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BONDED BODIES

Coastal Fisherfolk, Everyday Migrations, and National Anxieties in India and Sri Lanka

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ABSTRACT

This article is about the tragic journeys and livelihood insecurities of coastal fisherfolk of India and Sri Lanka, who are arrested and jailed by these countries for having entered each other's arenas. These fisherfolk are victims of defined and undefined boundaries in the seas, and increasing conflicts over renewable resources. The article questions the cartographic and border anxieties of these countries, which come into fundamental contradiction with the lives, livelihoods and desires of the majority of coastal fisherfolk, who are short-term migratory subjects on an everyday basis. They are constantly subjected to categories such as insider and outsider, safety and danger, domestic and foreign, self and other. At the same time, the article reveals how these fishing communities themselves mark an ambiguous space, located as they are on the margins of the two countries, thereby providing emancipatory possibilities that can emerge from the spatial freedoms which they have practised. However, there are also some contradictory voices. Some of these fisherfolk are articulating the very same language which is used to suppress them. In attempting to highlight these complexities, the article widens our definitions of migrations, diasporas, and transnational subjects.

Key Words ◇ ambiguity ◇ capital ◇ conflict ◇ ecology ◇ fisheries ◇ identity
◇ sea laws ◇ state ◇ suffering

Who was I? Where did I belong? . . . In India or across the border? In prose or in poetry? . . . Where else could you belong, except in the place you refused to leave. (Ghosh, 2005: 254)

Our dreams have been doctored. We belong nowhere. We sail unanchored on troubled seas. We may never be allowed ashore. Our sorrows will never be sad enough. Our joys never happy enough. Our dreams never big enough. Our lives never important enough. To matter. (Roy, 1997: 53)

This article examines the troubled and tragic journeys and livelihood insecurities of coastal fisherfolk of India and Sri Lanka, who are arrested, and sometimes even killed, by these countries for having entered each other's arenas. These fisherfolk are victims of defined and undefined borders in the seas, and increasing coastal conflicts over renewable resources.

Research on diasporas and transnational migrants has focused largely on international movements of people across borders, usually from the East to the West. Less, however, has been said on movements within South Asia, as usually they are not seen as transnational. Further, South Asia is often assumed to be a homogeneous entity, particularly in the academia of the United States, without taking into account the fact that various countries of South Asia have followed diverse and divergent trajectories away from any assumed unity. There have been growing tensions between these countries, and their governments have attempted to remould the recalcitrant clay of plural cultures and civilizations into lean, uniform, hyper-masculine and disciplined countries, where borders have become sacrosanct. Coastal fisher communities particularly have been victims of a discursive process whereby all the involved nations have sought to obliterate the fuzziness of their identities (Gupta and Sharma, 2004b: 3005).

The bulk of the work on migration has further concentrated on 'legitimate' and 'illegitimate' long-term migrants. This article on the other hand focuses on coastal fisherfolk, who are literally and metaphorically on the margins in the national imaginaries. They are short-term, temporary migratory subjects on an everyday basis. For them crossing the sea borders is a part of their daily existence. Through their journeys, these fisherfolk on the one hand disturb the universalist premise of international ocean laws and, on the other, question national anxieties. Their imaginations of political, social and economic identities move beyond the nation and affirm cross-national solidarities. For them, often the coastal areas of another country are like neighbourhoods, to be ventured into without license or permits. However, these travelling fishermen have been treated as criminals, as illegal migrants, and have been curtailed, restricted and arrested by the state, using the premise of security, ecology and sovereignty. The state has moved seamlessly between punishment, protection and prevention, all in the name of safeguarding the nation. At the same time, these fishermen represent a world of transnational realities of subaltern existence, exposing the porosity of sea borders, and the leaky and pragmatic terrain of migration. Anxieties about borders coexist with the unconcerned daily rhythms of everyday material life on the sea borders, because for these fisherfolk it is simply a question of livelihood. They represent a world of subalternity, of another universe of values, attitudes and outlook. These two worlds—expressing 'cartographic anxieties' from the top and 'ironic unconcern' from below—make up the twilight zone in which the sea borders between South Asian countries exist.

Most of the studies on marine coastal fisherfolk of South Asia have been ethnographic descriptions, concentrating on their social life and kinship patterns (Alexander, 1995; Kaufmann, 1981; Mathur, 1978; Roychaudhuri, 1980; Pramanik, 1993; Puneekar, 1959; Tanaka, 1997). There have been some studies which have reflected on the growing conflicts between traditional fishers and mechanized trawler owners (Bavinck, 2003; Menon, 2003; Mujtaba, 2003; Qasim, 2002). Simultaneously, studies on the tensions between countries of South Asia, here particularly India and Sri Lanka, have largely focused on 'big' and 'visible' points of conflict like Liberation Tigers of Tamil Eelam (LTTE), terrorism and ethnic conflicts (Tambiah, 1996). There has been scant mention of the less spectacular conflicts, which perhaps are equally damaging. This article probes not high moments of conflict, but everyday arenas of it. It further highlights a dynamic interplay between ecology and conflict, and argues that there is a need to rethink questions of security and daily migration in the context of people, the environment and resources (Homer-Dixon, 1999; Mathew, 1999; Meyers, 1993).

There is an attempt here to understand these everyday migrations and movements of fisherfolk, coastal conflicts and national anxieties from several overlapping but distinct standpoints, including questions of identity, ecology, capital and terrorism. The article first juxtaposes the ambiguities of identities of fisherfolk with national anxieties. It then goes on to connect the suffering of the fisherfolk to the ecological crisis and the impact of capital. Lastly, it moves us along to think about how competition over scarce resources leads sometimes to the solidification of national identities among fishing communities as well.

Ambiguous Identities, Sea (F)laws and Nationalist Anxieties

Date: 9 February 2001

Court: Judicial First Class Magistrate, Kochi, Kerala

Complainant: State Represented by the Police Superintendent of India

Accused: Sisira Fernando, Vieyna Mahadev, Sri Lanka; Stanly Fernando, Sri Lanka; Upply Hedson, Hilset Magono, Sri Lanka; John Pauli Karp, Sri Lanka

Offence: Violation of Maritime Zones of India Act 1981

Plea: Not Guilty

Finding: Guilty

Sentence or Order: Sentenced to pay a fine of rupees hundred thousand each and in default, to undergo sentence for six months each. The fishing vessels, fishing gear, equipments, cargo and sale proceeds of the fish found on the vessels is confiscated by the Government of India.

It was in early 2001 when Sisira and four others were asked by the magistrate in court to answer his questions. On the face of it, they were furnished with copies of prosecution records; particulars of the offence were read out and simultaneously explained to them with the help of an interpreter. Five fishing vessels with 29 crew members entered the Indian Ocean on 12 February 2000 and poached fish from the Exclusive Economic Zone (EEZ) of India, without any licence or permit. A ship of the Indian Coast Guards apprehended them, found frozen and fresh fish in the vessel, and handed them over at the police station. The police registered cases against them, and the magistrate's court in Kochi, designated under the Maritime Zones of India (MZI) Act, proceeded with the case. Prosecution witnesses and exhibits, like inspection reports, navigation chart, list of inventory and extract of the log register, were presented. There were no defence witnesses or exhibits and material objects. The accused were taken to different jails of Kerala. On that day the magistrate was eager to hear the accused speak, because until now the language and the lengthy proceedings of the court had not given them any opportunity to speak for themselves.

The exchange between the government lawyer and Sisira was as follows:

Lawyer: Which country are you from?

Sisira: I belong to the Tamil fishermen community.

Lawyer: Yes. But where do you belong to—Sri Lanka or India?

Sisira: To the Tamil land.

Lawyer: Oh! Which country, which place?

Sisira: I live in Sri Lanka. My forefathers lived in India. Relatives are here and there. I go off and on to meet them. I work and live in the sea. India or Sri Lanka does not come [are immaterial] to me.

Lawyer: What is your citizenship? What passport do you hold?

Sisira: What is citizenship? Passport? I have none.

Lawyer: But you came from the Sri Lankan side. Your vessel is licensed there. Thus, you are a Sri Lankan, trespassing into India.

The magistrate saw that the public prosecutor was getting nowhere. He said, 'You know there are many kinds of citizens and non-citizens under the state laws. You came from the Sri Lankan shores; you are not offering any mitigating proof to disapprove that.' Thereafter he wrote, 'Sri Lankan, trespassing into India—a fit case to invoke the benevolent provisions of the MZI Act.'¹ The few words of Sisira were subsumed completely in the

magistrate's ruling, revealing the sheer domination of the state's claim to the seas, borders and citizenship (Krishna, 1999).

It has been pointed out, 'Before professors in business schools were talking about global economics, illegals knew all about it . . . The illegal immigrant is the bravest among us. The most modern among us. The prophet' (Kumar, 2000: xiv). The fisherfolk of various coastal countries of South Asia, including India, Sri Lanka, Pakistan and Bangladesh, have been not only crossing sea borders on an everyday basis; many of them have been comfortable in voicing and dealing with multiple and dynamic trajectories of identity, by reframing the very question of identity in less territorially bounded and more mediated ways. However, there is an agreement between the rival states for a clear classification of coastal borders, in order to locate and fix identities, and lives and livelihoods of the subjects there. It has been argued that borders are the markers of identity and have played a role in the 20th century in making national identity the pre-eminent political identity of the modern state (Anderson, 1996). The case of coastal fisherfolk particularly proves the point since it is not just land but even sea territories that are considered 'sacrosanct' by the nations. Territoriality provides a means of reifying the power of the nation (Sack, 1986: 32).

The legal institutions and processes strengthen the concerns of the state as they counter, curtail, resist and restrict these movements across sea borders, the legitimacy of which is constructed along the axis of security and modernity. However, many scholars regard sea laws, both national and international, as markers of progress, peace and development of nation states. Their stated purpose is to set norms of the operational and juridical control over the marine world to deal with the conflict over access to the marine resources, and proliferating complexes of modern technologies. But as the case cited shows, these laws have actually been repeatedly used both in the international arena and by the nation states to uphold and sustain unequal structures of power, by marginalizing the voices of the subalterns of the seas—the fisherfolk, the sailors, the boatmen. The language of the state, borders and law produces rigid definitions of criminality, without recognizing that fishermen move across borders of South Asian countries in a manner which may be termed 'illicit' but is not a part of any organized crime (Schendel and Abraham, 2005). Here the discourse of law is a discourse of power, where the fish worker is denied any recognition as a subject of concern in his own right.

India and Sri Lanka share a maritime border of more than 400 kilometres, which cuts across three different seas: the Bay of Bengal in the north, the Palk Bay in the centre and the Gulf of Mannar in the south. The maritime boundary is close to the shores of both the countries in the Palk Bay region, where the maximum distance separating them is around 45

kilometres, and the minimum 16 kilometres (Vivekanandan, 2001). Even before the Law of the Sea was negotiated at the United Nations, there were the maritime agreements of 1974 and 1976 between India and Sri Lanka. The 1974 Agreement demarcated the maritime boundary in the Palk Strait and ceded Kachchativu, a small, uninhabited island in the region, to Sri Lanka.² The 1976 Agreement barred either country's fishermen from fishing in the other's waters.

There were ambiguities within these agreements. Article 5 of the 1974 agreement said, 'Subject to the foregoing, Indian fishermen and pilgrims will enjoy access to visit Kachchativu as hitherto, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes.'³ And Article 6 said, 'The vessels of India and Sri Lanka will enjoy in each other's waters such rights as they have traditionally enjoyed therein.'³ On the basis of this, Indian scholars argue that there was a continuation of the rights of Indian fishermen to fish around Kachchativu (Suryanarayan, 1994: 24). In the 1976 Agreement, there was an exchange of letters. Paragraph I of the Exchange of Letters read:

The fishing vessels and fishermen of India shall not engage in fishing in the historic waters, the territorial sea and the exclusive economic zone of Sri Lanka nor shall the fishing vessels and fishermen of Sri Lanka engage in fishing in the historic waters, the territorial sea and the exclusive economic zone of India, without the express permission of Sri Lanka or India, as the case may be.⁴

There were other dominant considerations among the then heads of state for these agreements (Ghosh, 2003: 385; Muni, 1974: 1121; Ramaswamy, 1987). However, it was the different interpretations of Exchange of Letters and of Article 5 in the 1974 Agreement that led to the controversy over whether or not Indian fishermen had the right to fish in and around Kachchativu (Jayasinghe, 2003; Subramanian, 1994; Suryanarayan, 1994, 2005).

Though the issue of rights of the fisherfolk themselves has been commented upon, the fact remains that the state dictates the domain and the character of fisherfolk problems. In the process, it assimilates the fish worker as merely an element in the march of the nation state. Both Sri Lanka and India want to claim their sovereign territories in the seas, and the maritime laws and legal processes become critical tools for this purpose. They enforce the need to adhere to defined territories, and refuse to allow their subjects to operate anywhere beyond their domain. There are innumerable cases where genuine fishermen have been convicted as common smugglers or terrorists.⁵ 'It is extremely unfortunate that fishermen are held up to a year in prison on remand for offences which are not punishable with imprisonment, or for offences that the Government of India is not ready to prosecute', comments V. Vivekanandan, convener of the Alliance for Release of Innocent Fishermen (ARIF).

*An Anthropology of Suffering: Fisherfolk
and their Families*

The experience of pain and human violations are not just events; they are tied here to complex issues of nation states, boundaries, state rivalries and ecological malaise. We hear a 'forest of narratives' from these victims of arbitrary arrests, engendering multiple conceptions of reality. Although suffering is unique to each individual, the testimonies of arrested fish workers are remarkably similar. These fisherfolk suffer anxieties due to uncertainties of their release, undergoing feelings of helplessness. But more than anything else there is a deep sense of loss of everything—of dignity, of hope, of self-esteem. They are scarred forever.

On 4 December 2003, the Sri Lankan navy arrested 77 Indian fishermen. Another group of 11 fishermen was arrested on 8 December at the islet of Kayts off Jaffna. Such arrests have been an ongoing phenomenon. Pathinathan, S. P. Royappan, Susha Raj, John, Sebastian, M. Sahayam and Pandi, among thousands of other men who fished in the sea border in the Palk Bay off Tamil Nadu, were arrested, injured, harassed and even killed in the sea. Their boats were sunk or captured. Fishermen from Sri Lanka, K.S. Nicholas, W. Wilbert, K.S. Joseph Washingtoo, Sirinimal Fernando, Wijendra Waduge Chandra and many more met the same fate at the hands of the Indian navy and coastguard.⁶ Fishermen on both sides go through brutal experiences, which are created by the sea order itself. On their bodies, they bear the stamp of authority of the organs of the nation states. In the Palk Bay region, firing on, detention and jailing of fishermen is a regular event.

Arrested fisherfolk and their families face many problems (Kumara, 2001). The boat owners are informed of the arrest, but many times the families of the crew members do not get any information for a long time. In most cases, the boat owners do not provide any assistance to the family. The government provides some support, but there are frequent complaints of delay and irregularities in payment. The women have a difficult time and wives of the arrested fisherfolk are often harassed, both by the state and within the family.⁷ Cosmologies of fisherfolk hold the capriciousness of gods, fortune and luck responsible for what has befallen them. The narratives of the arrested fisherfolk and their families hide innumerable stories of pain and agony. None of them are unique; they are representative of many experiences of a similar kind. The stories of the fisherfolk are indescribably tragic—and on several levels. They are tragic, of course, because their livelihood is converted into a crime. They are harassed by coastguards and jail authorities, weakened economically and excluded from their only source of livelihood. But it is also tragic in other, subtle ways. There is, for instance, the toll on their families left behind, living a constant

life of uncertainty and anxiety. There is also the tragedy of gross violation of basic human rights. Finally, there is the tragedy of a loss of self. Suffering here is intrinsically linked to political power and rivalries of states. The personal here is very much political. These people are desperate, poor and powerless. Their suffering is individual and collective, local and global (see Kleinman et al., 1998). The next section analyses the deeper reasons for these arrests and conflicts.

Conflict, Ecological Crisis and Impact of Capital

It has been argued effectively that traditional analyses of conflict, which rely primarily on ethnic and religious explanations, are not enough since these do not take into account the increasingly obvious links between growing scarcity of renewable resources and violent conflict (Brown, 1989; Homer-Dixon and Blitt, 1998; Meyers, 1993). It is further asserted that security is being shaped on the anvil of an environmental edifice, where large-scale human-induced environmental pressure may seriously affect national and international security (Homer-Dixon, 1999). The crisis in marine resources and the decline of fisheries is critical in any analysis of coastal conflicts between India and Sri Lanka. It is linked with a complex matrix of unequal economic distribution of wealth and capitalist relations in the coastal areas (Suliman, 1999). There has been an unfettered process of homogenized capitalist growth in the fisheries, jeopardizing the heterogeneity in the sector. Policy-making in coastal areas of the Indian Ocean throughout this past century is characterized by an evangelical zeal to do away with the traditional systems, and transplant 'modern technology' in their place (Salagrama, 2001). Thus a major change that a century of fisheries development has brought about is a radical transformation of a traditional, subsistence-based, livelihood activity into a commercial venture, where risks are outweighed by profit (Bavinck, 2001: 58–65). The earlier fuzzy community of fisherfolk has been overtaken by capitalist growth combined with increasing ecological crisis.

There is a widespread community of the suffering fisherfolk on the sea borders of India and Sri Lanka. However, until the beginning of the 20th century, fisherfolk communities and their life experiences were fluid, which allowed them to coexist and at times work together with different types of fisherfolk and fishing practices (Kurien, 2001). The fishermen communities on either side of the Palk Bay are Tamil-speaking, with common origins. Further, the bay has traditionally been a common fishing ground for fishermen of both countries.⁸ Around Kachchativu island there was an annual feast where people from both countries gathered. Until it was discontinued in 1982, the Kachchativu feast was not just a religious

meeting point; it was also an occasion for informal trade. Though fishers of the two countries used to fish in the same waters, their fishing practices differed and they were targeting different species of fish, hence there were no clashes.⁹ Fishers who have migrated to the island and settled there during the past 50 years mainly belong to four major castes: Parava, Kadayar, Valayar and Karayar. There were a few Muslim fishing families also on the island. Paravas, who formed the major group, migrated from the Gulf of Mannar coast south of the island and most of the others were originally from the Palk Bay coast.¹⁰ This reveals the unique and deep bonds that tied people across regions (Vivekanandan, 2001). However, since the early 1970s there has been a gradual disappearance of the earlier fluid identity of the fisherfolk communities, and the emergence of conflicting communities, increasingly driven by capital and technology. Plural communities have given way to singular entities, with fixed and protected boundaries, trapped in their differences and incapable of working together.

One of the features which could be a basis for understanding these changes in the fishing community relates to the 'universalizing' impact of capital and technology on the marine sector. Its role has been to create a profitable market for big capital and its owners, subjugating all other modes of production, and increasingly annihilating ecological and social spaces. The overview of the marine fisheries and fishers in and around Rameswaram, which is the most affected place in India, shows how the expansion of capital and technology has the capacity to transform the whole sector. According to A.J. Vijayan, editor of *Waves*, a fortnightly on fishermen, there are 1000-odd trawling boats and 1500 canoes, large mechanized, small mechanized and small non-mechanized, and small non-motorized catamarans operating from the island. A mechanized trawling boat with many gears requires a capital investment of one million Indian rupees, which is unaffordable for the traditional fishing community. Thus many merchant capitalists have entered this sector. The irony of fisheries in Tamil Nadu is that, while the trawling ground is limited, the trawlers are unlimited (Suryanarayan, 2005: 41).

But what forces fishermen from Rameswaram to the Sri Lankan waters beyond Kachchativu, even at the risk of being killed? What compels the Assistant Director of Fisheries for Rameswaram region to say, 'If fishermen do not cross the border today, tomorrow there will be no fishing in the region!' The answer lies in the massive capitalist growth of fishing activity in the region. Fisherfolk become wage earners, deprived of any other rights and stakes in the seas. Unlike other places in the state, where the net income is shared between the boat owner and the crew in the ratio 60:40, in Rameswaram the boat owners pay daily wages that are dependent on the catch. The crew thus wants to catch more fish, even in dangerous waters.

What has happened along the shoreline of the Gulf of Mannar is alarming. Over the last few years, the catch has declined sharply, owing to the exploitation and degradation of critical ecosystems. The fishing families have been caught in a vicious circle: a progressive degradation of the ecosystem, fall in fish catch and hence income levels, and increasing exploitation of resources (Krishnakumar, 2003). Mechanized trawlers have enhanced the woes of fisherfolk. According to the 1993 Marine Fishing Regulation Act, trawlers can only fish beyond a distance of three nautical miles from the shore. The allegation from the traditional fishing sector is that trawlers routinely violate this rule as the best fish catch is found within that range (Menon, 2003).¹¹

Seeing the development of the fisheries sector in Sri Lanka, it can be said that capital and technology are tearing down spatial barriers, to expand and conquer the whole surrounding environment for their profit and market.¹² With the entry of 'outsiders' into the fishing sector, the situation has worsened. The process of globalization took off after 1977 in Sri Lanka and led to a considerable expansion of Sri Lanka's modern mechanized fishing fleet, but due to its heavy cost, most of it is owned by non-fishing owners, who are under no obligation to abide by the local community's customary laws.¹³ About 75 per cent of the owners of multi-day fishing craft today are non-fishing owners, of whom a sizeable number represent a class of businessmen who have no history of fishing (Amarasinghe, 2001). As a result, traditional patterns of labour recruitment, employer–employee relations, and work conditions of labour have undergone tremendous changes (Creech and Subasinghe, 1999: 2–3). Steve Creech, a persistent researcher on Sri Lankan fisheries, further questions Sri Lanka's over-capacity and over-developed dependency on gill nets and multi-day deep sea fishery, and demands the withdrawal of government subsidies for more multi-day boats.¹⁴

With this growth of capital and technology in the sea borders of India and Sri Lanka, we see the emergence of a new ownership and a new capitalist order. The wide reach of capital and commerce on both sides of the divide demonstrates the power of capital, striving towards extensive exploitation and profit. At the same time, however, there are deep multilayered tensions, revealing the weaknesses of capitalist growth.

Caught in a Conflict Warp: Fisherfolk, Nationalist Identity and Ethnic Conflict

It is not only the crushing weight of capitalist arrangements that reorders the fishing sector. Alongside, a new sense of identity is now being created among some fisherfolk, by virtue of their state, nation and borders. They

are becoming aware of their living and working conditions as 'different' and 'distant' from others, expressed not in terms of differentials of caste, class, wealth and status, but in terms of national sovereignty and exclusivity. Some of the border fisherfolk have started articulating themselves not in a language of commonality of the region, but in a negation of these. Caught in a conflict warp, the border and the adherence to it are regarded by some as almost a natural condition of their living. The nation state created the very same border that dispossesses the fisherfolk. Ironically, in the present times, the cries and conflicts of the fisherfolk derive much of their strength from the very same language. Of late, the conflict has manifested itself in the form of violence directed by the fisherfolk of one country against the other, indicating their attempt to appropriate for themselves the same methods by which the state has been suppressing them (Gupta and Sharma, 2004a).

The ethnic conflicts in Sri Lanka resulted in the seas being closed to the fishermen by the state, while their counterparts from India could poach in these waters. All the four northern districts of Sri Lanka—Jaffna, Mannar, Kilinochchi and Mullaithivu—had a dismal contribution of an average annual marine production of 6300 tonnes between 1994 and 2000, compared to the national average of 230,000 tonnes. With the peace process under way in Sri Lanka, these areas have once again been opened to the Sri Lankan fishermen, who perceive the Indian fishermen encroaching on their waters as their main enemies (Kodikara, 2003). Hundreds of fishermen in the northern districts of Sri Lanka marched in protest against what they called the Sri Lankan government's lack of action to stop the encroachment by Indian fishermen. Angry marchers chanted slogans and carried banners such as 'Save our resources', 'Sri Lanka is our land, its seas our home' (Sambandan, 2003). The protest shows signs of spreading from its initial attacks on a few 'enemy' fisherfolk into a general attack on all or most of them, a process by which violence comes to permeate an entire domain, population and area. On 3 and 5 March 2003, Sri Lankan Tamil fishermen from Pesalai and Neduntheevu attacked 154 fishermen from Rameswaram and Mandapam and seized 21 boats, because they were fishing beyond Kachchativu. Two fishermen had fractures in their hands.¹⁵ Emotions ran high at Rameswaram and other areas of Ramanathapuram district of India. About 1200 mechanized trawlers and around 100,000 fishermen stopped work. N. Devadass, secretary of the Rameswaram Port Mechanized Boat Owners' Association, demanded the traditional right to fish in the waters around Kachchativu (Subramanian, 2003: 40–2).

All the forces of the ruling establishment also encouraged their respective fisherfolk to guard the borders, and pandered to their 'nationalism' by extolling the virtues of their continued loyalty and devotion to the nation. The political and social atmosphere thus placed 'their' fisherfolk as the

fighters and the others as the aggressor. Between India and Sri Lanka, there are sea border cults like Kachchativu, created and nurtured by the states, which continue to agitate fisherfolk from both sides. After the March incidents, some Indian leaders urged the government to intervene and deal firmly with this issue, even to the extent of suggesting that a permanent solution could be achieved only if the federal government took steps to get back Kachchativu from Sri Lanka.¹⁶

It is quite disturbing that the conflicts are exceeding all their local boundaries and are becoming more widespread and common. It has been observed that Indian fishermen, particularly from Rameswaram, are depending more and more on fishing in Sri Lankan waters, since more fish are available on that side (Kumara, 2001). And if they strictly follow the rules and do not cross the boundary, then the crew will lose their jobs, as they will not be able to bring in any catch. Indian Coastguard Director General, Vice-Admiral R.N. Ganesh, comments:

It is the Indian fishermen who intrude into the Sri Lankan waters because the fish are there. All the shootings happen there. The fishermen who claim that they were shot in Indian waters might not be telling the whole truth.¹⁷

Even organizations like ARIF, which is an alliance of trade unions and non-governmental organizations for release of innocent fishermen arrested on the Indo-Sri Lanka maritime border, are alarmed by these conflicts and are unable to provide solutions.¹⁸

The contagious effects of inter-community political conflicts make the fisherfolk more vulnerable to the violence and domination of armed forces. Sri Lanka's ethnic conflict, the presence of LTTE militants in coastal Tamil Nadu, and the killing of the Indian Prime Minister Rajiv Gandhi, all took a heavy toll on their livelihood. Sri Lanka's navy has been given *carte blanche* to open fire on all unauthorized boats in its territorial waters. The Indian government has also adopted tough measures to prevent infiltration and movement of LTTE guerrillas. In these situations, nobody makes a distinction between militants and fishermen.

The repercussions were severe. Between 1983 and 1991, there were 236 incidents of attack by the Sri Lankan navy on Tamil Nadu fishermen: 303 boats were attacked and 486 fishermen affected; over 50 fishermen were killed (Sharma, 1999). In the last three years, 25 Tamil Nadu fishermen have been killed in firing by the Sri Lankan navy and 109 have been injured. Indian fishermen have been a regular target of attack by the LTTE ever since the ceasefire declared in February 2002 between the Sri Lankan government and the Tigers. In November 2003, the LTTE abducted 32 fishermen from Ramanathapuram in Tamil Nadu and released them only on the intervention of Norwegian peace facilitators. Some years ago, a number of Indian fishermen were injured when the LTTE attacked a Sri

Lankan naval camp in northern Talaimannar, using Indian fishing vessels as cover. The military has become essential for policing the sea borders, impacting the entire landscape. For example, at Kankesanthurai (Jaffna), J.H.U. Ranaweera, Commanding Officer (North) of the Sri Lankan Navy, sees trespassing Indian fishermen as 'one of the biggest security problems'. The coastguards and the military justify their actions in the name of anti-terrorism and national security. There is a state of continuous low-intensity warfare with a cumulative impact on fisherfolk.

In such an atmosphere, concern for fishermen is largely seen from the vantage point of security, developed within a discourse of conflict. The security issue in the coastal borders is a powerful one, paving the way for state monopolization of responses to a multifaceted situation. Both countries no longer see this issue as one to be dealt with through mainstream institutions, but one that requires extraordinary measures. Thus we see that a confidential document on this issue reads like a military paper:

Since 1983, with the escalation of terrorist activities in the North and the East and the ferrying into Sri Lanka of terrorist cadres, arms and equipment from bases in Tamil Nadu, the incidents of violations by Indian fishermen assumed a new dimension, as they now constituted a serious security problem to the Government of Sri Lanka. In view of the grave security threat posed by these continuing violations, a decision was taken by the security authorities in August 1984, that any future violations of Sri Lankan waters by Indian vessels would be dealt with firmly under the laws of Sri Lanka and if necessary, Sri Lankan naval craft will open fire on any boats violating Sri Lankan waters.¹⁹

Labelling a particular challenge as a security issue scripts it as a threat to the country, consequently excusing the state from normal checks on its behaviour, and justifying drastic and unaccountable actions against fisherfolk. Security discourses have thus acquired exaggerated dimensions, giving countries the right to intervene in the movement of fisherfolk, their employment and their bodies, thus repackaging notions of sovereignty and security. In the process, everyday migrations of fisherfolk have come under increasing scrutiny.

Specialists, policy analysts, academicians and social activists have offered a plethora of suggestions on the issue. V. Suryanarayan has recently argued from an Indian perspective that any meaningful solution will have to address the deep sense of dismay that the government, political parties and, above all, fishermen of Tamil Nadu harbour toward the government of India that their vital interests were sacrificed at the altar of good neighbourly relations when the maritime agreements of 1974 and 1976 were concluded. He looks for a solution which will guarantee the livelihood of thousands of fishermen on both sides of Palk Bay to rectify the enormous damage caused to the marine environment by the unrestricted use of mechanized trawlers by Indian fishermen, to provide alternate means of livelihood to Indian fishermen, to neutralize the LTTE who have emerged as the third

naval force, and to work out a new vision and a new deal to jointly enrich marine resources (Suryanarayan, 2005: 130–56). It has also been suggested from the Sri Lankan perspective that the solution lies in Sri Lanka taking effective steps to develop the fisheries in the north, so that Sri Lankan fishermen could effectively harvest the prawns and other catches in these waters (Jayasinghe, 2003: 123–8). Besides the above measures, there are also suggestions for providing greater freedom to the fisherfolk to fish in each other's waters, reciprocal access and return of fishermen without any litigation (Vivekanandan, 2004).

Conclusion

Both Indian and Sri Lankan governments often blur the lines between fish workers, smugglers and terrorists, leading to contradictory strategies that are basically anti-fisherfolk. They stigmatize and penalize them, refusing to acknowledge them as daily migrants in search of their livelihood, in the face of shrinking ocean resources. What is equally disturbing and ironic is that while in everyday life the movement of coastal fisherfolk signifies spatial unity, at times a nationalized discourse even seeps into their narratives. This points to the complex processes of identity formation, which are often strategic, fluid and pragmatic, and is also linked to the ecological crisis and capitalist relations in the fisheries sector prevalent in the region.

However, discourses of ambiguity sit next to nationalized discourses. The region of South Asia, while marked by sharp national lines, also represents a space demarcated by porous borders, many of them drawn across seas, and made leaky by the material imperatives of everyday movements. Most fisherfolk choose to move, to fish where the maximum catch is, and exercise control over their life and body. These fish workers are brave, aware and smart. They know what is good for them, for their livelihood, for their very survival. Fishing is the sole source of livelihood for them and their families. While no exact numbers exist due to the clandestine nature of these activities, the number of coastal fisherfolk who voluntarily or involuntarily engage in cross-border movements in South Asia appears to be very high. Seeking simple and unrealistic solutions, by arresting them, erecting further borders or drafting more laws, has not curbed these movements. Their crossings challenge nation states and sea borders and reconfigure the map of national, political and cultural identity.

In such a scenario, it is imperative to interrogate national anxieties and state strategies regarding such migrations, as well as international laws and the role of enforcement agencies (Behera, 2002). There is an urgent need to address the complexity of the journeys of these fisherfolk, which require equally complex legal and political responses to address the issues raised

by such movements. Nations need to realize that sea borders particularly are not impermeable, and that people need to move over a space that is impossible to bound. These coastal fisherfolk are transnational subjects; they are temporary, very short-term migrants, who cannot be surveilled in the name of security, terrorism or loyalty to, and identification with, a particular nation. The ubiquity of fisherfolk's behaviour and movement reveals the everyday nature of these migrations and also perhaps extends our definitions of, and ways of looking at, migrations or even diasporas.

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NOTES

1. Court Proceedings in Kochi, Kerala, 9 February 2001.
2. The ceding of Kachchativu has evoked diametrically opposite reactions. Indian scholars view it as a sacrifice of vital interests of Tamil Nadu by the Indian government, while Sri Lankan scholars view it as their right. See for example Suryanarayan (1994, 2005) and Jayasinghe (2003).
3. The full text of the agreement and discussion are included in *Lok Sabha Debates*, 23 July 1974, cols 186–201.
4. *Lok Sabha Debates*, 24 March 1976, cols 130–1.
5. For example, the caught Indian fisherfolk are normally charged for illegal entry into the Sri Lankan territory. Quite often, the charges may be under the Prevention of Terrorism Act. For details, see 'India-Sri Lankan Fishermen's Problems: A Report', *Trade Union Record* (20 June 1998), 14–15.
6. Interview with S. Gautama Dasa, Deputy High Commissioner of Sri Lanka, Chennai, 22 May 1998.
7. Interview with Herman Kumara, National Convenor, National Fisheries Solidarity, Sri Lanka, Negombo, Sri Lanka, 19–20 Dec. 2003.
8. One official document prepared by the Sri Lankan government says that 'prior to the determination of the Maritime Boundary between Sri Lanka and India, through the conclusion of the two Maritime Boundary Agreements of 1974 and 1976, the fishermen of both India and Sri Lanka were engaged in fishing activities in the area of the Palk Bay, Palk Strait and the Gulf of Mannar'. For details, see Legal Advisor, 'Confidential Discussion Paper on Outstanding Fisheries Issues between Sri Lanka and India', Ministry of Fisheries, Government of Sri Lanka, 2 July 1996, p. 2.

9. Kachchativu festival was revived after 20 years on 11 March 2002. Devotees from the Jaffna Peninsula and India flocked to it. For details, see Subramanian (2002: 68–70). Also, 'Kachchathivu Festival After 20 Years', *The Hindu* (12 March 2002), p. 12.
10. For a detailed account, see A.J. Vijayan, 'An Overview of the Marine Fisheries and Fishers in and around Rameswaram, Tamil Nadu', unpublished draft report, pp. 3–9.
11. It has been argued that the bio-resources of the Gulf of Mannar can be saved only if the conflict between the traditional and mechanized sections of the fishing industry is resolved, and the economy of the local community improved (Menon, 2003).
12. There are 1050 fishing villages in the marine sector and about 87,808 households live in them. The marine sector accounts for 85 percent of the employment in the fisheries sector (Ministry of Fisheries, 1995). The total fishery associated population is estimated to be around one million. The marine resources in Sri Lanka are divided into two sub-sectors: coastal fishery, and offshore and deep-sea fishery (Ministry of Fisheries, 2005). Studies by the National Aquatic Resources Research and Development Agency (NARA) recommended the discontinuance of subsidies for the construction of offshore gillnet vessels because this had already achieved the maximum economic profit, but this has not been done (NARA, 1998). Deep-sea fishery is of fairly recent origin in Sri Lanka and because of it and multi-day boats the situation has worsened.
13. Oscar Amarasinghe and Herman Kumara, 'The Process of Globalisation and Sri Lanka's Fisheries', paper presented at 'The Asian Fisherfolk Conference: Cut Away the Net of Globalisation', at Prince of Songkla University, Thailand, 25–29 Jan. 2002, p. 20.
14. Interview with Dr Steve Creech at Colombo, 21 March 2004.
15. Attacks on each other by fisherfolk and making them captive or detained are a regular happening between sea borders of India and Sri Lanka. For example, six fishermen from Karaikal in Tamil Nadu, who had gone fishing near Kodiakarai, were attacked by Sri Lankan fishermen on 11 March 2002. See 'Lankans Attacked 6 Tamil Fishermen', *Indian Express* (12 March 2002). 103 Rameswaram fishermen were detained along with their 25 mechanized boats by the fishermen of Pesalai in Sri Lanka on 19 Sept. 2002. See '103 Fishermen Detained', *The Hindu* (20 Sept. 2002).
16. For details, see 'Colombo Arrests 75 Indian Fishermen for Encroaching', *The Hindu* (5 March 2003); 'Fishermen Issue: Jayalalitha Seeks PM's Intervention', *The Hindu* (6 March 2003); 'Fishermen Issue: T. N. MPs Plea', *The Hindu* (7 March 2003); 'TN Protests Against Killing of Fishermen', *The Hindustan Times* (29 July 1997). In this case, the nine-party opposition front comprising AIADMK, MDMK and the Janata Party staged a demonstration near the Sri Lankan Deputy High Commissioner's office at Chennai and submitted a joint memorandum to the Sri Lankan Deputy High Commissioner protesting against the reports of killing of Indian fishermen by the Sri Lankan navy and air force helicopters.
17. Interview with R.N. Ganesh at Chennai, 4 Aug. 1997. This also helps us understand why Sri Lanka and LTTE do more damage to the Indian fishermen than vice versa.
18. Memorandum submitted to Minister for External Affairs, Government of India by ARIF, 21 Feb. 2001, p. 4.

19. Legal Advisor, 'Confidential Discussion Paper'. Also, 'Foreign Minister Convenes Meeting on Problems of Fishermen', Ministry of Foreign Affairs. Colombo, 29 Nov. 2000, where the then Foreign Minister Lakshman Kadirgamar convened a high-level meeting to discuss the issues of arrested Sri Lankan and Indian fishermen and proposed several coordinated plans of action between the two countries.

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