

India-Sri Lanka Contemporary Maritime Issues: Past and Future

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Abstract: India and Sri Lanka are based on a deep and abiding friendship which has been built on shared historical experience and common civilization and cultural values sustained by geographical proximity and ethnic affinity. India and Sri Lanka, though unequal in size, population, economic strength and international clout, has generally had healthy and cordial relation. Sri Lanka's location in the Indian Ocean is of great concern for the neighbouring countries. The Indian Ocean played a great role in determining the relation between the countries, so as with India and Sri Lanka. There are some of the issues which bittered the relationship between the two countries. The paper will here discuss some of these maritime issues which have determined the relationship between the two countries.

Keywords: Background of India and Sri Lanka, Research methodology, Maritime Issues, Conclusion

1. Background of India and Sri Lanka:

Sri Lanka is India's immediate neighbour. Although the Sri Lanka is considered a small state, it has played an important role in regional affairs from the ancient times. India-Sri Lanka relations have historical origin which can be traced back to pre-historic times. The Palk Strait divide's the two countries which is a narrow strip of ocean between the two countries and it has been a crucial in determining relations between them. Predictably this characteristic of the Palk Strait has created administrative, logistical and defense problem for both India and Sri Lanka.[1] Even though the fact that the Palk Strait divides the two Countries, there are strong cultural links that binds the people of Southern Indians state of Tamil Nadu with those of the North and North-Eastern parts of Sri Lanka.[2] However due to the ethnic conflict in Sri Lanka that prevailed during the past thirty years in these areas, Indo-Sri Lanka maritime security became a great concern for the two countries. However, both the countries have so far resolved these issues through mutual understandings and cooperation's.

2. Research Methodology:

The methodology used will be both primary and secondary based data collection. The primary data will be the government documents and the secondary data will be the books, articles, reports and other used during writing this paper.

3. Maritime Issues:

Sri Lanka is the island nation which is located in the Indian Ocean. The location of Sri Lanka has made it of strategic importance for the neighbouring countries. Since historical times India has faced threat from 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 and Sri Lanka have faced number of maritime issues from the early date of their independence. The main issues after the independence was the issue of Indian Ocean, Kachchathivu Island and fishermen issue. The issue of Kachchathivu Island was solved by various agreements but the fishermen still remained a challenge for the two countries. These issues will be discussed below and what strategies have been adopted by the governments of the two countries to tackle from these issues.

3.1. Indian Ocean Issue:

Indian Ocean is the third largest water body in the world after Atlantic and Pacific Oceans. It touches Indian mainland in east, south and west. The Bay of Bengal and the Arabian Sea are the part of Indian Ocean. The geographical limits of Indian Ocean are India, Iran, Pakistan and Bangladesh in the north; Burma, Thailand and Malaysian Peninsula Sunda Subduction and Australia in the east; Antarctic continent in south and Africa and Arabia in the west [3].

India plays a fundamental role in the Indian Ocean region due to its geographical location as a subcontinent, and the state of polity that it emerged into after colonization influenced every aspect of its relation with the neighbours. Sri Lanka, being a comparatively smaller Island nation, shares maritime borders with India and Maldives while India shares maritime borders with a number of countries. India has maritime boundaries with a larger number of states than those with which it shares land borders [4]. Threat perception and other security related challenges along with India's pivotal position in the Indian Ocean Region shapes its relation with these maritime neighbours. The very location of India, as a subcontinent located strategically in the Indian Ocean with access points to the South East Asia and West Asia, offers it opportunities to enhance its power and influence as well as opens up concerns of security. K M Panikkar noted that the future of India's power rests with oceans and a well-considered and effective naval policy can result in determining India's growth as a major power in the Indian Ocean Region [5].

Being a geographically proximate state of India, Sri Lanka assumes great importance to India. Both India and Sri Lanka are situated in the outer rim areas of the Indian Ocean and, thus, have tremendous potential to develop maritime trade with the Afro-Asian countries and the various other countries of the world. In the context of Indo-Sri Lanka relations, the geo-strategic dimension continues to be as one of the independent variables. Since colonial days, naval strategists have emphasized the importance of Sri Lanka in the defence calculations of India. For the British colonialists, Sri Lanka had been an integral part to the defence of the Indian subcontinent as it served as a vital link in their sea communications eastwards. India after independence, continued to adhere to the principles of strategic importance of Sri Lanka on the lines of the British theory

in the sub-continent. This is evident from the fact that in the early years, just after independence and even the years immediately preceding them, Indian writers, politicians and strategists had sought to emphasize the strategic unity of India and Sri Lanka and have argued for a closer union between the two countries [6].

From the security point of view of India, Sri Lanka assumes serious strategic importance in the Indian Ocean region. Furthermore, the strategic importance of Sri Lanka becomes crystal clear from the statement of the then first Prime Minister of Ceylon, D. S. Senanayake, when he expressed, we are in an especially dangerous position, because we are in one of the strategic highways of the world. The country, which captures Ceylon, could dominate the Indian Ocean [7].

Both the countries were much worried to preserve Indian Ocean region as a 'Zone of Peace' in the situation of the increase of super power challenge in the Indian Ocean from the late sixties onwards [8]. Sri Lanka was the first littoral state to follow the 'Indian Ocean as a Zone of Peace' under the leadership of Mrs. Sirimavo Bandaranaike the then Prime Minister of Sri Lanka. The scheme was made at the Non-Alignment Summit in Cairo in October 1964. However the significant thing is that both the countries took different stands in this situation from time to time.

In so far as India is concerned, it gave importance to ocean security after it was freed from colonial rule because India witnessed the attacks from different countries through sea. Due to this reason, India takes steps to strength its navy [9]. When the Britishers left the Indian Ocean region after World War II, the super powers tried to fill the power vacuum. Indian Ocean became prime concern for India and India tried to keep away the extra regional force from the area.

With the designs of major powers for gaining economic and military footholds in the island, Sri Lanka finds itself vulnerable to major power incursion. Since then, China and Pakistan's strategically-oriented persuade on Sri Lanka's defence and economic activities have also worried Indian policymakers [10]. The supply of defence equipment to a Sri Lankan military at war provides one of the major in-roads for China and Pakistan to expand strategic influence within Sri Lanka. While the threat of foreign power penetration in Sri Lanka, inimical to Indian interests, is real. In New Delhi's views of China, perceptions matter as much as reality. The security community in India sees China as posing the most formidable constraint to its influence in Sri Lanka. There are many factors that lead to this conclusion. China's vast resources; its desire to guarantee itself access to the world's principal oil shipping lanes; its veto power on the UN Security Council; its professed emphasis on non-interference; and its aversion to holding others to account on human rights and governance issues [11].

China's strategic clout in Sri Lanka is increasing every day. These will have serious connotations for India's national security and maritime security. Political perceptions of President Rajapaksa are likely to favour China as a counterpoise to reduce his dependence upon India. The strong anti-Sri Lankan flavour of Tamil Nadu politics has caused serious damage to India. In recent times, china huge investment in Sri Lanka's infrastructure as part of its 'string of pearl' policy became a concern for India. Sri Lanka is now-a-days coming closer to china than to India. India has been looking on nervously, concerned that china is encroaching on its sphere of influence and eroding its commercial and cultural links with the Island [12].

3.2. Kachchathivu Island Issue:

Kachchathivu is a barren island that lies about fifteen miles North-East of Rameswaram and approximately fourteen miles South-West of Delft Island. There are no permanent inhabitants or any permanent structure on the island other than a Roman Catholic Church administered by the Bishop of Jaffna as part of his Diocese. What makes island attractive is the richness of the surrounding seabed around Kachchathivu with prawns, chunk shells, pearls oysters and corals.

The island of Kachchathivu is seen to characterize the boundary dispute in the maritime sphere between India and Sri Lanka. Kachchathivu began appearing in the authorised accounts of the colonial government with regard to delimitation of Gulf of Mannar and Palk Strait with a view to safeguard Marine fisheries. The delimitation issue could not be settled as long as the disputed claims over the Island of Kachchathivu by both British India and Ceylon were settled. Thus Kachchathivu figured in the colonial period, with the colonial government scrutinizing the claim of both India and Ceylon over the Island [13].

It is claimed that Kachchathivu was originally part of the Zamindari of the Raja of Ramnad and that the people of Rameswaram and other coastal areas regard the area as part of their traditional fishing grounds. Kachchathivu was essentially integral part of the Zamindari of Raja of Ramnad which was ceded to Sri Lanka, initially during 1880 and 1885 for the collection of roots for dyeing purposes and in 1913 for the full exploitation of "Chunk" shells. Five decades lapsed between Sri Lanka laying claim to the island in 1921 and the discussions leading to the 1974 Agreement. During this period, neither, the Zamindari of Ramnad nor the Government of Madras/Tamil Nadu as the successors to the Zamindari moved any court in India or in Sri Lanka to establish ownership rights over the island. The Government of Tamil Nadu also did not mount any judicial challenge to the Central Government's decision to accept (in the 1974 agreement) Sri Lanka's claim to sovereignty over Kachchathivu [14].

The issue of Kachchathivu was discussed at the highest political level for the first time in November-December 1968, during the visit of Prime Minister Dudley Senanayake to India, the formal official talks ended in a deadlock. Indian Foreign Secretary T. N. Kaul informally elaborated on certain proposals made by him earlier. One suggestion was the lease of the island in perpetuity, either by Sri Lanka to India or by India to Sri Lanka. As this involved modification or denial in some degree of Sri Lanka's claim of sovereignty over the island, it was not acceptable to Sri Lanka. Meanwhile Indian Foreign Secretary Kewal Singh had discussions with Jayasinghe in Colombo on 24 December 1973, after delivering Indira Gandhi's letter dated 18 December 1973 to Mrs. Bandaranaike. He repeated the proposals made by his predecessor in 1968. One of them was that India had sovereignty over Kachchathivu, but will give it to Sri Lanka on perpetual lease on nominal rent or without rent. He, however, apprehended that Tamil Nadu may object even to this and that the Madras High Court may intervene and the Supreme Court may allow a writ, but Sri Lanka did not agree to this proposal. From then on the Kachchathivu has become an area of dispute between the Indian fishermen and Sri Lankan fishermen [15].

3.3. Fishermen Issue:

The fishermen issue has deeply affected the history, economy and culture of the coastal regions of both Tamil Nadu and northeast Sri Lanka. Due to ceding of Kachchathivu Island in the 70's, the livelihood of Tamil Nadu fishermen has been badly affected. The fishermen of both

the countries have not respected the maritime boundary at all. Despite the historical linkages between the fishermen of both Tamil Nadu and North-Eastern Sri Lanka, they still see their comrades as martyrs and those on the other side of the international boundary line as aggressors. The Sri Lankan fishermen poaching in other countries waters are more widespread than that of Indian Fishermen. The Tamil Nadu Fishermen on the other hand even today invoke the historical rights and routinely stray in to Sri Lankan waters for fishing. This has led to apprehension by the Sri Lankan Navy and in some cases even execution. Another factor that makes the Indian fishermen cross to Sri Lankan waters is because of the better catch both in quantity and quality. On the other hand the Sri Lankan fishermen also cross over to Indian waters near Lakshadweep islands for Tuna fish [16].

There is a need for the Southern states like Tamil Nadu and Kerala and the Centre to come to grips with the problem and resolve this issue on a permanent basis. Various proposals have been made from time to time to obtain fishing license for the fishermen of the area. A proposal for lease in perpetuity or mutual licensing has also been mooted. As a result of an understanding reached between Indian and Sri Lankan governments for the security and safety of fishermen, "practical arrangements were made to deal with bonafide Sri Lankan and Indian fishermen crossing International Maritime Boundary Line (IMBL) and agreed that there would be no firing on fishing vessels". It was also agreed that "Indian fishing vessels would carry valid registration or permit and fishermen would have personal identity cards issued by the government of Tamil Nadu" [17].

Given the closeness of territorial waters in Gulf of Mannar between India and Sri Lanka both the governments have signed two agreements to settle the maritime boundary line in the Gulf of Mannar and Bay of Bengal. The 1974 and 1976 agreements have clearly demarcated the boundary line between the two countries. At the same time, the 1974 document mentioned that "the vessels of Sri Lanka and India would enjoy in each other's waters such rights as they have traditionally enjoyed" and the agreement also allowed access to pilgrims and fishermen to Kachchathivu Island. Subsequently, the island was ceded to Sri Lanka by the Indian government. Depletion of marine resources on Indian side and easing of restrictions by Sri Lankan government in post Liberation Tigers of Tamil Eelam (LTTE) scenario paved the way for demand for the right of Tamil Nadu fishermen to fish in Palk Bay and retrieval of Kachchathivu Island became a part of this demand [18].

Fishermen issue came in prominence when the shooting and arrests of Tamil Nadu fishermen by the Sri Lankan Navy increased since 1990s due to security reasons. For instance, in the two decade period, starting from 1991 there had been 167 incidents of shooting on Indian fishermen; 85 fishermen were killed and 180 injured by the Sri Lankan navy. To deal with the problem the Joint Working Group (JWG) on fisheries was formed in 2004 involving officials from both sides. The JWG till date has met only four times and could not come up with satisfactory solution to address the concerns of fishermen [19]. It failed to explore possibilities of working towards a bilateral agreement for licensed fishing. The JWG on fisheries stressed on the need to release the arrested fishermen on humanitarian grounds.

The main problem in the fishing rights in the Palk Street of Indian Ocean between India and Sri Lanka is that of the laws binding the law of the sea and the traditional fishing rights. Historically Indian fishermen and the Sri Lankan fishermen have been fishing in Palk Street with occasional fights between the two groups; [20] However with the ceding of Kachchathivu to Sri Lanka in 1974, fishing has become an issue of conflict between both India and Sri Lanka. The LTTE in the capacity of navy in India's backyard increased the complexities of the issue of fishing. The long-drawn-out ethnic war having come to an end fishing rights is likely to be a major issue that both nations would need to sort out at the earliest possible time. A solution to this issue is only possible if there is a proper agreement on possibility of fishing around Kachchathivu islands.

In this context, both the governments have to work towards evolving a consensus in formulating regulatory mechanisms to manage the fishery and marine resources in respective Exclusive Economic Zone (EEZ). On the Indian side, encouraging Tamil Nadu fishermen to go for deep sea fishing and placing restrictions on mechanized bottom trawling to preserve the resources near coastal waters is an option that can address the concerns of Sri Lankan fishermen. Involving all the stake holders in decision making process, particularly the fishermen on both sides is important for long lasting solution. Both the governments along with respective state or provincial governments should devise a road map to ensure livelihood, safety and security of the fishermen. Formulating a plan for development and cooperation in the field of fisheries is another option to address long standing bilateral issue between India and Sri Lanka [21].

4. Conclusion:

It is now clear from the above discussion that India and Sri Lanka have cordial relationship but there are some issues which need to be sorted out for the better relationship between the two countries. As we know that the island country Sri Lanka is situated in the Indian Ocean which makes it strategically important for the other countries especially India.

India and Sri Lanka have a number of maritime issues which both the countries tried to figure out amicably. Some issues like the issue of Kachchathivu Island had been sorted through peacefully means by the leaders of the two countries but the issue of fishermen is still there and needs a mutual understanding and have agreement regarding this so that issue of fishermen is solved permanently.

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