

‘TROUBLED WATERS’: MARITIME ISSUES IN PALK STRAIT, INDIAN OCEAN

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Abstract

India had settled maritime boundary issues with all its neighbours including Sri Lanka. In reality, however, India still has issues to be addressed in Palk Strait with Sri Lanka in the Indian Ocean. In spite of the existence of two maritime agreements of 1974 and 1976, there are certain irritants between the two neighbours. The main issue is the status of Kachchativu, a small barren island in the Palk Bay area and the fishing around it. The contest for marine resources in and around Kachchativu by Indian and Sri Lankan fishermen has not only heighten the disagreement between stakeholders but also led to demands to reclaim the island by Indian fishermen and Dravidian political parties in Tamil Nadu. The paper examines the historical debates between two countries on the legal claim of the barren island, its settlement and its implication on India's domestic politics, and the challenges faced at the moment. Particularly, the recurring attack on Indian fishermen in Palk Straits by the Sri Lankan Navy then and now has become a contentious issue between two neighbours, which require comprehensive analysis. Finally, the paper highlights the availability of reasonable options before two countries in strengthening of cooperation and amicable settlement of fishery row.

Keywords: Palk Strait, India-Sri Lanka relations, Kachchativu, Indian Ocean

Introduction

India and Sri Lanka enjoy a cordial relationship historically, aided by geographical proximity and cultural affinities. In fact, Sri Lanka is barely twenty-two miles from India's southern tip, Rameswaram, and separated only by a narrow strip of the ocean, the Palk Strait. The presence of a populace who are allegedly migrated from India and in particular with the same ethnicity and identifiable culture and tradition across the Palk Strait has contributed to this closeness. In spite of this, occasionally there is misunderstanding and mistrust between the two neighbours. Although many factors contribute to this divergence, maritime issues are one of the primary sources of contention and irritation. There are several maritime concerns between India and Sri

Lanka, including political, navigational, and fisheries issues. Fishing around Kachchativu, a small, barren island in the Palk Bay area is the foremost reason for this contention. The contest for rich marine resources in and around Kachchativu by Indian and Sri Lankan fishermen has heightened the disagreement between the two countries. Notably, the increased attack on Indian fisherman by the Sri Lankan Navy in Palk Strait in the Indian Ocean in the past decade had strained Indo-Sri Lanka maritime relations to the extent that the Sri Lankan Prime Minister Ranil Wickremesinghe justifies the Indian fishermen getting shot by Sri Lankan navy in 2015. Understandably, the island of Kachchativu that is ceded to Sri Lanka in 1974 is culturally and ecologically important to the fishermen of Tamil Nadu in India. This has led to demands for the return of the island to India or the grant of access rights to engage in fishing around the island in Tamil Nadu's political sphere.

Further, the increasing role of China and Pakistan in Sri Lanka since the late 2000s has added another dimensional maritime challenge for India in the region. Significantly, the awarding of the Hambantota port development project to Beijing by Colombo has not only become an area of strategic concern to India's maritime security but also contributed to the maritime tension between the two countries. In the same manner, the grant of oil exploration blocks to Chinese-owned corporations in Talaimannar in Northern Sri Lanka in early 2000s added strategic friction in New Delhi-Colombo maritime affairs. Finally, another source of maritime tension between India and Sri Lanka is the Sethusamudram Shipping Canal Project undertaken by India to link Palk Bay with the Gulf of Mannar in the Indian Ocean. Although Sri Lanka is taciturn on India's canal project, it loathes the venture owing to an economic loss of container traffic at its Colombo and Galle ports apart from environmental concerns. This, in fact, provides for one more underlying difference in their maritime relations.

In this respect, this paper will examine the major issues that impact India-Sri Lanka maritime affairs. Also, the paper will seek to find out how these issues are manifested in the Palk Strait even after maritime agreements between two neighbours in the past. The presence of outside powers in Sri Lanka and the Indian Ocean in general and the implications of maritime issues in the Palk Strait on the domestic politics of India are as well dealt with. Finally, the paper suggests the pragmatic options available for India in maritime affairs.

In this context, the following are prominent ones that, by and large, demand consideration.

Kachchativu

India shares maritime boundaries with all of its neighbours in the region. Understanding the influence of the surrounding maritime environment on a nation's destiny, India made an effort to settle all of its maritime boundary issues with all of its neighbours including Sri Lanka. These arrangements have worked well over the years except with Sri Lanka, where the cession of Kachchativu Island to Sri Lanka in 1974 tension has been festering for the past two decades. The assault on Indian fishermen in the Palk Bay close to Kachchativu by Sri Lanka Navy since 2006 has aggravated the situation and heightened the call for the return of the island in Tamil Nadu.

Kachchativu is a tiny, rocky island with an area of 1.15 sq. km, one mile long, 300 yards broad, and has an area of 285.2 acres (Raju, 2009) in the Palk Strait, about 12 km from the Indian coast and about 18 km of Sri Lankan Island of Delft. Traditionally, the island had been used by fishermen from both India and Sri Lanka. For Indian fishermen, the island is part of their 'traditional fishing grounds' hence they used it as a staging post to dry nets and to celebrate St. Anthony's festival at the Catholic Church built by Indian fishermen, which is dedicated to Saint Anthony, who is considered to be the guardian of fishermen. Tamil Fishermen believe that the saint is protecting them from rough sea and inclement weather. The St. Anthony's festival at Kachchativu is held every year in April-May. It is also an occasion for informal barter trade between two countries fishermen, items like lungis, tea powder, coconut oil and arrack.

Historically, Kachchativu Island was claimed to be an integral part of the Zamindari of the Raja of Ramnad (Ramanathapuram of Tamil Nadu) who is considered ahead of his region and landlord under British Colonial rule, and has authority to collect all taxes on his lands and then hand over the collected taxes to the British rulers. However, the island was ceded to British ruled Sri Lanka by British authorities in India, without establishing or documenting its ownership rights over the island. The government of Madras Presidency—later Tamil Nadu—and the government of India which became its successor with the lapse of the Zamindari system did not take any interest in ascertaining its legality over the island after British rule. As a result, the Kachchativu Island was virtually left with Sri Lanka, and the issue did not get any attention until the mid-1960s, even though the Tamil Nadu government maintained its claim.

Incidentally, the issue of Kachchativu first arose in 1921 at the conference convened by the British ruling authorities to demarcate fisheries line between India and Sri Lanka. This was followed by a series of bilateral discussions, relating to maritime boundary demarcation and related matters. However, the issue came up for discussion at the highest political level only in November-December 1968, during the visit of Sri Lankan Prime Minister Dudley Senanayake to India. India made a proposal that the lease of the island in perpetuity can be done either by Sri Lanka to India or by India to Sri Lanka. But Sri Lanka rejected this idea as it involved modification or denial of its claim of sovereignty over the island. Nevertheless, India reiterated the proposal in 1973 when then visiting Indian Foreign Secretary Kewal Singh had discussions with W.T. Jayasinghe, then Secretary to the Ministry of Defence and Foreign Affairs of Sri Lanka, in Colombo on 24 December 1973 (Government of Sri Lanka, Ministry of External Affairs, 2008.) However, notably, for the first time, New Delhi conveyed to Colombo that it is willing to offer Kachchativu Island to Sri Lanka on perpetual lease on nominal rent or without rent, even when it has sovereignty over Kachchativu. Sri Lanka again turned down this proposal. From then on, Kachchativu became an area of dispute between the fishermen of both countries.

Meanwhile, in 1974, the Indian government under Prime Minister Indira Gandhi decided to cede the island to Sri Lanka to further bilateral relations and to check the increasing influence of the United States (US) in Sri Lanka. New Delhi's decision to offer the islet voluntarily to Colombo was based on two factors. First, India was unhappy with Colombo's pro-west policy, and it deliberately looked for a way to check

the US bid to win the Trincomalee harbour and setting up of the Voice of America in the island nation.

Secondly, although the Indian government did not question the Tamil Nadu's claims on the island based on Zamindari of Raja of Ramnad, it was not sure whether the Raja of Ramnad had sovereignty. According to Prime Minister Jawaharlal Nehru in his speech in Rajya Sabha on September 1960 "there was a claim on one of the old principal Zamindaris, and it was part of the Zamindari. The Zamindari has gone now, and I don't know where the matter stands." (Raju, 2009). On the other hand, Sri Lanka was able to produce sufficient evidence such as Portuguese and Dutch records and maps that showed Kachchativu as part of Sri Lanka, as proof of Sri Lanka's sovereignty over the island (Vivekananthan, 2008). Consequently, the India-Sri Lanka maritime agreement was signed on June 26, 1974, where India 'gifted' Kachchativu to Colombo presumably as a goodwill measure. Later in March 1976 India and Sri Lanka signed another agreement on the maritime boundary in the Gulf of Mannar and the Bay of Bengal. The maritime boundary in the Palk Strait was fixed in accordance with the relevant provisions of the 1958 UN Convention on the Territorial Sea and the Contiguous Zone.

The yielding of a 'barren' island to Sri Lanka by India was viewed as a move to "mend fences" and advance "friendly relations" with its southern neighbour (Subramanian, 2003). In fact, then Prime Minister Indira Gandhi approved the ceding of the island to Sri Lanka despite strong objection and protest from Tamil Nadu. Reportedly, in the view of Prime Minister Indira Gandhi, the island was a "sheer rock with no strategic importance" (Raju, 2009). However, on account of widespread protest in Tamil Nadu, the Indian government worked with Sri Lanka by which Colombo recognised the "traditional rights" of Indian fishermen to rest, and pilgrimage to Kachchativu during the annual festival held at St. Anthony's church. In short, these agreements gave up Indian fishermen's fishing rights.

The escalation of armed civil war in Sri Lanka in 1983 had, however, complicated the India-Sri Lanka arrangement on Kachchativu. Particularly, with the gradual rise of attacks on Indian fishermen by the Sri Lankan Navy in the vicinity of Kachchativu since the beginning of Eelam War IV in 2006 has triggered the call from within India—Tamil Nadu—to retrieve the island from Sri Lanka. The protection of Indian fishermen and their rights are said to be the primary justification for such demands. The subsequent chief ministers of Tamil Nadu had voiced their support in favour of the return of Kachchativu to India. For instance, the then Chief Minister of Tamil Nadu, Jayalalithaa demanded the Union Government get back the isle on 15 August 1991 and later in 1993 (Subramanian, 2007). Jayalalithaa even filed a petition with the Supreme Court of India years later in 2008, challenging the islet transfer, citing procedural violations by New Delhi. The case is still pending before the court. Her political opponent, Karunanidhi, the former chief minister and the head of the Dravida Munnetra Kazhagam (DMK) demanded the Indian government to take back the Kachchativu islet from Sri Lanka at the Kancheepuram rally on 26 September 2009 (Sathiyamoorthy, 2009).

In response to repeated calls for return of Kachchativu Island from Tamil Nadu, Sri Lanka has rejected the call terming the demand impossible to comply with. Sri Lanka reasoned that "it is impossible to give it back to them as the international

community has recognised it as an integral part of our country since it was handed over by late Indira Gandhi" (The Hindu, 2001).

Understandably, given the diplomatic constraints and issues of legality, the majority of the advocates—fishermen, civil society and political parties—who seek Indian control over Kachchativu have suggested that at least India should lease the island in perpetuity, "thereby skirting sovereignty issues while still addressing pragmatic security considerations" (Orland, 2007). For this, they propose that India may offer Sri Lanka either territorial or economic incentives. Even though these options seem feasible and a way to resolve the issue, both India and Sri Lanka are not interested in pursuing the issue given the resentment of the majority of Sri Lankans and India's priority on its northern borders.

Fisherman Issue

Fishing in and around Kachchativu was not problematic for the Indian fishermen till the early 1980s, despite the ceding of the island to Sri Lanka. But with the rise of Tamil militancy in Sri Lanka—Jaffna peninsula—in 1983, Tamil Nadu fishermen began confronting difficulties in fishing in the Palk Strait. Notably, the Sri Lankan Tamil rebels' activities—to smuggle arms, ammunition, fuel and medicines—in the Palk Strait, and later the increased profile of Liberation Tigers of Tamil Eelam (LTTE) Sea Tiger unit, forced Sri Lanka to place unofficial restrictions on the movement of Indian fishermen close to Kachchativu.

But the abundance of rich marine resources such as shrimp, lobster, and crabs in the waters close to Mannar and Kachchativu attracts Indian fishermen from Tamil Nadu, particularly from the coastal districts of Rameswaram, Pudukottai and Nagapattinam to deep-water fishing in the Palk Strait. Actually, both the Indian and Sri Lankan fishermen cross over the waters because of the better catch in quantity and quality of fish such as tuna. In the process, reportedly Indian fishermen inadvertently enter Sri Lankan territorial waters surrounding the Kachchativu, making both the entry and the subsequent fishing activities illegal. Even though the 1974 and 1976 India-Sri Lanka maritime agreements provide Indian fishermen with an opportunity for resting and to dry their nets on the Kachchativu island, the reported 'unlawful fishing in their waters' triggers an 'inhumane response' from the Sri Lankan Navy from time to time. Since 1983 till the mid-2000s, the Sri Lanka Navy's attacks have resulted in the death of 132 fishermen, the destruction of about 300 boats and the detention of about 90 fishermen apart from hundreds which are missing (Subramanian, 2007). This has heightened the maritime tension between India and Sri Lanka.

The shooting of Tamil Nadu fishermen instigated the political parties and fishermen community to protest against the Sri Lankan action and on several occasions to demand the Indian government's strong response. For instance, the then Chief Minister of Tamil Nadu, Karunanidhi, in a letter to Prime Minister Manmohan Singh on 22 September 2006, protested the "inhuman act of the Sri Lankan Navy" who intercepted apparently four Tamil Nadu fishermen of Sirvathur of Nagapattinam fishing in the Palk Strait within Indian territorial waters and manhandled them (Government of Tamil Nadu, 2006). Reportedly, two of these fishermen were feared to have drowned as they could not be rescued. Similarly, on 5 March 2007 Tamil Nadu Chief Minister M.

Karunanidhi issued a stern warning that if the Sri Lanka Navy opened fire on Tamil fishermen again "the hands of the Tamil fishermen will not be merely fishing in the sea." Subsequently, on March 9, 2007, due to the repeated Sri Lankan Navy firing on Indian fishermen, the DMK government acted decisively and swiftly to register its protest with the Union Government. It held a demonstration to "warn" the Sri Lankan government against encouraging its Navy's atrocities aside from submitting a memorandum to Prime Minister Manmohan Singh, seeking his intervention "to stop the Sri Lankan Navy's attacks on innocent, unarmed Tamil Nadu fishermen."

After the repeated incident of assaults on fishermen and the protests in Tamil Nadu, the Coast Guard and the Coastal Security Group of Tamil Nadu had taken certain initiatives to address the problem. First, they visited the "problematic areas" on the International Maritime Boundary Line between India and Sri Lanka in the Palk Strait and on the shore for a survey. At last, they met leaders of several fishermen's associations and reportedly advised them to keep off the Sri Lankan waters to avoid any untoward incidents. However, leaders of the Tamil Nadu Fishermen's Associations rejected this suggestion.

But the Sri Lankan Navy maintains that they generally let off the poaching Indian fishermen in Sri Lankan waters on humanitarian reasons (Asian Tribute, 2008). Unless they have been involved in any nefarious activities in support of the LTTE such as smuggling contraband across the Palk Strait to the northern coast of Sri Lanka. The clash of Sri Lankan Navy with Sea Tigers in the north and eastern Sri Lankan coasts apparently had an impact on the Indian fishermen assaults. Equally, the LTTE also reportedly assaulted the Indian fishermen in the Palk Strait in an effort to imprison Indian boats which they may use later for the ferry their own men and stir anti-Sri Lankan sentiments in India (Gupta & Sharma, 2004). Sri Lanka believes that the straying of Indian fishermen into their waters were the foremost reasons for the problem. Colombo has suggested joint patrol of the area by the Indian and Sri Lankan Navies, but New Delhi does not look inclined to this idea (Subramanian, 2007).

On the allegations of Indian fishermen 'straying' into Sri Lankan waters habitually, the former points out the very nature of fishing in Palk Strait "drags" their boats to the Sri Lankan waters inadvertently. For instance, T. Anthonyraj, president of the Vercode Mechanised Trawlers' Fishermen's Association in Rameswaram, maintained that the straying of boats as 'natural.' In his words,

A stretch of 3 km east of Rameswaram coast is reserved for fishing by country boats and catamarans. Boats and catamarans do not need authorisation (tokens) from the Fisheries Department because they cannot go far out into the sea. The next 6 km, a stretch that falls on the Indian side, has "nothing but rocks and so we have to cross them to spread our nets"... After dropping their nets, the fishermen usually wait for about four hours for a good catch. During this time, the mechanised trawlers and the country boats fitted with engines start drifting at the rate of 3 km an hour due to ocean currents. So the boats drift about 21 km from the Indian shores, 9 m beyond Kachchativu (Subramanian, 2007).

In addition, Indian fishermen testify that the Sri Lanka Navy's attacks on them in Palk Bay were "unwarranted" because they have proper identification cards that were issued

by the provincial Tamil Nadu government to fishermen. Also, they contend that they adhere to a series of procedures which were put in place by the Indian government before venturing into the sea. For instance, before any fishing crew sails out, the head of the crew provides a list of the fishermen names of its team to the office of the Assistant Director of Fisheries. The fisheries department too issued a token to the trawler for buying a limited diesel to operate the trawler.

Similarly, it seems they also inform the Indian Navy before they sail out and also show their identity cards, authorisation letter and amount of diesel they carry to the stationed Indian Navy/Coast Guard vessels. They also argue that sometimes, the Sri Lanka Navy also verify their identity cards. Hence, Indian fishermen are of the view that if the Sri Lankan Navy fires on them after all these, "what is the sanctity of this arrangement?" when they follow these procedures before going into the sea. And even if they replace a single member of the crew, it seems they inform the Fisheries Department.

For the fishermen, maritime boundaries are manmade creations, as throughout the centuries they have been fishing in their neighbourhood waters, where there is plenty of fish (Suryanarayan & Swaminathan, 2009). They feel the conclusion of the maritime boundary agreements have ignored the realities of fishermen livelihood, as following the 1974 accord only, they believe that assaults on fishermen—killing, detention, intimidation and harassments—have increased. In their view, good neighbourly relations are essential for countries, but fishermen should not be expected to pay for them with their traditional livelihood.

In the last two decades, various proposals have been made from time to time from the Indian side, including a proposal for lease in perpetuity or reciprocal licensing but nothing has been agreed upon by two sides. The groups who are vociferous in their support of the fishermen suggest that the Indian government take a proactive role in finding a solution to the problem by making an agreement with Colombo so that licensed Indian fishermen could be permitted to fish in Sri Lankan waters in specified areas (Suryanarayan, 1994). This will help prevent the termed "unlawful activities" in the Palk Strait. Indeed, in 2003, Sri Lanka also called for detailed proposals in this respect for its considered examination. Unfortunately, the Government of India did not follow up on the matter; still, more unfortunate incidents happened. The Government of Tamil Nadu also did not pursue it vigorously enough with the Indian government. This matter, therefore, requires the concerted action of India. Otherwise, the issues of fishing in Palk Bay will continue to add tensions in the maritime relations of India and Sri Lanka until a workable solution such as leasing of Kachchativu by India or implementing the licensed fishing joint patrolling in the Palk Strait is put to practice.

China Factor

The geo-strategic importance of the Indian Ocean has always been of interest to the region's and the world's major powers. All have an interest in the Indian Ocean obviously for political, security, economic, and maritime resource reasons. Notably, the rich resources like fisheries, offshore oil and gas, and undersea minerals together with geographical and historical convergence of west and east by trade and diplomatic relations, provide this strategic advantage. These realities have influenced global and

other regional powers to interact with the South Asian region in the Indian Ocean. As a result, any major development in the Indian Oceans has repercussions in the adjoining countries or the region as a whole. Maritime issues in the Indian Ocean, in particular in the South Asian region are linked to the littoral states—Bangladesh, India, the Maldives, Pakistan, and Sri Lanka.

In this context, the geo-strategic location of Sri Lanka entices the interest of global and regional powers. Many have taken an interest in the island nation owing to the fact that it straddles the Indian Ocean and the Sea Lines of Communication—the main channel of sea navigation from east to west. There is a long history of external powers' involvement in Sri Lanka. During the Cold War, both superpowers—the US and the Soviet Union—tried to reinforce their maritime influence directly or indirectly through an impressive array of available port facilities in this region (Rais, 1987; Wingerter, 1977). Particularly, Trincomalee harbour in north-eastern Sri Lanka has attracted the attention of the major powers because it is considered strategically important as it controls access to the northern Indian Ocean. In contemporary times, the key players include the US, the United Kingdom (UK), and Russia, while China is strengthening its base. Interestingly, the US interest in the Indian Ocean region increased even after the end of the Cold War, and the US believes its presence is crucial, given the volatile nature of the region.

However, what is important for analysis is the rise of Chinese influence in the Indian Ocean, particularly in Sri Lanka. Aware of the importance of the Indian Ocean, particularly South Asia, China has made efforts to establish its presence in the region, initially through links with Pakistan and, more recently, with Sri Lanka. China's efforts to gain a foothold in the Indian Ocean are an attempt to assert itself as a key player as well for its economic, navigational, security, and strategic requirements. China's links to Sri Lanka are primarily related to defence cooperation, whilst trade and commercial activities also play an important role part of the grand strategy One Belt One Road project.

On the other hand, Sri Lanka too needed much support for modernised military hardware during the concluded Eelam War IV and economic aid for post-war development, which was capitalised by China. Notably, China's investments in road and port infrastructure and development projects in Sri Lanka are significant. For instance, China through Hong Kong-based conglomerate Huichen Investment Holdings Ltd. investing \$28 million to develop Special Economic Zone (SEZ) located in Mirigama, near Colombo port, Hambantota Port Development Project (worth US\$1 billion); Norochcholai Coal Power Plant Project (worth US\$855 million), Colombo-Katunayake Expressway (worth US\$248.2 million). These investments are indicative of the economic assistance being provided to Sri Lanka by China on lucrative soft loans or through foreign aid. Whereas, India's reservation on Colombo's militaristic approaches as well as the West's concern on human rights violation prevented them from catering to Sri Lanka's needs.

While there are many areas of investments from the Chinese, two strategic investments hold a particular impact on India-Sri Lanka maritime affairs. The first is Hambantota port and the second one is the Chinese oil exploration in the Mannar Basin. The Hambantota port was built at the cost of about US \$437, thrice the size of Colombo port with the aim of providing the economic impetus to the southern part of

Sri Lanka (De Silva-Ranasinghe, 2009). But the emerging trends indicate that China may definitely look forward to being provided with turn round facilities of these projects for the People Liberation Army (PLA) Navy units, if and when needed in future that would be routinely deployed in the Indian Ocean Region (IOR) (Pant, 2010) as it is natural for the PLA ships to call on Hambantota while on passage to and from the Gulf of Aden and would be crucial for supporting the Chinese IOR missions both in peace and during times of hostility. But this has raised the alarm within the Indian security establishment.

Finally, Sri Lanka has always been keen to invest in offshore drilling and exploration in the Mannar basin where there was an indirect major power rivalry in gaining control of the oil resources in the Indian Ocean. Both India and China were also interested in offshore exploration in the Mannar Basin. Sri Lanka is trying to balance Chinese and Indian interests in the region by offering two blocks each to New Delhi and Beijing out of the five blocks that were identified in the early 2000s. More importantly, the offer of a block to develop without any bidding to China shows the special status that Beijing enjoys in the critical energy sector in the Sri Lankan maritime border. Consequently, Cairn India Limited and the Government of Sri Lanka, through the Minister of Petroleum and Petroleum Resources Development on 7 July 2008 signed a Petroleum Resources Agreement with the former.

Equally, Pakistan's inroad into Sri Lanka with the reported clandestine aim of countering India from the south is strategically sensitive to India's interests. More importantly, what is more, worrisome for India is the emergence of Pakistan as China's force-multiplier against it. Sri Lanka also benefits from the great powers' competition for space and maritime influence in the Indian Ocean region not just from China and India, but also from others such as Japan and Iran which engage in both economic and strategic partnerships of varying dimensions. While there are no doubts that it benefited the island nation—in ports, airports, transport sector—eventually it gave rise to subtle maritime and strategic tension between India and Sri Lanka.

Refugee influx

The issue of Tamil refugee influx from Sri Lanka to India via the Palk Strait and its influence on India-Sri Lanka maritime relations can never be ignored. There has been a long history of people moving across the Palk Strait from India to Sri Lanka or from Sri Lanka to India, particularly to and from northern Sri Lanka. However, with the armed conflict in Sri Lanka since 1983, the movement of people has become more complicated than migrations in the past. With ethnic tensions leading to ruthless conflict in Sri Lanka in the early 1980s, the Palk Strait became the access route between India and Sri Lanka for conflict-affected people to find a safe haven. Both rebels and affected civilians of northern and eastern Sri Lanka used the sea route between Jaffna in Sri Lanka to Vedaranyam in India and Talaimannar in Sri Lanka to Rameswaram in India.

As a result of this close geographical proximity of Sri Lanka's northern coast to the shores of Tamil Nadu, an influx of Sri Lankan Tamil refugees into South India has increased many folds. This however caused a strain in Indo-Sri Lanka relations for most of the 1980s and 2000s. As the large scale refugee influx across the Palk Strait has

invited the attention of India and in fact resulted in India's intervention in Sri Lanka's ethnic conflict. The Tamil refugee influx was the most critical factor that had an impact on the domestic politics of Tamil Nadu and subsequently gave rise to the pro-Sri Lankan Tamil stand of India and as well-shaped India's Sri Lanka Policy.

Sethusamudram

The connection between the environment projects and maritime issues between neighbours is evident from India's Sethusamudram project in the Indian Ocean. Given the extreme narrowness in the Palk Strait between India and Sri Lanka, India was on a disadvantage of enjoying a continuous navigable sea route in its territorial waters from its western to eastern coasts. Indian ships were required to circumnavigate Sri Lanka. Therefore, to address this problem, the Government of India conceived the Sethusamudran Ship Canal Project (SSCP) on 2 July 2005, in order to dredge the Palk Strait and facilitate direct transportation. The Sethusamudram Corporation Limited was tasked with dredging the channel, and the Tuticorin Port Trust (TPT) was assigned as the nodal agency for executing the project. The project cost is estimated at the US \$550. The aimed SSCP will not only substantially reduce the distance between ports in India but also saves on the amount of fuel consumed by ships and standing charges associated with longer voyages. For instance, the distance between Tuticorin and Chennai will drop from 769 to 335 nautical miles, and between Tuticorin to Kolkata in the eastern coast will be reduced from 1,371 to 1,031 nautical miles. The SSCP also aims to develop the Tuticorin port, which may promote the economic development of the southern districts of Ramanathapuram and Tirunelveli in Tamil Nadu.

Although the Sri Lankan government has been silent on the project apparently after an initial diplomatic objection, there has been yet a considerable opposition from a section of civil society and political parties in Sri Lanka to this project. In particular, the Jathika Hela Urumaya (JHU), a political party of Buddhist monks, was against the project (Sambandan, 2005). They are probably concerned about the environmental impact it has on northern Sri Lanka and the loss of standing charges that Colombo port will suffer. Sri Lankan concerns include the impact on the marine ecosystem and on water quality; the implications of dredging and dumping over 80 million cubic meters of ocean floor material; the possibility of blasting, resulting in the destruction of marine life and disturbance of the marine ecology; damage to the coral reef; and depletion of fish stocks and ensuing loss of local livelihoods. To an extent, the formation of an expert committee by both India and Sri Lanka had pacified the latter, and even the project itself had been put off, but maritime concerns still exist related to the project.

Terror-Crime Nexus

Another important adjunct to maritime issues in the Indian Ocean is drug and arms trafficking. The nexus of these two phenomena is reportedly deeply linked with terror groups in the region. Drug and arms trafficking is by far the most lucrative means of generating funds to fuel the terror activities and insurgencies movement today. The well-organized LTTE of northern Sri Lanka till late 2000s is a case in point. Considering the geopolitical setup of the IOR, the LTTE used the waters of the Indian

Ocean, particularly the Palk Strait for its illegal activities (Jane's Intelligence Review, 2007). The rebels' clandestine logistical infrastructure indeed helped to move people, arms and material according to their desires. These unlawful activities of the Tigers had major security implications for both India and Sri Lanka. Besides, the emergence of Tamil Nadu as a transit point for various drugs and arms smuggling triggered maritime contention between India and Sri Lanka.

Notably, the LTTE who fought for a separate state in Sri Lanka till 2009 is known for its involvement in the procurement of weapons in Cambodia and transports them by ship to LTTE-controlled areas in northern Sri Lanka. They also engaged in dubious maritime trade—drug trafficking and piracy—through their 'phantom fleet' mostly registered under Flag of Convenience (FOC) countries known as "pan-ho-lib," i.e. Panama, Honduras and Liberia. It was difficult to track them as they routinely change names and registry. Lloyds of London lists 11 merchant ships belonging to Asian front companies that are in reality managed by Kumaran Pathmanathan of the then LTTE. Their activities posed a significant challenge to maritime security in the Andaman Sea and the Bay of Bengal in the Indian Ocean till the late 2000s. What is of more concern for Indian establishments that time was the Tamil rebels reported supply of illegal goods to other terror groups in India such as the Naxalites (Sri Lanka Guardian, 2008). On the other hand, Sri Lanka was concerned about the clandestine political and social patronage that the LTTE and its supporters enjoyed in Tamil Nadu. Notably, the illicit activities of the Tigers seeking entry to or through Sri Lanka via Kachchativu/Rameswaaram became a source of irritation for India and Sri Lanka in 1990s and 2000s.

Major Implications and Options

Are the maritime issues in the Indian Ocean, especially in the Palk Straits capable of raising the anti-India spectre to higher proportions? The answer to this is, by and large is yes as the trivial skirmish in the Indian Ocean always has the capacity to develop into more vigorous anti-India-activities than what it does at present with the growing presence of Chinese and other powers. The prospects of China using Sri Lanka for anti-India activity appears farfetched at present, but its presence in the maritime sphere of Sri Lanka is a strategic concern for India in the Indian Ocean. Especially, ever since the 'OBOR' concept of China gained prominence, there have been some concerns among Indian security establishments about Chinese assistance in the development of the Hambantota port on the Indian Ocean in Sri Lanka. Hambantota is said to be on the lines of the Gwadar project in Pakistan, a vital maritime link for Beijing in IOR. There is a perception that it may be detrimental to India's strategic and security interests, owing to its possible future utility as a strategic asset for China. It is believed that the reported presence of more than 2500 Chinese workers and large-scale Chinese equipment in Sri Lanka are the cause of concern. Also, through Hambantota, China has consolidated its position in the Indian Ocean, close to the Indian shore, perhaps where hypothetically it can monitor Indian naval activities in the Arabian Sea.

Equally, given the positive image that Sri Lanka has vis-à-vis other regional powers such as China and Pakistan, its ability to act directly against India is not ruled out in future. Significantly, with the end of the war in Sri Lanka, Colombo functioning

as a conduit for others without bothering India's security and strategic concerns, in the long run, is not ruled out.

The next most important maritime issue that has implications on India-Sri Lanka affairs is the rising assaults on Indian fishermen. Apart from affecting India's domestic politics and economy in Tamil Nadu, this issue impacts the bilateral relations of these two neighbours. Nearly every bilateral issue between India and Sri Lanka is intertwined with some domestic factor, and therefore it impacts both domestic and bilateral relations.

So, the big question is: What are the available options to address these thorny issues? First, India needs to enhance its friendship with Sri Lanka through more investment and bilateral engagement. As India has acquired the reputation of being a 'hegemon' from the perspective of majority Sinhalese, any move to retrieve the islet will destabilise the present relations and push Sri Lanka to the side of powers like China. Therefore, India may negotiate with Colombo in either taking the islet on a lease or bringing the licensed fishing system in the Palk Strait into force. The details of this licensed fishing system such as the number of licenses to be issued, the type of fishing crafts to be operated, the number of days that fishing can be permitted and the license fee to be paid to Sri Lanka may be worked out through mutual consultations. If the situation has to move from confrontation to co-operation, it has to be based on equitable sharing of marine resources and participatory arrangements.

Significantly, this doable option will help to avert the possible breakdown of India-Sri Lanka bilateral relations as well the rise of anti-India feeling among the Sri Lankan political elites. Domestically, the counselling of Indian fishermen about the legality of fishing in Sri Lankan waters may be continued. In short, the dormant approach of India on the fishermen issue would not help to elevate its fishermen interest as well could not be sustained politically in today's coalition government in India.

Second, strategically, it is in India's interest to keep its rivals out of its sphere of influence. Thus, India needs to be befriending Sri Lanka by making generous concessions, especially in the area's trade and development. Arguably, political compulsions and calculations have underlined the lack of Indian initiatives in Sri Lanka, which created space for external powers such as China. Hence, it is essential to recognise that India needs to give a second thought before rejecting any offer from Sri Lanka like the Hambanthota project. Such an approach may contribute to a slight improvement in the positive political climate and hopefully enable Sri Lanka to address India's security concerns. Finally, it is wise for India to engage China in the mutually interested areas vigorously by which India can turn away any concealed design of Chinese in Sri Lanka against it.

Conclusion

While maritime tensions such as assaults on Indian fishermen between India and Sri Lanka in the Indian Ocean are significantly kept low profile due to their geopolitical implications, India would need to engage Sri Lanka in a constructive manner to retain its strategic advantage and to avert the present minor issues turning into a perilous crisis in the future. The existing bilateral relations and mechanisms are sufficient enough to address the maritime issues such as the assault of fishermen in the Palk Strait. The

increasingly complex transnational nature of maritime challenges in the 21st century in the Indian Ocean with the involvement of external powers requires new policy approaches to address challenges that have a multifaceted nature. This is why India needs to focus on the maritime skirmish in the Palk Strait in order to ensure that its areas of influence in the Indian Ocean are free from external interference and power projection. If not, this may perhaps form a major strategic challenge for India in the future. The key to pursuing India's global strategic ambition to an extent lies in developing credible security arrangements in the Indian Ocean as a maritime power.

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