



## **Pathfinder Economic Flash**

### **Sri Lanka should immediately establish a Marine Science Research Station on Kachchativu**

Last month there were reports in the press that a group of Indian citizens was planning to raise their national flag on the island of Kachchativu to coincide with India's Republic Day celebrated on 26 January. That threat failed to materialize. February is an important month for another reason. Around that time of the year, both Sri Lankans and Indians from Tamil Nadu will jointly celebrate the St. Anthony's festival there. Despite the bonhomie atmosphere during the festival season, the small island wedged between Rameshwaram and the Delft island will continue to be a bone of contention between the two countries until the fisheries dispute is amicably resolved.

From time to time, there have been demands by interest groups in Tamil Nadu for retrieving the island, which was allegedly 'ceded' to Sri Lanka following the Agreement between the two countries on the '*Boundary in Historic Waters between the Two Countries and Related Matters*', signed in June 1974. Such demands have become a common feature, particularly when Tamil Nadu fishermen poaching in Sri Lankan waters, whether in the Palk Bay, the Gulf of Mannar or even in the eastern coast of the island in the Bay of Bengal, were apprehended by Sri Lankan authorities. Reports on flag hoisting may represent a mischievous attempt intended to disturb the prevailing friendly relations between the two countries, as questions of sovereignty over Kachchativu were discussed and amicably resolved some 40 years ago, after Sri Lanka conclusively established that its sovereignty over the island went back to the colonial period. It is noteworthy that as recently as 1924, Kachchativu was listed in correspondence with Survey Officers of the Government of India (GOI) as a part of what was then Ceylon. Historical records confirm that the Island was under Sri Lanka's sovereignty during Portuguese, Dutch and later the British colonial times.

The 285-acre island is located 12.4 nautical miles northwest of the Delft Island and 13.3 nautical miles northeast of Rameshwaram. Sri Lanka's sovereignty over Kachchativu was formally and legally recognized at the highest political level in both countries after the Agreement was signed by Prime Minister Sirima Bandaranaike and Prime Minister Indira Gandhi in June 1974 and ratified by the respective Parliaments.

So clearly and permanently were the rights of the two countries established and regulated by the Agreement, that when questions were recently raised regarding ownership of the island, the then Attorney-General of India Mukul Rohatgi, representing the Centre, reportedly expressed the opinion to a Supreme Court bench led by Chief Justice of India R.M. Lodha, said on 26 August 2014 that "If you want Katchatheevu back, you will have to go to war to get it back."

Continuing surveillance maintained over centuries, Kachchativu is regularly visited by Sri Lankan government officers - scientists, administrators, surveyors and military personnel from time to time. A high point in activity on the island is the religious festival held there in the months of February/March annually and widely attended by Sri Lankans and Indians. Observing that the original shrine built in 1905 was in a dilapidated condition, Sri Lanka Navy constructed a new shrine, which was consecrated by the Bishop of Jaffna in December 2016.

From time to time, some commentators have mischievously claimed that the Agreement grants to Indian fishermen the right to fish in and around Kachchativu, and that there has been interference with the exercise of that right. Article 5 of the 1974 Agreement grants Indian fishermen and pilgrims “access to visit Kachchativu as hitherto”, and will not be required by Sri Lanka to obtain travel documents or visa for these purposes. The phrase “as hitherto” refers to visits for drying fishing nets or for religious observances. It does not refer to fishing or other activities, which are, by Article 4 of the agreement, fully subject to Sri Lanka’s sovereignty and exclusive jurisdiction. Paragraph 1 of the Exchange of Letters between the two countries in 1976 clearly prohibits fishing in the Indian waters by Sri Lankans and Sri Lankan waters by Indians by stating “*Fishing vessels and fishermen of India shall not engage in fishing in the historic waters, the territorial sea and the EEZ 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 EEZ of India, without the express permission of Sri Lanka or India, as the case may be.*” In any case, with the introduction of the steel hulled mechanized trawlers by Tamil Nadu fishing syndicates, man-made fiber fishing nets and the gradual disappearance of artisan fishing methods, the need for drying fishing nets on the island has become a long forgotten practice.

Considering the damage done to the marine environment over the past several decades, particularly fisheries, due to unceasing bottom trawling by Tamil Nadu fishermen using fishing nets banned by Sri Lanka, Colombo should adopt a strategy to take stock of the situation and come up with solutions to address the issues before the damage done becomes irreversible.

One way to address the issue is to establish a marine science research station in Kachchativu, which is said to be home to unusual varieties of marine flora and fauna, as the area surrounding the island has taken the brunt of poaching. The government should request the National Aquatic Resources Agency (NARA) and the Department of Fisheries to come up with a plan to undertake such a venture without delay. Living quarters, communication facilities and research equipment will be needed to make the research station functional. Regular exchange of personnel should be organized as well as transport and emergency services. If resources are difficult in the short term, support of the private sector may be sought to commence the project. Meanwhile, the two countries should make every effort to cooperate to resolve the fisheries issue and take steps for conservation and sustainable exploitation of marine resources on their side of the International Maritime Boundary Line.

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