

INDIA - SRI LANKA RELATIONS . 53

What are issues:

- ① Ethnic conflicts and its repercussions.
- ② China-SL Relations & Pakistan-SL Relations.
- ③ Fisherman issue

Importance of SL for India:

- Located at distance of just 20 nautical miles from Southern tip of India.
- Has a strategic importance because of its situations at major seelines of communication.
- Has repercussions over both India's domestic politics as well as India's geopolitical interests.

• How to describe India-SL policy so far?

- It has been like sculling on two boats.

- What are these 2 boats?

- Boat 1: Tamils.

- Boat 2: Sinhalese.

• Why India couldn't give complete support to Tamils?

- ① Fear of Tamil aspirations; Tamil aspiration

becoming much greater to extent of

secessionism even from Indian peninsula.

② India's problem in Kashmir.

③ Tamils are in minorities & Sinhalese are in majority. Hence Govt. has to be dominated by Sinhalese. Considering India's geo political interest we can't leave Govt of SL in any situations.

Why India didn't give whole hearted support to Sinhalese?

- This is to put pressure on Sinhalese Govt in case they overlook India's National Interest, India can play Tamil card.

What advantage China has?

- China can look at SL from purely geopolitical perspective. China need to have any concerns for Tamils which India has to have because of domestic concerns.

What has been SL's policy towards India?

The former policy of SL is Non Alignment/ keeping equidistant. SL knows importance of his position, wants to take benefits from both. SL knows that there's greater dependency of SL on India. India has higher leverage because of Tamils proximity but when SL comes

closer to China, it gives more

- In recent past SL has strengthened its relations with both Pak & China. SL is most an important pearl in China's string of Pearls. SL has joined OBOR. Recently as a 'Debt-equity swap', SL has handed over Hambantota Port located in deep south to China. China is already involved in Columbo Port City Project. Historically SL has defence cooperation with Pakistan. Prez of SL has been chief guest of Pak's Republic Day. Pak-SL wants to transform their relationship beyond defence cooperation. SL's stand on 1962 War was favourable to China & in 1971 war, SL has offered its territory for refuelling of Pak's planes.

- Origins of India-SL Disputes:

- The domestic politics in all South Asian countries has heavily influenced their relations with India.

What was domestic scenario in SL?

- SL can be divided into two geopolitical regions.

(a) South & Central.

- It's dominated by Sinhalese; receives heavy rainfall & thus: primarily agrarian.

(b) Northern East is peninsula having 2 regions:

(i) Jaffna Peninsula.

(ii) Vanni Region.

- It doesn't receive enough rainfall, dominated by Tamil who has to depend primarily on trade & commerce & also on Govt employment for their livelihood.

- The present ethnic conflict in SL has its roots in British's Divide & Rule Policy. Britishers always favoured minority because of fear of nationalists' challenge from majority.

- Sinhalese were against British. They were against learning English language, whereas Tamils readily accepted English language & thus got upper hand in education & employment.

Tamils in SL are categorised into:

(a) SL Tamils..- Those who migrated to SL in ancient times.

(b) Indian Tamils - Those who migrated to SL during colonial rule,

(i) To serve as plantation workers. - In British made constitution ~~of~~ Tamils were overrepresented. Hence there was anger against Tamils.

Activities of SL Govt after Independence:

- The Sinhalese Political Parties preferred majoritarian approach. Though SL started with parliament system, yet it gradually shifted towards semi-presidential type. The powers of Prez kept on increasing & powers of parliament kept on weakening.

- Govt of SL had brought 2 acts:

(i) Citizenship Act. 1948 - It denied large number of so called Indian Tamils citizenship. It's to be noted that same year International community had adopted Universal Declaration on Human Rights. Based on experiences of Jews, it has been made mandatory, that all persons will possess nationality. Once they lost citizenship, many started coming to India as refugees. The purpose of SL Govt was to deny them voting rights and thus politically marginalised them. India had to intervene & ultimately the matter was settled by year 2007.

(ii) Official language Act 1956 - known as Sinhalese only. Only Sinhalese will be official language. Even English will not act as link language. This was to attack their educational & economic interests.

- It decides above two, Govt also declared Buddhism as besides

- official religion.

- India had to intervene for Tamils cause. India had offered its own 3 language Formulae. It was interpreted

as India's Big Brother Attitude. Under Indian pressure

SL PM Bandarnaike accepted 3-language formulae. However

He was assassinated for the compromise.

- Role of Jayawardhane:

- Jayawardhane was at forefront of Language Movement. He

was a Rightist Sinhalese politician with hard approach

towards Tamils. Because of Language Movement he could

come to power, concentrated all powers in hands of

President.

- Rise of Militancy:

- Uptill now, Tamil movement was peaceful, constitutional.

However Jayawardhane's approach led to the emergence of the terrorist organisations like LTTE, PLOTE, TULF. It was realised that constitutional methods won't help.

Jayawardhane's Foreign Policy was anti-India. It was the

time of cold war he tried to strengthen engagements

with USA. Hence Govt of India started helping Terrorist

organisations. Among all terrorist organisations LTTE led

by Prabhakaran emerged as most powerful terrorist

organisation not only in SL but in world. It had its own Air Force

Operation Vaclamarachi 1987

- SL Forces put embargo on an around Jaffna to compel LTTE to lay down arms.

Operation Poomalai 1987

- since the actions of SL Govt created humanitarian crisis, Govt of India had sent the relief through Navy. It was stopped by SL Forces. Hence in violation of SL's Airspace, Indian Air Force dropped the relief to Jaffna. Thus making embargo irrelevant. SL Govt realised that so long India is there to support, LTTE, they can't defeat them.

1987: India-SL Accord

- Why SL accepted Accord? (offered by Rajiv Gandhi)

- Accord actually offered what SL wanted, an opportunity to create differences between LTTE and Govt of India.

It's to be noted that war was between Govt of SL & LTTE

India entered into Accord on behalf of LTTE, LTTE was not even party to a Accord. Hence no obligation on LTTE.

- What was the Accord?

- It has 2 set of agreements: (a) which is related to India's strategic interests. - As per the agreement, SL won't allow

The presence of Army and other forces of any other country on its territory.

- No docking of submarines or naval ships at SL harbours.
- If military personnel of any other country is present in SL, it can be done only with prior information & permission of Govt. of India. Since 2014 SL has violated the agreement by allowing docking of Chinese submarines. Hambantota Port has been seen as China's naval port in Indian Ocean. It's the pressure of Govt of India that SL Govt had strictly limited Chinese activities to commercial operations as of now.

(b) Domestic aspects of SL : India offered formula for reconciliation.

- (i) Provincial autonomy in SL, which has been a unitary system. [Note : LTTE was fighting for Independent state. Formula didn't offer even federalism, never accepted by LTTE]
- (ii) 3 language solution : Tamil has 2nd ~~1st~~ official language status ; link will be done by English language .
- seen by Sinhalese as interference :

- Status of implementation :

- Above accord led to 13th Amendment in Constitution of

of SL. Provincial autonomy has been introduced but couldn't be introduced in Northern province due to militancy.

- What was mistakes of India?

- India gave unilateral assurance to Govt of SL.

- What assurance?

(a) SL Govt implement the reforms, India will ensure LTTE to observe ceasefire.

- How India will ensure?

- India will send Indian Peacekeepers, on the condition SL Forces are send to barracks War between IPKF and

LTTE :

① SL Govt. somehow managed violent incidents against Tamil in southern part.

② It gave excuse to LTTE to open fire.

③ SL Forces were in Barracks.

④ IPKF became targets. IPKF was mission was sending Heist i.e without proper planning & consultation. Since

it was peacekeeping operation, they lacked offensive

of weapons.

Outcome :

- War between LTTE in India. Ultimately in culminated into

assassination of Rajiv Gandhi.

What was India's policy after war?

- Hand's off policy : No involvement
- The lead was given to Norway.
- Tamil Eelam War - 4 : The last war
- Rajapaksha came to power, to eliminate LTTE. He started full fledged war against LTTE. By this time LTTE became enemy of Indian state. India offered its support to Rajapaksha. Uptill now China was not a player but now China also aquired the role. India provided critical intelligence inputs.
- Indian Navy stopped any arms consinement reaching to LTTE.
- Without India's support SL wouldn't have defeated LTTE.
- What was India's objective?

- Once LTTE ends, India will pressure SL Govt to address the grierances of Tamils. India believed that SL Govt would acknowledge India's role in ending the war.

What's the response of SL Govt ?

- ① Didn't acknowledged India's role ; rather acknowledged China's role .

- Indian High Commission
Jai Dixit al has
already warned
about conseque-
nces of war.

Why?

- India denied lethal weapons to SL. Only gave non-lethal weapons. whereas China gave complete military support.
- Rajapaksha, followed majoritarian populist policies, ignored India & strengthened relations with China.
- What has been India's response?

- India understood that it has limited leverage on bilateral level, started working with international communities -

USA & West raising Human Rights violations in SL.

However Govt of India's stand was because of pressure of DMK in coalition govt.

- What's current state of relations between India & SL?

- Since the change of governments in both, in India coalition Govt led by Manmohan Singh has been replaced by Govt led by Modi, enjoy full-fledged majority in Lower House.

- Since DMK was the part of Congress coalition or UPA, MMS Govt had to give bigger importance to Tamil

grievances. As present Govt is free from coalition pressure.

there is no party from TN (regional party) Hence Modi Govt

could give priority to geopolitical & strategic perspective..

DM Modi visited SL twice. First during 3 Nations Tour

in 2015 and again in 2017 to attend International

Vesak Day celebrations. Though the prime focus was strengthening strategic relations with Sinhalese Govt, yet on both occasion govt continued with a balancing act. Modi became first PM to visit Jaffna. During his 2nd visit also, he visited even the Hindu Temple in Anuradhapur.

- Since there was change in Govt in SL also. Rajapaksha Govt got extremely tilted towards China. The new govt led by Sirisena, emphasised that it would follow the policy of equidistance between the 2 neighbours - India & China.

There have been high level bilateral visits between India & SL however SL's closeness with China continues. SL has become a important country in China's MSR (Maritime Silk Route) Project. Since China is permanent member in UNSC, SL would like to maintain good relations with China to prevent any action of UNSC w.r.t. HR violations in SL. China also has bigger pockets. There's common understanding that India promises, China delivers. SL has handed over Hambantota Port to China as a part of Debt Equity swap on lease for 99 years. Understanding Indian reservations, it has restricted China's action to commercial operations.

SL has even offered Port City Project to China
Columbo

SL has offered the project of Trincomalee Port to India however India has financial constraints.

The region around the port at present is not commercially developed. Hence there's long gestation period, so India is reluctant.

So far SL hasn't approved the FTA in services in India. Not only SL has good relations with China, it continues to deepen partnership with Pakistan. At present even SL-Tamil aren't much satisfied with Indian action. India hasn't been successful so far in forcing govt. of SL to take necessary measures to address Tamil grievances.

What are Tamil grievances?

① Tamils have been demanding fair investigation of war crimes against civilians. SL Govt had

setup LLRC (Lesson Learned

under pressure of International Community.

There have been huge objections with the manner in which Commission was consti-

tuted. Commission has come with view that

Both sides have committed the crimes but the bigger violence is done by LTTE. SL Govt is reluctant to even implement the recommendation of Commission. SL Govt. has been forced by International Community to setup Hybrid Court. However so far no such process has started.

② Tamil population before war was ^{18 to} 20% of total population. It has been reduced to 9%. Tamil want to know whereabouts of missing persons. Though elected govt has been installed in Northern Province yet the situation of the Govt. is like that of Delhi Govt. It neither has powers on land nor on police. No bill can be introduced in the Assembly without consent of governors. No ~~for~~ financial power. It fails to fulfill Tamil aspirations. The Northern Province continues to be heavily dominated by the presence of SL Army. Considering the animosity has towards Tamils, they can't lead a normal life in such a militarised scenario.

During war SL Military had occupied the agricultural & private land. It has not been relea-

sed so far. Thus they're unable to start their normal life. Under pressure of International Community, Govt is returning land at extremely slow pace. Still large number of people are detained Under Prevention of Terrorist Act. There has been huge restriction on media. Govt is taking no concrete step for rehabilitation & resettlement of large no. of internally displaced persons. The Govt had not even fully implemented the aid which India had given for reconstruction of houses.

Reforms Taken so far :

- ① Rajapaksha Govt had taken no reform except installing elected Govt. in Northern Province.
- ② Sirisena Govt has taken following steps :
 - Had setup a committee for rewriting a constitution.
 - 19th Amendment Act, which has shifted the power from Presidency to Parliament, thus nullifying effect of 18th Amendment Act.
 - Started releasing the occupied land but at a very slow pace.
 - Relaxation in restrictions over media.

For the first time allowed Tamils to allowed public mourning in memory of bereaved.

Current Scenario :

- Since Elections are due in 2019, all major parties are trying to appease majority. There have been increased incidents of communal violence inst. Now Muslims have become soft targets of attack by Sinhalese ultra-rightist group.
- There was huge possibility that SL will retreat into Ethnic Crisis and Civil War. Until & unless SL politicians will understand the need of nation building in a heterogenous society, peace & stability is unachievable in SL. The crux of problem is SL is majoritarianism & Preferential Policy.

Fishermen Issue :

- What's the issue?
- There have been increasing incidents of detention of Indian fishermen by SL Navy. Not only they have been detained, there have been incidents of SL Navy opening fire on fishermen causing loss of life. The actions of SL Govt/Navy is in complete

18th Amendment
- concentrated power in hands of Executive i.e. Prez.

disregard to,

(i) Art 73 - UN Convention on Laws of Seas (UNCLOS),

According to which shooting of fishermen trespassing the maritime boundaries is strictly prohibited.

(ii) Art 143 of UNCLOS - According to which any action taken to check the transgression should protect the Human Rights of all stakeholders. SL actions are also in violation

of agreement between India & SL known as "Practical Arrangement" on Fisherman Issue.

As per Practical Arrangement,

① No arrest of fishermen within 5 nautical miles of maritime boundary.

② Releasing fishermen on humanitarian grounds.

Why there's a problem?

- Problem is linked to ~~marit~~ settlement of maritime boundary. India & SL has two maritime agreements,

(1) 1974 Agreements: It settles the boundary in Bay of Bengal region (Eastern side)

in the strait region. The agreement has recognised Kacchothevu Island as SL territory.

What is the problem?

- Kacchothevu Island was territory of Princely State of Raja of Ramnad in state of TN.
- Indian Fishermen have been fishing around the Island, known as 'Historical Waters'.
- There's lack of good marine ~~to~~ resources near coastal region, and hence they're tempted to go further.
- Govt hasn't taken proper steps to create awareness or to install GPS system in the boats.

Position of Political Parties in TN:

- The PP in TN don't recognise the legality & legitimacy of act of New Delhi, transferring the territory to Colombo. Late Jayalalitha had filed PIL in SC, the decision remains pending.

(2) 1976 Agreement: It settles the maritime boundary in Gulf of Mannar (west side). It's to be noted that settlement was made when Emergency was imposed in the country, opposition was behind bars & govt in TN was dissolved.