

PRESS RELEASE

Text of the D.O. letter dated 20.9.2013 addressed by **Selvi J Jayalalithaa**, Hon'ble Chief Minister of Tamil Nadu to **Dr. Manmohan Singh**, Hon'ble Prime Minister of India is reproduced below:

"I am writing to you in the context of a proposal to facilitate a dialogue between Fishermen Associations in Tamil Nadu and their counterparts in Sri Lanka, with a view to discussing ways and means to avoid instances of attacks on and arrests of fishermen, particularly from Tamil Nadu, on the high seas while in the pursuit of their livelihood in their traditional fishing grounds in the Palk Bay.

There have been numerous and recurring instances in the past few years when fishermen belonging to Tamil Nadu have been attacked or arrested along with their boats while pursuing their normal, peaceful livelihood of fishing in their traditional fishing grounds in the Palk Bay area. The genesis of the entire problem is the ill-advised decision of the Government of India, to recognize the island of Katchatheevu as a part of Sri Lanka under the Indo-Sri Lanka Agreement of 1974.

This historic blunder of the Government of India has spawned the problems faced by Indian fishermen in the Palk Bay which remain unresolved even today. As a consequence of this, the fishing rights in the traditional fishing waters of our Indian fishermen belonging to Tamil Nadu have been badly compromised. The normal lives and livelihood of the fishermen of five coastal Districts in Tamil Nadu namely, Ramanathapuram, Pudukkottai, Tiruvarur, Thanjavur and Nagapattinam have been severely affected. They now venture out to sea at the mercy of the marauding Sri Lankan Navy and have become the targets and victims of murderous attacks on the high seas in the Palk Bay.

The Government of India appears to have treated this delicate question, which involves the lives and livelihood of hundreds of thousands of fishermen in Tamil Nadu, with appalling insensitivity and scant regard for the sentiments, traditional rights and livelihood issues of an entire community of poor fishermen in Tamil Nadu. They have not only signed away the centuries old traditional rights of fishermen from Tamil Nadu to fish in the Palk Bay, by entering into the ill-advised 1974 Agreement, they have also signed away an integral part of the territory of India, namely the island of Katchatheevu. What is worse, the Government of India now treats the International Maritime Boundary Line (IMBL) with Sri Lanka as a settled question even though the constitutionality of this Agreement has been challenged on extremely valid and legal grounds by me in the Hon'ble Supreme Court of India in W.P.(Civil) No. 561/2008. I have also urged the Court to declare the 1974 and 1976 Agreements along with the Executive Order of 1976 as null and void in the absence of the mandatory Constitutional amendment required, and to retrieve

Katchatheevu back to India. The stand of the Government of Tamil Nadu is that Katchatheevu has always been a part of India, geographically, culturally and historically and needs to be retrieved, keeping in view the livelihood interests and security of lakhs of Indian fishermen. May I remind you that the matter is still under the consideration of the Hon'ble Supreme Court of India?

In such a situation, when the boundary question and the cession of Katchatheevu remain sub judice, the contention of the Government of India that the IMBL issue with Sri Lanka is a closed matter is totally unacceptable. Therefore, based on the flawed premise that the IMBL with Sri Lanka has been settled and that Katchatheevu has been permanently ceded to Sri Lanka, to hold that all fishing activity by Tamil Nadu fishermen near Katchatheevu on the high seas in their traditional fishing waters constitutes a transgression into Sri Lankan waters, is a dangerous premise that militates against the territorial integrity and sovereignty of India over Katchatheevu. The permanent solution to this vexatious issue lies in retrieving Indian sovereignty over Katchatheevu and in recognizing the rights of the fishermen of Tamil Nadu to fish in their traditional fishing grounds.

The response of the Government of India, at both the diplomatic and political levels, to the repeated instances of attacks on Tamil Nadu's fishermen on the high seas, has been disappointingly meek and is being made after repeated and vociferous protests made by me in the form of letters and press statements.

You are aware that during the past two and a half years, in 39 separate incidents, 754 fishermen from Tamil Nadu have been apprehended by the Sri Lankan Navy. Various institutional mechanisms set up to deal with this issue and to facilitate the expeditious release of our fishermen and their boats, like the India-Sri Lanka Joint Commission and the India - Sri Lanka Joint Working Group on Fisheries (JWG) have all miserably failed to deliver the desired results. 97 Indian (Tamil) fishermen are still languishing in various Sri Lankan Jails for months together. Since May 2011, I have written to you 26 times seeking your personal intervention to secure the early release of our fishermen through diplomatic channels. Disappointingly, the Government of India has remained a mute spectator all this while, and has done precious little to ease the pain and suffering faced by the Tamil Nadu fishermen. **Even as I am writing this letter to you, information has reached me that the Sri Lankan Navy has, on 19.9.2013 apprehended 19 fishermen from Tamil Nadu along with 5 mechanised boats in the high seas of Palk Bay.**

The Joint Working Group mechanism has, therefore, miserably failed to address the objectives for which it was exclusively created. The dire hardships faced by Indian (Tamil) fishermen have continued and have, in fact, sharply escalated since 2009, when the Sri Lankan regime through its inhumane, genocidal actions brought the ethnic civil war in the country to a brutal end.

The first fishermen level talks of the two countries were held in Chennai in August, 2010, in which 11 fishermen from our side and

15 fishermen from the Sri Lankan side participated. Officials from the Department of Fisheries and the Indian Coast Guard participated in the talks as Observers. A second round of fishermen level talks was held in Colombo on 20th and 21st March, 2011. It appears that seven Tamil Nadu fishermen attended the meeting. It is learnt that some Ministers of the Sri Lankan Government and senior officials had also participated in the dialogue and attempted to browbeat and coerce the Indian fishermen to achieve their own vested interests and political agenda of the Sri Lankan regime. However, I would like to point out that even the minutes of the second round of talks have not yet been communicated to us, though more than two years have elapsed. I would appreciate it if a copy of the minutes, if any, of the meeting held in March, 2011, at Colombo is communicated to the Government of Tamil Nadu at the earliest.

Despite the two rounds of fishermen level talks and the 3rd Joint Working Group meeting held at New Delhi in March, 2011, in the same year, from May 2011 onwards, 57 incidents of attack were reported in which 36 Tamil (Indian) fishermen were injured. Amidst all this, the Sri Lankan Navy, which has been involved in many of the attacks on Indian fishermen, continues to act with impunity and it is a matter of disappointment that the Ministry of External Affairs and the Indian Coast Guard continue to be in denial and have also indirectly endorsed the line taken by the Sri Lankan Government. They have taken an inexplicably tolerant stand of the excesses of the Sri Lankan Navy against Indian fishermen and seem to view the attacks on Tamil Nadu fishermen, who are pursuing their livelihood in the Palk Bay in their traditional fishing waters, as having been provoked by the poor fishermen themselves. It is a tragedy that the victims of these marauding attacks by the Sri Lankan Navy are, in fact, themselves being blamed, instead of concrete steps being taken by the Government of India to mitigate their problems and to obtain their early release from Sri Lankan custody.

While the non-conducive atmosphere created by the actions of the Sri Lankan Government continues, as witnessed by recurrent instances of violent attacks on and abductions of our fishermen on the high seas in the Palk Bay, seizure and destruction of boats and fishing equipment by the Sri Lankan Navy and prolonged detention of scores of poor fishermen from Tamil Nadu in Sri Lankan jails, **our fishermen, in an accommodative frame of mind, are eager to sort out the day to day issues faced by them by engaging in talks with the fishermen from Sri Lanka. Even though the situation is tense in the coastal Districts of Tamil Nadu because of the continued imprisonment of our fishermen, the Fishermen Associations have represented to the State Government to facilitate the bilateral fishermen level talks and they have requested me to fix the venue and time for such a meeting.** In view of the sentiments and desire of the Fishermen Associations of Tamil Nadu to have such talks, and in the interest of keeping a channel of communication open between the fishermen communities of both countries, I propose that arrangements may be made to have the next round of talks

between the fishermen belonging to Tamil Nadu and their counterparts in Sri Lanka at Chennai.

I wish to make it amply clear that these talks must focus on:

- a. The commitment made in previous discussions to thoroughly abjure from violent attacks on our fishermen on the high seas and to desist from unfriendly acts like abduction, detention and long periods of incarceration in Sri Lankan jails.
- b. Reiterate the traditional rights of Tamil Nadu fishermen to fish in their traditional fishing waters, irrespective of any artificially drawn boundaries.
- c. Discuss ways and means to speedily and smoothly facilitate the repatriation of Indian fishermen abducted by the Sri Lankan Navy, without subjecting them to prolonged harassment and detention in Sri Lankan jails and repeated remand, as well as to prevent the seizure and confiscation of their boats/fishing equipment by the Sri Lankan authorities.
- d. The talks should be without prejudice to, and must not in any way, compromise the stand already taken by me in W.P. (Civil) No.561/2008 regarding India's territorial sovereignty over Katchatheevu.**
- e. The resolution passed in the fishermen level talks will be subject to the clearance of the Government of Tamil Nadu.**

Therefore, without prejudice to the case pending in the Supreme Court and in keeping with the requests of our Tamil Nadu fishermen, and with the hope that some meaningful forward movement could take place on practical day to day issues which would, in turn, enable de-escalation of the tension and allow Tamil Nadu fishermen to pursue their traditional livelihood, I am of the view that the fishermen level talks may be facilitated.

I propose that the fishermen level talks may be held at Chennai in the month of December, 2013. I request you to instruct the concerned agencies to accord the necessary clearances for such a meeting and to communicate the list of participants from the Sri Lankan fishermen side in advance so that necessary invitations can be extended to them to visit Chennai for the meeting in December, 2013."

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