

Political Polarization of the Indo-Lanka Fishery dispute and its Comprehensive Security Implications

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Abstract— Sri Lanka and India are two neighbouring states in the Indian Ocean, separated by the narrow strip of water that consists of the Palk Bay, and the Gulf of Mannar. The fishery dispute between the two states is a persistent problem of which the Indian fishermen crossing into Sri Lankan waters for illegal fishing and using illegal fishing methods such as bottom trawling is persistent to date. Even though demarcation of territorial waters is not as easy as land demarcation, the territorial waters between India and Sri Lanka was demarcated and designated in 1974 and 1976 by a bilateral agreement between India and Sri Lanka to establish the International Maritime Boundary Line (IMBL). Accordingly, transgressing the IMBL into Sri Lankan waters and to fish illegally and use illegal methods of fishing are recognized as violation of these agreements between the two states which is governed by the United Nations Convention on the Law of Sea (UNCLOS). However, India – Sri Lanka friendly relations have been governed by geo-strategic relations, international politics, diplomatic relations, and ethnicities. Yet, Political polarization and colouring is a contributory factor to this fishery conflict. For political gains and vested political interests of politicians who are even stake holders to the fishery dispute between India and Sri Lanka at various levels have influenced this dispute, and is evident that it bears negative influence on sourcing a lasting solution to this problem. As a result of this persistent fishery problem and the political influence have created serious comprehensive security implications on traditional and non-traditional to both states. The objective of this study is to analyse and critically evaluate this Indo- Lanka fishery dispute in the back drop of its political polarization and colouring and its implications to security. This study would be guided by the exploratory research methodology and data collection through qualitative interviews of stake holders to the problem and available literature, and Grounded theory to be used for data analysis.

Keywords-Fishery Dispute, Political Polarization, Security

I. INTRODUCTION

The Indian Ocean is the third largest water body and it is of strategic importance to all states within amounting to almost 30 nations and historically played an active part in civilization in navigation and fishing (Srilatha, 2013). The ocean amounts to 71% of earth's surface and as much as

the land the Ocean too is rich in resources, to the extent the ocean is called "our last frontier" (Kohli, 1993, P: 28) as the ocean is a source of hope for human kind in aspects of survival.

"The maritime interests of a nation are determined by its strategic aims and national policy" (Kohli, 1993, p:62). The maritime environment of both countries India and Sri Lanka contribute to national interest and security of both the states.

India and Sri Lanka are two neighbouring states, geo strategically located in the Indian Ocean and separated by the narrow strip of water that consist of the Palk Bay and the Gulf of Mannar (Jayasinghe, 2003). These two states have been sharing many commonalities over a significant period of time. Some of the commonalities are ethnicity, language, religion, cultural similarities, and even inter-marriages that brings about close ties among these people (Swaminathan and Suryanarayan, 2011), another significant commonality is fishing, on both sides among the coastal people that depend on the Indian Ocean for a livelihood in India as well as Sri Lanka. Yet, it has been observed that for some time, India and Sri Lanka has been disputing over this narrow strip of water over fishing issues and above all, over illegal fishing methods used by the Indian Fishermen in the Sri Lankan waters, and to date this fishing dispute remains unresolved causing security concerns of traditional as well as none traditional security to both states.

Even though historically there has been evidence that fishermen from Tamil Nadu and the North of Sri Lanka has been fishing in this contested area of sea and called it historic fishing grounds, yet, a clear demarcation of boundary was established in 1974 and 1976 through bilateral agreements between the two states, which has been governed by the United Nations Convention on the Law of Sea (UNCLOSIII). This agreement demarcated and designated the waters between the two states and the International Maritime Boundary Line (IMBL) was established with Kachchativu Island falling within the Sri Lankan waters. Even though these two agreements gave provisions for innocent passage in this controversial waters and access of Kachchativu for Indian fishermen to

dry their nets and attend the St. Anthony's church festival it never gave provision for illegal fishing activities within the IMBL in Sri Lankan waters to Indian Fishermen (Bogolagama, 2017).

Poaching takes place within the Sri Lankan waters, in and around Palk Bay, Palk Strait and the Gulf of Mannar, Indian fishermen transgress the established International Maritime Boundary Line (IMBL) into the Sri Lankan waters for a lucrative harvest of fish and worst still, not only do they transgress the IMBL but they also engage in an illegal method of fishing known as bottom trawling (De Silva, 2008). Bottom trawling is considered to be a detrimental method of fishing that Suriyanarayan's study states as "hoovers of the shelf bottom" and "Bulldozers mowing down fish and other benthic species". This has led to a conflicting situation between the fishery communities of Northern part of Sri Lanka and of South India, Tamil Nadu. According to Ahilan Kadiragamar, fishing is the livelihood of the northern community and is of economic importance as the 'province contributed to over a third of the total catch of the country's total catch of fish' (Suriyanarayan, 2016).

Conflicts over the fishing dispute between the transgressors and the Sri Lanka Navy (SLN) as well as the Northern fishery community are many. Conflicts have arisen between Northern fishermen using traditional methods of fishing with the Indian trawlers using mechanized methods. Suriyanarayan, notes that, 'there are 3,407 mechanized fishing boat trawl netters, most of them operating from Rameshwaram' (Suriyanarayan, 2016), which is a clear indication that many trawlers cross the IMBL into Sri Lankan water for trawling and poaching activities. These numbers have been further confirmed by satellite captures by the SLN and even considering the attests by SLN.

Even though, the Indian side of the interpretation depicts this crossing over of Tamil Nadu fishermen as traditional fishermen accidentally crossing the IMBL well, it has proven not to be so. Many apprehensions of Indian fisherman by the Sri Lankan Navy has been recorded, these fishermen have been tried in Sri Lankan courts for trespassing and their boats confiscated. Yet to date, the transgressing of Indian fishermen takes place and it remains a recurrent problem. There are many aspects to this problem and one of the aspects remain to be the politicization and political polarization concerning the two states.

Political polarization and colouring that contribute along with other political factors on both sides of the bay has been observed as an important contributing factor for this fishery dispute between the two states to remain unsettled to date (Bavinck, 2017). There is much evidence that this fishery dispute has been played for the political and economic convenience of the Tamil Nadu politicians

while on the other side of the IMBL due to various reasons the problem has been soft peddled political for convenience, diplomacy and to sustain good relations with India.

While the Indian side of politics, specifically Tamil Nadu politics seems to be playing the fishery dispute to their own political, economic gains and conveniences, the Sri Lankan side of politics is more concerned of maintaining good will and bilateral relations among the two states and has been not hard pressed for a solution.

This unresolved fishery dispute bears much impact on comprehensive security of both states. More so on Sri Lanka being an island state and the coastal people depending on the sea for a livelihood. And on traditional aspects of security threatening even the sovereignty of Sri Lanka when the already established agreements are violated and the Indian fishermen cross over to the Sri Lankan waters.

II. FISHERY DISPUTE AND RISE OF SECURITY THREATS FOR SRI LANKA

It has also been observed that there are traditional and human security implication due to Indo-Lanka fishery issues which impact comprehensive security at large. Traditional security is threatened when the sovereignty of Sri Lanka is challenged when fishermen cross the already demarcated IMBL and disrespecting the agreements of 1974 and 1976, get into confrontations with the Sri Lanka Navy. According to Admiral Colombage's study 'a large number of Indian fishing trawlers coming very close to Sri Lankan coast can have serious traditional security implications should the LTTE try to reorganize their violent movement as well as trans national crime. On the side of human security fishermen's livelihood issues, marine eco destruction and negative impact on the environment, food insecurities, are evident due to Indian fishermen crossing over to Sri Lankan waters to engage in illegal fishing activities.

Security is a contested concept says Buzan. In spite of its dominance in state concerns, security is yet to be given one single definition (Buzan, 1991), yet, security is of profound importance to humans and states alike, and in today's context traditional and human security components are linked to each other and there is a renewed awareness about the human security needs and measures to protect these needs in order to ensure that on an overall comprehensive security is maintained. While Traditional Security gained momentum in the aftermath of the Cold War, human security emerged recently as 1994, taking on a new dimension known as 'human security', yet today security has gone beyond both these aspects of traditional and human security and comprehensive security has been formulated to encompass both these aspects of security under one concept.

Traditional security gained momentum during the Cold War and views the state as the single actor to ensure her own survival in the International system. Walter Lippmann who coined the term 'Cold – War', also defined security which fell in line with the Cold-War which had a traditional focus of security (Hough, 2008). "A nation has security when it does not have to sacrifice its legitimate interests to avoid war and is able, if challenged, to maintain them by war" – Walter Lippmann (Wolfers, 1952)

It was a common notion at the end of the Cold War that traditional security alone cannot provide security for all, states as well as humans, thus, rethinking of the concept of security emerged in the 1990s. A salient aspect of rethinking of security was based on the physical, human dignity and development of the human being (Subur, 2003) to protect the core and values of human beings. Thus, the relatively new concept human security was put forward in 1994.

Comprehensive Security emerged in the 21st Century and the late Swedish Prime Minister Olaf Palme is most often credited for having pioneered the concept of Comprehensive Security (Schmid, 2007). Comprehensive security advocates a shared security culture to encompass a broader understanding of security, and it extends beyond state centric military aspects of traditional security to amalgamate human security that concern people centric security (Schmid, 2007). Comprehensive Security also considers security within a state as well as outside a state, and as stated by Hsiung, "various components of comprehensive security are intertwined" (Hsiung, 2004) and a "Convergence of all aspects of security culture" (Schmid, 2007) where security is understood and practiced in a more comprehensive manner.

III. THE INDO – LANKA FISHERY DISPUTE

The fishery conflict between India and Sri Lanka has been an on-going one and poaching takes place within the Sri Lankan waters, in and around Palk Bay, Palk Strait and the Gulf of Mannar. The Kachchativu Island, which is on the Sri Lankan side of the International Maritime Boundary Line (IMBL). The IMBL, which was agreed upon based on the agreements of 1974 and 1976, governed by the UNCLOS demarcates and designates the waters between India and Sri Lanka, in the Palk Bay, Palk Straits and the Gulf of Mannar.

However, considering the traditional and historical fishing grounds enjoyed by the Indian fishermen around the island of Kachchativu, certain rights were given to the Indian fishermen to dry their fishing nets and perform religious rights on this island but never fishing rights.

Despite the clear demarcation of the IMBL, violations take place almost daily, and illegal fishing takes place within the Sri Lankan waters posing a threat to the security of the country. Indian fishermen and their trawlers enter the Sri Lankan territorial waters which is the main cause towards the Indo – Lanka fishery conflict (de Silva, 2008).

As per the Marine Conservation Institute, 'bottom trawling is an industrial fishing method where a large net with heavy weights is dragged across the seabed, scooping up everything in its path-from the targeted fish to the incidentally caught centuries –old corals' (Colombage, 2016). Given the good relations between New Delhi and Colombo most often apprehended fishermen are released on friendly negotiations.

A. Politicization and polarization of the Fishery dispute

Politicization and political polarization that contribute along with to other political factors on both sides of the bay has been observed as an important contributing factor for this fishery dispute between the two states that remain unsettled to date (Bavinck, 2017). There is much evidence that this fishery dispute has been played for the political and economic convenience of the Tamil Nadu politicians while on the other side of the IMBL due to various reasons the problem has been soft peddled for political good will with India and convenience. Suriyanarayan, observes that the Sri Lankan fishermen repeatedly have been appealing to the SLN and the government to intervene and prevent the Indian fishermen fishing in Sri Lankan waters. Yet, it can be observed that even though apprehensions do taken place most often the problem has been ignored, accordingly the fishermen on the Sri Lankan side lament that 'Colombo is more willing to promote bilateral relations than to ensure the stability of their livelihoods' (Suriyanarayan, 2016). Given such evidence of taking a stance of lenience in the face of this recurrent problem of the fishery conflict that threatens the livelihood of the Sri Lankan fishermen, it leads to the question whether actually as alleged the fishery conflict has been politically 'soft peddled' on the Sri Lankan side of the IMBL. On the other hand, relations between New Delhi and Sri Lanka improved with the regime change in 2015, and a promising note struck to the fishery problem when both governments committed themselves to "find a permanent solution to the issue" (Suriyanarayan, 2016).

Taking into consideration the political developments on the Sri Lankan side of the waters, as recent as 6th July 2017, the government of Sri Lanka took a bold but eminent and timely stand with regard to the fishery issues and the laments of the Sri Lankan fishermen. Looks like the cry and plea of the poor fishermen fighting for a livelihood after all did not fall on deaf political ears. On the 16th July 2017, the Sri Lankan Government intervened to implement a ban on bottom trawling by amendment to 'section 28 of the fisheries and aquatic resources Act of 1996

(Illanperuma, 2017). According to Steve Creech, the governments apt move 'reiterated the Government's commitment to sustainable exploitation of the country's vital fishery resources' at the same time protecting the traditional fishermen of Sri Lanka and their livelihood (Creech, 2017). Yet the political views from the Tamil Nadu side with regard to the recent political move on ban on bottom trawling and the consequences obviously has not been accepting and welcoming. Tamil Nadu Chief Minister has condemned this change of political stance and amendments to our Fishery Act, and called it 'retrograde step' and even written to Prime Minister Modi to intervene in this matter. While the Tamil Nadu bottom trawling fishermen has called this ban 'Draconian' (Illanperuma, 2017). Political influence does call the shots may it be positive or negative in this dispute. When Sri Lanka has finally acknowledged the problem and has taken bold yet necessary steps to combat the issue in a civil manner, yet, the Tamil Nadu side of political influence is tugging the fishery issue in the opposite direction, solely for their benefits, which again is a threat to human security for Sri Lankan fishermen.

This goes to show that there is much political intervention and interest on both sides yet, this very same politicization has to a greater extent hindered a solution to the problem. While the Indian side of politics, specifically Tamil Nadu politics seems to be playing the fishery dispute to their own political, economic gains and conveniences, the Sri Lankan side of politics is more concerned of maintaining good will and bilateral relations among the two states and is not hard pressed for a solution until the recent ban which is a major step to arrest this conflicting situation.

B. Research Problem and Objectives

Fishermen from Tamil Nadu transgressing the IMBL into Sri Lankan waters for poaching and bottom trawling is a recurrent problem which has led to much concern and even conflict between the Indian fishermen and the Sri Lankan fishermen. This has caused much traditional as well as human security concerns. Sri Lankan fishermen are faced with human insecurities of livelihood, food and environmental insecurity to name a few as the fishery resources are being depleted and bottom trawling causes long lasting damage to the marine eco system as well as to the cost line of the country. The destructive fishing methods used by Indian fishermen and over exploitation of marine resources could have far reaching human security implications especially for Sri Lanka fishermen.

The objective of this study is to identify and analyse various aspects of the Indo- Sri Lanka fishery conflict and to what extent politics and political polarization has influenced this fishery dispute between India and Sri Lanka.

To highlight the importance of the fact that, if a lasting solution is to be sought for this fishery dispute, then

political influence and manipulation from either states or politicians vested interest to be minimal.

C. Methodology and Research Design

It is going to be of exploratory in nature. The problem is not clearly defined and hence the exploratory research method is considered as the most suitable one for this research. The researcher wants to locate herself in the social world to understand the perceptions and the views of people who are stakeholders to the problem. Therefore, hopes to select the qualitative research design over a quantitative one.

Qualitative Research can be considered as the pathway of pragmatic curiosity by exploring the research interests. It can also satisfy the investigative curiosity and provide effective procedural choices. Qualitative research methods focus on discovering the experience, perceptions and thoughts of participants. Most likely qualitative research methods can be named as Exploratory, Naturalistic, Subjective, Inductive, Ideographic and Descriptive/ Interpretive. Exploratory research can be described as a researcher's tool to understand an issue more thoroughly. Exploratory research will provide rich quality information that will help identify the main issues that should be addressed. Since this Indo-Lanka fishery issue is a very complex and unspecified one which involves traditional as well as human security implications to people the researcher will use exploratory research method for this study.

D. Theoretical Background

Securitization theory put forward by the Copenhagen School and theorized by Buzan, Waver and de Wilde, takes the approach of social discourse to security issues. According to Huysmans (1997) "possibly the most thorough and continuous exploration of the significance and implications of widening security agenda for security studies". Securitization, stresses the importance of "dialogue & speech act" in looking beyond traditional security in "deepening and widening of security". Therefore, securitization can be used in seeking solutions to problems covering areas military, political, environmental, economic and also societal (Buzan et al, 1998).

Securitization can be extended to develop solutions for the fishery problem as this case study relates to many of the areas covered in Securitization, namely, military, political, environmental, economic and also societal (Buzan et al, 1998). The Indo-Lanka fishery problem relates to almost all of these aspects. Securitization also attempts to bridge traditional and human security as it goes beyond traditional security to aspects of human security to comprehensive security and also, focuses on negotiated settlement to problems.

The researcher therefore hopes to adopt Securitization Theory in the study of the case of Indo – Lanka fishery issues with a view to analyze the political influence and manipulation to this problem and to find out how to minimize political influence and manipulation of the problem in concern so that it remains hindrance free towards a solution.

E. Discussion

The Indo- Sri Lanka fishery conflict has been an unresolved issue which has even affected the bi-lateral relations between the two countries. Although there had been many political, diplomatic and societal initiatives, there had not been a solution so far and the situation is aggravating. If this conflict is not resolved, it could lead to drastic consequences for traditional maritime security concerns for both the countries and, human security issues mainly for Sri Lanka's northern fishermen. On an overall, affecting comprehensive security.

Delineating sea is much harder than land, yet, the bilateral agreements of 1974 and 1976 governed by UNCLOS III, clearly demarcated and designated the waters between India and Sri Lanka. This agreement provided the guidelines and limitations for both states using the sea between the two states. Even though this agreement did provide provision for right of innocent passage for navigational purposes, yet, it did not provide any provision what so ever for fishermen of either states to cross the IMBL into either states water for fishing activities. Yet, the Indian fishermen daily cross the IMBL into the Sri Lankan waters in search of a 'better catch' (Fonseka, 2017). The Indian trawlers not only cross the IMBL and enter Sri Lankan waters, they are engaged in destructive bottom trawling or 'benthic trawling' as well. Bottom trawling can have far reaching negative consequences to the rich marine eco system and the marine diversity of the Palk Strait and Gulf of Mannar regions. These activities by the Indian fishermen amount to be illegal and quite often Indian fishermen transgressing in the Sri Lankan waters have been apprehended by the Sri Lanka Navy (SLN), trialed on the grounds of trespass, boats confiscated and apprehended Indian fishermen even imprisoned. Yet given the friendly relations between the two states quite often imprisoned Indian fishermen have been sent back to Tamil Nadu on good will.

Security is of profound importance to states and humans alike. Traditional security in this case is the marine security which is of importance to state and state security concerns and human security that deals with human insecurities due to the problem, both of which attributes to Comprehensive security.

Indo – Lanka fishery conflict shows eminent signs of infringement of comprehensive security which leads to threats at many aspects concerning traditional security which is a matter for the state and human security amounting to human insecurities.

The question arises as to why this conflict remains unresolved and a persistent one. Among many contributory factors the researcher has identified the political aspect to the problem, politicization and political polarization as one of the main reasons as to why this conflict remains unresolved to date.

F. Way forward and conclusion

This research therefore, will analyze the effects of politicization and political polarization on the Indo – Lanka fishery dispute. The researcher is also of the view that, if a lasting amicable solution to this problem is to be sought that this problem should be free of undue political intervention with various vested political interests and that a "Multi-Pronged" approach should be adopted to deal with all aspects of hindrance to a solution.

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