

ILLEGAL FISHING BETWEEN INDIA AND SRI LANKA

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Introduction

Illegal fishing between India and Sri Lanka is an on-going issue which is continuing for decades. This research mainly discusses the root causes of the fishing dispute through historical evidence, determines the failure of the current solutions and analyzes the eligibility of cooperated regime in order to find a sustainable solution.

After the cold war the concept of security was redefined by the world and as the result of that, this world has indentified the new dimensions of security. According to the modern definition on security, new threats are going beyond the territorial boundaries and this trans-boundary nature of the security leads to create new and inexperienced threats.

In present phenomenon, maritime security is identified as the aspect of national security and the new trends of maritime insecurity disputes move beyond the national security. Therefore, maritime security threats has created security dilemma not only to the coastal areas but also, to the entire world. Maritime security threats affect all the aspects of the human security as well.

Illegal fishing is a sub set that comes under the maritime security and every maritime state has its own maritime boundary. That boundary is also an element of the state sovereignty. At that rate, it implicates illegal fishing has a direct linkage with territorial security as a component of maritime security.

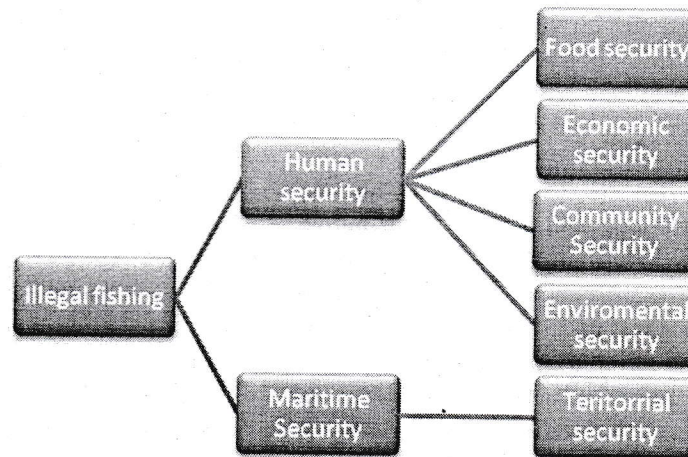
However, there are considerable effects of illegal fishing and many coastal countries are suffering from this issue at present. Most of the people who belong to the lower middle class employ in this sector. That means, that illegal fishing is directly linked with the grass root level and the livelihood of the community.

Thus, as these threats do not stabilize this world order, the states are seeking sustainable solutions bilaterally or multilaterally in order to ensure the stabilization of the world order. This phenomenon is mainly discussing throughout this research paper under the case study on illegal fishing between India and Sri Lanka. And also, this issue can be identified as a bilateral, emotional political, economical, and as a humane issue that

remains unsolved from an long time over among fishers crossing maritime boundaries which directly affects the grass root level of the country.

Fishing sector is the foremost economical industry in these countries and manypeople depend on this sector. Though India and Sri Lanka used to have a compromise at the ancient time for fishing, after demarcation of the sea in 1974, instead of companionship, issue has been emerged due to illegal fishing. Nevertheless, both nationals attempt to

expand their extent of fishing and that expansion gradually violates the dimensions of Human Security - specifically, illegal fishing between India and Sri Lanka has a direct impact on food security, economic security, environmental security ,community security and territorial security. Moreover, figure 1.1.1.determines, illegal fishing is a major threat to Maritime Security as well as territorial security and the impact of illegal fishing goes beyond the state and it has an influence to Human Security.



1.1.1. Figure

Illegal fishing is a major problem not only to Sri Lanka but also to other coastal countries too and this issue is currently discussing at the international fora. Therefore, this research intends to explore the ground text of the issue from theoretical perspective within the field of International Relations. For that object, the concepts of Maritime Security, Human Security and Security Dilemma assist to lay the foundation to elaborate the effects of illegal fishing. Regime theory helps to suppose the effective and sustainable solution to

overcome the issue collectively. The core idea of the regime theory is, bilateral or multilateral issues can be solved through the regimes which have ability to create a forum to the national states in order to negotiate the issues by using the cooperation and collaboration to obtain the relative gains as the result.

In addition to that, this research paper is discussing the root causes of the fishing dispute between India and Sri Lanka by shedding a light on historical evidence. In this realistic international

order, as unitary and rational states, both India and Sri Lanka tend to pursue their national interest on Palk Strait due to its geographical richness of marine resources. Thus, both states strive to attain optimal resources from Palk Strait. Finally, since both states' primary concern is on their survival in this dynamic order, it would lead to create a security dilemma between two states. As a result, the geopolitical condition of the issue has become a significance factor in the determination of the direction of foreign policy towards each country. In that account, the issue of illegal fishing between India and Sri Lanka has created multi dimensional consequences on both state and human.

Furthermore, research findings clearly indicate that the political regimes fail to address and find sustainable solution independently. Specially, solving this problem is more necessary to Sri Lanka as it is an island. Most of the people who live around the coastal area in Sri Lanka depend on fishing and they do fishing as a tradition more than the profession. Fishing is a profitable business to India and they use non ecological methods for fishing to maximize their profit. Hence, this research focuses on the methods and techniques that are used by Indians to prove the struggle between a small state and big state for utilizing the maritime resources.

Since there is a power struggle at the backstage of the issue this is still longstanding. But it should be noticed that, the hegemonic power of India within the South Asian region can avail the efforts that are wed to overcome this positively.

However, coastal states confront many maritime challenges with globalization and illegal fishing is one of them. The land can be divided as the sea and ocean unites. Hence, these new maritime challenges affect not only the coastal states but also the entire world with marine resources. Therefore, this research, suggests that world, political regimes will not be able to overcome these issues individually due to the dynamic and multi dimensional nature of the modern issues. Hence, after identifying the root cause and impacts, states can set up a regime that has an ample potential to find the concrete and sustainable solution to these long-standing issues. Regime is a forum. States can negotiate in this forum. This forum facilitates to build up cooperation among states. Not only cooperation, but also, it facilitates for collaboration. In that sense, regime must be the best solution for illegal fishing between India and Sri Lanka.

As this issue relates with foreign policy as well as security studies, this research covers two more important fields of International Relations.

Methodologies

This research was initially based on primary and secondary sources to justify the hypothesis that has been procreated. Mainly, Conventions and Agreements which were signed by both countries, Join Commissions' notes, Country Visits of diplomats, Laws and Regulations of UNO, the statements had been made by officials and fishermen and news are being used as Primary sources. Police records also helped to clarify the dispute.

Reputed critical articles, books that were written on the issue and the newspaper articles that were written by conservatives were used as secondary resources. In addition to that, I conducted an interview with local fishermen to cognize their views and suggestions to disburse the issue.

Experimental results

Maritime security ensures the right of innocent passage and the identification of a series of activities that would be inconsistent with that right and hence prejudicial to peace, good order and security of the coastal state. Nevertheless, coastal states confront many maritime challenges with globalization. The land can be divided as the sea and ocean unites. Hence, these new maritime challenges affect not only to coastal states but also the entire world with marine resources.

Illegal fishing is one kind of maritime threat that has various impacts. India and Sri Lanka are suffering from this issue and at the same time, the good will between two states is fluctuating as an impact of the dispute.

Moreover, this dispute can interpret as the dispute over natural resources. Even though regimes were established as solutions, these two states are still suffering from this issue. The main reason is the failure of identifying the root cause of the dispute. Finally, this

situation leads to gradual increase of the dispute.

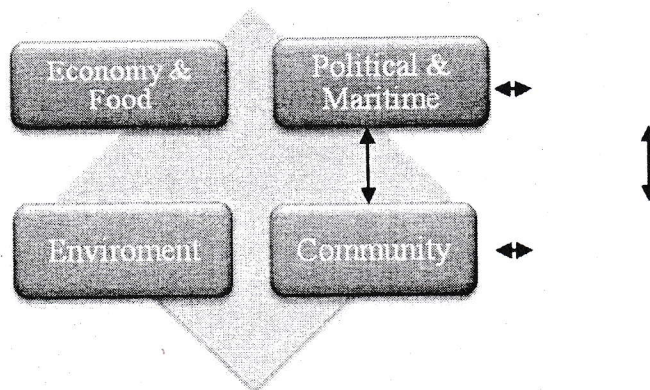
This research mainly focuses on three points for the convenient analysis. Those are,

- The root of the issue
- The influential internal and external factors of the issue
- Compatible solution for this long-standing issue

These three major points drive this research for deep analysis on regime theory. Specially, this dispute demonstrates that influential internal and external factors decide the regime is either effective or ineffective.

Regime is a forum. States can negotiate in this forum. From other words, this forum facilitates to build up cooperation among states. Not only cooperation, but also, it facilitates for collaboration. In that sense, regime must be the best solution for fishing dispute between India and Sri Lanka.

Nevertheless, both states failed to find the sustainable solution from regimes. Therefore, this issue continuous for three decades and present as well. When this research observed the reasons for the imperfection of the established regimes, it is able to identify the '*multi dimensional nature*' of the issue. Illegal fishing between India and Sri Lanka has a national security concerns at a glance. But, reality is far beyond that assumption



1.3.1. Figure

As supra figure denotes, illegal fishing between India and Sri Lanka is not uni-dimensional dispute. Hence, this multi dimensional nature, frequently alter the issue and its consequences. Since these fragments of the multi-dimensional nature are interlinked, political regime or maritime regime cannot address this long-standing dispute alone. Accordingly, these research findings suggest, that new trend of disputes are not only different from state oriented disputes from its trans-boundary impacts, but also, that they are different from the inherit nature of them. At that rate, it is clear, there are many threats are coming to the human being behind the new disputes. Therefore, new disputes have high degree of deprivation, unless the world does not indentify and address them properly.

References

Keohane, Robert (1982). "The demand for international regimes",

International Organization. United States: Cornell University Press.

Klein, Natalie (2011). *Maritime Security and the Law of the Sea*. New York: Oxford University Press.

SathiyaMoorthy. "Livelihood of fishermen on both sides of the Palk Strait", *Ceylon Today*. August 22, 2013.

<http://www.ceylontoday.lk/59-40783-news-detail-livelihood-of-fishermen-on-both-sides-of-the-palk-strait.html> . (accessed December 09, 2013).

FilippoAureli, Frans B. M. Waal, eds. (2000). *Natural Conflict Resolution*, California: University of California.

Hettiarachchi, A (2006). *Fisheries in the Palk Bay Region: The Indian Factor*. Colombo: The National Aquatic Resources Research & Development Agency