



# Indo – Lanka Joint Study Group

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Report



Report of the Indo-Lanka Joint Study Group - Sponsored by Manipal Global  
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# Resetting India-Sri Lanka Relations

*Report of the Indo-Lanka Joint Study Group*

## **Introduction**

The Indo-Lanka Joint Study Group has been set up to initiate a discreet and informal dialogue process to jointly explore ways to strengthen the relationship between the two neighbours. This informal channel of dialogue will seek to generate innovative recommendations and complement official efforts at strengthening the bilateral relationship.

India and Sri Lanka are separated by the narrow and shallow Palk Strait. However, Indo-Sri Lanka bilateral relations need not be a mirror image of this geographic reality. The history of both countries has been intertwined with religious, cultural and social affinities that help to foster goodwill and friendship among the peoples of the two countries.

Over six decades ago, both countries freed themselves from colonialism. They have since successfully cooperated in facing the challenges of global developments. The two countries will obviously need to face and overcome more onerous challenges in the new millennium. Casting aside mutual suspicions and apprehensions of each other's motives, the two countries need to work together to lay a firm foundation for closer and mutually beneficial cooperation in many fields, particularly in areas such as security, trade, education, health, culture etc. This would ensure peace and prosperity for the peoples of both countries.

It is likely that irritants may surface from time to time. This is natural between two countries located so close to each other and asymmetrical in many aspects. Situations will continue to arise where vested interests exploit them to achieve their narrow ends at the expense of the traditionally close bilateral relations. Such developments may test the patience of the peoples and even political leaders of the two countries, thereby limiting the space to resolve such differences through consultations. The relationship should be strong enough to withstand such challenges, with the political leadership addressing such situations, not through emotions, but statesmanship, thereby further strengthening the traditionally close relationship.

Lack of candour and accommodation in bilateral interactions should be replaced by frank dialogue between political leaders and other interlocutors on either side, thereby removing opportunities for negative political orchestration by interested parties and individuals. The adversarial elements of the relationship that had emerged, from time to time, should be replaced with mutual trust, openness and understanding of the contentious issues involved. It is time to reset Indo-Lanka relations.

Lack of trust is not only confined to the political level. It has permeated various levels of society over a period of time due to many perceptions such as:

- Aggressive stand taken by India from time to time with regard to the ethnic problem in Sri Lanka.
- Sri Lanka's failure to fulfil certain bilateral commitments, especially those relating to addressing ethnic issues.
- Coercive diplomacy leading to provocative statements and postures being adopted in both countries in recent times.
- Lack of adequate follow up of the military victory with a political process to address the ethnic issue.
- Lack of rapport at leadership level at certain times in the recent decades, including paucity of high-level visits from India to Sri Lanka.

## Recommendations

### 1. General: Ways to improve Bilateral Relations

- To address these concerns, confidence building measures should be put in place and trust, co-operation and understanding should be enhanced in all areas of bilateral relations. To this end, all efforts must be made by both governments to avoid making public statements on sensitive policy issues that could potentially erode efforts to maintain and enhance confidence and trust between the two countries.

In this regard:

- Identify key areas for further action in the economic sphere, people to people contacts and political and strategic issues.
- Identify areas of convergence and divergence, so as to expand the former and reduce the latter.

### 2. Economic:

- In the medium term, prepare a vision and Road-Map 2035 for economic relations consulting/associating with, as necessary, corporate sectors, academic communities and strategic communities/think-tanks of the two countries.
- To this end, entrust the Institute of Policy Studies (IPS) Colombo and the Research Information System for Developing Countries (RIS) New Delhi to update and expand the 1991-1992 RIS-Wider Study, within the next year, with the view to providing a comprehensive projection of bilateral economic relations in their multifarious dimensions over the next two decades.
- In the short term, priority should be attached to the following:
- Build on the success of the Free Trade Agreement (FTA): explore ways of expanding two-way trade and investment flows by identifying impediments and constraints and suggesting measures for removing or lessening them, including by factoring in the specific concerns of the corporate sector.
- Identify the need for further assistance for reconstruction and development work in northern and eastern Sri Lanka, including through enhancing in situ livelihood and economic security of the populace.
- Identify the need for further assistance for vocational training and skills development on a large scale, especially for the displaced persons, including returnees from India.

- Help Sri Lankan enterprises to plug into India's supply chains, in both manufacturing and services, especially by building strong links with entities in southern India, including through strengthening linkages between business associations and creating institutional capacity for supporting the Sri Lankan private sector seeking to do business with or in India. In this connection the recently announced Indian initiative for developing an automotive component industry and a pharmaceutical hub in Sri Lanka signals an important breakthrough that needs to be built upon.
- Explore ways and means by which India can assist in mitigating long-term financial risks, including through arrangements between the two Central Banks, taking into account the volatile global economic landscape and recent graduation of Sri Lanka as a lower middle-income country, no longer eligible for concessional financing. The recent establishment of the RBI financed SAARC Swap Arrangement of US\$ 2 billion, with a country limit of US\$ 400 million, constitutes an important advance in this direction.
- Explore ways to significantly expand people-to-people contacts through considering visa on arrival; through promotion of tourism, including religious and medical tourism.
- Introduce measures to strengthen connectivity between the two countries, including through further liberalization of air services, maritime transportation and construction of a land link by undertaking a feasibility study.
- Examine prospects for bilateral cooperation in the areas of energy security, such as power generation, the petroleum sector, renewable sources of energy and energy conservation.
- Accelerate the implementation of existing Indian sponsored projects, which have been affected by delays, including bureaucratic, in contrast with some other projects, which are being expeditiously executed.
- Ensure a level-playing field and adequate transparency in the processes of awarding contracts, and the need for appreciation of sensitivities in work in the strategic areas.
- Promote greater understanding of the Comprehensive Economic Partnership Agreement (CEPA) negotiations, including through addressing residual issues, particularly non-tariff barriers and other impediments, in the implementation of FTA 1. This would help create a positive environment for the negotiations, providing greater transparency and taking into account the need to deal effectively with the asymmetry between the two economies.
- Pay greater attention to the needs and requirements for socio-economic well-being of the people of Indian origin in plantations.

### 3. Political and Strategic Issues

- The objectives should be improved and stable bilateral relations, peace, security and people's welfare, while frankly recognizing domestic political considerations on both sides.
- While recognizing many areas of strategic convergence, efforts must be made to address divergences through free and frank engagements at policy level
- It is acknowledged that the relations between the two countries are multi-faceted. However, the impact of the ethnic issue on these relations must be addressed with sensitivity by both sides to ensure that the larger national interests of each other are not prejudiced.
- Recognize the importance of a well-structured domestic process of reconciliation and accountability in today's context with strong political support from all stakeholders; it is also important to give effect to bilateral understandings and commitments in this regard.
- Assist the Sri Lanka Government to achieve national reconciliation, devolution and economic development, including by fostering long-term partnership and capital investment.
- Address the genuine grievances of the people, rather than demands of groups with vested interests.
- Encourage all concerned, in particular the political parties, including the minority parties and the opposition in Sri Lanka, to reposition themselves in relation to the post LTTE realities by (a) committing to effective devolution through provinces, down to grassroots level taking into account past experiences without necessarily being constrained by them and (b) initiating a structured dialogue towards political consensus on the ethnic issue, in particular with the affected parties, and at a multiparty forum, within a specified time-frame.
- Encourage effective and expeditious implementation of recommendations of the LLRC Report, in particular those relating to post conflict reconciliation.
- Institute a dialogue between the two countries based on sovereign equality and mutual respect, where strategic interests of either are likely to be affected. In particular, political sensitivities and security implications need to be taken fully into account as a means of maintaining mutual confidence in all aspects of the bilateral relationship. Towards this end, strengthen institutional mechanisms that have been established to address different aspects of the bilateral relationship.
- Both countries should refrain from rising in multilateral for a, issues which would best be dealt at the bilateral level.
- Strengthen mutual consultative arrangements for combating terrorism, trafficking in narcotic drugs, people-smuggling and other forms of transnational organized crime and arrange for regular intelligence-sharing on all issues of common concern.
- Continue the cooperation and dialogue on (i) De-limitation of the Continental Shelf between the two countries in the Bay of Bengal at the bilateral level and

- (ii) adopting a common position on the Statement of Understanding (SoU) concerning a specific method to be used in establishing the outer edge of the Continental Margin in the southern part of the Bay of Bengal in pursuing their respective submissions before the Commission on the Limits of the Continental Shelf.
- Take action to set up a Joint Mechanism for the conservation and sustainable management of fisheries and other marine resources in the Palk Bay on the lines set out in Annexure 1 '*Joint Mechanism for the Sustainable Management of Fisheries and other Marine Resources in the Palk Bay*'.
  - Take action to strengthen measures to prevent poaching in the internal waters, territorial seas and Exclusive Economic Zones of the two countries. For this purpose take action to streamline the working methods and procedures of existing Working Group on Fisheries and hold other meetings at operational levels between the navies, coast guards, immigration and customs officials of the two countries, particularly by providing for speedy investigation and clarification of allegations concerning serious incidents involving fishermen.
  - Expand existing defence cooperation to strengthen maritime security cooperation and protection of sea-lanes including closer cooperation to deal with acts of piracy.

#### **4. People-to-People Contacts**

##### **4.1 Education:**

- Streamline the scholarships schemes by taking steps to remove irritants such as selection processes, time-delays between the declaration of results of the qualifying examinations and the deadline for submission of application forms, hostel facilities, and students not being awarded institutions of their choice and so on.
- Explore feasibility of making available affordable reprints of text-books on technical subjects from India.
- Study the feasibility of making available teachers from India to meet any temporary shortages for the teaching of English and Tamil.
- Encourage interaction between think-tanks in the two countries, and for this purpose, prepare a list of candidate institutions in respective countries, which can engage in this task.
- Conduct a feasibility study for establishment of an offshore campus of a reputed Institute of Technology from India in Sri Lanka.
- University Grants Commissions of the two countries to discuss areas of enhanced cooperation.
- Visits by schoolchildren to places of historic and cultural interest in each other's country.

#### **4.2 Sports:**

- Encourage greater interaction in sports and athletics, particularly below- 21 teams.

#### **4.3 Arts, Music & Cinema:**

- Encourage two-way flows of artistes and creative personnel and thereby facilitate exchange of experiences in the respective disciplines.
- Encourage location shooting in Sri Lanka.
- Encourage film, music and dance festivals
- Encourage participation of Sri Lankan film directors in Indian film festivals.

#### **4.4 Media:**

- Encourage greater flow of correspondents between the two countries and facilitate exchange of experiences.
- Offer training opportunities and short-term placements in Indian media institutions for Sri Lankan journalists.

### **Conclusion**

The relationship between India and Sri Lanka is a multifaceted one. It has tremendous scope for significant expansion and rapid improvement in the coming years. This report sets out some of the ways in which this potential can be realized.

A speedy reconciliation process in Sri Lanka would have a salutary impact on further strengthening bilateral relations.

The Joint Study Group urges the two governments to pay urgent attention to implementing the recommendations contained in this report.

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### **Annexures**

**Annexure 1:** Joint Mechanism for the Sustainable Management of Fisheries and other Marine Resources in the Palk Bay

**Annexure 2:** Participants of the Indo-Lanka Joint Study Group

## **Annexure 1 – Joint Mechanism for the Conservation and Sustainable Management of Fisheries and other Marine Resources in the Palk Bay**

### **1. The Palk Bay**

The Palk Bay, which connects northeastern Sri Lanka and the central part of the Tamil Nadu coastline, constitutes a unique ecosystem. It is a shallow bay circumscribed by sea known for its biodiversity (Venkataraman 2004) and rich fishing grounds, and bordered on both sides by a long string of fishing settlements. This fishing population shares a language (Tamil) and a long history of interaction (Suryanarayan 2009). Several circumstances have, however, contributed to an intensification of conflict between fishers of both shores, which focuses on the use of sea territory and on fishing rights. First of all, the range and catching capacity of fishing vessels from India has increased dramatically since the 1970s. Based in new harbour sites such as Rameswaram and Mandapam, the trawling fleets of Tamil Nadu have a harvesting capacity far in excess of the ecological carrying capacity of the Indian section of the Palk Bay.<sup>11</sup>

The armed conflict in Sri Lanka had provided them with new opportunities to transgress the international boundary line and harvest the stocks in Sri Lankan waters, which due to the decline of local fishing effort, were in far better condition. Transgressions took place from the time of the boundary demarcation in 1974. The imposition of the Prohibited Zone during the conflict, which prevented Sri Lankan fishermen from fishing in this area, resulted in increased transgressions by the Indian fishermen. These activities have, however, brought Indian trawler fishers into regular conflict with the Sri Lankan and Indian navies, thereby generating political dust on both sides. The return of Sri Lankan fishers to the shores of the Palk Bay has added a new dimension.

A variety of parties at different levels have become involved in the resolution of conflicts, which- also because of national security dimensions- have proven to be quite intransigent. Fisher NGOs/movements in Tamil Nadu and Sri Lanka jointly initiated one of the most promising of these efforts in 2004<sup>2</sup> (Vivekanandan 2004). Taking representatives of the Indian trawler fishers to Sri Lanka for a series of meetings with Sri Lankan fishers, it strove to increase mutual understanding and willingness to arrive at a negotiated, fair and sustainable arrangement.

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<sup>1</sup> . Sathyapalan et al. 2008; Vijayan 1999;  
[http://www.marecentre.nl/reincorpfish/project\\_south\\_asia.html](http://www.marecentre.nl/reincorpfish/project_south_asia.html)

<sup>2</sup> Vivekanandan 2004

## **2. Establishment of a 'Joint Mechanism'**

It is proposed that a two-tier Joint Mechanism be set up by Sri Lanka and India for the conservation and sustainable management of fisheries and other marine resources in the Palk Bay area.

The need for establishing a durable mechanism for resolving problems arising in the Palk Bay has been felt for years. The main problem relates to issues such as poaching in violation of the maritime boundary, and the use of illegal fishing equipment and practices, which result in degradation of the marine environment. There have been other challenges such as security concerns posed by the involvement of some South Indian fishing vessels in LTTE activity during the armed conflict, including smuggling of petroleum products and other prohibited items, providing of cover to Sea Tiger craft to mount surprise attacks on Sri Lankan naval craft. The end of the armed conflict in Sri Lanka provides both Sri Lanka and India with an opportunity to re-visit this question, with a view to putting in place a consultative mechanism that would resolve problems expeditiously. It should be so designed as to provide on a continuous basis oversight, guidance, monitoring and review of problems arising in the Palk Bay through constant interaction between counterparts from the two countries to resolve all outstanding problems amicably. It would help both countries to move away from an approach based on episodically *ad hoc* solutions to a structured but flexible approach seeking durable, practical and expeditious solutions, implementable within a definite timeframe and subject to monitoring and review by the Joint Mechanism.

## **3. Structure of the 'Joint Mechanism'**

The proposed Joint Mechanism will have a two-tier system. At the first tier, a committee comprising representatives of the two Governments, headed by the respective Ministries of External Affairs, will be set up. Considerable flexibility and adaptability would be in-built into the composition and working methods of the two tiers in order to minimise delays and expedite decision-making. While some Ministries and Departments, including those from the state governments and provincial authorities, will be permanent members of the committee, others will be co-opted or invited to participate as and when necessary, depending on the issues to be considered. It would be empowered to constitute subsidiary mechanisms comprising only those directly concerned for short durations to deal with specific questions as and when required.

At the second tier, a group will be set up, which would consist of representatives of fishermen's associations, fishermen's co-operatives, academic community, experts in international law, scientific and research establishments, universities, institutions dealing with marine biology, bio-diversity, oceanography and other related disciplines, and other stakeholders from each country. While some would be permanent invitees, others would be co-opted or invited depending on the topics to be considered, and for specific durations or tasks.

While the bilateral inter-governmental committee would hold regular formal sessions annually, the non-governmental committee would meet as necessary and at least twice a year. The Joint Mechanism would communicate among members through the Internet in order to minimise delays and to deal with problems without having to wait for formal sessions of the mechanism. The two sides would be encouraged to be in regular contact with their respective counterparts so as to work out expeditious solutions to problems that may arise.

The Joint Mechanism will endeavour to build on the existing mechanisms and research projects focussing on the Palk Bay, drawing upon their strengths and avoiding their shortcomings. It should reiterate decisions and conclusions, which have retained their validity and continue to be implementable, and suggest modifications and improvements as required in order to enhance their effectiveness.

The proposed Joint Mechanism could draw upon the work being done by 'REINCORPFISH' research project with the objective of providing space for small-scale activities, in the sustainable development of fisheries of South Asia and South Africa.<sup>3</sup>

#### **4. Issues Relating to Fisheries**

The main recurring problem has been fisheries. Poachers get arrested and are detained prior to legal action leading to suffering for fishermen and their families. It may be recalled that the International Maritime Boundary Line (IMBL) demarcating the maritime boundary between Sri Lanka and India in the Palk Bay was concluded in 1974, eight years prior to the 1982 United Nations Convention on the Law of the Sea (UNCLOS). This Agreement recognized Sri Lanka's sovereignty over Kachchativu Island, while permitting Indian fishermen the right to dry nets on the island during the fishing season and for pilgrimage to the St. Anthony's Church, under the ecclesiastical jurisdiction of the Bishop of Jaffna. The 1976 agreement established maritime borders in the Bay of Bengal and the Gulf of Mannar. The fishermen, who had been traditionally using these waters, did not find the establishment of the IMBL a deterrent in accessing the fishery resources in these waters.

Three decades of armed conflict in Sri Lanka necessitated imposition of several prohibitions and restrictions on fishing; one of the consequences was poaching by fishermen from the Indian side. Indian fishermen crossing the IMBL were arrested during these years, mainly on account of security reasons by the Sri Lankan Navy, and some were detained. With the termination of the armed conflict Sri Lankan fishermen have resumed fishing, but find the circumstances adverse, as they have to compete with Indian 'trespassers', especially trawler fishermen, who are crossing the IMBL in large numbers, depleting resources, and giving rise to rivalries and hostilities. Finding a lasting solution by the two friendly neighbours acceptable to all parties concerned is imperative.

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<sup>3</sup>Sathyapalan et al. 2008; <http://www.marecentre.nl/reincorpfish/index.html>

The advent of trawler fishing introduced new tensions to the Palk Bay. Operation of mechanised crafts resulted in unsustainable fishing practices such as 'bottom trawling', thereby adversely impacting on the livelihoods of hundreds of fishermen. There have been allegations that fishermen from coastal districts of Tamil Nadu such as Nagapattinam, Thanjavur, Pudukkottai and Ramanathapuram shifted their trawling operations into Sri Lankan waters after degrading the fishery resources on the Indian side. Thus, 'bottom trawling' by Indian fishermen on the Sri Lankan side of the IMBL, a practice prohibited on a wide scale, including by Sri Lanka, has continued over the years, significantly depleting fisheries resources and destroying marine organisms. When Sri Lankan fishermen poach on the Indian side of the maritime boundary, they get arrested by the Indian authorities, mostly under the Maritime Zones of India Act (1981), the Passport Act (1967) and the Foreigners' Act (1946). With a view to addressing this issue, both countries reached an understanding some time ago, that those merely transgressing the IMBL as a result of 'innocent straying', would be leniently dealt with, whereas those deliberately engaging in prohibited activity would be charged under the applicable laws, including the Prevention of Terrorism Act (PTA).

The Joint Working Group (JWG) set up in 2004-2005 had its first meeting in New Delhi on 21 April 2005. India handed over a draft Memorandum of Understanding to the Sri Lankan side. It referred to 'poaching and arrests' and provided for co-operation for enhanced surveillance, institutionalisation of assistance for salvage operations of released vessels, procedures to deal with arrested fishermen and their boats, modalities for prevention of use of force against fishermen, easy and simple procedures to facilitate early release of boats and so on. However, implementation of this MoU has been far from satisfactory.

The Joint Declaration during the state visit to India by His Excellency Mahinda Rajapaksa, President of Sri Lanka, from 08 to 11 June 2010 emphasised the need to revive the meetings of the JWG on fishing and to enhance and promote contacts between the fishermen's associations on both sides. Dialogue between the fishermen from both sides took place in May 2004 in Colombo and August 2010 in Chennai. As no mechanism was set up for follow-up and effective monitoring of their conclusions and decisions, there has been no way of verifying the efficacy of these meetings. The Chennai meeting proposed the establishment of a Joint Working Committee to monitor the problem of poaching and arrests. It also proposed that the joint monitoring group should be composed of representatives from the fisheries officials, fishermen and the Navy/Coast Guard from both countries.

Three broad conclusions have emerged from the fishermen's dialogues. (i) Both sides agree that trawling is harmful to marine resources and that it should be stopped. (ii) Indian fishermen accept that they should stop poaching in Sri Lankan waters. (iii) Fishing activities in Palk Bay should be monitored by the two governments by forming a Joint Monitoring Committee.

## 5. Issues Relating to Detentions/Arrests

Arrests of Sri Lankan fishermen by the Indian authorities are made for violations of relevant Indian Acts. The lengthy process involving preliminary enquiries by the state government of Tamil Nadu, sending of the report to the authorities in New Delhi and decision by the latter often takes about a year. The owners of the fishing boats do not bear any responsibility, as they are not bound by any laws giving effect to ILO conventions on 'work in the fishing sector'. Similarly, Indian fishermen crossing the IMBL in the Palk Bay are arrested under applicable laws in Sri Lanka, including security legislation. After preliminary enquiries, they are produced before the Anuradhapura Courts. They are also moved to various detention centres before their cases are heard and penalties imposed. The process takes anywhere from three to six months.

One of the major reasons for the long periods of detention is the time taken to establish the identity of the arrested fishermen, in order to establish they are *bona fide* fishermen. In this respect, both Governments are encouraged to consider issuing a 'document of identity', such as photo ID, to fishermen operating in the Indian Ocean. Both sides should adopt strategies to minimise delays.

There have been allegations of harassment of fishermen while in detention. Their families suffer in the absence of their breadwinners. Humane treatment of those arrested and providing assistance to their families until their release would serve to mitigate the sufferings of fishermen as well as their families.

The capabilities of the authorities of the two countries are asymmetrical. The Indian Coast Guard has strong monitoring, control and surveillance capacities, whereas the Sri Lankan Navy had to engage in surveillance activities and monitor illegal boundary crossing by the fishermen, whilst conducting security operations against the LTTE. The nascent Sri Lankan Coast Guard does not yet have the capacity to police the Palk Bay. In a few cases, there have been allegations that Indian fishermen have been killed by the Sri Lankan Navy after being apprehended. There is also well-documented information that 'Sea Tigers' of the LTTE resorted to murdering Indian fishermen with the intention of using the captured fishing vessels for smuggling of military hardware and other illegal activities.

Policy failure has been costly on both sides: Indian fishermen are unable to earn a living without trawling the ocean bottom of the Palk Bay. This has deprived predominantly Tamil fishermen in the Northern Province of Sri Lanka of considerable revenue, resulting also in degrading the marine eco-system and the Sri Lankan fishermen being unable to exploit their side of Palk Bay resources to which they have traditional and legal rights.

Authorities in both countries, including the political leaders in the State of Tamil Nadu and provincial authorities in the Northern Province of Sri Lanka should accept that the issue has ecological, humanitarian, economic and political dimensions. Similarly, it should be recognized that political leaders in the State of Tamil Nadu would find it difficult to take practical action that would harm the interests of the fishermen in the State due to political considerations. Against this backdrop, it is noteworthy that during a previous dialogue, fishermen of the two countries had agreed that: trawling was harmful to marine resources and that it should be stopped; they should stop poaching in Sri Lankan waters and fishing activities in Palk Bay area should be monitored by a joint monitoring committee.

The proposed Joint Mechanism should address the welfare goals of the fishermen on both sides taking on board proposals that fishermen and their associations on both sides may have in dealing with the problem.

## **6. Other Recommendations**

### **1. The Government of India should:**

- i. Take up with the state government of Tamil Nadu the issue of illegal crossing of IMBL by Indian fishermen for fishing in Sri Lankan waters, by highlighting that such practices adversely affect particularly the Tamil fishermen, from the Mannar, Kilinochchi and Jaffna Districts, who had been traumatised and economically disadvantaged due to the long drawn armed conflict in Sri Lanka;
- ii. Undertake a survey of the current fleet of Indian mechanized boats/trawlers operating in the Palk Bay and specify the maximum number of boats/trawlers that can be operated sustainably. Action should also be taken to downsize the number of boats/trawlers that could be operated on the Indian side of the IMBL through a 'buy back' scheme, within a specified time;
- iii. Recognize the impact of such a limitation on the livelihood of fishermen depending on the Palk Bay and develop in consultation with the Tamil Nadu State government a strategy with adequate funding, to compensate the affected Indian fishermen and assist them to engage in alternative livelihood practices, including deep sea fishing.
- iv. Authorize Indian Coast Guard to take action and prevent illegal crossing of the IMBL by Indian fishermen with a view to engage in fishing in Sri Lankan waters. The Sri Lankan authorities should take similar action. It should be noted that Sri Lankan Coast Guard does not possess capabilities similar to those of their Indian counterparts for surveillance.

2. Both Governments should:

- i. Take legal action against fishermen, who illegally cross the IMBL and engage in fisheries, including by imposing fines, so as to make such illegal activities financially unattractive to boat owners as well as fishermen.
- ii. Persuade State and provincial authorities to accept that fishing in the Palk Bay has ecological, humanitarian, economic and political implications and therefore should work jointly to solve the problems without attempting to politicize the issue.
- iii. Provide the fishermen of each country a 'document of identity', such as photo IDs, issued and registered by the authorities of each country;
- iv. Ensure that the legal authorities in each country are empowered to complete the legal proceedings within a specified time frame, wherever possible.
- v. Institute arrangements for financial assistance to families of fishers in detention by their respective governments.
- vi. Recommend measures to be put in place for re-generating fish stocks in the Palk Bay.
- vii. Put in place measures to preserve and protect coral reefs to facilitate regeneration.
- viii. Authorise studies and make recommendations to preserve protect and enhance the marine eco-system and marine bio-diversity of the Palk Bay.

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## Annexure 2 – Members of the Joint Study Group

### Indian Members

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5. Dr. Indrajit Coomaraswamy

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6. Dr. Vethody Kumaran Valsan