

# The maritime issues between india and srilanka



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1. India and Sri Lanka did not have its maritime boundaries officially demarcated at the time of Independence or in the immediate post independence era, since both were ruled by the same imperial power. The need was felt to do so after independence and unfortunately, neither of the countries consulted each other in their effort to establish their respective maritime zones. In 1956, India unilaterally extended its territorial waters from 3 to 6 nautical miles, and later claimed control over an area of 100 nm adjoining its territorial waters. Sri Lanka followed suit and announced a similar jurisdiction. In 1967, both the countries exacerbated tension in bilateral relations by further extending their maritime jurisdiction to upto 12 miles. The intensity of differences diluted in the 1970s after both countries signed agreements on maritime boundaries.

2. This chapter makes an endeavor to look at maritime issues between India and Sri Lanka such as security concerns, the proposal to declare the Indian Ocean as a zone of peace; the Kachchativu island issue, fishermen's problems, the land bridge and Sethusamudram Ship Canal Project, the threat from terrorism, Tamil refugee problem, economic and energy cooperation between India and Sri Lanka.

### Security Concerns

4. Since historical times, India has faced threat from the sea and it is important for her to defend her maritime resources. As a regional power, India should engage in a dynamic role in promoting maritime security in partnership with other powers in the region. India also has to protect the interests of the Indian Diaspora living in different parts of the IOR. External

military presence in the region is a threat to India's economic interests and is a major constraint on its role in the area. India's merchant marine enjoys more than 920 ships and imports two thirds of its oil from the Gulf region. It is also engaged in massive maritime trade with West Asian countries. In 1987, India has been recognised as a pioneer investor in ocean mining and is a pioneer to explore and exploit the resources in the sea bed. UN sea bed Authority for mining has allotted 150, 000 sq kms of sea bed to India in the central ocean region which is only 384 km from the island of Diego Garcia which is a major US military base. Many littoral states observe India's efforts to put together a strong navy as its aspiration to assume a " big brother" role in IOR even after many Indian leaders explicitly stated that India is not aspiring for such a role on many occasions

5. The greatest threat to Sri Lankan national integrity was the emergence of radical Tamil youth organizing a movement to establish a separate Tamil state. These radical Tamilians derived material and ideological support from about 60 million Tamils living in Tamil Nadu in India. state. Traditionally moderate Tamil leaders maintained close relations with political leaders in Tamil Nadu and an earlier movement led by S.J.V. Chelvanayagala's for greater autonomy for the Tamil region was inspired by the Gandhi's satyagraha. The Sinhalese in Sri Lanka perceived India and the Tamils as one and the same and some Sinhalese even believed that all Indians are Tamils. The 32 km wide Palk Strait could be easily crossed in a short time by boat. The highly sympathetic Tamil population of Tamil Nadu continued to fund and extend assistance to the Sri Lankan Tamil cause in more concrete ways by even

setting up training camps for Tamil militants in India with the overt consensus of the Tamil Nadu and Central government.

6. India came openly to the assistance of The LTTE in the cover of humanitarian assistance following the economic blockage which was the result of Sri Lankan Armed Forces attempt to regain control of the territories held by LTTE. Relief supplies were sent by India to the war ravaged Tamil dominated areas by sea, which was a violation of the sovereignty of Sri Lanka. The Indian government went to an extent of dropping food by air to express sympathy for the Sri Lankan Tamil cause. In 1987, India and Sri Lanka signed an accord and to ensure implementation of the agreement deployed an Indian Peace Keeping Force (IPKF). The IPKF was finally asked to withdraw after Ranasinghe Premadasa became the president of Sri Lanka. This extremely anxious relationship changed with a series of incidents in the early 1990s and culminated with the shocking assassination of Rajiv Gandhi by LTTE. The implementation of the Gujral Doctrine paved way for cordial relations and India adopted a policy of non interference as far as the ethnic conflict was concerned, although military cooperation improved substantially during this period.

#### Indian Ocean as a Zone of Peace

7. In the early 1970s, Sri Lanka proposed to declare the Indian Ocean as a Zone of Peace (IOZP) and this showed enough prospects for better cooperation between India and Sri Lanka. On 16 December 1971, the UN General Assembly passed a resolution declaring the IOZP. The first operative paragraph dealt with the execution of the IOZP and the second operational

paragraph called on major powers to confer with the littoral states of the IOR and to cease further increase of their military and logistics support bases and the deployment of nuclear weapons in the region. The third paragraph called upon all member states to ensure that military assets should not be used in the region for any threat or use of force against the sovereignty, territorial integrity, and independence of any littoral and hinterland state of the region.

8. The vast expanse of the IOR and diversity among littoral states in ethnicity and customs ensured that they did not adopt a common strategic posture. Most countries in the region have conflicts with their neighbors and had differences of view regarding the existence of major powers in the region. Most littoral states preferred the presence of these great powers rather than India, Iran or Indonesia dominating the region. Thus, the very country which initiated the idea of IOZP altered its position due to its apprehensions regarding India's intentions and the proposal was shelved.

#### Kachchativu Island

9. One of the major issues that kept on upsetting good bilateral relations between India and Sri Lanka is the Kachchativu Island. This barren, uninhabited island covers an area of 295 acres and since 1920; the British used this for naval gunnery practice. A catholic church constructed in the early twentieth century is located in this island and fisher men and pilgrims of both countries visited the church in belief that St Anthony would protect them from turbulent sea and inclement weather. The free movement of fishermen communities of both countries which existed before independence continued till 1974. Situation changed dramatically and relations between

the people of both countries transformed after signing of the 1974 agreement and eruption of civil war in Sri Lanka.

10. Though the island is not strategically important for India, but for Indian fishermen it is a very important place associated with their livelihood since the surrounding seas of Kachchativu Island have an abundance of prawns. , Sri Lanka claimed territorial rights over the island after independence and requested India not to allow its planes to fly over that area so that it can use it for aerial practice firing. India claimed that the Madras state owned the island on the basis of the rights enjoyed by the Ramnad zamindar. There are records that show that the leased the island to various parties for fishing. On the other hand, Sri lanka claims ownership based on the following issues:-

(a) Historic Dutch colonial maps records shows the islands as part of Jaffna town.

(b) The St Antony's church belongs to the Jaffna Diocese traditionally.

(c) The survey officers of the Government of India in 1876 have marked Kachchativu as part of Ceylon.

(d) The Royal navy during the Second World War requested from the Government of Ceylon (not India) for permission to conduct naval exercises.

11. The Indian government was not fully convinced of the Ramnad zamindar's rights over the island and in fact showed little interest in retaining the island under its control.

The 1974 Agreement

12. In 1974, India accepted the sovereignty of Sri Lanka over Kachchativu Island and signed an agreement to that effect. The agreement has provisions to shelter a few activities of the Indian Fishermen. Article 5 maintains that pilgrims and Indian Fishermen will not be required to obtain travel and visa documents to enter Kachchativu. A vaguer Article 6 states that “ The vessels of Sri Lanka and India will enjoy each other’s waters such rights as they have enjoyed therein”. Neither of the articles specifically deals with the Indian fishermen’s fishing rights near the island. The Indian government was of the view that the fishing rights of Indian fishermen were protected by the 1921 agreement to which the Sri Lankan government did not approve. Sri Lanka maintained that the agreement gave only rights to dry their fishing nets, to rest, and to the right of pilgrimage to visit the island for religious purposes and not fishing rights.

13. Sri Lanka maintains that since time immemorial they enjoy territorial rights over the island. Way back in 1921 during the colonial rule, officials of Ceylon and the Madras presidency met to discuss the demarcation of the Palk Straits and the Gulf of Mannar but they could not go ahead since the British Indian government did not give them any clear directions. Today, the fishermen in coastal Tamil Nadu do not care as to which state controlled the island; for them, the only thing which mattered was livelihood.

#### The 1976 Agreement

14. In 1976, both India and Sri Lanka signed another agreement to sort the boundaries in the Gulf of Mannar and the Bay of Bengal. The agreement gave away fishing rights for both countries in the each other’s historic

waters, territorial sea and the exclusive economic zone. It was evident that India concluded this agreement for the sake of good neighborly relations. However there was opposition to this both in the Indian Parliament and it continued to provoke political leaders in Tamil Nadu for decades. The Government of Tamil Nadu accused the Central Government responsible for this unilateral decision which later led to the killing of about 110 Tamilian fishermen and 45 boats being destroyed. It is an established fact that the Tamilian fishermen will not easily give up their livelihood and many historians feel that the Indian government should have taken the wishes of Tamil fishermen into consideration before getting into any agreement.

15. In recent times, the Sri Lankan government argues that the island is being used for illegal activities and hence Indian fishermen are not allowed to go near the island by the Sri Lankan navy. The Indian government never raised its voice against the Sri Lankan move. The fact remains that the Indian government pursued an accommodative approach towards its neighbor and did not take the Tamil fishermen's problems into consideration. The Tamil Nadu government and the Tamil fishermen do not approve of ceding of Kachchativu to Sri Lanka and is of the view that the disputed island was unfairly "gifted" by Mrs Gandhi to Sri Lanka and hence the Tamil Nadu fishermen continued to enter Sri Lankan waters for fishing.

#### Problems of the Fishermen

16. The poor fishermen of India and Sri Lanka hardly respect maritime boundaries since they solely depend on fish catches for their livelihood. The distance between Rameshwaram and Talaimannar is just 14 kms and



therefore it is not practically feasible to prevent them from crossing over to each other's waters.

17. The Palk strait particularly the Sri Lankan side is rich in prawns and therefore the, Indian fishermen cross over with disregard to the restrictions imposed by the Indian Navy and attacks carried out by the Sri Lankan Navy and Sea Tigers. Ever since the rise of LTTE as a dreadful military force, the seas adjoining the northern and eastern provinces had become a matter of concern for Sri Lankan Armed forces. The LTTE not only smuggled contraband goods from Tamil Nadu, but also maintained links with Tamil Nadu even after the assassination of Rajiv Gandhi. The Sri Lankan navy followed a practice of shooting first and questioning later and treated all boats as threats fired upon them, resulting in the killing of innocent fishermen. They believed that the Indian fishermen supplied fuel and other material to the LTTE in the guise of fishing and therefore maintained a very aggressive and unfriendly approach to the Indian fishermen. Since mid 1990s there has been a distinct change in the attitude of Sri Lankan navy and now they do not undertake violent actions against defaulting Indian fishermen and instead simply warn the fishermen or remain inactive.

18. The Indian authorities arrested any Sri Lankan fisherman who entered its waters and subjected them to a very lengthy prosecution procedure involving the central and state governments and the different ministries/departments ie the Ministry of Home Affairs, External Affairs, Agriculture. The Maritime Zone of India Act of India prescribes imprisonment not exceeding three years or with a fine of upto Rs 15 lakhs or both if foreign ships entered its territorial waters. This is in gross violation of the provisions <https://assignbuster.com/the-maritime-issues-between-india-and-srilanka/>

of the UNCLOS-III which forbids imprisonment of fishermen who are found poaching.

19. Although the Sri Lankan Tamil fishermen were protesting against the poaching by Indian fishermen, the relationship between the fishermen of both countries remained cordial mainly due to their ethnic affiliations. Moreover, the LTTE got a lot of assistance from Tamil Nadu and therefore largely ignored Indian fishing activities in their waters. During the last decade, the Sri Lankan fishermen slowly realised that the massive trawler fishing by the Indian fishermen posed a credible threat to survival of their communities and they started violent protests. The Cease Fire Agreement between the Government of Sri Lanka and the LTTE in 2002 lifted some restrictions on fishing activities in the north east and this triggered violent clash between poachers and fishermen, which had emerged as a major issue between India and Sri Lanka. There were instances of the LTTE resorting to shooting at Indian fishermen in Sri Lankan waters to create a cause for tension between both countries.

20. Poaching is a grave crisis faced by both the countries which needs to be addressed in the interest of good relations. However, it may be noted that the idea of allowing poaching on humanitarian grounds is not practical as this could complicate issues further and would pose a bigger challenge to good Indo Lankan relations.

Land Bridge between India and Sri Lanka

21. Sri Lanka proposed a BAMATRICO (Bangalore - Chennai - Trincomalee - Colombo ) axis land bridge between Rameshwaram and Talaimannar at an <https://assignbuster.com/the-maritime-issues-between-india-and-srilanka/>

estimated cost of \$ 880 million. The bridge would be a connecting link between the national highways in South India and those in Sri Lanka and would facilitate a continuous road and ferry link from Madurai to Trincomalee. The Tamil Nadu government cited security issues and opposed the proposal. Though the Tamil Nadu government's apprehensions about the security of Tamil Nadu may be unfounded, it is not difficult to prevent the activities of the LTTE and their crossings into Indian territory. Both the countries at the government level had agreed to construct a bridge but the proposal is yet to materialise.

### Sethu Samudram Canal Project

33. At present, ships transiting between the coasts of India have to go all the way around Sri Lanka because of a reef called Adam's Bridge at Pamban, near Rameswaram Island. The Sethu Samudram Canal Project project envisages creation of a 170 km long, 800 metres wide, two-way channel between the Gulf of Mannar and the Palk Strait, more or less parallel to the Indo-Sri Lankan maritime boundary, within India's territorial waters. The canal would help make two-way coastal shipping operations between the east and west coasts more competitive, faster and save on fuel costs. The project involves initial capital dredging and subsequent periodic maintenance dredging of the 12 metre deep canal. The greatest beneficiary of the project would be the Tuticorin Port and development of the proposed 13 minor ports in Tamil Nadu. In recent months, the controversy has widened by environmental and religious activists who consider it sacrilegious to cut through / destroy / damage the Ram Setu, described in the sacred epic Ramayan.

37. Sri Lankan views are similarly divided. In one view, reviving maritime activity in the Palk Strait will benefit the economy of Northern Sri Lanka and the opposite view is that disturbance of the ecosystem would endanger the livelihood of Sri Lankan fishermen.

#### Economic Cooperation

38. Sri Lanka and India liberalised their economies in 1978 and 1991 respectively. Therefore the trade between the two has almost doubled in half a decade. A Free trade agreement was signed by India and Sri Lanka in 1998 and is seen as an example for countries in the region to promote greater cooperation. Half of India's investments in the SAARC countries are in Sri Lanka. India has contributed considerably to promote tourism in Sri Lanka.

39. Trade. Bulk of the trade between India and Sri Lanka is said to be 'unofficial'. Trade between both countries can be traced to time immemorial and a significant share of it is illegal. In the early days of Independence, illegal trade between the two countries was a two ways process, with significant quantities of goods being smuggled by boat through the Palk Straits. There were two major category of goods that were smuggled to northern Sri Lanka by boat:-

(a) Consumer Goods. Goods like gold, silver, precious stones, spices, imported electronics were smuggled from Sri Lanka to India whereas textiles, steel products and medicines were illegally transported from India to Sri Lanka. A large list of new items were added to the list due to the civil war and the strict economic embargo enforced by the Sri Lankan armed forces in the northern areas. Goods such as fuel, cement, iron rods, batteries,

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chocolates etc were barred and the LTTE and the people looked towards Tamil Nadu for supplies. The goods smuggled in from India were sold at exorbitant prices thereby attracting a large number of Indian fishermen to indulge in smuggling activities. Nevertheless, the issue has more or less addressed after the fall of LTTE and the inflow of goods at market prices has commenced from south to north. Both countries have to realise that restrictions on trade are harmful to economic development and therefore they have to relax the restrictions by abolishing tariffs which would minimise the illegal trade between the two countries.

(b) Drugs. Drug trafficking through the Palk strait is an added concern within the ambit of maritime cooperation between India and Sri Lanka. Mannar district has grown to be the focal point of drug smuggling into Sri Lanka. Drugs are purchased from Afghanistan and smuggled from Pakistan to southern states of India and then to Sri Lanka. Agencies in both countries have agreed to share information about the movement of smuggled drugs and this has proved to be inadequate. Enforcement of maritime tasks and eradication of corruption in both countries will help fight this social nuisance.

### Energy Cooperation

40. Sri Lanka faces acute power shortages. The country does not have adequate hydro potential to generate power to meet its ever increasing demands. Sri Lanka is on the lookout for alternate sources. The proposed land bridge between Rameshwaram and Talaimannar could carry transmission lines to hook up Sri Lanka to India's southern region electricity grid with the Kundankulam nuclear power plant serving as base load station.

Both countries can cooperate in the area of power if an electric grid stretching from Nepal to Sri Lanka is established.