

Ethnic Crisis & Indo-SL Relations.

South Asia has been the worst affected continent due to Ethnic violence. There is not a single country which has not suffered from Ethnic clashes. Ethnic Conflict in SL has impacted Indo SL relations since beginning.

REASONS FOR ETHNIC CONFLICT

- introduction of Democracy in societies in transition societies where National Identity is still evolving & ethnic loyalties are firmly rooted.
from perspective of Western scholars, it is a characteristic feature of Non-Western World
- from perspective of Orientalists, the policy of Divide & Rule pursued by British Empire & the support Colonial masters have given to Ethnic minorities to manage challenge from majority nationalism has created deep roots of divide

ORIGIN OF CONFLICT IN SL :

- After independence, GoSL pursued preferential policy, it aimed at strengthening interests of Sinhalese.

There are two prominent Ethnic groups in SL -

Sinhalese - Buddhist in general, primarily rural form the majority & challenged British

Tamilans - Hindus in general, primarily Urban Class promoted by Colonial masters for govt jobs

At the time of independence, Tamilans had significant presence in Legislative Assembly of SL. Sinhalese aimed at marginalisation of Tamilans in SL's politics.

Same year

UDHR

An 15

- CITIZENSHIP ACT, 1948

It de-citizenise large no. of Tamilans. The condition for citizenship was to provide necessary documents that show persons' father was born in SL & they've been staying in SL for 3 generations. It specifically targetted Indian Tamilans

This, Act was passed in same year when UDHR came into existence.

The policy was similar to Hitler's policy against Jews. It seems Sinhalese politicians did not learn their lessons after witnessing tragedy of WWII.

Article 15 of UDHR mentions, Everyone has a right to nationality & can't be deprived of the nationality in arbitrary manner.

The act created 'Refugee Crisis' in India. Ultimately 3 successive Agreements were signed to resolve the issue - 1954, 1964 & 1974. It was resolved in 2003, when all Tamilian SLs residing in SL got SL Citizenship.

• LANGUAGE ACT, 1956

Official Language Act was introduced making Sinhali as the only official language. Aim was to attack Educational & Employment interest of Tamilians. There was an emotive response to govt. policy, which was natural, as language is core of Tamil Nationalism.

Tamil leaders organised peaceful - Silent Satyagraha but because of manipulation of Sinhalese politicians it could not remain silent

Ultimately govt. entered into a pact, agreed to reverse official policy making Tamil as second official language & English as link language. Sinhali politicians led by Jaywardhane organised a protest march & the then PM was assassinated

Phase II : 1970s

Jaywardhane came to power in 1977. He was a hardliner & brought constitutional changes giving extraordinary powers to President & started centralisation rights.

In 1970s many militant org. also emerged -
 LTTE, PLOTE (People's Liberation Org. of Tamil Eelam)
 TRO (Tamil Eelam Liberation Org.)
 EPRF (Eelam People's Revolutionary Liberation Front)

- Tamilians also organised themselves into a political front TULF - Tamil United Liberation Front
- Against Jaywardhane's Centralisation Rights, LTTE threatened to take complete control of civil admin of Jaffna by force. There was internal competition among Tamil revolutionary org. in which LTTE took the lead.

Actually, LITE was successful in estb. control over Jaffna Peninsula (Northern Province)

Against this, GoSL entered into war with LITE & impose economic blockade around Jaffna.

GoI sent Humanitarian Aid in 1987, however it was not allowed by SL Navy.

Ultimately, GoI air lift the aid. This was considered as violation of sovereignty of GoSL.

Why India intervened?

- India aimed to maintain its regional hegemony, proclaimed South Asia as sphere of India's hegemony, where India will not tolerate any external intervention (India's Monroe Doctrine)
- It aimed to keep USA out of scenario. It would have been much better; India going for channelising collective efforts.

RAJIV GANDHI - JAYAWARDHANE ACCORD, 1987

SL agreed for an agreement with LTTE because SL knew that there is an Indian support to such groups. Example of Bangladesh was also there & they feared that same may be repeated. Terms & Conditions of accord show, that India did not gain anything after it. Rajiv Gandhi was not as experienced Jayawardhane. Jayawardhane utilised the opportunity to create divide b/w Tamil militants & India.

Terms & Conditions of Accord:

- GoI is committed to preserve - unity, integrity & sovereignty of SL.
- SL is a multi-ethnic & plural society where each group has distinct identity which has to be respected.
- North & Eastern provinces are inhabited by Tamil speaking people since long. GoSL will merge Northern & Eastern province into one administrative unit.

- Estb. Legislative Councils in all provinces with substantial provincial autonomy.
- Tamil to be recognised as second official lang. & English as link languages.
- Emergency will be lifted, militants will surrender arms & Govt would ensure peace is maintained, SL forces will go to barracks.
- Militant youths shall be rehabilitated.
- Govt undertakes guarantee for implementation of the peace agree
- If any militant group use violence, Govt is not bound to continue ceasefire & terms of agreement
- SL will not allow use of its territory for any anti-India guarantee

Response of Accord :

- Sinhalese opposed it as they considered it as a violation of their sovereignty
- Tamilians were dissatisfied because there was no Effective consultation
- Act had no safeguards, it is silent if Govt goes for infringement of HRs of Tamilians in future.

- There was no fatalities in case GoSL does not fulfill its commitment.
- If India there was no consensus wrt taking responsibility of implementation of the accord & send peace keeping forces.
- Acc. to JN Dixit, High Commissioner to SL, it was going to be a disaster. He was pretty sure that SL President will apply such tactics that IPKF would end up fighting with Tamilians.
- Many analysts compared Indian intervention in Bangladesh - successful intervention - fulfilled India's strategic objective, to, Indian intervention in SL, where India hardly gained anything.
- In Bangladesh, India, carefully planned operation. Military was involved in planning. It was three dimensional. India also had Plan B where if US & China would put pressure that India has already entered into a treaty with USSR. In SL, there was no planning, no involvement of military, mandate was not clear. Peace keepers were not having proper info. about hide outs etc.

- There was no agreement that GoSL will share the information, which it did not. Peace-keepers were ill-equipped.
- India lost large no. of soldiers in operation. Later, SL asked peace keepers to leave, & India had no option but to leave.

After this operation, India ended its direct & formal involvement. Norway took the lead. Oslo peace process began. However it could not bring any peace & efforts of international community failed. In 2007, full-scale war began & ended in 2009. Prabhakaran was killed in May, 2009. In Oct, 2009, GoSL announced victory of SL & early presidential & parliamentary elections.

Though war ended, but crisis did not end.

Tamil diaspora forced their respective countries to intervene in the situation, alleged war crimes committed against Tamilians & demanded international enquiry.

SL - After War.

- India supported SL by providing crucial information & non lethal weapons.
 - After war, India involved itself - rehabilitation, reconstruction & developmental efforts. so far India has given USD 1.3 billion as aid
 - India thought that because of India's role it'll be able to pressure GoSL for politically negotiated agreement, & implementation of 13th Amendment in context of North & East province
- India also provided diplomatic support to GoSL
- UNHRC resolution - 2009, which became only UNHRC resolution on SL.

In 2008, GoSL gave commitment to UNHRC to achieve earliest reconciliation as well as for impartial investigation of alleged abuses during last year of war.

- SL has not taken any concrete action, hence a resolution was sponsored against SL.

India, China & Pakistan prevented passage of stronger resolution, forced a change in it.

Resolution rather recognises commendable role played by GoSL and expected that it'll fulfill its commitment of 2008.

India voted in favour of resolution.

SL had three years to prove its commitment.

- Next resolution : 2012

SL constituted Lessons Learnt & Reconciliation Commission. International Community questioned its composition & neutrality. In its report, it suggests -

- atrocities were committed by both sides;
- however, it was not a well planned effort by SL Army;
- There was use of fire arms on hospitals & safe zones but because of individual actions
- Tragedy is because of militant form of nationalism & non compromising stand of Tamilian leaders & failure of Sinhalese leader-

to offer any such resolution that is acceptable to Tamil people.

It did recommend political devolution & govt. should take efforts for long term peace.

The documentary titled - 'SL's Killing Field' on channel 4, BBC gave other picture. It generated international criticism. Int. community demanded credible investigation.

Resolution 2012 : India voted in favour of resolution; which called for implementation of constructive recommendation of LLRC.

- it called for credible investigation
- due to India's intervention, resolution became non-intrusive & demand for Int. Enquiry was dropped, rather Int. community would support GOSL in fulfilling these objectives that too on request of SL.

Though Indian actions were in favour of SL, though it was not rego recognised by GOSL.

Major opposition led by Kumar Tunga appreciated India's role.

Why India voted?

From India's point of view : India has supported SL by voting. If India had not voted, then also it would have been passed, & would have been more harsh.

There was a realisation that India has lost the capacity to deal with SL on bilateral basis. India has to work with International community to pressurise SL.

Resolution 2013 : India again voted in favour of Resolution. From India's point of view - GoSL has not fulfilled its promises; unless we don't pressurise govt, it'll not take any action that can bring lasting peace in Island.

2013 resolution is critical of SL & demanded credible investigation. India demanded full implementation of 13th Amendment Act.

IMPACT ON SL :

GoSL shown its resentment. However, with international community's stronger response, it announced elections for North & East Assembly.

in North

Elections took place, giving landslide victory to Tamil National Alliance : TNA

SL conducted elections to present a better face at CHOGM. However there has been no effective devolution of power to North Assembly. Police & Land still remains with Centre.

Merge of North & East has not been done.

As a part of reconciliation effort, Tamil has been introduced as second official language.

Though SL has not acknowledged war crimes committed by SL army in org. way & they demand more time for implementation.
(political settlement)

They have been reluctant to amend 13th Amendment, as it is an Indian proposal & talk about home grown solution & some time 13th Amendment plus.

Resolution 2014

India abstained from resolution. Official Explanation -

It is intrusive in nature, it is against Govt's position that sovereignty of country is sacred.

In fact SL took efforts like - conduct of Election & developmental Efforts also. It needs to be encouraged.

Political Considerations -

- Increasing China - SL engagements.
- Tensions in India - US
- Domestic Electoral concerns
- India's Comprehensive Economic Partnership with SL was pending since long, & we may expect the development for our service sector
- It is in India's interest for not supporting international intervention, as it may bounce back on India
- India could have gone for negative vote but it may not have been best because -
 - it would have alienated West
 - abstaining helped to achieve what we wanted
 - SL's immediate response to release fishermen as Goodwill return

Only SL is the only Asian country to vote.

- Only Latin Am. Countries & South African countries voted - who are not aware of all terms & its implication

- It strengthens Asian region vision, as all countries except SK, all other countries even Japan, either voted against or abstained.

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FISHERMEN ISSUE :

Concerns : From Sri Lanka's point of view, Indian fishermen do not observe International Maritime Boundary Agreement of 1974 & 1976. They stray in Sri Lankan waters in search of fish, prawn.

Indian fishermen use mechanised trawlers which scrape sea bed & destroy biodiversity. Whereas, SL fishermen are allowed only to use small fishing boats by SL govt.

- India's concern : Fishermen in India do not approve transferring sovereignty of KACHHA TIVU Island to GOSL. This has taken away traditional fishing rights. Present TN, CM has filed PIL against Govt's decision to transfer the Island.

PROBLEM : SL Navy arrest Indian fishermen, they're used fire arms, resulting into death of Indian fishermen.

Steps taken so far:

Govt & GoSL entered into an agreement in 2008, by which they'll aware at 'practical steps' to resolve the problem. So far the practical steps are -

- not to use firearms under any circumstances.
- They are involving local fishermen to explore the options for solutions
- They are negotiating an agreement, acc. to which
- if fishermen stray accidentally, they would be tried as per domestic laws.

Suggestion

Govt should inform fishermen, create awareness

- ban use of strainers
- every boat to have GPS
- look for alternate sources of Employment.

ECONOMIC RELATIONS

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- SL is first country with which we have entered into FTA in South Asia, as a result, SL is largest trading partner of India in SAARC region.
- we are negotiating CEPA

(# note)

DEFENCE COOPERATION

- since 2010, we have instituted Annual Defence Dialogue focusing on non-conventional threats - Piracy, Terrorism

SECURITY COOPERATION

- A trilateral maritime security cooperation - India - SL - Maldives - was entered in 2013. This is also focussing on sharing info. on piracy, Terrorism, gun-running.
- sustainable development of marine environment.

CHINA FACTOR.

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- SL is a NAM country but has been supporting China since beginning.
- Its stand in 1962 war was for China.
- In May, 2013 - upgraded relationship to -
"Strategic Cooperative Partnership" (SCP)

SCP -

- high level political exchanges
- enhanced communication expanding trade & invest
- support each other in safeguarding territorial integrity & sovereignty.
- SL supported China's MSR strategy
- China has invested in infrastructure development & in Hambantota port in South SL.
- China provided lethal weapons to SL in Eelam War-4.
- Co-operation in space technology.