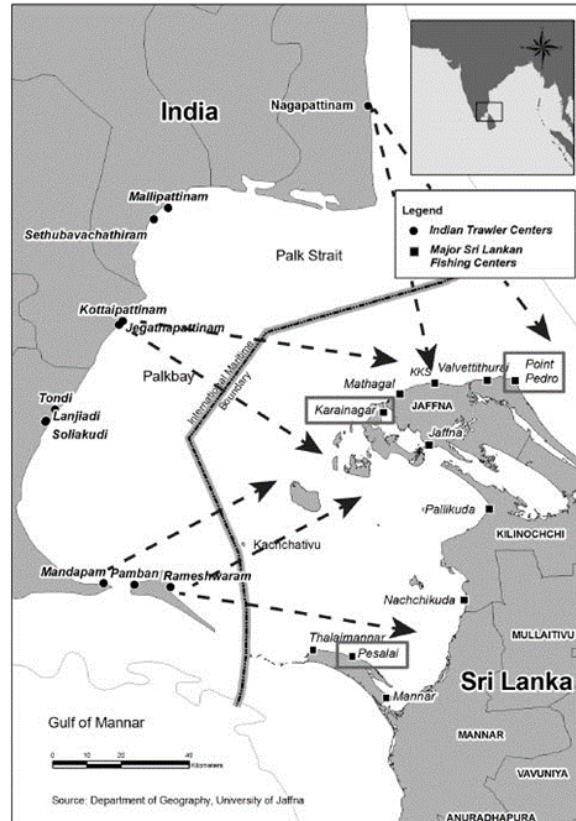


Figure 7. Map of Palk Bay along with the Main Trawl Centers in Tamil Nadu and the Major Northern Sri Lankan Fishing Centers<sup>71</sup>

A traditional human security threat has significantly affected the national security of Sri Lanka. During the ethnic conflict, the LTTE greatly depended on the sea route between Sri Lanka and South India. The LTTE's main supply route via Palk Bay supported its warfighting capacity against Sri Lankan armed forces. The supplies traveled to their strongholds in the northern part of Sri Lanka from South India. Often, Indian fishermen transported such materials. Further, thousands of Indian fishing trawlers plundering Sri Lankan waters on a regular basis worsened Sri Lanka's national security because the LTTE exploited this situation effectively to strengthen its capabilities. Even after the war, these Indian fishing trawlers continued to invade Sri Lankan territorial waters, thus posing a serious threat to the maritime and national security of Sri Lanka. At

<sup>71</sup> Scholtens, "Fishing in the Margins," 103.

the same time, this fishery dispute generated many non-traditional security concerns, especially in the northern part of Sri Lanka.

### C. NON-TRADITIONAL SECURITY

The global security environment has changed dramatically. Today, the trend of traditional war between states has decreased. Yet, communities around the world increasingly encounter security challenges emerging from either local or transnational coercion. Mely Caballero Anthony posits that a non-traditional security (NTS) threat is primarily non-military in nature yet capable of destabilizing states and challenges the security of societies across the South Asian region.<sup>72</sup> These NTS threats are considered severe and capable of inflicting more damage than conventional/traditional threats of interstate wars. Therefore, political leaders and policy-makers must be concerned about their security agendas and seek better ways and means to address these emerging non-traditional security challenges.

In the meantime, these NTS issues are multifaceted. As stressed by Mely Caballero-Anthony and Alistair D. B. Cook, “Despite emerging trends towards security framing, there is yet to be a consensus definition on what it really means since the issues that would fall under NTS are often contextually defined.”<sup>73</sup> They stress economic security, energy security, and food security may play a part in both traditional and non-traditional security.<sup>74</sup> As cited by Caballero-Anthony and Cook, one scholar argues, “Energy security which is now included in the rubric of NTS in Asia had long been part of country’s (i.e., Japan) traditional security concerns and on its policy agenda.”<sup>75</sup> Therefore, NTS issues are more or less complex in nature. Hence, countries and

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<sup>72</sup> Mely Caballero-Anthony, “Non-Traditional Security Challengers, Regional Governance, and the ASEAN Political – Security Community (APSC)” (working paper, Center for Non-Traditional Security Studies, S. Rajaratnam School of International Studies, Nanyang Technological University, 2010), 1, <http://sea.cssn.cn/webpic/web/sea/upload/2012/07/d20120731164258572.pdf>.

<sup>73</sup> Mely Caballero-Anthony and Alistair D. B. Cook, *Non-Traditional Security in Asia: Issues Challenges and Framework for Action* (Pasir Panjang: ISEAS Publishing, 2013), 5.

<sup>74</sup> Caballero-Anthony and Cook, *Non-Traditional Security in Asia*, 5.

<sup>75</sup> Caballero-Anthony and Cook, *Non-Traditional Security in Asia*, 5.

organizations have defined NTS considering their scenarios to address such issues effectively.

Against this backdrop, the Consortium on Non-traditional Security Studies in Asia (NTS-Asia) defines NTS threats as “those challenges that affect the survival and well-being of people and states that arise primarily out of non- military sources, such as climate change, resource scarcity, infectious diseases, natural disasters, irregular migration, famine, people smuggling, drug trafficking, and transnational crimes.”<sup>76</sup> These threats are not completely domestic or interstate-oriented.<sup>77</sup> Moreover, such threats can cross borders quickly due to globalization and advancement of technology.<sup>78</sup> Hence, national efforts are surely insufficient, thus demanding regional or global cooperation for effective countermeasures. Further, the purpose of security is not only for the state but also for its people, both at individual and societal levels.

Furthermore, NTS threats are becoming more dangerous than traditional security threats. Susan L Craig asserts China has perceived that both NTS and environmental security threats are creating more problems than traditional security threats.<sup>79</sup> Until today, Chinese military capacities and diplomatic measures have managed traditional security threats successfully.<sup>80</sup> However, Craig postulates that by not having all the infrastructure and systems in place yet, the Chinese government may not overcome the NTS threats it encounters.<sup>81</sup> According to Craig, these NTS threats

transcend national boundaries, go beyond the military sphere, are unpredictable and/or unexpected, have both internal and external elements and ramifications, and are frequently interwoven with traditional security threats. There is an array of nontraditional threats facing China: bird flu,

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<sup>76</sup> Caballero-Anthony and Cook, *Non-Traditional Security in Asia*, 5.

<sup>77</sup> Caballero-Anthony and Cook, *Non-Traditional Security in Asia*, 5.

<sup>78</sup> Caballero-Anthony and Cook, *Non-Traditional Security in Asia*, 5.

<sup>79</sup> Craig, “Chinese Perceptions of Traditional and Non-traditional Security Threats,” viii.

<sup>80</sup> Craig, “Chinese Perceptions of Traditional and Non-traditional Security Threats,” viii.

<sup>81</sup> Craig, “Chinese Perceptions of Traditional and Non-traditional Security Threats,” viii.

terrorism, proliferation, drug trafficking, AIDS, and piracy, to name a few.<sup>82</sup>

Similarly, according to Craig, Chinese scholars argue that non-traditional threats can significantly jeopardize a state's national security more than its traditional security.<sup>83</sup> In order to mitigate NTS threats, China's central leadership and the government as a whole requires both internal reforms such as judicial, law enforcement, and social safety. In the meantime, China needs a mechanism to counter or reduce corruption and pollution. Given the dynamic nature, China's non-traditional threats are more threatening to its national security than traditional security. Further, she contends that China needs to take stern bureaucratic measures internally and externally to foster diplomatic cooperation with the world.<sup>84</sup> Moreover, Shahar Hameiri and Lee Jones posit that NTS issues are broadly presented as transnational in nature; therefore, traditional, nationally based governance is now inadequate as an effective countermeasure.<sup>85</sup> Hence, NTS threats are more alarming than traditional threats to national security. Thus, the global effort is essential in countering modern NTS threats.

The NTS threat phenomenon is spreading more rapidly, thus threatening national security significantly. A wider global effort is essential in countering modern terrorism considered transnational in nature. Against this backdrop, modern terrorist groups or their affiliates use oceans heavily for illegal activities such as drug trafficking, human smuggling, small arms and light weaponry proliferation, contraband, and piracy. According to Norman Cigar, jihadist terrorist organizations use the sea as an economic asset.<sup>86</sup> In Libya, for example, an extremist movement in 2014 allied with Al Qaeda earned colossal amounts of money and received arms through seaborne smuggling operations. Terrorist groups depended heavily on these funds and essentially used them

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<sup>82</sup> Craig, "Chinese Perceptions of Traditional and Non-traditional Security Threats," viii.

<sup>83</sup> Craig, "Chinese Perceptions of Traditional and Non-traditional Security Threats," viii.

<sup>84</sup> Craig, "Chinese Perceptions of Traditional and Non-traditional Security Threats," ix.

<sup>85</sup> Shahar Hameiri and Lee Jones, "The Politics and Governance of Non-Traditional Security," *International Studies Quarterly* 57, no. 3 (September 2013): 465, <http://dx.doi.org/10.1111/isqu.12014>.

<sup>86</sup> Norman Cigar, "The Jihadist Maritime Strategy: Waging a Guerrilla War at Sea," *Middle East Studies Monographs* 8 (May 2017): 26, <https://www.usmcu.edu/mes>.

for their terror campaigns.<sup>87</sup> Therefore, modern terrorism challenges maritime security. Thus, a global effort is necessary to secure the maritime environment because the sea area is vast. Similarly, in the past, the LTTE had used Palk Bay extensively for illegal activities, especially drug trafficking, human smuggling, small arms and light weaponry proliferation, and contraband.

### **1. Drug Trafficking**

The fishing communities of South India and their counterparts in the northern and northwestern parts of Sri Lanka engage in drug trafficking. This illicit trade consistently takes place in Palk Bay. The drugs flow one way from India (South Indian coastal belt) to Sri Lanka (North and Northwestern coast) through sea routes. Heroin, cocaine, and cannabis are the most common drugs trafficked via Palk Bay from South India to the North and Northwestern Provinces of Sri Lanka. Many coastal cities in South India and the Northwestern coast of Sri Lanka are involved in drug smuggling through sea routes.<sup>88</sup> Further, according to the International Narcotics Control Board (INCB)'s 2015 annual report, "The main trafficking routes were by sea from southern India (for Indian heroin) and from Pakistan (for Afghan heroin)."<sup>89</sup> The Narcotics Control Bureau (NCB) of India, as cited by the INCB's 2016 annual report, identified Sri Lanka as a major drug trafficking hub between India and Western European nations.<sup>90</sup> This report indicates that India serves as the main source of the drug flow into Sri Lanka via Palk Bay.

Indian fishing trawlers have been used extensively for drug trafficking in Palk Bay. The ethnic conflict and post-war in Sri Lanka provide ample evidence to prove the involvement of Indian fishermen in drug trafficking. The SLN concedes it often arrests

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<sup>87</sup> Cigar, "The Jihadist Maritime Strategy," 26.

<sup>88</sup> Muttukrishna Sarvananthan, "An Assessment of Narcotic Drugs Contraband Trade between India and Sri Lanka," *Sri Lanka Journal of Social Sciences* 22, no. 1/2 (1999): 7, <http://dx.doi.org/10.4038/sljss.v0i0.7427>.

<sup>89</sup> International Narcotics Control Board (INCB), *Report of the International Narcotics Control Board for 2015* (Vienna: United Nations, 2016), 76, [https://www.incb.org/documents/Publications/AnnualReports/AR2015/English/AR\\_2015\\_E.pdf](https://www.incb.org/documents/Publications/AnnualReports/AR2015/English/AR_2015_E.pdf).

<sup>90</sup> International Narcotics Control Board (INCB), *Report of the International Narcotics Control Board for 2016* (Vienna: United Nations, 2017), 80, [https://www.incb.org/documents/Publications/AnnualReports/AR2016/English/AR2016\\_E\\_ebook.pdf](https://www.incb.org/documents/Publications/AnnualReports/AR2016/English/AR2016_E_ebook.pdf).

Indian drug traffickers disguised as fishermen in Palk Bay.<sup>91</sup> Further, the SLN in 2016 alone apprehended a total of 286 pounds of heroin and cocaine as well as 4,708 pounds of “Kerala Ganja” cannabis in Palk Bay.<sup>92</sup> That year, the SLN arrested 19 Indian drug traffickers.<sup>93</sup> According to the National Dangerous Drug Control Board (NDDCB),

Heroin is smuggled into the island by fishing boats or by couriers posing as tourist. Most of the heroin brought in to the country is from India and Pakistan. The drug is mainly smuggled via South India to the Western coast of Sri Lanka using fishing boats. In 2015, 47 kg of heroin were seized and 26,539 persons were arrested. Heroin related arrests have increased in 2015 by 14% compared to 2014. The prevalence of heroin related arrests was 128 per 100,000 population in 2015.<sup>94</sup>

Moreover, the United Nations Office on Drug and Crime (UNODC) points out that according to India, drug trafficking through Palk Bay from India to Sri Lanka occurs frequently.<sup>95</sup> Therefore, traffickers have continuously smuggled heroin into Sri Lanka from the Southern Indian coasts via sea routes. According to UNODC’s 2005 report, India’s NCB indicates that drug “seizers in the Indo-Sri Lanka sector arose from 38kg (6% of total Indian seizures) during 1998 to 350 kg (37% of total Indian seizures) during 2002.”<sup>96</sup> According to the NCB, heroin is smuggled by sea, mostly by small boats from the southern Coromandel Coast in India to the northwestern coast of Sri Lanka.<sup>97</sup> Further, according to the INCB’s 2016 annual report, Sri Lanka noticed increased heroin trafficking onto the island.<sup>98</sup> According to the report, “seizure data for the first half of 2016 indicated a sharp increase over the same period of the previous year. The Police

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<sup>91</sup> “Sri Lanka Navy Arrests 6 Indian Drug Smugglers,” Daily Mail, April 2, 2017, <http://www.dailymail.co.uk/wires/afp/article-4372392/Sri-Lanka-navy-arrests-6-Indian-drug-smugglers.html>.

<sup>92</sup> “Sri Lanka Navy Arrests 6 Indian Drug Smugglers.”

<sup>93</sup> “Sri Lanka Navy Arrests 6 Indian Drug Smugglers.”

<sup>94</sup> Bhadrani Senanayake, Thamara Darshana, and Hashanthi Lakmini, *Handbook of Drug Abuse Information 2016*, (Rajagiriya, Sri Lanka: National Dangerous Drug Control Board, 2016), xi, <http://www.nddcb.gov.lk/publication.html>.

<sup>95</sup> United Nations Office on Drugs and Crime (UNODC), *2005 World Drug Report* (Vienna: UN Office on Drugs and Crime, 2006), 104, [https://www.unodc.org/pdf/WDR\\_2005/volume\\_1\\_web.pdf](https://www.unodc.org/pdf/WDR_2005/volume_1_web.pdf).

<sup>96</sup> UNODC, *2005 World Drug Report*, 104.

<sup>97</sup> UNODC, *2005 World Drug Report*, 104.

<sup>98</sup> INCB, *Report of the International Narcotics Control Board for 2016*, 80.

Narcotics Bureau reported 134 kg of heroin seized between January and June 2016, compared with 18 kg during the same period in 2015.”<sup>99</sup> Pushpita Das highlights that the cities of “Tuticorin and Kochi in South India have emerged as top drug trafficking centers in the country, others being Mumbai, Varanasi, and Tirupur.”<sup>100</sup> Drugs are trafficked into Sri Lanka and the Maldives from South India via small fishing boats.<sup>101</sup> Figure 8 depicts the popular drug trafficking sea routes in the Indian Ocean Region (IOR).



Figure 8. Drug Trafficking Sea Routes<sup>102</sup>

Sri Lanka has emerged as a drug trafficking transit in the IOR. According to the Police Narcotics Bureau, as cited by Sarvananthan, traffickers smuggle drugs to Europe and West Asia via Sri Lanka from both the Golden Triangle and Golden Crescent.<sup>103</sup> According to UNODC, cocaine consumption among upper socioeconomic groups in Asia

<sup>99</sup> INCB, *Report of the International Narcotics Control Board for 2016*, 80.

<sup>100</sup> Pushpita Das, *Drug Trafficking in India: A Case for Border Security* (New Delhi: Institute for Defence Studies and Analyses, 2012), 34, [https://idsa.in/system/files/OP\\_DrugTraffickinginIndia.pdf](https://idsa.in/system/files/OP_DrugTraffickinginIndia.pdf).

<sup>101</sup> Das, *Drug Trafficking in India*, 34.

<sup>102</sup> Das, *Drug Trafficking in India*, 35.

<sup>103</sup> Sarvananthan, “An Assessment of Narcotic Drugs Contraband Trade,” 11.



continues to rise.<sup>104</sup> During the period from 2010 to 2015, many stocks of cocaine were reported in East and Southeast Asia. In 2016, a large amount of cocaine (900 kg) was seized from a container ship in Sri Lanka that had sailed from Brazil to India via Ecuador.<sup>105</sup> According to the NDDCB, as cited by Prasad Kariyapperuma, Sri Lanka became a hub supplying drugs to Europe from Afghanistan, India, and Pakistan.<sup>106</sup> According to the World Customs Organization’s statistics, as cited by Kariyapperuma, 38 percent of the world’s dangerous drugs are smuggled in ships and other seaborne operations, as shown in Figure 9.

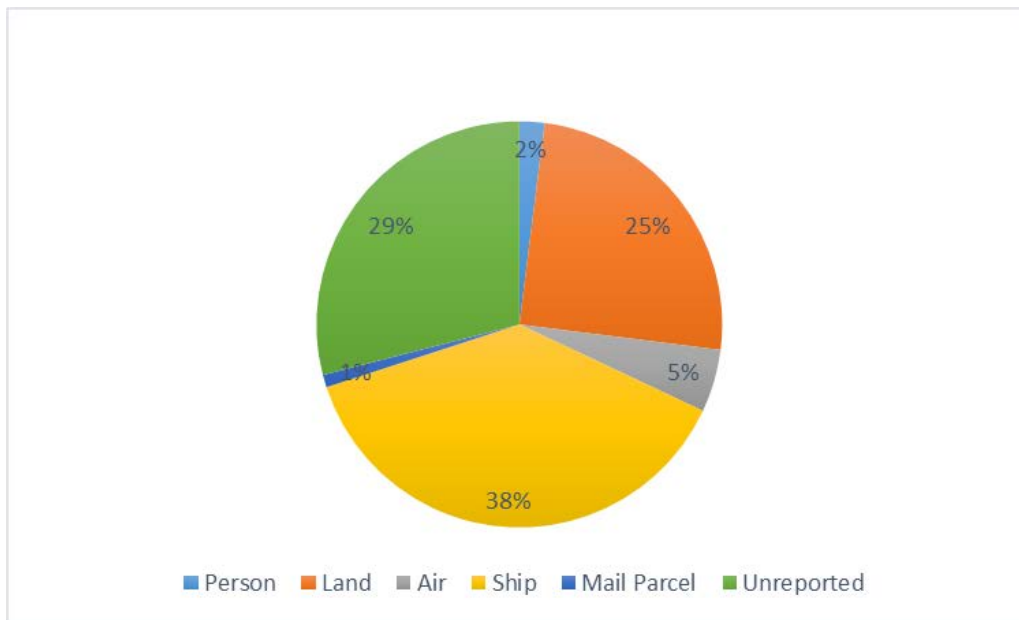


Figure 9. World Trend for Drug Trafficking: Different Methods<sup>107</sup>

A lack of maritime surveillance and a coastguard has led to increases in drug trafficking in Palk Bay. The vast sea area around the IMBL is difficult to police against

<sup>104</sup> United Nations Office on Drugs and Crime (UNODC), *Market Analysis of Plant-Based Drugs: Opiates, Cocaine, Cannabis* (Vienna: UNODC, 2017), 35, [https://www.unodc.org/wdr2017/field/Booklet\\_3\\_Plantbased\\_drugs.pdf](https://www.unodc.org/wdr2017/field/Booklet_3_Plantbased_drugs.pdf).

<sup>105</sup> UNODC, *Market Analysis of Plant-Based Drugs*, 35.

<sup>106</sup> Prasad Kariyapperuma, *A View from the International Maritime Boundary Line: India-Sri Lanka* (Colombo: S. Godage & Brothers, 2016), 33–34.

<sup>107</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 34.

drug traffickers. Kariyapperuma postulates that maritime surveillance and patrols along the IMBL with naval and coast guard vessels are not enough.<sup>108</sup> Further, he argues the situation is aggravated by the presence of the Indian fishing fleet consisting of hundreds of fishing trawlers from Tamil Nadu in Sri Lanka’s territorial waters.<sup>109</sup> Drug trafficking is especially prevalent in the Northern, Northwestern, and Eastern provinces of Sri Lanka adjacent to Palk Bay, where trawlers come very close to shore. Table 1 illustrates the apprehensions of drugs in Sri Lanka. Sarvananthan stresses that Sri Lanka became a hotspot for drug trafficking facilitated by it being an island as well as its lack of a coastguard.<sup>110</sup> Similarly, the UNODC’s 2015 annual report also points out that “Sri Lanka has limited [its] interdiction capacity along [the] lengthy coastline since it possess no coastguard.<sup>111</sup>” Against this backdrop, enhanced maritime surveillance will at least reduce drug trafficking into Sri Lanka.

Table 1. Details of Apprehensions: Drug Trafficking Attempts in Coastal Areas of Sri Lanka<sup>112</sup>

Naval Command	Number of Apprehensions	Percentage (%)
Northern	7	18.42
North Western	14	36.84
North Central	11	28.94
Western	5	13.15
Eastern	1	2.63

<sup>108</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 35.

<sup>109</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 35.

<sup>110</sup> Sarvananthan, “An Assessment of Narcotic Drugs Contraband Trade,” 11.

<sup>111</sup> United Nations Office on Drug and Crime (UNODC), *Sri Lanka* (Vienna: UNODC, 2015), 104, [https://www.unodc.org/pdf/india/publications/south\\_Asia\\_Regional\\_Profile\\_Sept\\_2005/13\\_srilanka.pdf](https://www.unodc.org/pdf/india/publications/south_Asia_Regional_Profile_Sept_2005/13_srilanka.pdf).

<sup>112</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 34.

A cooperative approach between Sri Lanka and India will be a decisive factor in countering drug trafficking. The individual actions and policy decisions of either country cannot effectively curb this illicit trade.<sup>113</sup> The two neighbors must initiate, facilitate, and encourage joint cooperative measures in this regard. Specifically, they should formulate policies that facilitate their respective agents to act. To formulate joint ventures in the field and to implement them, the navies and coast guards of Sri Lanka will have to play a major role. In addition to joint patrolling along the IMBL, gathering, analyzing, and sharing information will be paramount in dealing with this issue.<sup>114</sup> Thus, a cooperative approach will be the most viable solution in countering drug trafficking.

In the meantime, as the most powerful nation in the IOR, India has a leading role to play. India has a fully fledged three-dimensional navy with blue water capabilities and a well-established and sophisticated coast guard.<sup>115</sup> It also possesses advanced technologies such as satellite monitoring, remote sensing, and geographical information system capabilities. Furthermore, India has much greater manpower and can afford to spend more. Advanced technology and ample human resources are important factors in intelligence, information gathering, and analysis of data. Therefore, India's positive intervention is essential to fight drug trafficking in Palk Bay.

The poaching by Indian fishermen in Sri Lankan waters provides a major route for drug trafficking from India to Sri Lanka through Palk Bay. According to Suryanarayan, fishermen actively engage in this illicit trade.<sup>116</sup> Indian fishermen and their counterparts in Sri Lanka seek nefarious trades as lucrative businesses. During the ethnic conflict, the LTTE had smuggled drugs and other contrabands through Palk Bay.<sup>117</sup> Additionally, Seelan, another Sea Tiger leader of the LTTE, as cited by Colombage, had used fishing trawlers during the ethnic conflict to bring weapons from

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<sup>113</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 35.

<sup>114</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 36.

<sup>115</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 36.

<sup>116</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 116.

<sup>117</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 36.

South India to Sri Lanka via Palk Bay.<sup>118</sup> Indian fishermen had either directly or indirectly supported the LTTE's illegal trade. However, even after the war, drug trafficking continued to happen because of the increase in poaching by Indian fishermen in Sri Lanka's territorial waters.<sup>119</sup> Further, according to Bernard Goonetilleke and Jayanath Colombage, Indian fishing trawlers have been used frequently to smuggle narcotics and drugs into Sri Lanka from South India.<sup>120</sup> Hence, drug trafficking into Sri Lanka is identified as one of the major implications of Indian fishermen engaging in poaching on a regular basis in Sri Lankan waters. This trend marks a clear threat to the security of both countries as well as the IOR.

Today, terrorist organizations commonly engage in drug trafficking. Tamara Makarenko argues,

The rise of transnational organized crimes in the 1990s, and the changing nature of terrorism, have produced two traditionally separate phenomena that have begun to reveal many operational and organizational similarities. Security as a result, should now be viewed as a cauldron of traditional and emerging threats that interact with one another, and at times, converge.<sup>121</sup>

Makarenko also contends that such cooperation significantly benefits both terrorist organizations and organized criminals in achieving their goals.<sup>122</sup> Therefore, they disrupt socioeconomic conditions and the political stability of states.<sup>123</sup> According to Makarenko, "The most commonly cited alliance exists in the realm of the international drug trade."<sup>124</sup> She points out that criminal groups in Colombia connected with drug

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<sup>118</sup> Colombage, *Asymmetric Warfare at Sea*, 171–172.

<sup>119</sup> Colombage, *Asymmetric Warfare at Sea*, 171–172.

<sup>120</sup> Bernard Goonetilleke and Jayanath Colombage, "Indo-SL Fishery Conflict: An Impediment to Sustainable Development, Traditional and Human Security," *Daily Mirror* (Colombo), September 21, 2016, <http://www.dailymirror.lk/119445/Indo-SL-fishery-conflict-An-impediment-to-sustainable-development-traditional-and-human-security>.

<sup>121</sup> Tamara Makarenko, "The Crime-Terror Continuum: Tracing the Interplay between Transnational Organized Crime and Terrorism," *Global Crime* 6, no 1 (February 2004): 130, <http://dx.doi.org/10.1080/1744057042000297025>

<sup>122</sup> Makarenko, "The Crime-Terror Continuum," 131.

<sup>123</sup> Makarenko, "The Crime-Terror Continuum," 131.

<sup>124</sup> Makarenko, "The Crime-Terror Continuum," 131.

traffickers to cause violence. She provides a similar example of Al Qaeda, the LTTE, and D-Company aligning with criminal organizations.<sup>125</sup>

In the same way, according to P. K. Ghosh, “an important adjunct to maritime terrorism is drug trafficking.”<sup>126</sup> Terrorist groups are often closely linked with drug traffickers because this lucrative business generates great sums of money, allowing terrorists to fund their campaigns.<sup>127</sup> He points out the LTTE engaged heavily in drug trafficking through its shipping network, which operated around the world, Europe, and the United States in particular. Ghosh also explains that the LTTE earned huge amounts of money from the drug trade to procure weapons. Further, he contends, “Narcoterrorism is a major security concern for the littoral states like India” because of the geopolitical situation in the IOR that has emerged as a transit point.<sup>128</sup> Mainly drugs are smuggled from known drug-producing areas such as the Golden Crescent and Golden Triangle.<sup>129</sup>

Further, over the last few years, IOR countries—especially India—have suffered from serious terrorist attacks. Kariyapperuma also stresses that Islamic terrorist attacks in India have become a real possibility.<sup>130</sup> Against this backdrop, possibilities of reviving terrorism (the LTTE and Islamic extremist terrorism) in Sri Lanka cannot be ignored. In this context, cooperation, coordination, and the sharing of information and intelligence among Sri Lanka, its navies, and its coast guards are vital. Eliminating the illegal trade of drug trafficking in Palk Bay will not only alleviate this situation but also certainly improve the maritime security of the region.

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<sup>125</sup> Makarenko, “The Crime-Terror Continuum,” 132.

<sup>126</sup> P. K. Ghosh, “Maritime Security Challenges in South Asia and the Indian Ocean: Response Strategies” (paper presented at the Center for Strategic and International Studies – American-Pacific Sealanes Security Institute Conference on Maritime Security in Asia, Honolulu, HI, January 2004), 5.

<sup>127</sup> Ghosh, *Maritime Security Challenges in South Asia and the Indian Ocean*, 5.

<sup>128</sup> Ghosh, *Maritime Security Challenges in South Asia and the Indian Ocean*, 6.

<sup>129</sup> Ghosh, *Maritime Security Challenges in South Asia and the Indian Ocean*, 6.

<sup>130</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 37.

## 2. Human Smuggling

Historically, Palk Bay has been known for human smuggling. Illicit immigration from South India to Sri Lanka became a concern to both governments when Colombo introduced its immigration control in November 1949.<sup>131</sup> According to Jayasinghe, “Illicit immigrants provided a source of cheap, efficient and docile labour in the city of Colombo and tapping of toddy (palmwine) in the Chilaw area.”<sup>132</sup> In the early 1950s, the illegal immigrant flow to Sri Lanka increased.<sup>133</sup> Thus, the Sri Lanka Army assisted the police in its anti-illicit immigration operation in the Mannar and Jaffna districts because the police lacked adequate preventive measures.<sup>134</sup> Owing to this increasing trend in the early 1960s, the Task Force for the Prevention of Illicit Immigration (TAFII) was established to deal with the issue.<sup>135</sup>

Subsequently, TAFII realized Kachchativu Island had been used as a staging place for illicit immigrants. The week-long festival of the Catholic Church that took place every year in Kachchativu had provided an ideal opportunity for human smugglers to engage in this illicit trade.<sup>136</sup> Therefore, boats carrying illegal immigrants took the route south of Kachchativu and more directly to the Pesalai area on the mainland. The situation changed with the emergence of ethnic conflict, especially after communal riots in July 1983, in Sri Lanka. Many Tamils became refugees and, thus, were compelled to flee the country. People who had the capacity and money among the Tamil population left for other countries, mainly to Europe and North America.<sup>137</sup> Others, possibly the poor

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<sup>131</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 31.

<sup>132</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 31.

<sup>133</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 31.

<sup>134</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 31.

<sup>135</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 31.

<sup>136</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 32.

<sup>137</sup> Maarten Bavinck, “Fishing Rights in Post-War Sri Lanka: Results of a Longitudinal Village Enquiry in the Jaffna Region,” *Maritime Studies* 14, no. 1 (2015): 3, <http://dx.doi.org/10.1186/s40152-014-0019-0>.

Tamils, migrated to Tamil Nadu and different places in Sri Lanka for security.<sup>138</sup> The poor villagers used an illegal and inexpensive way to travel to India—via Palk Bay.

Eventually, Tamil Nadu became the safe house for Sri Lankan Tamil refugees. According to Suryanarayan, the proximity, the availability of boats, and ethnic affinities made Tamil Nadu a natural choice when a significant number of Sri Lankan Tamils had to leave their homeland.<sup>139</sup> Three groups of Tamil refugees migrated to Tamil Nadu from Sri Lanka.<sup>140</sup> The first migration of refugees began soon after the riots in July 1983 and continued until July 29, 1987, when the India–Sri Lanka accord was signed. Following the accord, refugees began to return to Sri Lanka from December 1987 to August 1989. The commencement of the second Eelam war in June 1990 led to a second wave of refugees. The refugees repatriated during the period from January 1992 to March 1995. Thereafter, a third refugee movement commenced with the spark of the third Eelam war in April 1995. As the Sri Lankan government’s forces advanced, regaining their control over territories in the North and Eastern Provinces, refugees had no other option but to flee the country and to take refuge in Tamil Nadu until the end of the conflict in 2009. At the end of the war, the Tamil refugees began returning to Sri Lanka.

In the meantime, many refugees have still preferred to return to Sri Lanka illegally by paying lots of money to boat operators. They tend to take the illegal route to avoid delays in the issue of exit permits and for urgent personal reasons such as wedding functions.<sup>141</sup> Human smuggling is a lucrative business worldwide.<sup>142</sup> Small fishing boats transport illegal immigrants to ships waiting out at sea, planning for long sea voyages. The most popular destinations are developed nations such as Canada, Australia, the United States, and European countries like France, Germany, and the United Kingdom.<sup>143</sup> People seek refuge in developed countries when encountering a crisis in

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<sup>138</sup> Bavinck, “Fishing Rights in Post-War Sri Lanka,” 3.

<sup>139</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 113.

<sup>140</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 113.

<sup>141</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 116.

<sup>142</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 42.

<sup>143</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 42.

their homeland. Often, fishermen, too, engage in this lucrative business.<sup>144</sup> Hence, illegal immigrants use sea routes via Palk Bay from South India to Sri Lanka and vice versa. Figure 10 depicts the major human smuggling route by sea.



Figure 10. Migrant Smuggling Routes by Sea<sup>145</sup>

The human smuggling taking place in Palk Bay provides the best example of illegal migrants using Indian fishing boats to travel from India to Sri Lanka and vice versa. Kariyapperuma postulates that these illegal migrants include refugees, asylum seekers, terrorists, and criminals who may be planning to migrate to greener pastures like Canada, Australia, the United States, and Europe.<sup>146</sup> Further, he argues that there could even be a major human trafficking racket behind this.<sup>147</sup> After crossing the IMBL, illegal immigrants transfer to a fishing boat arriving from another country (destination), which meets them at a predetermined location out at sea. Sometimes, the immigrants drop closer to shore, which enables them to swim to land. They usually disguise themselves as fishermen, making it very difficult to identify them.

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<sup>144</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 42.

<sup>145</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 43.

<sup>146</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 45.

<sup>147</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 45.



Without accurate information from intelligence departments, the large Indian fishing fleet makes detection difficult. This illicit trade is usually carried out in hours of darkness, which make the situation even more difficult for the navy and coast guard to apprehend such fishing boats. Although the prevention of human smuggling is the responsibility of the coast guard, since the Sri Lanka Coast Guard is not fully developed, the SLN currently performs much of this task. Larger vessels with more detection capabilities are needed for effective surveillance while fast boats, such as fast attack crafts (FACs), must intercept and then arrest the suspects. The wide range of challenges that the Sri Lanka Navy still needs to examine includes IUU fishing, marine pollution, fishery protection, and drug and human smuggling. Against this backdrop, the regional intelligence-sharing endeavors will enhance the capacity of the SLN's countermeasures.

Human smuggling across the IMLB is a threat that could have widespread repercussions. This nefarious business is linked with maritime terrorism, drug trafficking, piracy, small arms weaponry proliferation, and other forms of organized crime. The geographical proximity (narrow strip but widely spread along the IMLB, a distance exceeding 1000 km) is one of the most important elements in this traffic.<sup>148</sup> Further, Kariyapperuma argues the following areas are vital in policing the problem: routine Indian poaching in Sri Lankan waters, bad weather conditions, the use of modern technology (communication and positioning) by traffickers, weak law enforcement mechanisms, and poor cooperation among government agencies—police, fisheries, customs, the Coast Guard, and the Navy.

The Sri Lankan government lifted the fishing ban and restrictions around the island with the end of the war in 2009. The fishing ban removal led to a rapid increase in the number of illegal immigrants traveling by sea.<sup>149</sup> In 2012 and 2013, the Navy apprehended 78 boats involved in this trade and arrested 3,965 passengers.<sup>150</sup> The Tamils from the insurgency who affected the Northern and Eastern Provinces in Sri Lanka constituted a high percentage of this figure. According to Australian sources, as

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<sup>148</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 46–47.

<sup>149</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 47.

<sup>150</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 47.

cited by Kariyapperuma, 3,303 Sri Lankans arrived in Australia by boat from 1998 to 2012 (see Figure 11). The countries receiving these asylum seekers experience numerous administrative, social, economic, human rights, and security difficulties because the refugees are often poor and unskilled, and some may have terrorist backgrounds.<sup>151</sup> The presence of children among illegal immigrants further complicates the issue because of moral and legal involvement.

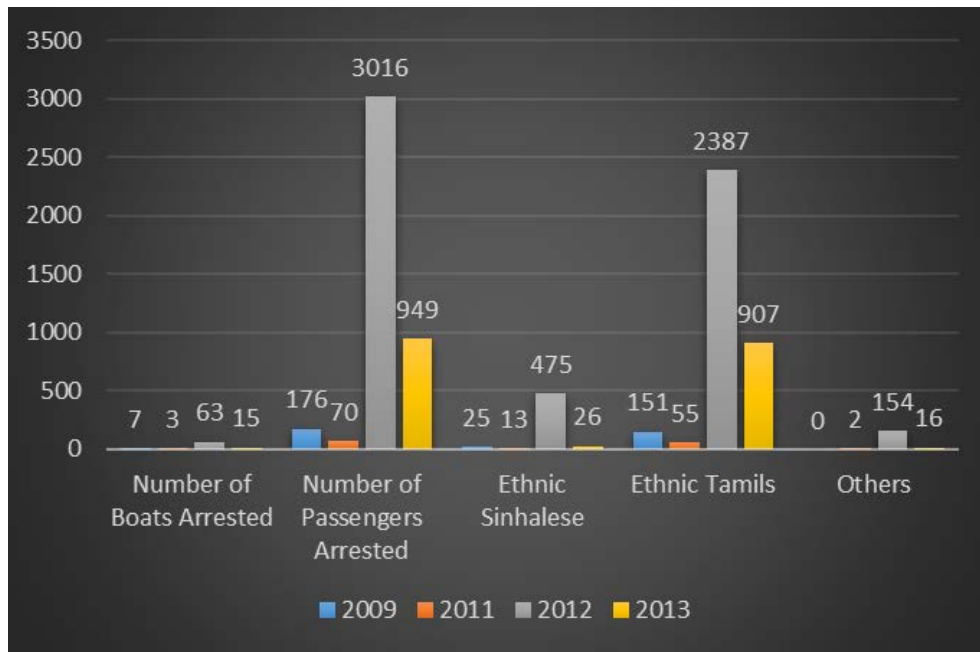


Figure 11. Details about Apprehension of Illegal Immigrants to Australia by the SLN<sup>152</sup>

Accurate intelligence, data analysis, and sharing will enhance countermeasures against human trafficking. However, Sri Lankan ground intelligence agencies are not fully centralized, which makes this task difficult.<sup>153</sup> Human trafficking countermeasures become even more difficult because such criminal activities are networked across the borders, thus transnational in nature. These criminal groups continue to exploit the

<sup>151</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 48.

<sup>152</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 49.

<sup>153</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 50.

weaknesses and loopholes of law enforcement and judicial authorities in achieving their unethical objectives.<sup>154</sup> Further, these criminal activities are often linked to insurgent or terrorist groups.<sup>155</sup> Therefore, to combat human smuggling, Sri Lanka must effectively create an integrated data collection network and analysis center. An effective human smuggling mechanism is possible only through a collaborative effort of internal and external institutions such as police, military, national intelligence agencies, the coast guards, the navies, and the justice system.

During the ethnic conflict, a great deal of human smuggling took place in Palk Bay. Thousands of people fled to Tamil Nadu as refugees crossing the IMBL in fishing boats. The LTTE trained many of their cadres in Tamil Nadu, taking them to India disguised as fishermen. The LTTE exploited this situation well; thus, trained LTTE cadres transferred between two neighboring states by Indian fishing boats.<sup>156</sup> The Sea Tiger's speedboats enabled many of the LTTE top leaders, including its leader, to travel back and forth on many occasions. The ease of travel between India and Sri Lanka gave the LTTE a tremendous advantage, enhancing its ability to take on the Sri Lankan armed forces.

Subsequently, Sri Lanka's security situation improved with the termination of the war. Nonetheless, human smuggling still takes place across the IMBL. If this illegal activity continues to grow unchecked and uncontrolled, it could develop into a grave security threat, not just to the two countries but also to the maritime security of the IOR.<sup>157</sup> Hence, both countries are obliged to ensure that this nefarious activity is adequately addressed. Bilateral cooperation and joint ventures between India and Sri Lanka will prove crucial. Thus, cooperation between navies and coast guards of the two neighboring states is paramount. The Palk Bay region is one of the best examples of the interwoven nature of illicit trades carried out by a terrorist group.

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<sup>154</sup> Margriet Drent et al., "The Relationship between External and Internal Security" (Netherlands Institute of International Relations Clingendael, 2015), 60, <https://www.clingendael.org/sites/default/files/pdfs/The%20relationship%20between%20external%20and%20internal%20security.pdf>.

<sup>155</sup> Drent et al., "The Relationship between External and Internal Security," 61.

<sup>156</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 50.

<sup>157</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 50.

### 3. Small Arms and Light Weapons Proliferation

The dynamic nature of the association among small arms, light weaponry proliferation, and drug trafficking has posed a substantial threat to world security. The relationship among these trades is interdependent, thus tremendously challenging to control one without controlling the other.<sup>158</sup> According to Ghosh, “Gunrunning by sea is by far the safest means for transferring arms and ammunition around the world, while drug trafficking is most lucrative.”<sup>159</sup> This peculiar phenomenon is observed worldwide in rebel activities such as those by the United Wa State Army in Myanmar, which depends heavily on funds generated through drug trafficking.<sup>160</sup> This money fuels its insurgent movements.

Similarly, the LTTE in Sri Lanka had a well-established light weaponry network around the globe.<sup>161</sup> Ghosh claims, “Their arms mostly originate in Cambodia, and are later loaded into small fishing trawlers from the port of Ranong in southern Thailand. This arms cargo is then transferred to bigger ships (often in mid-ocean), which transport the consignment to Sri Lanka.”<sup>162</sup> In Singapore, the illegal transportation of arms appeared through the capture of an unfinished submersible vehicle for the LTTE.<sup>163</sup> Moreover, the LTTE was known for this illegal drug-trafficking trade and raised a colossal amount of money to purchase arms and ammunition from other parts of the world. The LTTE context shows the symbolic nature of small arms proliferation and drug trafficking. The link between these two illegal trades can significantly threaten world peace and order.

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<sup>158</sup> Ghosh, “Maritime Security Challenges in South Asia and the Indian Ocean,” 6.

<sup>159</sup> Ghosh, “Maritime Security Challenges in South Asia and the Indian Ocean,” 6.

<sup>160</sup> Ghosh, “Maritime Security Challenges in South Asia and the Indian Ocean,” 6.

<sup>161</sup> Ghosh, “Maritime Security Challenges in South Asia and the Indian Ocean,” 6.

<sup>162</sup> Ghosh, “Maritime Security Challenges in South Asia and the Indian Ocean,” 6.

<sup>163</sup> Ghosh, “Maritime Security Challenges in South Asia and the Indian Ocean,” 6.

According to Biswas, the “unrestrained spread and the associated illicit trafficking of small arms and light weapons is not a new phenomenon.”<sup>164</sup> Once the cold war ended, this phenomenon transformed into narco-terrorism. Biswas explains, “President Belaunde Terry of Peru coined the term narco-terrorism in the year 1983 when describing terrorists’ type of attacks against his nation’s anti-narcotics police.”<sup>165</sup> However, in the present day context, narco-terrorism is a considerable element that organizes violence to affect state policy.<sup>166</sup> Hence, narco-terrorism is more dangerous than ever before, owing to its dynamic and transnational nature.

Drug trafficking and small arms proliferation together hamper and, thus, threaten the state system. Biswas asserts that a state can destabilize in this context for a number of reasons.<sup>167</sup> First, criminals pose a threat to democratic principles. Second, criminals challenge the democratic state while engaging in these illicit enterprises. Further, Biswas contends, “The developing world [is] affected most and yet, this threat has not [been] given the systematic academic dimensions that it deserved.”<sup>168</sup> Therefore, countermeasures for threats exerted by the association between these two illegal businesses need more international attention for effective countermeasures.

The South and Southeast Asian regions are susceptible to this menace of small arms trafficking. The regions of Afghanistan and Pakistan are known for a mass concentration of illegal weapons.<sup>169</sup> Moreover, this zone has become a safe haven for terrorist and extremist ideology, thus making the situation complex.<sup>170</sup> Additionally, Myanmar and Afghanistan, the global leaders of opium production, are located in

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<sup>164</sup> Aparajita Biswas, ed., “Small Arms and Drug Trafficking in the Indian Ocean Region” (working paper, University of Mumbai, 2008), 6.

<sup>165</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 6.

<sup>166</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 6.

<sup>167</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 6.

<sup>168</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 7.

<sup>169</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 6.

<sup>170</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 6.

Asia.<sup>171</sup> Therefore, small arms proliferation promotes widespread terrorism, organized crime, and violence in this region.

Similarly, Biswas asserts that South Asia's vulnerability increases with the growing narcotics and small arms proliferation, creating socioeconomic and security issues throughout the region.<sup>172</sup> According to Biswas,

India is caught between the three largest heroin and opium producers in the world such as the countries like Afghanistan, Pakistan and Myanmar, resulting in conflicts on her borders adjoining major drug production/transporting areas. Sri Lanka, too, suffers tremendously from the serious proliferation of small arms. The Sri Lankan militants have penetrated deeply into the drug world, to augment their armed strength against the Sri Lanka Army.<sup>173</sup>

Due to the transnational nature of these illicit trades, the individual governments cannot counter and cope with those threats alone.

The non-traditional security threats present in Palk Bay affect the maritime security of the region and the national security of Sri Lanka. The regular presence of Indian fishing trawlers in Sri Lanka's territorial waters has surely generated non-traditional security threats such as drug trafficking, human smuggling, and small arms and light weaponry proliferation in the region. Moreover, these illegal businesses are well integrated and reinforce one another. Most of the time, these trades are overseen by either terrorist groups or their affiliates. Globalization and technological advancement have fueled nefarious capacities to operate in a more organized secret manner. Against this backdrop, the region's maritime security is at grave risk of endangering the national security of Sri Lanka. Further, the destruction of the marine environment caused by Indian fishing trawlers is significant and, thus, has emerged as a serious threat.

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<sup>171</sup> Biswas, "Small Arms and Drug Trafficking in the Indian Ocean Region," 6.

<sup>172</sup> Biswas, "Small Arms and Drug Trafficking in the Indian Ocean Region," 7.

<sup>173</sup> Biswas, "Small Arms and Drug Trafficking in the Indian Ocean Region," 8.

#### D. ENVIRONMENTAL SECURITY

The marine environment in Palk Bay has been destroyed extensively because of bottom trawling. The illegal poaching carried out in Sri Lankan waters falls well within the definition of IUU fishing. This is a significant threat to the fishery industry, specifically to a sustainable fishery industry. In a more general sense, IUU fishing includes fishing without permission, harvesting protected species, using prohibited fishing gear, not complying with fish catch quotas, and deliberately under- or mis-reporting catches.

The bottom-trawling technique, one of the most damaging prohibited fishing methods the Indian fishermen practice, has been a major factor in destroying the living as well as non-living marine resources. The emergence of the Indian fishing trawler fleet in the 1960s came along with the introduction of the “Blue Revolution.”<sup>174</sup> Indian fishermen, especially in Tamil Nadu, engaged in bottom trawling in Palk Bay have increased. As a result, South India’s fish production increased substantially. Deployment of over 2,500 Indian fishing trawlers has obscured the narrow strip of the Indian side of Palk Bay.<sup>175</sup> Often, these fishing grounds cannot provide enough fishing resources for the large number of Indian fishing trawlers. This circumstance has led to the drastic depletion of fishing stocks on the Indian side of Palk Bay.

Indian fishing trawlers have crossed the IMBL into Sri Lankan territorial waters and continued to engage in bottom trawling in Sri Lankan territorial waters. According to J. Scholtens, J. M. Bavinck, and A. S. Soosai, “Tamil Nadu hosts a trawl fleet of 5300 boats, of which approximately 2500 are fully or seasonally dependent on the Sri Lankan waters to secure a profitable catch.”<sup>176</sup> A large number of Indian fishing trawlers in Sri Lankan waters on a regular basis is a common phenomenon in Palk Bay. Against this backdrop, according to Scholtens, their Sri Lankan counterparts are “struggling to regain

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<sup>174</sup> J. Scholtens, J. M. Bavinck, and A. S. Soosai, “Fishing in Dire Straits: Trans-Boundary Incursion in the Palk Bay,” *Economic and Political Weekly* 47, no. 25 (June 2012): 89, [https://pure.uva.nl/ws/files/1864170/146340\\_Fishing\\_in\\_Dire\\_Straits.pdf](https://pure.uva.nl/ws/files/1864170/146340_Fishing_in_Dire_Straits.pdf).

<sup>175</sup> Scholtens, Bavinck, and Soosai, “Fishing in Dire Straits,” 89.

<sup>176</sup> Scholtens, Bavinck, and Soosai, “Fishing in Dire Straits,” 89.

access to their fishing grounds after 24 years of debilitating civil war during which Indian trawl fishers came to seize ‘their’ fishing grounds.”<sup>177</sup> Thereby, Indian fishermen have devastated the marine environment.

Similarly, reckless fishing activities in Palk Bay have surely resulted in the destruction of the marine environment. A. Palanques, J. Guillen, and P. Puig posit the “human activities in the coastal zone and on the continental shelf have a major impact on ecosystems. . . . The direct effects of bottom trawling include scraping and ploughing of the seabed and sediment resuspension.”<sup>178</sup> Further, they claim that bottom trawling, identified as the most destructive activity, creates a sizable effect, especially on the seabed.<sup>179</sup> Moreover, according to the scholars, “the direct effect of bottom trawling include scraping and ploughing of the sea bed and sediment resuspension.”<sup>180</sup> As per Suryanarayan, “A severe side effect has been the untold damage to marine ecology and, specifically, fish stocks. Trawlers have since been referred to as the ‘hoovers of the shelf bottom’ and ‘bulldozers mowing down fish and other benthic species.’”<sup>181</sup> Additionally, P. Schwinghamer, J. Y. Guigné, and W. C. Siu argue that maritime habitats clearly change after trawling.<sup>182</sup>

The sustainability of fishery resources in Sri Lanka is at risk. The ocean provides significant nutrients to Sri Lanka’s population.<sup>183</sup> Further, according to the Ministry of Fisheries and Aquatic Resource Development, “Sri Lanka perceives illegal, unreported and unregulated fishing (IUU fishing) as a serious threat to the sustainability of the

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<sup>177</sup> Scholtens, Bavinck, and Soosai, “Fishing in Dire Straits,” 89.

<sup>178</sup> A. Palanques, J. Guillén, and P. Puig, “Impact of Bottom Trawling on Water Turbidity and Muddy Sediment of an Unfished Continental Shelf,” *Limnology and Oceanography* 46, no. 5 (2001): 1100, <http://dx.doi.org/10.4319/lo.2001.46.5.1100>.

<sup>179</sup> Palanques, Guillén, and Puig, “Impact of Bottom Trawling on Water Turbidity,” 1100.

<sup>180</sup> Palanques, Guillén, and Puig, “Impact of Bottom Trawling on Water Turbidity,” 1100.

<sup>181</sup> V. Suryanarayan, “The India-Sri Lanka Fisheries Dispute.”

<sup>182</sup> P. Schwinghamer, J. Y. Guigné, and W. C. Siu, “Quantifying the Impact of Trawling on Benthic Habitat Structure Using High Resolution Acoustics and Chaos Theory,” *Canadian Journal of Fisheries and Aquatic Sciences* 53, no. 2 (April 2011): 292–295, <http://dx.doi.org/10.1139/cjfas-53-2-288>.

<sup>183</sup> Department of Fisheries and Aquatic Resources, *Sri Lanka National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – 2015* (Colombo: Government Publication Office, 2015), 4, <http://www.fisheries.gov.lk/news.php>.



fisheries.”<sup>184</sup> Moreover, developing nations depend on marine life for a strong economy.<sup>185</sup> Nonetheless, according to the FAO, as cited by Kjellrun Hiis Hauge, Belinda Cleeland, and Douglas Clyde Wilson, “about 25% of world fish stocks are overexploited or fully depleted and overcapacity in fishing fleets is the norm rather than the exception.”<sup>186</sup> Similarly, experts argue that marine resources either reached or exceeded their limits. Hauge, Cleeland, and Wilson contend, “Overcapacity of fleets, excessive fishing quotas, illegal fishing practices and the generally poor management of most fisheries are to blame.”<sup>187</sup> According to Rebufat, as cited by Hauge, Cleeland, and Wilson, most fisheries are responsible for such careless acts.<sup>188</sup> Moreover, the destruction of the marine environment is due to excessive fishing.<sup>189</sup> The lack of appropriate fishery governance and management leads to depletion of fishery resources.

Consequently, human involvement can significantly change the marine ecosystem. Scholars argue that variations in the marine ecosystem is heavily influenced by humans.<sup>190</sup> Their activities through governance and management range from fishery management to laws on pollution or overfishing in the world’s oceans.<sup>191</sup> Moreover, as cited by Hauge, Cleeland, and Wilson, “research done on the Scotian Shelf in Canada has revealed that change in the ecosystem that seems to have been driven by the removal of a huge number of fish and resulted in the emergence of a completely different set of

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<sup>184</sup> Department of Fisheries and Aquatic Resources, *Sri Lanka National Plan of Action*, 4.

<sup>185</sup> Kjellrun H. Hauge, Belinda Cleeland, and Douglas C. Wilson, *Fisheries Depletion and Collapse*, (Geneva: International Risk Governance Council, 2009), 1, [http://www.irgc.org/IMG/pdf/Fisheries\\_Depletion\\_full\\_case\\_study\\_web.pdf](http://www.irgc.org/IMG/pdf/Fisheries_Depletion_full_case_study_web.pdf).

<sup>186</sup> Hauge, Cleeland, and Wilson, *Fisheries Depletion and Collapse*, 1.

<sup>187</sup> Hauge, Cleeland, and Wilson, *Fisheries Depletion and Collapse*, 1.

<sup>188</sup> Hauge, Cleeland, and Wilson, *Fisheries Depletion and Collapse*, 1.

<sup>189</sup> Hauge, Cleeland, and Wilson, *Fisheries Depletion and Collapse*, 1.

<sup>190</sup> Manual Barange et al., eds., *Marine Ecosystems and Global Change* (New York: Oxford University Press, 2010), 221.

<sup>191</sup> Barange et al., *Marine Ecosystems and Global Change*, 221.

dominant species, mainly invertebrates.”<sup>192</sup> According to Kenneth T. Frank et al., overfishing changes the environment and ecosystem.<sup>193</sup>

Degradation of the marine environment has become a grave threat to Sri Lanka. Indian fishermen engaged in bottom trawling in Palk Bay have largely destroyed the marine ecology in the region. The situation has become even more dangerous because fishing trawlers by the thousands plunder Sri Lanka regularly. The significant depletion of fishery resources has revealed and thus hampered the sustainability of marine resources. The stunted livelihood of Sri Lankan fishermen has led to many socioeconomic problems in the northern fishing communities of Sri Lanka. If this unfortunate situation continues, severe repercussions to the national security of Sri Lanka is inevitable in the near future—though this particular issue will not surface immediately. Hence, early appropriate measures are essential to conserve the marine environment in the Palk Bay region.

## **E. CONCLUSION**

Maritime security in Palk Bay is vital to Sri Lanka. Literature citing a direct relationship between poaching and its impact on the maritime security of a country is limited in scope. Yet the Sri Lankan case provides evidence to highlight the significance of this issue. The early developments of the LTTE’s Sea Tiger activities were based largely on the fishing community of Northern Sri Lanka and close ties with the fishermen in Tamil Nadu. The Indian fishermen’s active involvement in drug trafficking, human smuggling, as well as light weaponry and small arms smuggling has influenced aspects of maritime security. Even after the war in 2009, Tamil Nadu fishermen and their Sri Lankan counterparts continued to engage in these illegitimate trades, especially drug trafficking and human smuggling, in Palk Bay. This scenario generated a huge threat to maritime security, especially in Palk Bay. Thus, the fishery dispute in Palk Bay threatens Sri Lanka’s national security, economic and social development, and political stability.

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<sup>192</sup> Jae S. Choi et al., “Transition to an Alternate State in a Continental Shelf Ecosystem,” *Canadian Journal of Fisheries and Aquatic Sciences* 61, no. 4 (2004): 506, <http://dx.doi.org/10.1139/f04-079>.

<sup>193</sup> K. T. Frank et al., “Trophic Cascades in a Formerly Cod-Dominated Ecosystem,” *Science* 308, no. 5728 (June 2005): 1621, <http://dx.doi.org/10.1126/science.1113075>.

Sri Lanka is highly vulnerable to terrorism again. Modern terrorist organizations either directly or through affiliation have connections with drug trafficking, human smuggling, and light weaponry and small arms proliferation. The IOR, especially its South Asian littoral states, such as Sri Lanka and the Maldives, are highly susceptible to this danger due to the interwoven nature of these nefarious trades with terrorism. On the other hand, the abject socioeconomic conditions prevailing in the northern fishing communities of Sri Lanka offer fertile breeding grounds for terrorism. Therefore, Indian fishermen who regularly poach in Palk Bay pose a significant threat to maritime security in the region and to the national security of Sri Lanka. These threats can take many forms: traditional human security, non-traditional security, and environmental security. Often, these threats are interrelated and influence each other by these means, making the situation even more complex.

The consequences of traditional and human security, non-traditional security, and environmental security are interdependent. Therefore, these threats can certainly exert a serious strain on the country's social, economic, and political stability and its future developments. The world security environment is changing rapidly and becoming more complex. Communities around the globe are progressively challenged by complex security threats associated with traditional, non-traditional, and environmental security threats. Further, these challenges emanate from either local or transnational intimidation. Hence, often the state alone may not be able to resolve them.

Moreover, security threats associated with the Palk Bay fishery conflict has many dimensions such as food security, shelter, sustainable livelihood, safe employment, poverty, and vulnerability to transnational crimes or terrorism. Broadly, the fishing population in Northern Sri Lanka is more vulnerable to maritime threats prevailing in Palk Bay. This coastal fishing community is important in safeguarding Palk Bay from threats to its security.

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### III. INDIA'S HEGEMONY AND THE UNRESOLVED FISHERY DISPUTE

The fishery dispute in Palk Bay started in the 1970s. At the time of ethnic conflict in Sri Lanka, the fishery dispute was not acknowledged since war sentiments rode high at every level in society. However, in 2009, with the termination of the ethnic conflict, this fishery dispute started to take center stage in Indian-Sri Lankan relations. To offer insight into the fishery issue, this chapter first discusses the Indo-Sri Lankan relationship, including its background and historical context. Second, it discusses India's regional hegemonic conduct and its approach to Sri Lanka. Finally, examines the fishery dispute in Palk Bay.

#### A. THE INDO-LANKAN RELATIONSHIP: BACKGROUND AND HISTORICAL CONTEXT

The relationship between Sri Lanka and India is centuries old. It is believed that the Palk Strait and Palk Bay served as waterways for more than 4,000 years until the arrival of Prince Vijaya in Mahathitha sometime in the fifth century B.C., which commenced Sinhalese history.<sup>194</sup> Further, K. M. De Silva recounts "the great chronicle of Sri Lanka, *Mahawamsa*," which declares, "The Sinhalese originated from the Aryans who lived in North India."<sup>195</sup> Until the 11th century A.D., the Sinhalese inherited their language and literature from North Indian counterparts.<sup>196</sup>

Thereafter, various waves of Indian settlers who descended from either south Indian invaders or colonial power took to Sri Lanka.<sup>197</sup> According to Devin T Hagerty, "The history of repeated confrontations between Tamils from India and the people of the island[Sri Lanka] resonates both in the rhetoric of contemporary ethnic relations in Sri

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<sup>194</sup> K. M. De Silva, *A History of Sri Lanka* (London: C. Hurst & Co., 1981), 3.

<sup>195</sup> De Silva, *A History of Sri Lanka*, 3.

<sup>196</sup> A. I. P. De Silva, "International Intervention in Intra-State Conflicts: The Case in Sri Lanka" (master's thesis, Naval Postgraduate School, 2013).

<sup>197</sup> Shelton U. Kodikara, *Indo-Ceylon Relations since Independence* (Colombo: Ceylon Institute of World Affairs, 1965), 2.

Lanka as well as in Sri Lanka's relationship with India."<sup>198</sup> Frequent Indian invasions resulted in several communal and religious affinities of Tamil populations between South India and the northern part of Sri Lanka. In addition, the fishermen in Northern Sri Lanka and Tamil Nadu shared Palk Bay as the main area of fishing in a harmonious atmosphere. Additionally, in 1903, the Madras high court declared a verdict pertaining to Palk Bay, stating, "that the Palk Bay and also parts of the adjacent Gulf of Mannar in which chank and pearl fisheries beds lie 'have been effectively occupied for centuries by the inhabitants of India and Ceylon respectively'"<sup>199</sup> Thus, the Palk Bay area has been known for fishing since ancient days.

Historically, the Palk Bay sea served as a gateway between Sri Lanka and India. According to A. Hettiarachchi, Palk Bay is 137 km long and 64 km wide.<sup>200</sup> It is demarcated by the Tamil Nadu coastline from the north and west, by Pamban Island, Adam's Bridge, and Mannar Island to the south, and by the northwest Sri Lankan coast to the east. Hettiarachchi asserts that Palk Bay "is not typically a bay, but a strait, which connects the Bay of Bengal to the northeast with the Gulf of Mannar to the South."<sup>201</sup> Further, both Sri Lanka and India have declared the Gulf of Mannar, Palk Bay, and the Palk Strait as their "historic waters." The term *historic waters* symbolizes an older term encompassing the use of these areas.<sup>202</sup> Further, "immemorial usage," including fishing, navigation, and the well-known and documented exploitation of pearl and chank fisheries in the Gulf of Mannar and Palk Bay, give Sri Lanka and India "historic title" to the waters in this region.<sup>203</sup> Moreover, according to W. T. Jayasinghe, the people of neighboring countries have interacted with each other in many arenas through Palk Bay,

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<sup>198</sup> Devin T. Hagerty, *South Asia in World Politics* (Lanham, MD: Rowman and Littlefield Publishers, 2005), 105.

<sup>199</sup> Jayasinghe, *Kachchativu and the Maritime Boundary*, 9.

<sup>200</sup> A. Hettiarachchi, "Fisheries in the Palk Bay Region: The Indian Factor," *Journal of the National Aquatic Resources Research and Development Agency* 38 (2007): 2.

<sup>201</sup> Hettiarachchi, "Fisheries in the Palk Bay Region."

<sup>202</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 5.

<sup>203</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 6.

as it functioned as an entryway.<sup>204</sup>Therefore, the historic use of Palk Bay by the fishermen of both countries is evident throughout history.

In the meantime, Sri Lanka exercised its sovereignty from early times over the chank fisheries, pearl banks, and pearl fisheries. Moreover, the well-known Pearl Banks of Ceylon began in the Palk Bay region for pearls and comparably less valuable chanks. Pearl and chank fisheries had long been under the sovereign jurisdiction of the kings of Sri Lanka. Sir James Emerson Tennent, the colonial secretary in Sri Lanka in the 1850s, wrote, “Monopolies are to the present day a prominent feature of the Ceylon revenue. The fishery of pearls and Chank has been from time immemorial in the hands of the sovereign.”<sup>205</sup> Therefore, both Sri Lanka and India have been interested in these historic waters since ancient times.

Questions of maritime control, jurisdiction, and the claim on the maritime boundary in Palk Bay have evolved since ancient times, and thus, many explanations have arisen. For example, Sri Lanka, under customary international law, has established a territorial sea border of three miles since 1702 in Dutch colonial times. Subsequently, in 1921, steps were taken to demarcate for the fisheries the waters in the Gulf of Mannar, Palk Bay, and Palk Strait between Sri Lanka and India, but the agreement reached in Colombo was never ratified.<sup>206</sup> Thereafter, according to W. T. Jayasinghe, in 1957 Sri Lanka declared its rights over fishery resources within 100 miles of the territorial waters and in the Wadge Bank located south of Cape Comorin in southern India.<sup>207</sup> Later that year, the limits extended to six miles and, in 1971, to 12 miles.<sup>208</sup> Evidently, Sri Lanka has insisted on the delimitation of its maritime boundary for many years.

The demarcation of the maritime boundary between the two neighboring countries over Palk Bay emerged as an important matter as well. W. T. Jayasinghe posits that in the 1970s, both Sri Lanka and India realized the need for demarcating the maritime boundary

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<sup>204</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 6.

<sup>205</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 7.

<sup>206</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 3

<sup>207</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 4

<sup>208</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 3.

for several reasons. They include rights to Kachchativu Island, illegal trade, an increase of the territorial limits to 12 miles, and the emergence of international maritime law at the third United Nations Conference on the Law of the Sea, in which Sri Lanka took an active part.<sup>209</sup> Eventually, the long-pending issue over demarcation of the maritime borderline between the two states was settled diplomatically.

The prime ministers of Sri Lanka and India signed an agreement on the maritime limits in Palk Bay in 1974. This certainly became a reality with successful diplomatic discussions between the two states regarding the issue of sovereignty over Kachchativu Island. Further, the maritime boundary, which was mutually agreed upon, extended between Sri Lanka and India in the Bay of Bengal and Gulf of Mannar in 1976.<sup>210</sup> The International Maritime Boundary Line (IMBL) between Sri Lanka and India is 86 nautical miles long in the Palk Strait and Palk Bay.<sup>211</sup> However, Tamil Nadu politicians and fishermen have continually claimed their right to Kachchativu Island despite its sovereignty being granted to Sri Lanka in the 1976 agreement. The sovereignty of the island continues to be disputed by Tamil Nadu politicians today.

A more conducive environment is prevalent in the Sri Lankan waters for fishing in Palk Bay. The eradication of the Liberation Tigers of Tamil Eelam (LTTE) in 2009 led to a peaceful maritime environment in the Palk Bay area that undoubtedly benefited livelihoods in the northern coastal fishing communities. The restrictions imposed earlier due to security reasons have been relaxed by the Sri Lankan government. Thus, the current situation certainly encourages the northern coastal fishermen to revert to their original livelihood and engage freely in fishing in their own sea areas. Meanwhile, these local fishermen have found large steel-hulled Indian trawlers plundering their territories because fishery resources in Indian waters in Palk Bay have been drastically depleted.<sup>212</sup>

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<sup>209</sup> Jayasinghe, *Kachchativu: and the Maritime Boundary*, 3.

<sup>210</sup> Bernard Goonetilleke, "Fishy State of Relations Contentious Issue of Palk Strait Fishing: Can We Learn from India's Own Policy?," Pathfinder Foundation, April 22, 2015, <http://pathfinderfoundation.org/pf-projects/on-going/view-point/239-fishy-state-of-relations-contentious-issue-of-palk-strait-fishing-can-we-learn-from-indias-own-policy>.

<sup>211</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 11.

<sup>212</sup> Bernard Goonetilleke and Jayanath Colombage, "Indo-Sri Lanka Fishery Conflict."



Against this backdrop, Sri Lankan and Indian fishermen have been propelled into a competition for limited fishing resources obtainable in the Sri Lankan seas. Sri Lankan fishermen have employed traditional fishing methods while their Tamil Nadu counterparts engage in bottom trawling using large trawlers.<sup>213</sup> Further, according to Bernard Goonetilleke, the Sri Lankan fishermen go out to sea only four days per week while Indian fishing trawlers engage in poaching the other three days because they fear for their lives and the loss of their fishing gear.<sup>214</sup> Moreover, as per Suryanarayan, Sri Lankan fishermen ventured into the Indian exclusive economic zone (EEZ) to harvest tuna.<sup>215</sup> The Sri Lankan fishermen were compelled to venture into the Indian deep seas due to the lack of fishing catch and to avoid conflict in Palk Bay with their Indian counterparts. As Mahendra Gaur stresses, the frequent conflicts between the fishermen of both countries are inevitable, thus becoming a key concern for the two neighboring states.<sup>216</sup> Eventually, this fishery dispute affected the bilateral relationship between the two countries.

Several measures, such as coordinated naval surveillance and patrols by Sri Lanka and India, have been taken to mitigate this issue, but Tamil Nadu fishermen still encroach on Sri Lankan waters crossing the IMBL. The naval patrols deliver some resistance to the South Indian fishermen who are attempting to cross the IMBL. In order to counter these naval efforts, Indian fishermen fabricate stories of the Sri Lanka Navy (SLN) allegedly shooting and beating Tamil Nadu fishermen.<sup>217</sup> V. Suryanarayan argues that these alleged claims appeal to the political and diplomatic sentiments of both states.<sup>218</sup> This is mainly to gain unwarranted political advantages by Tamil Nadu politicians. Further, Suryanarayan's statement is accepted by many scholars, political leaders, diplomats, and

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<sup>213</sup> Dennis Rumley, Sanjay Chaturvedi, and Vijay Sakhuja, eds., *Fisheries Exploitation in the India Ocean: Threats and Opportunities* (Singapore: Institute of South Asian Studies, 2009), 63.

<sup>214</sup> Goonetilleke, "Fishy State of Relations."

<sup>215</sup> Suryanarayan, *Conflict over the Fisheries in the Palk Bay*, 5.

<sup>216</sup> Mahendra Gaur, *Foreign Policy Annual* (New Delhi: Kalpaz Publication, 2005), 112.

<sup>217</sup> Suryanarayan, "The India-Sri Lanka Fisheries Dispute."

<sup>218</sup> Suryanarayan, "The India-Sri Lanka Fisheries Dispute."

government officials—Bernard Goonetilleke and Jayanath Colombage among them.<sup>219</sup> Furthermore, as a way of justifying IUU fishing by the Indian fishermen, the political leaders of Tamil Nadu have made a significant efforts to justify large-scale IUU fishing by Indian fishermen in Sri Lankan waters.

## **B. REGIONAL HEGEMONY: INDIA’S APPROACH TO SRI LANKA**

However, India’s regional hegemonic mindset, particularly over Sri Lanka, makes the situation more complex. India’s foreign policy strategy was shaped in pursuit of regional hegemony, and the fishery dispute is further constrained due to India’s hegemonic conduct. Many scholars have agreed that hegemony is defined in terms of power. The term *hegemony*, according to Madhavi Bhasin, “is used to refer to different behaviors and degrees of control.”<sup>220</sup> According to the realist theory of both Hans Morgenthau and E. H. Carr, as cited by Baldwin, power may be defined in terms of national interest.<sup>221</sup> Moreover, Robert Keohane posits, as cited by Andrew Moravcsik, that stability in the economic and political power of the state is paramount for hegemony.<sup>222</sup> Furthermore, Joshua Goldstein defines hegemony as “being able to dictate, or at least dominate, the rules and arrangements by which international relations, political and economic, are conducted. . . . Economic hegemony implies the ability to center the world economy around itself. Political hegemony means being able to dominate the world militarily.”<sup>223</sup> Hence, India’s rapid development in economy, technology, and its military capacity since the late 19th century certainly demonstrates it is becoming a great power.

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<sup>219</sup> Goonetilleke and Colombage, “Indo-Sri Lanka Fishery Conflict.”

<sup>220</sup> Madhavi Bhasin, “India’s Role in South Asia,” Global India Foundation, accessed June 19, 2017, 8. <https://www.globalindiafoundation.org/MadhaviBhasin.pdf>

<sup>221</sup> Bhasin, “India’s Role in South Asia,” 8.

<sup>222</sup> Helen V. Milner and Andrew Moravcsik, eds., *Power, Interdependence, and Nonstate Actors in World Politics* (Princeton: Princeton University Press, 2009), 243.

<sup>223</sup> Joshua S. Goldstein, *Long Cycles: Prosperity and War in the Modern Age* (New Haven, CT: Yale University Press, 1988), 281.

Against such a backdrop, the debate about India's future role has formed a substantial consensus regarding its hegemony in South Asia.<sup>224</sup> Consequently, since the 1990s, India's international relations have shifted considerably with respect to world affairs.<sup>225</sup> Raja Mohan declares that India has renewed its foreign policy since the 1980s through the nuclear tests of the 1990s.<sup>226</sup> India's determination to become a great power, thereby securing a permanent voice in the UN Security Council, reflected its achievements in nuclear power.<sup>227</sup> Moreover, India's influence in socioeconomic aspects is also dominant in South Asia's regional affairs. In the first decade of the 20th century, India accounted for 75 percent of the foreign direct inflow of South Asia, 77 percent of the population, 75 percent of the gross national product, and 62 percent of the total global trade.<sup>228</sup> Additionally, India has developed its economic power and military strength significantly, which makes it a South Asian regional power. Lakshman Kadirgamar, former foreign minister of Sri Lanka, compares India to a wheel to denote its importance in the region.<sup>229</sup> Bhasin further posits that "at the hub of the wheel lies regionally [more powerful] India. Radiating as spokes are India's [neighbors] with each of whom India shares land or maritime boundaries, but no two others are thus joined without, at the same time touching India also. Binding those spokes to that hub are the physical barriers."<sup>230</sup> Therefore, it is evident that India could heavily influence regional affairs.

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<sup>224</sup> Neil DeVotta, "Is India Over-Extended? When Domestic Disorder Precludes Regional Intervention," *Contemporary South Asia* 12, no. 3 (September 2003): 365, <http://dx.doi.org/10.1080/0958493032000175897>.

<sup>225</sup> Stephen P. Cohen, *India Emerging Power* (Washington, DC: Brookings Institute Press, 2001), 7.

<sup>226</sup> C. Raja Mohan, *The Shaping of India's New Policy* (New Delhi: Viking, 2003), 11–16.

<sup>227</sup> Baldev Raj Nayar and T. V. Paul, *India in the world Order* (Cambridge: Cambridge University Press, 2003), 1–7.

<sup>228</sup> Rajiv Kumar and Manjeeta Singh, "India's Role in South Asia" (working paper no. 32, Asian Development Bank, July 2009), 10-15, <https://thinkasia.org/bitstream/handle/11540/1816/wp32-india-role-south-asia-trade.pdf?sequence=1>; and Shenali D. Waduge, "South Asia and SAARC Nations under Indian Geopolitical and Economic Hegemony," *Sinhala Net*, June 1, 2017, <http://www.sinhalanet.net/south-asia-saarc-nations-under-indian-geopolitical-economic-hegemony>.

<sup>229</sup> L. Kadirgamar, "Securing South Asia," *Hindu* (New Delhi), December 29, 2003, <http://www.thehindu.com/2003/12/29/stories/2003122901111000.htm>.

<sup>230</sup> Bhasin, "India's Role in South Asia."

Strengthening its grip over regional affairs, India exhibits its ardent desire for regional hegemony. According to Sandra Destradi,

Over the past two decades, India has experienced a phenomenal rise in international politics related to its economic growth, its improved relations with the United States paired with its engagement in forums like BRICS, and its growing international recognition as a responsible actor and an emerging power. In its own regional backyard, however, India has been far less successful. Apart from its ongoing tensions with Pakistan, its problems in dealing with smaller neighboring states like Nepal, Bangladesh and Sri Lanka are almost a textbook example of the difficulties of converting material power capabilities into actual influence.<sup>231</sup>

Destradi shows that the maintenance of regional order is a responsibility of a regional power, which in turn contributes to the stability of the international system. In that sense, India has failed to deliver as expected as a regional power to an extent as the state itself stumbles upon conflicts with other regional states.

When there is power asymmetry, it is obvious that the most powerful party tends to regulate the system. Martha Finnemore posits, “In any society, regulating the use of force among members is a foundational and defining task.”<sup>232</sup> Further, she contends, “like any society, the international system has shared notions that shape the use of force.”<sup>233</sup> India’s interventions in other states in the region provide substantial evidence for its pursuit of regional power. As stated by Bhasin, Indian foreign policies and interventions pertaining to the “liberation movement in Bangladesh in 1971, the ethnic crisis in Sri Lanka in 1987, and the attempted military coup in Maldives in 1988 are cited as India’s hegemonic authority in the region.”<sup>234</sup> Hence, India’s perpetual attempts for regional hegemony are undeniable.

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<sup>231</sup> Sandra Destradi, “Domestic Politics and Regional Hegemony,” *E-International Relations*, January 14, 2014, <http://www.e-ir.info/2014/01/14/domestic-politics-and-regional-hegemony-indias-approach-to-sri-lanka/>.

<sup>232</sup> Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca, NY: Cornell University Press, 2004), 1.

<sup>233</sup> Finnemore, *Purpose of Intervention*, 1–2.

<sup>234</sup> Bhasin. “India’s Role in South Asia.”

In the meantime, interstate conflicts have shaped India's relations with its South Asian neighbors. Finnemore asserts, "Reasons to intervene militarily in another state's affairs ... [seem] to support a realist argument that states have consistently intervened to support geostrategic interests."<sup>235</sup> Further, she comments, "powerful states have always intervened to promote an order or to protect a status quo that suits them."<sup>236</sup> In contrast, according to Sandra Destradi, India is not in favor of a multi-lateral milieu but is keen on bilateral negotiations.<sup>237</sup> However, the smaller states of the region are more concerned with India's multilateral regional approach. Destradi suggests India doubts its neighboring states will rally against it and deal with excessive claims, yet its neighbors perceive that bilateral dialogue will serve not their interests, but India's.<sup>238</sup> Therefore, its neighbors consider that the notion of bilateralism as a means of forcible diplomacy, while India views a multilateral approach, is less productive. Hence, the regional states should come together and work for a common course that benefits all.

India's foreign policy has not served its regional state interests but instead disrupted them. Destradi asserts that India's doctrine is the most apparent evidence of its quest for hegemony.<sup>239</sup> The purpose of preparing this doctrine is to make sure that no outside power interferes in regional affairs. The best example is the Sri Lankan case in 1987. India airdropped food supplies into the Jaffna peninsula, the northern part of Sri Lanka, without consulting the Sri Lankan government, thereby challenging the sovereignty of Sri Lanka. During that period, the Sri Lankan-Indian relationship was not in good shape. Sri Lanka was more aligned with the West and thus promoted an open economic policy. India's explanation for its foreign policy was an effort to safeguard the region from adversative Cold War effects, but neighbors considered that as a way of securing India's status quo. This reveals that India's hegemonic foreign policy has not delivered to its neighbors expectations.

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<sup>235</sup> Finnemore, *Purpose of Intervention*, 85.

<sup>236</sup> Finnemore, *Purpose of Intervention*, 85.

<sup>237</sup> Destradi, "Domestic Politics and Regional Hegemony."

<sup>238</sup> Destradi, "Domestic Politics and Regional Hegemony."

<sup>239</sup> Destradi, "Domestic Politics and Regional Hegemony."

India's perpetual interventions in regional affairs are likely to increase in the future. Since the last few decades, India has been continuously resisting Chinese efforts to cultivate influence in India's immediate neighborhood.<sup>240</sup> Thus, India is in pursuit of more power, solely to counterbalance China's rising power, and it has become inevitable for India's stability or survivability. India's power competition with China is inevitable for regional hegemony. According to John J. Mearsheimer, "For all realists, calculations about power lie at the heart of how states think about the world around them."<sup>241</sup> Further, he explains, "Power is the currency of great-power politics, and states compete for it among themselves. What money is to economics, power is to international relations."<sup>242</sup> Against this backdrop, India's hunger for power will not dissipate but increase. Mearsheimer continues that a great power's "desire for power does not go away, unless a state achieves the ultimate goal hegemony."<sup>243</sup> However, he contends, "No state is likely to achieve global hegemony, [but] the world is condemned to perpetual great-power competition."<sup>244</sup> Hence, India's relationship with other South Asian countries is fragile.

Similarly, other small states of the South Asian region will surely undermine India's effort to become a hegemon. Altaf Gauhar, a leading Pakistani columnist, points out, "The Gujral Doctrine is not a doctrine of good neighborly relations but a Bharti Plan to seize the neighbor peacefully."<sup>245</sup> This sentiment demonstrates the rigidity of opinion of India's neighbors with regard to India's regional image. However, India's quest for intervening in regional affairs will increase. Apart from the other states' issues in the region, the current fishery dispute in Palk Bay between Sri Lanka and India is a peculiar case. The internal political engrossment of India has made the situation more complex, and thereby, the delivery of a viable foreign policy has been seriously affected.

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<sup>240</sup> Jeff M. Smith, *Cold Peace: China-India Rivalry in the Twenty-First Century* (Lanham, MD: Lexington Books, 2014), 143-146.

<sup>241</sup> John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2014), 12.

<sup>242</sup> Mearsheimer, *Tragedy of Great Power Politics*, 12.

<sup>243</sup> Mearsheimer, *Tragedy of Great Power Politics*, 2-3.

<sup>244</sup> Mearsheimer, *Tragedy of Great Power Politics*, 2-3.

<sup>245</sup> Vatsala Shukla, *India's Foreign Policy in the New Millennium: The Role of Power* (New Delhi: Atlantic Publishers & Distributors, 2005), 171.

Specifically, the Indian–Sri Lankan relationship best illustrates the fact that India’s internal political rifts shift its stand on foreign policy. The Tamil Nadu government’s political influence on the government of India has always been a key factor in its relationship with Sri Lanka. According to Destradi, the close relationship in many forms between Indian and Sri Lankan Tamils became instrumental in the Sri Lankan political arena.<sup>246</sup> In spite of it all, several of India’s abhorrent approaches have caused serious implications for Sri Lanka. Sri Lanka experienced disruptive foreign relations in the 1980s when the Indian government extended support to the Tamil guerrilla movement, expecting to mount pressure on the Sri Lankan government. Eventually, India found itself entwined in the crisis when deploying its peacekeeping force in Sri Lanka. According to Destradi, India felt compelled to move away from intervening in Sri Lankan internal affairs with the “dismal failure of its peacekeeping mission and the assassination of former Prime Minister Rajiv Gandhi in an LTTE suicide attack” on its soil.<sup>247</sup> This shows how political pressure from Tamil Nadu on New Delhi resulted in the failure to deliver a sustainable foreign policy.

Particularly, the Tamil Nadu’s political impact resulted in India’s vague foreign policy. In 2006, President Mahinda Rajapaksa’s government launched a vast military offensive that terminated the LTTE guerrilla movement in May 2009.<sup>248</sup> At that time, the Sri Lankan government encountered substantial pressure from outside, particularly from the West, over alleged human rights violations and war crimes. This mounting pressure against the Sri Lankan government was well organized and supported by the Tamil diaspora network around the world. According to John Garofano and Andrea J. Dew, “The key to the LTTE’s fighting strength was its international support network.”<sup>249</sup> The LTTE was funded by the Tamil diaspora, which networked Tamil communities worldwide. At the special session at the United Nations Human Rights Council

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<sup>246</sup> Destradi, “Domestic Politics and Regional Hegemony.”

<sup>247</sup> Destradi, “Domestic Politics and Regional Hegemony.”

<sup>248</sup> John Garofano and Andrew J. Dew, eds., *Deep Currents and Rising Tides* (Washington, DC: Georgetown University Press, 2013), 87.

<sup>249</sup> Garofano and Dew, *Deep Currents and Rising Tides*, 86.

(UNHCR) on May 28, 2009, the Indian government voted against a motion to hold an inquiry into the war crime allegations against the Sri Lankan government. After the war, India provided monetary support to improve the living conditions in war-torn areas, expecting to enhance its relationship with Sri Lanka. However, despite many such attempts by New Delhi, Tamil Nadu politicians kept mounting pressure on the central government, thus influencing its shift in foreign policy toward Sri Lanka.

Eventually, the Indian government voted in the United Nations council against Sri Lanka due to the Tamil Nadu influence.<sup>250</sup> India voted against Sri Lanka in the March 2012 and 2013 resolutions, insisting on an impartial domestic investigation into the Sri Lankan government for alleged human rights violations and war crimes. This was a considerable change in its stance. In addition, New Delhi exerted pressure on Colombo to hold elections in the Northern Province. Further, India expected Sri Lanka to decentralize power and to exercise the 13th Amendment to the Sri Lankan Constitution.<sup>251</sup> Thereafter, on September 21, 2013, the Tamil National Alliance secured a comprehensive victory in the elections.

Consequently, in November 2013, another important event in the Sri Lankan–Indian relationship took place at the 23rd Commonwealth Heads of Government Meeting (CHOGM) in Colombo. The Sri Lankan government expected to enrich its stance in the international arena, particularly after the drawback in UNHCR motions against the country. However, heavy Tamil Nadu pressure compelled Indian Prime Minister Manmohan Singh to avoid participating in the meeting.<sup>252</sup> The domestic political complexities that resulted from the Indian prime minister’s decision showcase India’s fragile foreign policy and implications for regional affairs.

In the same way, Tamil Nadu politicians have become influential in shaping India’s foreign relations with Sri Lanka. During the past decades, two dominant political parties in Tamil Nadu, the Dravida Munnetra Kazhagam (DMK) and the All India Anna

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<sup>250</sup> Destradi, “Domestic Politics and Regional Hegemony.”

<sup>251</sup> Destradi, “Domestic Politics and Regional Hegemony.”

<sup>252</sup> Kariyapperuma, *A View from the International Maritime Boundary Line*, 79.



Dravida Munnetra Kazhagam (AIADMK), which hold the political power, were able to mount tremendous pressure on the central government of India. Both of these political parties urged the Indian prime minister to refuse the summit in Colombo.<sup>253</sup> At the same time, huge protests were held in Tamil Nadu, during which some key ministers who hailed from South India joined and opposed the prime minister's participation in the CHOGM. On the other hand, New Delhi desired the prime minister's participation. These events clearly showcase how Tamil Nadu's political factions have shaped India's foreign policy with Sri Lanka. This has become a significant factor in the fishery dispute in Palk Bay between the neighboring states.

### **C. POLITICS AND POACHING IN PALK BAY**

Despite the vicissitudes in the bilateral relationship between the two countries, the fishery issue in Palk Bay has taken center stage in recent relations. This fishery dispute has only become worse following the end of the ethnic conflict in 2009, even though the issue has its routes dating back to the diplomatic efforts in solving the Kachchativu Island issue. Further, the current bilateral relationship between Colombo and New Delhi is in excellent shape. According to Sirinivasan and Kadirgamar, "The political economy of Indo-Lanka relations is going through a transformation, with both governments not only aggressively pursuing neoliberal policies in their own economies, but also seeking to further liberalize ties between the two countries."<sup>254</sup> This shift in the bilateral relationship will deliver positive economic effects for both nations.

However, in spite of this diplomatic apparatus, nearly 200,000 Sri Lankans in the Northern Province suffer from the presence of Indian trawlers poaching in Sri Lankan waters. The Tamil artisanal fishers of Northern Sri Lanka, including Jaffna and its peninsula islands, Killinochchi, Mannar, and Mullaithivu, depend mainly on the fisheries. These people have encountered constraints in restoring their livelihood after the ethnic

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<sup>253</sup> "Boycott CHOGM Meet: TN Parties Appeal in LS," *Hindu*, August 20, 2013, xx.

<sup>254</sup> Meera Srinivasan and Ahilan Kadirgamar, "A Festering Fisheries Crisis amid Cosy Indo-Lanka Ties," *Hindustan Times*, January 27, 2016, <http://www.hindustantimes.com>.

conflict.<sup>255</sup> Since the Sri Lankan government has prohibited fishing by Indian trawlers, these constraints have worsened.<sup>256</sup> Hence, this fishery dispute results in socio-economic problems in the Northern Province of Sri Lanka.

Similarly, the Indian fishermen engaged in bottom trawling hamper the livelihood of Northern Sri Lankan fishermen. They take the fishing resource away while destroy the region's marine ecology.<sup>257</sup> These fishing trawlers destroy the Sri Lankan fishermen's gear. Therefore, when these fishing trawlers appear in Sri Lankan waters, Northern Sri Lankan fishermen are compelled not to employ in their traditional livelihood. This scenario has led to a loss in their fish catch, which traps them under economic constraints. Therefore, an early solution for this fishery dispute is needed. Otherwise, it will inevitably transform into a crisis in Sri Lanka. Thus, a mutual bilateral approach is compulsory in arriving at a potential solution.

Genuine political interference and effort are vital in resolving this fishery dispute in Palk Bay. India's economy and relationship with Sri Lanka remain important. India also needs to involving involve itself in the fishery issue urgently. A significant electoral segment is composed of the fishermen population along the southern coast of India.<sup>258</sup> As usual, Tamil Nadu political authorities who are vying for power are likely to politicize the issue further, pressuring the central government for undue demands. The Tamil Nadu political factions have instigated the Palk Bay fishery dispute. Srinivasan and Kadirgamar point out, "After proclaiming political solidarity for decades to Sri Lanka's northern Tamils it has now emerged [as] the chief culprit in this fisheries conflict."<sup>259</sup> On the other hand, both Srinivasan and Kadirgamar question the double stance of Tamil Nadu politicians regarding Northern Sri Lankan fishermen.<sup>260</sup> These are some of the

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<sup>255</sup> Johny Stephen et al., "Transboundary Dialogues and the 'Politics of Scale' in Palk Bay Fisheries: Brothers at Sea?," *South Asia Research* 33, no. 2 (2013): 147, <http://dx.doi.org/10.1177/0262728013487633>.

<sup>256</sup> Scholtens, Bavinck, and Soosai, "Fishing in Dire Straits," 89.

<sup>257</sup> Scholtens, Bavinck, and Soosai, "Fishing in Dire Straits," 89.

<sup>258</sup> Srinivasan and Kadirgamar, "A Festering Fisheries Crisis."

<sup>259</sup> Srinivasan and Kadirgamar, "A Festering Fisheries Crisis."

<sup>260</sup> Srinivasan and Kadirgamar, "A Festering Fisheries Crisis."

contentious factors for debating whether honest political efforts aim to solve this fishery dispute between neighboring states. The political factions of Tamil Nadu remain an important factor in the Palk Bay fishery conflict.

#### **D. THE TAMIL NADU FACTOR**

The issues of domestic politics, mainly in Tamil Nadu, present an influential factor in the diplomatic ties between the two countries through the Indian fishermen in Sri Lankan waters. According to Shelton U. Kodikara, “Since the Dravida Munnetra Kazhagam (DMK) government assumed office in [Tamil Nadu] after the 1967 elections, a situation existed where Tamil elements in both countries were preaching a philosophy of dissent based upon the unity of the Tamil race and culture, and the necessity of [organizing] Tamils within the framework of a separate state.”<sup>261</sup> This factor, which has influenced the relationship between the two countries in many areas, needs serious examination even though the LTTE has been militarily defeated. However, the ideology of the LTTE still haunts the two countries, taking the fishing issue to the front by Tamil Nadu politicians.

Similarly, the other main political party in Tamil Nadu, the AIADMK, also dominates in the political arena. Its political victories largely depend on the degree to which it supports Tamil rights in Sri Lanka, including the fishing issue. Many political analysts have argued that India could not have a stable government without the support of the Tamils in India (i.e., Tamil Nadu). In this context, India’s policy alternatives are largely affected by the political pressure that Tamil Nadu exerts on New Delhi’s political and diplomatic relations with Colombo.<sup>262</sup>

Both domestic politics and the foreign policy in India greatly influence Sri Lanka’s affairs. As per Subrata and Jivanta, “In the Indian state of Tamil Nadu, where a large number of Tamils sympathize with the Tamil struggle for autonomy in Sri Lanka,

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<sup>261</sup> Shelton U. Kodikara, “Contemporary Indo-Lanka Relations,” *Sri Lanka Journal of Sciences* 1, no. 1 (1978): 65–66, <http://dl.nsf.ac.lk>.

<sup>262</sup> Mark. J. Garielson and Joan Johnson-Freese, “The Tamil Nadu Factor in China’s Naval Ambition in Sri Lanka,” Foreign Policy Research Institute, December 20 2012, <https://www.fpri.org/article/2012/12/the-tamil-nadu-factor-in-chinas-naval-basing-ambitions-in-sri-lanka/>.

Chief Minister M. Karunanidhi is pressing India's ruling coalition, of which his DMK party is a key partner, to take a pro-Tamil stand."<sup>263</sup> The Tamil Nadu government and its citizens have shown clear concerns over the Indo-Sri Lankan agreements signed in 1974 and 1976. In the meantime, the Palk Bay region's rich fishing ground, especially on the Sri Lankan side, is providing lucrative fishing opportunities. On the other hand, the LTTE used this region to transport supplies (such as men and material vital for war) from Tamil Nadu.<sup>264</sup> Against this backdrop, the SLN deployed its sea units to safeguard Sri Lankan territorial integrity and sovereignty. According to Suryanarayan, eventually, this region became contentious between Tamil Nadu fishermen and the Sri Lankan Navy.<sup>265</sup> The political standpoint of Tamil Nadu in the Palk Bay fishery conflict has been a key factor that has shaped the Sri Lankan-Indian relationship significantly.

Consequently, Tamil Nadu became a safe haven for the LTTE. As Suryanarayan illustrates, during the formative years of the ethnic conflict, Tamil Nadu was the sanctuary and backyard of the Tamil Eelam movement.<sup>266</sup> Further, he describes the close nexus among fishermen, smugglers, and Tamil militants.<sup>267</sup> The LTTE's leadership, Velupillai Prabhakaran, "Kittimani," "Kittu," and "Baby Subramanian," hailed from Valvettithurai, which was a smuggler's paradise. During the early stages of the conflict, the LTTE cadres were trained in Tamil Nadu under the guidance of political support, namely the then-prime minister of India, Indira Gandhi. According to Daniel Byman, safe havens are essential to the success of any guerrilla movement.<sup>268</sup> Further, he suggests that Tamil Nadu government support was vital to the LTTE's success.<sup>269</sup> Tamil Nadu, as a sanctuary for the LTTE, protected the group's leadership and members;

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<sup>263</sup> Subrata K. Mitra and Jivanta Schöttli, "The New Dynamics of Indian Foreign Policy and Its Ambiguities," *Irish Studies in International Affairs* 18, no. 1 (2007): 31, <http://dx.doi.org/10.3318/isia.2007.18.19>.

<sup>264</sup> Suryanarayan, "Sea Tigers and Indian Security," 407.

<sup>265</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 117-118.

<sup>266</sup> Suryanarayan, "Sea Tigers and Indian Security," 407.

<sup>267</sup> Suryanarayan, "Sea Tigers and Indian Security," 407.

<sup>268</sup> Daniel Byman, *Trend in Outside Support for Insurgent Movement* (Santa Monica: RAND Corporation, 2001), 83-84.

<sup>269</sup> Byman, *Trend in Outside Support for Insurgent Movement*, 84-88.

provided a place where insurgents could rest, recuperate, and plan for future operations; served as a staging area from which to mount attacks; and functioned as an additional base for training and dissemination of propaganda among other activities. Hence, it is evident that apart from the fishery dispute, Tamil Nadu has generated numerous problems for Sri Lanka's sovereignty and territorial integrity.

However, the security situation in Sri Lanka regained the peace with the LTTE's elimination in 2009. Yet, the possibility of reviving such a crisis with the support of Tamil Nadu and the Tamil diaspora should not be discounted. The government of Sri Lanka should facilitate and provide better alternatives to the fishing community, especially to the youths of the Northern Peninsula. The possibility of the unemployed youth rising up should not be dismissed. If the fishery dispute continues, the socioeconomic conditions in the northern fishing community will force youths to engage in illegal activities resulting in challenges to national security such as drug trafficking and human smuggling. Therefore, addressing the societal issue pertaining to the northern fishing community is imperative to maintain peace in Sri Lanka. Hence, resolving the current fishery dispute pertaining to both the IMBL and Kachchativu is a high priority; otherwise, national security will be hampered.

Nonetheless, despite the seriousness of the fishery issue, the Indian authorities have not provided suitable alternatives for the large number of Indian fishermen. The southern coastal population of India depends heavily on fishing and fishery-related industries and is living under poor conditions. Hence, this fishery dispute has elevated to a socio-economic problem in Tamil Nadu as well. Several initiatives have been taken to address this issue. According to Suryanarayan, the Tamil Nadu government has taken some measures such as providing assistance for deep-sea fishing (Tuna longliners) and buying back trawlers.<sup>270</sup> However, he explains that these measures have not been implemented yet.<sup>271</sup> Hence, Indian fishermen will continue to engage in bottom trawling since they have no other options. Indian political authorities must take stern action in

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<sup>270</sup> Suryanarayan, "The India-Sri Lanka Fisheries Dispute."

<sup>271</sup> Suryanarayan, "The India-Sri Lanka Fisheries Dispute."

facilitating the alternatives for Tamil Nadu fishermen early. Otherwise, this dispute in Palk Bay will worsen in the future. However, both the IMBL and Kachchativu Island continue to be central in the Sri Lankan–Indian relationship.

#### **E. THE IMBL AND KACHCHATIVU ISLAND**

The debate over Kachchativu Island’s sovereignty goes back decades. According to Kodikara, during the Second World War, through an order made by the governor of Ceylon under defense regulations, Kachchativu had been used as a naval bombardment practice range.<sup>272</sup> He declared that the Ceylon government affirmed its sovereignty over the island.<sup>273</sup> However, the issue pertaining to the rights of historic fishing grounds and claims for Kachchativu Island were solved through diplomatic approaches despite heavy pressure mounted on the political leadership of both governments. Understanding the poaching issue as a conflict igniter as early as the 1970s, the agreement reached in demarcating the IMBL in 1974 can be cited as a positive trend in the relationships of the fishing conflict. Even though the IMBL demarcations have been agreed upon and resolved amicably, encroachment by fishermen is currently an issue. Kachchativu Island reverberates in a significant way in that Tamil Nadu politicians used the fishing issue as another pressure tactic to influence the Indian Central Government through voting—although the issue had been solved through diplomatic discussions as early as 1974. The agreements of 1974 and 1976 solved all issues pertaining to sovereignty over the island and the dispute the two countries had for over two decades.

Yet, the two major Dravidian parties have viewed the traditional fishing rights of the Tamil Nadu fishermen as hampered.<sup>274</sup> According to Suryanarayan, the Tamil Nadu political factions believe the root cause of the current tension is not only that Kachchativu was ceded to Sri Lanka but also that the traditional fishing rights of the Tamil Nadu fishermen were disrupted.<sup>275</sup> J. Jeyaranjan contends, “The genesis of the present problem

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<sup>272</sup> Kodikara, *Indo-Ceylon Relations since Independence*, 59.

<sup>273</sup> Kodikara, *Indo-Ceylon Relations since Independence*, 59–60.

<sup>274</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 124.

<sup>275</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 124.

of Rameswaram [the closest Indian fishing town to Sri Lanka] fishermen can be traced to a diplomatic error committed by India over a decade ago.”<sup>276</sup> In contrast, Suryanarayan argues that the root cause of the present tension is due to a conflict of interest even though the issue has been solved between the two governments.<sup>277</sup> The Indian fishermen are reluctant to give up the livelihood they have enjoyed for several centuries. Furthermore, as Malcolm Anderson points out, “borders have played a significant role in this century, making national identity the pre-eminent political identity of the modern State.”<sup>278</sup> On the other hand, Robert D. Sack emphasizes “territoriality as a means of reifying the power of the nation.”<sup>279</sup> The Tamil Nadu political viewpoint continues to claim its traditional fishing rights over Palk Bay despite the agreement over Kachchativu and the IMBL.

#### **F. THE SRI LANKA NAVY’S INVOLVEMENT**

Indian fishing trawlers are still regularly crossing the IMBL and engaging in Sri Lankan waters. As a result, the SLN’s involvement is essential to securing its maritime domain in the Palk Bay area. The poaching issue has taken a dramatic turn with the SLN’s involvement in conducting surveillance patrols in the northern waters prior to and after the conflict in 2009. Prior to 2009, the Indian fishermen’s crossings to the Sri Lankan side were comparatively infrequent, but with the ease of certain restrictions and the end of LTTE terrorism in 2009, the crossings increased. Allegations leveled at the SLN of injuring and killing fishermen and sinking Indian fishing vessels have surfaced on a number of occasions. The SLN has denied these allegations as baseless. However, the arrests of fishermen from Sri Lankan and Indian neighboring states have raised the need for political mediation.<sup>280</sup> According to Colombage, “In 2013 alone, 626 Indian

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<sup>276</sup> J. Jeyaranjan, “Island of Discord,” *Economic and Political Weekly* 20, no. 9 (1985): xx.

<sup>277</sup> V. Suryanarayan, *Kachchativu and the Problems of Indian Fishermen in the Palk Bay Region* (Madras: T.R. Publications, 1994), 74.

<sup>278</sup> Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World* (Cambridge: Polity Press, 1996), 4.

<sup>279</sup> Robert David Sack, *Human Territoriality: Its Theory and History* (Cambridge: Cambridge University Press, 1986).

<sup>280</sup> Suryanarayan, “The India-Sri Lanka Fisheries Dispute.”

fishermen were arrested while over 200 Sri Lankan fishermen were arrested in the same year.”<sup>281</sup> Similarly, Srinivasan and Kadirgamar emphasize, “The SLN arrested nearly 400 Indian fishermen in 2015 on charges of poaching.”<sup>282</sup> Nevertheless, only a small percentage of poachers have actually been arrested.

The baseless allegations over the arrest of Indian fishermen in Sri Lankan waters appear to be underhanded actions by Tamil Nadu politicians for hidden political gains. The legal arrests come from crossing the IMBL, an internationally accepted maritime boundary signed between the two countries, which has been cited as an aggression toward India, primarily Tamil Nadu. Arrests continue to take place on both sides and on a much larger scale in Sri Lankan waters. The Tamil Nadu politicians have been at the forefront in alleging that the government through the SLN has increased violations against Indian fishermen. The sustainable solution for the fishery dispute is constrained by unethical political efforts of the Tamil Nadu politicians. They continue to create unrest, thus provoking the fishing society of Tamil Nadu unnecessarily.

Thereby, fisherfolk and organizations carry out demonstrations, strikes, and sustained campaigns with the blessings of Tamil Nadu politicians who demand stern measures to protect the lives and gear of their fishermen.<sup>283</sup> The Tamil Nadu chief minister has been cited in many news articles in both India and Sri Lanka as pressuring the central government to stop the SLN arrests and harassment of Indian fishermen. Both Jayalalitha and Karunanidhi have written letters to the successive prime ministers of India to intervene and urge immediate measures to protect the interests of Tamil Nadu fishermen.<sup>284</sup> Jayalalitha’s pressure on the central government regarding the fishermen issue has been tense. According to Suryanarayan, the crisis came to a head once Chief Minister Jayalalitha unfurled the national flag from the ramparts of Fort St. George, Chennai, on August 15, 1991, demonstrating her strong stance for retrieving Kachchativu

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<sup>281</sup> Suryanarayan, “The India-Sri Lanka Fisheries Dispute.”

<sup>282</sup> Srinivasan and Kadirgamar, “A Festering Fisheries Crisis.”

<sup>283</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 125.

<sup>284</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 125.



Island, which had been ceded to Sri Lanka in 1974.<sup>285</sup> Jayalalitha has been repeatedly pointing fingers at the central government for not taking action to stop the alleged violations by the SLN. Consequently, with the arrest of Indian fishermen and boats, the chief minister stressed,

Repeated actions on the part of the Sri Lankan Navy in arresting Indian fishermen from Tamil Nadu undermine the confidence and goodwill which was sought to be built through direct talks between fishermen of the State and Sri Lanka. She further states that incident (arrest of Indian fishermen by SLN), would give rise to greater frustration in the minds of the fishermen community in Tamil Nadu, not only about the attitude of the Sri Lankan Government, but also about the inability of the Indian government to effectively protect their interests.<sup>286</sup>

The SLN's involvement in arresting Indian fishermen has also created a huge uproar in Tamil Nadu, especially in recent years. According to Suryanarayan, Jayalalitha's administration was adamant about restoring Kachchativu and the islands adjacent to it to Indian territory to save Tamil Nadu fishermen from constant attacks by the SLN.<sup>287</sup> Though a number of news articles highlight the allegations of Tamil Nadu's chief minister, their crux primarily focuses on two narrow aspects: to stop the SLN from arresting Indian fishermen when they cross the IMBL and to pressure the central government to intervene politically in the fishing issue. The government of Sri Lanka has officially rejected such allegations leveled at the SLN. The Sri Lankan government stresses, "At no point were the fishermen harassed by the Navy personnel or subjected to any humiliation as alleged in certain media reports."<sup>288</sup> The SLN's involvement in the Palk Bay fishery crisis has been center stage, especially in Tamil Nadu.

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<sup>285</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 125.

<sup>286</sup> "Sri Lanka Navy Spoiling the 'Conducive Atmosphere' Created by the Talks: Jayalalitha," Daily Financial Times, February 1, 2014, <http://www.ft.lk/article/248984/Sri-Lanka-Navy-spoiling-the-conducive-atmosphere--created-by-the-talks--Jayalalitha>.

<sup>287</sup> Suryanarayan, *Conflict over Fisheries in the Palk Bay Region*, 125.

<sup>288</sup> "Lanka Denies Its Navy Harassed Indian Fishermen," Economic Times, July 5, 2008, <https://economictimes.indiatimes.com/topic/the-economic%20times%20%28july%2005%2C%202008%29%2C%20http%3A//economictimes.indiatimes.com/news/politics-and-nation/lanka-denies-its-navy-harassed-indian-fishermen/printarticle/3200661.cms>.

## **G. CONCLUSION**

The relationship between Sri Lanka and India is unique and dynamic in nature for many reasons. They are close geographically and in religious and cultural affiliations, particularly the Tamils. In the past few decades, the political factions of the Tamil Nadu have played a remarkable role in domestic political affairs, which have shifted foreign relations with Sri Lanka. This significant change in foreign policy was observable especially after the 1980s. During this era, the underlying factor for this change was the division between the foreign policies of the two countries, as Sri Lanka adopted an open economic policy aligned with the West. Furthermore, the relationship between their political leadership was not in good shape. Against such a backdrop, India did not hesitate to extend its support to the incoming guerrilla movement, the LTTE in Sri Lanka. The sole purpose of strengthening the LTTE was to mount substantial pressure on the Sri Lankan government. This created nearly three decades of nasty ethnic conflict, which caused enormous implications for Sri Lanka. In the meantime, India also suffered heavily due to the same cause. However, with the termination of the LTTE in 2009, the fishery dispute in Palk Bay has occupied the headlines of the bilateral relationship between the two states.

The absence of genuine political efforts has been the underlying factor for this unresolved fishery dispute. Unfortunately, Tamil Nadu's political authorities, who are greedy for power, have politicized this issue, thus pressuring the central government for unrealistic demands. The central government was compelled to dance to Tamil Nadu's tune due to South India's political power-sharing. The Tamil Nadu factor also reflected immensely in shaping New Delhi's foreign relations with Colombo apart from India's hegemonic behavior in the South Asian region. The key responsibility lies with the Tamil Nadu government in providing suitable alternative employment for its large population of fishermen. Several measures have been taken, such as the buy-back method, deep-sea (long liner) fishing, and others, but none have worked properly due to the lack of government support, thus showcasing the absence of genuine political will.

## IV. ANALYSIS, CONCLUSION, AND RECOMMENDATIONS

This chapter explores answers to the two research questions: How does the fishery dispute affect the maritime and national security of Sri Lanka? Why has Sri Lanka been unable to protect its maritime border with India? The in-depth analyses focus on three spheres of security—traditional, non-traditional, and environmental concerns—and their effects on the maritime and national security of the state. Thereafter, this chapter focuses on the impact of the unresolved political intervention in the fishery dispute, especially with India’s hegemonic mindset. The strengths, weaknesses, opportunities, and threats (SWOT) model, through which this study derives its conclusion and recommendations, analyzes the Palk Bay fishery conflict.

### A. ANALYSIS

This section ascertains how this fishery crisis affects maritime security in the region and the national security of Sri Lanka. First, the study analyzes the impact on traditional and human security, non-traditional security, and environmental security. Finally, it explores avenues available in averting this crisis through the earnest political interventions of both states in accomplishing the most viable solution.

#### 1. Challenging Maritime and National Security

According to James Kraska and Raul Pedrozo, in the near future, both littoral complexity and increased oceanic competition will be the key areas of concern in the maritime domain.<sup>289</sup> Similarly, the Palk Bay area is congested and thus chaotic due to intensive fishing, especially by Tamil Nadu fishermen. Moreover, the Palk Bay fishery conflict has revealed that non-traditional security threats are more dominant, thus influencing the other two facets of security. Against such a backdrop, the resulting challenges and threats can be categorized into three spheres of security though they are intertwined in nature.

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<sup>289</sup> James Kraska and Raul Pedrozo, *International Maritime Security Law* (Leiden: Martinus Nijhoff Publishers, 2013), 70.

*a. Traditional and Human Security*

During the ethnic conflict, the LTTE exploited the Palk Bay fishery scenario and threatened the national security of Sri Lanka. Even after the war ended in 2009, Indian fishermen continued to engage in these illegal activities in Palk Bay, posing a severe threat to the maritime security of Palk Bay and the national security of Sri Lanka. Furthermore, both the Indian and Tamil Nadu governments exerted immense political pressure to destabilize the Sri Lankan government by various means such as voting against Sri Lanka at the UN Council and supporting the LTTE, which apparently crippled the traditional and human security of Sri Lanka.

*b. Non-traditional Security*

The deterioration of socioeconomic conditions has given way to many societal problems such as domestic violence, health disorders, and corruption, especially among the northern fishing communities in Sri Lanka, greatly affecting the national security of Sri Lanka. The main livelihood of Northern Sri Lankan fishermen has been crippled because Indian fishermen engage in bottom trawling in Sri Lankan waters. The fishery resource has been depleted in Sri Lankan waters, too, because of excessive Indian trawling. In addition, Sri Lankan fishermen have feared and been reluctant to employ their traditional trade when Indian fishing trawlers have intruded—three days per week—in Sri Lankan waters. During these three days, the fish catch of northern fishermen is drastically reduced. Table 2 presents the difference in fish production value (in Sri Lankan rupees) between nights with and without trawling in Karainagar, one of the main fishing centers in the northern part of Sri Lanka.

Table 2. Fish Production Difference with and without Trawling Nights in Karainagar<sup>290</sup>

Date of origin	FSC auction	Private trader
Period	June 1 <sup>st</sup> 2010- May 31 <sup>st</sup> 2011	September 2011
Fishing nights	Total catch value	Total catch value
Friday- Saturday (Trawler-free)	3597940	83762
Saturday- Sunday (Trawl)	3189420	25349
Sunday- Monday (Trawler-free)	3981780	197486
Monday-Tuesday (Trawl)	2299740	48270
Tuesday-Wednesday (Trawler- free)	3522560	95160
Wednesday- Thursday (Trawl)	2418360	67686
Thursday- Friday (Trawl-free)	11102280 (58%)	376408 (73%)
Friday- Saturday (Trawl)	7907520 (42%)	141305 (27%)
<b>Missed income (difference)</b>	<b>3194760</b>	<b>2821242</b>

Consequently, poverty, the dominant factor of social unrest, has increased in the northern fishery population in Sri Lanka. This poverty has caused many social issues such as people's increased involvement in transnational organized crimes, violence and terrorism, corruption, and health disorders. Joeri Scholtens has revealed, "Indian trawler intrusion and related poor fish resources represent the primary obstacle in their [Sri Lankan fishermen's] livelihood."<sup>291</sup> He highlights that the incursion of Indian fishing trawlers is heavily affected by the poverty of northern fishermen in Sri Lanka. Table 3 shows the relationship between poverty and Indian fishing in Sri Lankan waters.

<sup>290</sup> Scholtens, "Fishing in the Margins," 91.

<sup>291</sup> Scholtens, "Fishing in the Margins," 89.

Table 3. Northern Sri Lankan Fishermen's Difficulties (2009–2011)<sup>292</sup>

Rank	Issue	Frequency	Percentage
1	Poor income/Poverty	203	22%
2	Indian trawler intrusion	180	19%
3	Lack of own boat/or gear	140	15%
4	Banned nets (trawl and monofilament)	83	9%
5	Poor fish resources	67	7%
6	Weather, uncertainty and seasonality	54	6%
7	Security issues (pass systems, Navy presence, HSZ)	45	5%
8	Lack of job opportunities	12	1%
	Miscellaneous	113	12%
	No answer	28	3%
	Total	925	100%

The traditional livelihood of a sizable population in Northern Sri Lanka encounters a grave risk. Comprehensive research about the economic loss due to poaching by Indian fishermen in Sri Lankan waters has not been conducted yet. According to Scholtens, the fisheries sector plays a vital role in the economic life of the Northern Sri Lankan economy.<sup>293</sup> With the end of the conflict in 2009, previous restrictions on fishing relaxed in all parts of the country, and a better environment for fishing emerged. The fishing communities in the west, east, and south of Sri Lanka continue to reap the benefits of the relaxed regulations. However, the northern fishermen have not been fortunate enough to harvest fish, even with an improved security situation, because Indian trawlers have continued to invade their fishing grounds. Their biggest challenge is the advanced Indian trawler fleet that simply scrapes the sea bottom for fishing. Against this backdrop, the livelihood of fishing communities of the northern part of Sri Lanka has been significantly crippled. Future research must ascertain the impact of poaching on Sri Lanka's economy.

Fish production has decreased in Sri Lanka in Palk Bay compared to India. Sri Lankan marine fish production in the Palk Bay area suffered from the escalation of ethnic

<sup>292</sup> Scholtens, "Fishing in the Margins," 89.

<sup>293</sup> Scholtens, "Fishing in the Margins," 8.

conflicts in 1983 and reached a near-zero level by the early 90s. India flourished in marine fish production while Northern Sri Lanka's production decreased noticeably because of an unfavorable security situation prevailing during the war. Indian fishermen exploited this disadvantageous situation and continued to engage in bottom trawling in Sri Lankan waters. The South Indian fishermen continued to exploit rich fishing grounds in the Sri Lankan waters of Palk Bay with the strong political support of the Tamil Nadu government. Figure 12 compares marine fish production between India and Sri Lanka. Northern fishery production contributed one-third of total national production prior to the conflict and continued to decrease.

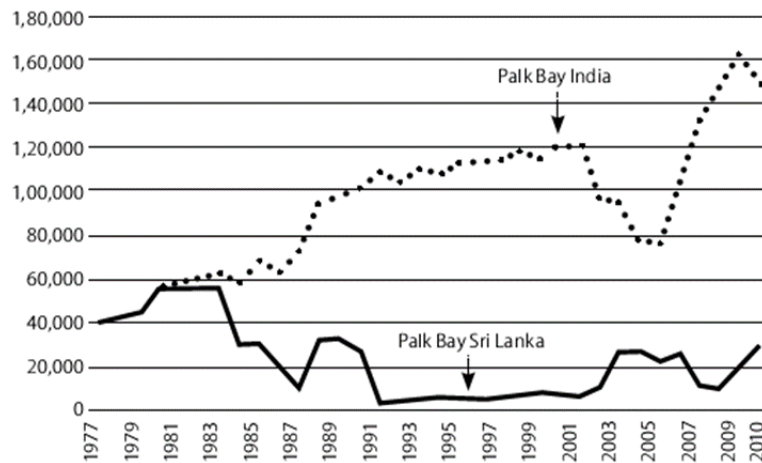


Figure 12. Comparison of Marine Fish Production between India and Sri Lanka in Tons (1977–2010)<sup>294</sup>

In addition, the northern part of Sri Lanka is becoming more susceptible to terrorism again. The robust TOC networks provide potential avenues for human smugglers to avoid the countries' immigration regulations. Sri Lanka has yet to develop comprehensive immigration regulations.<sup>295</sup> In today's context, terrorist groups engage in drug trafficking, human smuggling, and small arms proliferation. Thus, criminals gain strength under political protection that threatens non-traditional security. In addition, the

<sup>294</sup> Scholtens, "Fishing in the Margins," 85.

<sup>295</sup> Prathapa Sayakkara S. Sanjeewa, "Immigration and Effects on the National Security of Sri Lanka" (master's thesis, Naval Postgraduate School, 2016), 72.

Golden Triangle and Golden Crescent, the two leading drug-producing and supplying regions paved the way to strengthen links between criminals such as arms and drug smugglers, terrorists, and rebel gangs. Such affiliations are common with the groups operating in the IOR. Chapter II demonstrated that modern-day terrorism is heavily linked with terrorist groups; thus, the term narco-terrorism emerged. According to Biswas,

Although not all the insurgent groups engage in narco-production or narco-trafficking, it has nevertheless been found that all of them have regularly taxed and extorted money from the traffickers, while providing protection to the latter for conducting trafficking in drugs. . . . The geographical association further reinforced the link between narcotics and arms, with the sea routes of the Arabian Sea and the Bay of Bengal providing ideal waterways for the supply of both arms and narcotics.<sup>296</sup>

Against this backdrop, the littoral states of the IOR, especially the South Asian countries, are more susceptible to narco-terrorism. As a result, a revival of terrorist movements into Sri Lanka, such as the LTTE and the seeds of Islamic extremist terrorism, cannot be underestimated.

Moreover, Sri Lankan society is more vulnerable to increased domestic violence and social unrest. The island nation has become a hub for drug trafficking. India is the major source of drugs transported mainly from fishing boats through the sea routes of Palk Bay. Thereafter, smugglers have trafficked these drugs mainly to Europe. Furthermore, according to the NDDCB of Sri Lanka, domestic drug-related arrests continue to increase (from 2010 to 2015, arrests have increased 276 percent, from 29,796 to 82,482). According to experts, drug users tend to commit crimes more frequently.<sup>297</sup> In addition, they contend that drug users are more prone to health disorders.<sup>298</sup> Furthermore, drug-related crimes and prison admissions have increased significantly in Sri Lanka.<sup>299</sup> The NDDCB suggests this

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<sup>296</sup> Biswas, "Small Arms and Drug Trafficking in the Indian Ocean Region," 8–9, <https://www.peacepalacelibrary.nl/ebooks/files/342151363.pdf>.

<sup>297</sup> David Deitch, Igor Koutsenok, and Amanda Ruiz, "The Relationship between Crime and Drugs: What We Have Learned in Recent Decades," *Journal of Psychoactive Drugs* 32, no. 4 (2000): 391, [http://dx.doi.org/Oxford English Dictionary](http://dx.doi.org/Oxford%20English%20Dictionary), s.v. "poaching," accessed June 3, 2017, [http://www.oed.com/search?searchType=dictionary&q=poaching&\\_searchBtn=Search\\_10.1080/02791072.2000.10400241](http://www.oed.com/search?searchType=dictionary&q=poaching&_searchBtn=Search_10.1080/02791072.2000.10400241).

<sup>298</sup> Deitch, Koutsenok, and Ruiz, "Relationship between Crime and Drugs," 392.

<sup>299</sup> Lakal O. Dissabandara et al., "Patterns of Substance Use in Male Incarcerated Drug Users in Sri Lanka," *Drug and Alcohol Review* 28, no. 6 (2009): 3, <http://dx.doi.org/10.1111/j.1465-3362.2009.00062.x>.



trend is exacerbating many other societal complications such as health disorders, poverty, crime, and domestic violence.<sup>300</sup> Hence, drug trafficking into Sri Lanka instigates violence and criminal activities that certainly threaten the national security of the state.

Consequently, a regional and international coalition is paramount to countering narco-terrorism effectively. The interdependent nature of transnational narco-networks is developing at a greater pace. In the present day scenario, both terrorist groups and drug traffickers support each other, making it immensely difficult to police this illicit trade. Biswas argues that state efforts alone are not enough to overcome narco-terrorism because this nefarious enterprise operates across state borders.<sup>301</sup> Furthermore, he points out that weapons, especially “small arms, in the hands of both the insurgents and traffickers become more rampant and thus hamper state law and order.”<sup>302</sup> A colossal amount of money generated enables the narco-terrorists to purchase small, sophisticated arms for the insurgents. Hence, these illicit groups pose a serious threat to state stability. Thereby, this phenomenon can certainly exert a serious strain on the country’s social, economic, and political stability and its future developments. Moreover, the lack of maritime surveillance by neighboring states’ navies and coast guards in Palk Bay has created a conducive environment for criminals to engage in illegal activities such as drug trafficking, human smuggling, gunrunning, and contraband trading. During the ethnic conflict, the LTTE or Tamil Nadu fishermen who had strong connections with the LTTE carried out such nefarious activities. The nexus between organized crime networks and terrorist organizations with transnational capabilities has endangered the state’s security, demanding both regional and international cooperation.

### *c. Environmental Security*

Palk Bay, consisting of a rich and diverse marine environment, has been destroyed heavily due to bottom trawling by Indian Fishermen. This drastic depletion of its fishery resource threatens the sustainability of the marine environment. Large-scale continuous

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<sup>300</sup> National Dangerous Drug Control Board, *Hand Book of Drug Abuse Information in Sri Lanka 2016* (Rajagiriya: National Dangerous Drug Control Board, 2016), ix–xv.

<sup>301</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 9.

<sup>302</sup> Biswas, “Small Arms and Drug Trafficking in the Indian Ocean Region,” 9.

bottom trawling by Indian fishermen in Sri Lankan waters has seriously damaged both living and non-living marine resources in Palk Bay. The increased destruction of the marine environment has resulted in the depletion of fishery resources, placing fishery sustainability in the region at a greater risk. As a result, the northern fishermen's traditional livelihood has been crippled, leading to increased poverty among fishing societies. Therefore, food security among the northern fishing communities is also at a grave risk. Against this backdrop, the Sri Lankan government must adopt immediate measures to conserve the rich marine biodiversity in Palk Bay. The concept of goal number 14 introduced by the United Nations also has focused on and illustrated the importance of conservation and the sustainable use of the oceans, seas, and marine resources.<sup>303</sup>

Similarly, Bueger explains the concept of the blue economy, which focuses on “integrating the different dimensions of the economic development of the oceans and constructing sustainable management strategies.”<sup>304</sup> The core concepts of the blue economy are food security and the resilience of the northern fishery communities of Sri Lanka. Hence, the Palk Bay fishery context revealed the notion of the blue economy influencing non-traditional human security, thus maritime security. A secure maritime environment in Palk Bay is vital for the sustainable management of marine resources. Furthermore, according to Bueger, “Sustainable management strategies require the enforcement and monitoring of laws and regulations.”<sup>305</sup> Therefore, non-traditional human security eventually influences the maritime security and national security of Sri Lanka.

Consequently, this study reveals that three areas of security threats emanate from poaching, namely traditional human security, non-traditional security, and environmental security. When these three spheres of security threats reach a symbiotic stage, implications for the socioeconomic conditions in the northern fishing communities are certainly inevitable. The frequent involvement of Indian fishermen in such illegal enterprises has worsened the socioeconomic conditions among northern fishing communities. The

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<sup>303</sup> “Goal 14: Life below Water,” United Nations Development Programme, accessed November 5, 2017, <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-14-life-below-water.html>.

<sup>304</sup> Bueger, “What Is Maritime Security?,” 161.

<sup>305</sup> Bueger, “What Is Maritime Security?,” 161.

repercussions to maritime security in the region and national security of Sri Lanka cannot be overestimated.

However, due to the dynamic and complex nature of threats existing in the maritime domain, Sri Lanka needs a comprehensive maritime strategy. The Palk Bay fishery dispute is associated with widespread challenges that Sri Lanka needs to focus its attention on carefully to ensure maritime security in the region and the national security of Sri Lanka. The SLN must respond to such challenges including IUU fishing, marine pollution, the fisheries' protection, drug trafficking, human smuggling, and gun running in the maritime sphere. Furthermore, regional maritime cooperation is essential to counter dynamic and transnational threats efficaciously. Hence, such a maritime strategy in accordance with sound foreign policy will certainly pave the way for achieving sustainable solutions toward Sri Lanka's national goals.

## **2. Averting the Crisis through Diplomatic Means**

An opportunity is open for political leaders to avert this dispute in Palk Bay. At one time, the strong political and diplomatic ties between the prime ministers of both states—Mrs. Sirimavo Bandaranaike and Mrs. Indira Gandhi—made significant progress in the fishery crisis in 1976, despite much domestic pressure, particularly from Tamil Nadu. Now, therefore, it is up to today's political authorities to progress further on the same path in accomplishing a viable solution. Therefore, the central government of India needs a rigorous strategy to address this issue even if the Tamil Nadu government anticipates persuasive and unethical demands, which aim at mere political gains. The Tamil Nadu government must seek a long-lasting solution because its fishery population will surely encounter severe socioeconomic problems. On the other hand, Sri Lankan political authorities, too, should exercise thorough diplomatic means to arrive at a sustainable, amicable solution quickly. That is the appropriate way to change and convince India's hegemonic attitude. Furthermore, integrated endeavors of every stakeholder of intergovernmental and intragovernmental organizations appear to be lacking but are vital in achieving a viable solution. However, if this dispute remains unresolved, it will surely have serious implications on Sri Lanka's maritime and national security in the near future.

On the other hand, the diplomatic solution should complement Sri Lanka's maritime strategy in Palk Bay. Sri Lanka's maritime strategy consists of short- and long-term plans, especially considering the capacities of the navies and coast guards of both nations and expected future developments of the SLN in particular. This maritime strategy should serve Sri Lanka's national interests. In addition, this in-depth maritime strategy should determine the adoption and exercise of naval diplomacy in which the provisions of joint maritime operations and surveillance in the Palk Bay region as well as the sharing of intelligence and data are considered vital. The regular naval and coast guard presence through coordinated maritime efforts could increase detection capabilities, monitoring, and enhanced maritime domain awareness of the Palk Bay region. Hence, maritime security in the region could be effectively ensured.

Similarly, the bilateral relationship between Sri Lanka and India is the most influential factor in the Palk Bay fishery conflict. The fishery crisis resonates in many spheres: the Tamil identity and affiliation between Tamil Nadu and the northern population of Sri Lanka, the heavy political influence of the Tamil Nadu government on the central governments of India and Sri Lanka, and the impact on the maritime and national security of Sri Lanka in particular. In the recent past, the influence of Tamil Nadu's government became significant in India's foreign policy. Thus, India has shifted its foreign policy remarkably, especially concerning Sri Lanka. The underlying factors behind the Tamil Nadu influence based on the ethnic conflict and the Palk Bay fishery dispute affected each other. However, since the war ended in 2009, the fishery issue in Palk Bay has been center stage in the bilateral relationship between the two neighboring countries. Further, India's regional hegemonic attitude toward Sri Lanka also noticeably shaped its foreign relations with its neighboring island. Therefore, the Palk Bay fishery issue became more complex between both nations.

The genuine political efforts between both countries are vital in achieving a sustainable solution in Palk Bay. Incongruously, the Tamil Nadu political authorities have politicized the Palk Bay fishery crisis merely by seeking unethical political gains to remain in power, thus forcing the central government into idealistic demands. The central government is often forced to hear Tamil Nadu's voice due to South Indian political power-

sharing. Fundamentally, the governments are responsible for seeking a sustainable solution, which includes providing suitable alternative employment for the large fishing population in Palk Bay. Several measures have been taken, but none have progressed properly due to the absence of genuine political backing. Further, naval efforts, especially from the SLN in securing maritime security in Palk Bay, often became futile due to political complexities. Moreover, despite their gigantic military capacities, the degree of engagement of both the Indian Navy and the Indian Coast Guard appears inadequate to safeguard maritime security and thus to protect the territorial integrity of Sri Lanka. Apparently, such diverse endeavors have been hampered by the political interests of Tamil Nadu and New Delhi.

Moreover, this study reveals that sound diplomatic intervention and appropriate maritime strategy are critical components in a combined approach to achieving a sustainable solution to the fishery dispute in Palk Bay. Further, the genuine political interventions of the governments of India, Sri Lanka, and Tamil Nadu are presumably crucial in deriving a sustainable resolution. In the meantime, deploying naval assets alone may address the issue adequately though combining that option with a diplomatic solution reinforces the sustainability of the solution. Nonetheless, a maritime strategy represents an important component of solving the fishery crisis. Thereby, such a strategy should focus on countering emerging maritime security threats effectively. However, in the context of the Palk Bay fishery issue, diplomatic intervention should take precedence over maritime strategy.

## **B. SWOT MODEL ANALYSIS**

The fishery crisis in Palk Bay is dynamic and unique in nature. Both parties involved in this dispute have many similarities and differences. Given this nature, the fishery dispute itself also presents external opportunities and threats and sets up internal strengths and weaknesses. Hence, the SWOT model summarizes the issue effectively (see Figure 13) to provide a simple but sound analysis, thus arriving at a comprehensive conclusion and recommendations. SWOT analysis provides a detailed picture of the current state or position to be used for strategic planning. Further, it considers all stakeholders and their functional involvement and effects including strengths, weaknesses, opportunities,

and threats of the Palk Bay fishery problem. The objective of SWOT analysis is to evaluate the existing fishery crisis and to establish an appropriate plan that evades threats while assuaging weaknesses, meanwhile acquiring opportunities and employing internal strengths to achieve a sustainable solution.

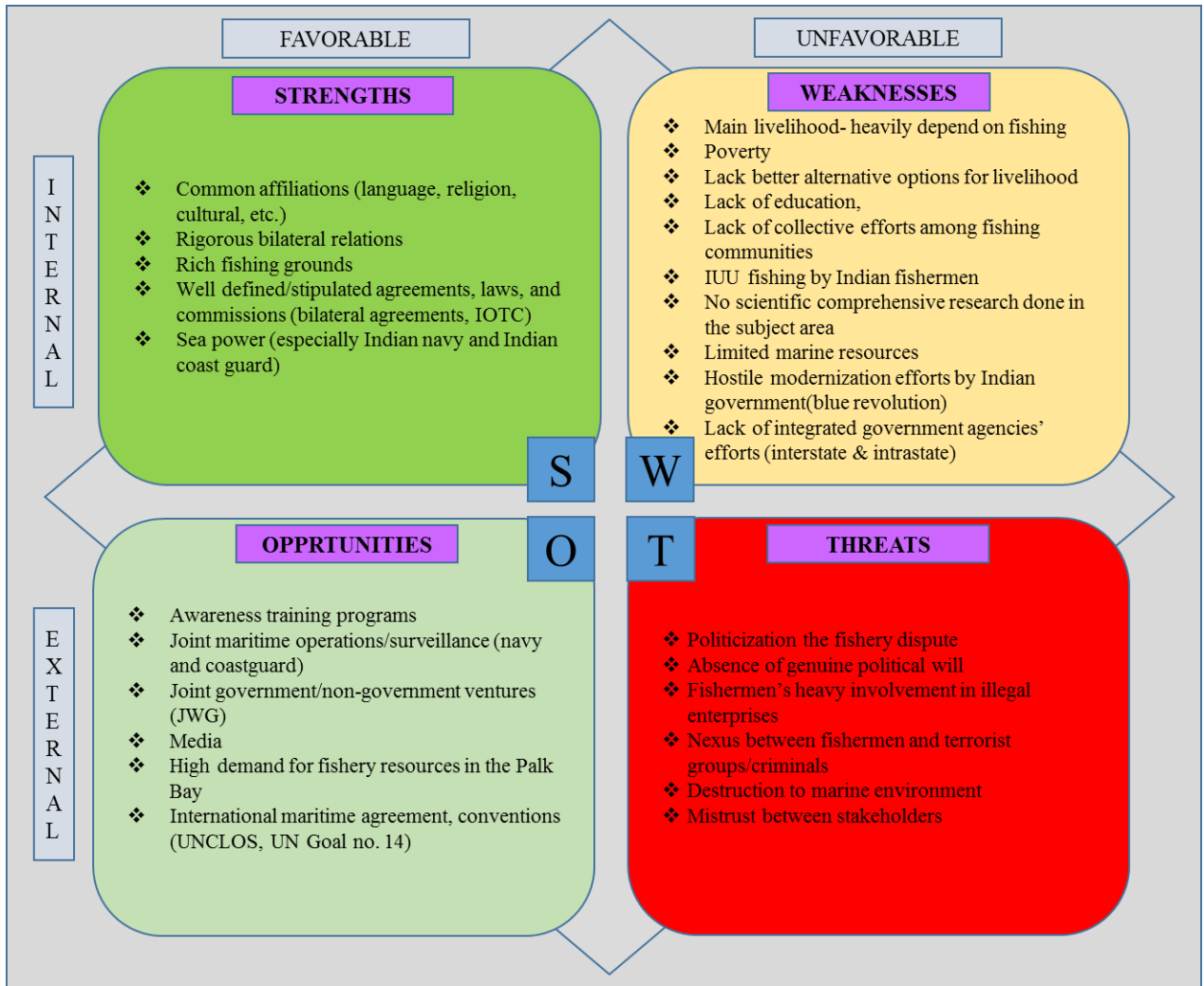


Figure 13. SWOT Analysis Model for Fishery Dispute in Palk Bay

## C. CONCLUSION

National security is the key concern for any sovereign nation. Safeguarding national security is the prime obligation of a government, thus ensuring its territorial integrity and protecting citizens from internal and external intimidations. Against this backdrop, the fishery dispute in Palk Bay needs the highest attention of both neighboring states, especially Sri Lanka. In today's context, the non-traditional security threats that emerged from the Palk Bay fishery conflict were the most dominant factor in the maritime and the national security of Sri Lanka. In addition, non-traditional security threats substantially influenced two other forms of threats: traditional and human security as well as environmental security associated with this fishery crisis. Hence, the Sri Lankan political and policy-making authorities, in particular, need to focus seriously on this fishery conflict to achieve a sustainable solution quickly.

Currently, however, the symbiotic relationship between TOCs and new terrorism found in Afghanistan and Pakistan—with the existence of better breeding grounds in Northern Sri Lanka—poses a threat to Sri Lanka's national security. In today's context, terrorist groups are heavily connected with illegal trades such as drug trafficking, human smuggling, and light weaponry and small arms proliferation. Similarly, Tamil Nadu and northern fishermen engage in these nefarious businesses. With its geographic proximity in the IOR, Sri Lanka is exceedingly vulnerable to terrorism owing to the intertwined nature of such illicit trades with terrorist groups. In the meantime, horrible socioeconomic conditions existing among the northern fishing communities may worsen the vulnerabilities to terrorism in Sri Lanka. As such, the fisher population in the Northern Province of Sri Lanka is extremely susceptible to terrorism yet again. Therefore, Indian fishermen engaged in poaching regularly in Palk Bay pose a significant threat to maritime security in its waters and the national security of Sri Lanka.

Moreover, the situation becomes even more complex as traditional human security, non-traditional security, and environmental security threats intersect and, thus, influence each other. The consequences of these three forms are interdependent, so they certainly exert a serious strain on the country's social, economic, and political stability as well as its future developments. The Palk Bay fishery crisis emanates many dimensions

such as food security, sustainable livelihood, safe employment, poverty, and vulnerability to TOCs and terrorism, to name a few. Broadly, the fishing population in Northern Sri Lanka is more vulnerable to maritime threats prevailing in Palk Bay. Hence, prevention of maritime threats in the region is paramount, owing to the susceptibility of the northern fishing population along the coast to such maritime threats. Eventually, such a disturbance in the northern society could affect the national security of Sri Lanka as has occurred in the past. Furthermore, these challenges stem from either local or transnational intimidation. Hence, often the state alone has not been able to resolve such threats.

The timely actions for a viable solution are essential to protect the national security of Sri Lanka. Both honest political intervention and appropriate maritime strategy are the profound factors to achieve a sustainable solution in the Palk Bay fishery crisis. The SLN efforts alone have not given the expected solution to Sri Lanka. Diplomatic intervention must resolve this long-lasting issue in Palk Bay, meaning a vigorous foreign relationship takes precedence over maritime strategy. The significance of such a strong diplomatic relationship between two states was proven once in 1976; thus, an agreement has made noticeable progress with regard to the Palk Bay issue. It is up to today's political authorities to progress further on the same course to achieve a sustainable solution. Therefore, the central government of India needs a sound strategy to address this issue, even if the Tamil Nadu government unleash persuasive and unreasonable demands, which aim at mere political gains. On the other hand, Sri Lankan political authorities, too, should exercise thorough diplomatic means in arriving at a sustainable, amicable solution swiftly. However, if this dispute continues, three spheres of security will surely be threatened seriously, thus adversely affecting maritime security in the region and national security of Sri Lanka in the near future.



## **D. RECOMMENDATIONS**

The following recommendations have been derived from this study to deal with the complexities involved, thus achieving a sustainable, amicable solution for the fishery conflict in Palk Bay, considering the significance of future challenges. Hence, two neighboring countries must implement and exercise necessary policy decisions as deemed fit.

1. Sri Lanka and India should enhance and establish a vigorous bilateral relationship. The coordination is extremely important in developing a strategy for the Palk Bay fishery crisis, as a viable solution is only achievable through cooperation between the governments of Sri Lanka, Tamil Nadu, and India. The diplomatic tie between the two nations is the underlying factor that has shaped every other measure such as naval efforts as well as intergovernmental and intragovernmental endeavors.
2. Sri Lanka should develop an in-depth maritime strategy for the Palk Bay region in accordance with its national foreign policy and India. The joint maritime surveillance and interoperability between the navies and coast guards of two nations are paramount because the SLN does not possess the capacity to provide full-fledged maritime security alone in the region. Further, sharing intelligence and data is considered crucial in addition to enhanced naval efforts to ensure maritime security. Therefore, adopting such maritime ventures will surely increase capabilities in integrated maritime detection and monitoring and improve regional maritime domain awareness.
3. Sri Lanka should conduct comprehensive scientific-based research on the degradation of marine environment due to excessive bottom trawling in the northern seas. Though the fishery dispute in Palk Bay displayed the substantial impact on maritime security in the region and on national security of Sri Lanka, a comprehensive study has not been carried out yet. Against such a backdrop, future research should ascertain the impact of the three spheres of security—traditional and human security, non-traditional security, and environmental security—which will certainly be vital in developing an appropriate strategy for a viable solution.
4. Both Sri Lanka and India should formulate a special body comprising every stakeholder of this fishery crisis such as political authorities, government officials, maritime experts, fishery experts, marine ecologists, fishermen representatives, and specialists (in such fields as security, economics, and health). This particular body should consist of representatives from both governments who have mutually agreed upon a special mandate for effective administration and decision-making. Further, this authority should determine matters such as sustainability of fishery

resources; methods and areas of fishing allowed; the alternative methods of fishing (phase out the bottom trawling method and introduce alternative options such as advanced deep-sea fishing, long-line fishing, etc.); and the frequency and volume of fishing, education and awareness programs, especially pertaining to the danger of this crisis among the fishing population. Further, its attention should be drawn to protect and conserve limited marine resources for sustainable fisheries and improve socioeconomic conditions of fishery populations as well as existing bilateral agreements, regulations, and commissions (such as the Indian Ocean Tuna Commission) in Palk Bay. Moreover, considering the complex nature of this fishery problem, this body should constitute relevant long-term and short-term plans as appropriate, relevant stakeholders can work out plans to achieve goals within the stipulated time frame. The effectiveness and efficiency of efforts can be ensured through such a mechanism. Figure 14 shows the functional relationships among relevant stakeholders of this transboundary fishery crisis.

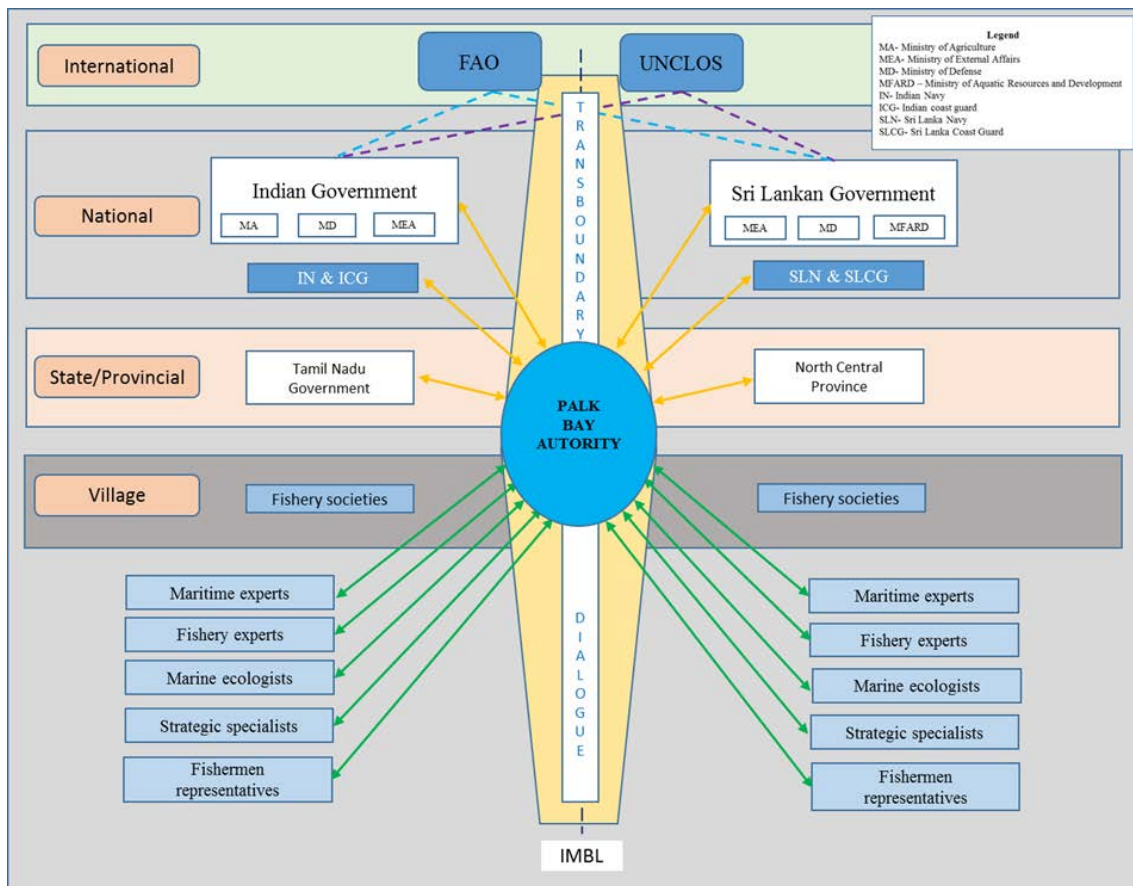


Figure 14. Functional Relationships among Stakeholders of the Fishery Crisis in Palk Bay

5. Sri Lanka should secure international support by means of raising awareness among international bodies, such as the FAO, thus pressuring India to seek a sustainable solution early. As described in UN goal number 14, “Conserve and sustainably use the oceans, seas and marine resources.”<sup>306</sup> Today, the world’s concern has drawn immensely on conserving and protecting natural resources for sustainable use. Therefore, the Sri Lankan government ought to capitalize on such concepts while influencing India to get on board in accomplishing the most viable option in the Palk Bay fishery conflict.

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<sup>306</sup> United Nations Development Programme, “Goal 14: Life below Water.”

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