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India's New Gesture to Sri Lanka: From Diaspora Politics to *Realpolitik*

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Abstract

India's latest decision to abstain from voting – in the United Nations Human Rights Council – for a “comprehensive investigation” of the situation in Sri Lanka signifies a potential shift in New Delhi's neighbourhood diplomacy. While the first principles of Westphalian inter-state relations and a degree of geopolitical pragmatism govern this action, it is too early to

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foresee whether and, if so, how this will play out in India's foreign policy after the April-May general election this year.

A Two-Step Vote

There is more to India's latest gesture towards the Sri Lankan Government than meets the eye. On 27 March 2014 India abstained from voting on a United States-sponsored resolution against Sri Lanka in the United Nations Human Rights Council (UNHRC). In the run-up to the adoption of this resolution, India had, in fact, gone a step further by voting for the deletion of the operative clause itself.

With that clause surviving, India eventually abstained when the resolution came up for the final vote. The operative clause paves the way for a "comprehensive investigation"² in Sri Lanka by the Office of the UN High Commissioner for Human Rights. The foci of UNHRC's interest relate to the parallel allegations of human rights violations by the victorious Sri Lankan armed forces and by the vanquished Liberation Tigers of Tamil Eelam (LTTE) in their prolonged conflict over the LTTE's attempt to carve out an independent state.

While the LTTE's decades-long separatist campaign ended in failure in 2009, many in Sri Lanka and outside remain focused, to this day, on the need to set right the wrongs of that conflict and sow the seeds of national reconciliation. Obviously, these two inter-related aspects attract unprecedented attention in today's globalised world. In stark contrast to this reality is the simple logic that national reconciliation, in the wake of an internal conflict in any sovereign state, must truly be a sensitive project within the internal affairs of that state.

Colombo Finds India's Role 'Encouraging'

Making the most of this commonsensical reality, India has now raised its voice against "intrusive" UN intervention in the internal affairs of a sovereign member-state like Sri Lanka. This has pleased the Sri Lankan Government but not its critics. Reacting to the latest UNHRC vote, Sri Lankan President Mahinda Rajapaksa said: "We reject this. ... This resolution only hurts our [Sri Lanka's own] reconciliation efforts. It does not help. ... But I am not

² UNHRC Resolution A/HRC/25/L.1/Rev.1, <http://www.ohchr.org>, accessed on 30 March 2014

discouraged. We will continue with the reconciliation process I have started. ... I think it is encouraging that India did not vote against us”.³

New Delhi’s latest action marks a decisive departure from India’s earlier vote against Sri Lanka in the same UN forum. Implicit in this new shift is New Delhi’s willingness to move away from Diaspora politics to *realpolitik*. In pursuance of Diaspora politics, New Delhi had earlier sought to humour the ethnic-Indian minority of Sri Lankan Tamils. In choosing *realpolitik*, India is now seeking to shore up its neighbourhood diplomacy and overall foreign policy in the realm of national sovereignty.

Interesting indeed is the timing of India’s decision to abstain from voting against neighbouring Sri Lanka at the United Nations Human Right Council (UNHRC) on 27 March 2014. Right now, India is in the campaign mode for a general election to the *Lok Sabha*, the powerful Lower House of national Parliament. It is a national-election season now, with no provincial polls in the southern Indian border-state of Tamil Nadu.

It is also a fact that Tamil Nadu, which exudes ethnic affinity towards the Sri Lankan Tamil minority just across the narrow Palk Strait, often acts as a pressure group that seeks to influence New Delhi’s Sri Lanka policy. In a broad ethnographic sense, the other southern Indian states like Andhra Pradesh, Kerala, and Karnataka, too, share Dravidian links with the Sri Lankan Tamils. Sri Lanka’s Sinhala-majority can also trace religious, cultural, and historical links to India. However, for a variety of reasons outside the scope of this paper, neither New Delhi nor Colombo has charted its interactions with the other on the basis of historical Sinhala links to India. There is another nuance too. While Indians tend to look upon Sri Lankan Tamils as a group within the Indian Diaspora, the Sri Lankan Tamils living outside their ‘homeland’ are often treated as members of the Sri Lankan, not Indian, Diaspora. Regardless of these aspects, New Delhi’s policy towards Colombo is generally accommodative of the ethnic sentiments of Tamil Nadu politicians towards the Tamil and Muslim minorities in northern and eastern Sri Lanka.

Given these niceties, New Delhi may have been expected to be accommodative of the sentiments among Tamil Nadu politicians during the present poll-campaign season as well. Unsurprisingly, therefore, New Delhi’s latest positive gesture towards Colombo has not gone without criticism in Tamil Nadu at this time. However, New Delhi knows that a multitude of

³ ‘We reject the resolution – President tells AFP’, from the official website of the President of Sri Lanka, <http://www.president.gov.lk/news.php?newsID=2170>, accessed on 30 March 2014

political issues attract the attention of politicians during a poll-campaign season. The diffused attention-span of the Tamil Nadu politicians during the current poll-campaign season has given New Delhi a window of opportunity to take a broader pan-Indian view of the human rights situation in Sri Lanka. In any case, New Delhi has not really voted in favour of Colombo at the final count in the UNHRC, although the Indian delegation did unsuccessfully try to spare Sri Lanka of the operative part of the resolution.

New Delhi Opposes UN's 'Intrusive Approach'

In the event, India has emphasised the principle of Westphalian sovereignty, which is sometimes selectively challenged by some countries on the premise that there exists an international right to protect vulnerable persons in any state. In fact, it is this 'post-modern' premise, if not also a doctrine, of the 'right to protect' that should explain the ideological, as different from geopolitical, basis of the successive UNHRC resolutions against Sri Lanka in recent years. On the latest occasion, India's reasoning skirts this 'post-modern' doctrine altogether.

Before abstaining from the final vote on Sri Lanka at the UNHRC on 27 March 2014, India's Permanent Representative to the UN Offices in Geneva, Ambassador Dilip Sinha, said: "It has been India's firm belief that adopting an intrusive approach that undermines national sovereignty and institutions is counterproductive. Any external investigative mechanism with an open-ended mandate to monitor national processes for protection of human rights in a country, is not reflective of the constructive approach of dialogue and cooperation envisaged by UN General Assembly Resolution 60/251 that created the HRC [the United Nations Human Rights Council] in 2006 as well as the UNGA Resolution 65/281 that reviewed the HRC in 2011".⁴

Totally left unsaid in this Indian intervention, even by way of a subtle hint or two, is New Delhi's unabated indignation over America's violation of the human rights of an Indian diplomat, Devyani Khobragade, in the wake of her "arrest" over some private allegations. This episode, which is still vividly remembered in India, has a sub-text relevance to the India-US interactions as of now. India maintains that her "arrest" was unwarranted *ab initio*; and

⁴ India's Ministry of External Affairs, <http://www.mea.gov.in/Speeches-Statements.htm?dtl/23150/Explanation+of+Vote+by...>, accessed on 30 March 2014

US Secretary of State John Kerry had felt the need to express “regret” over some aspects of the treatment meted out to her.

In the big picture, India’s latest opposition to an “intrusive” external focus in Sri Lanka has a precedent, too, in the human rights arena. In 1994, when the then Pakistani Government sought a vote against India in the UN Human Rights Commission (the present UNHRC’s predecessor-forum), New Delhi went into a diplomatic overdrive to stop Islamabad in its tracks. India did succeed on that occasion. Pakistani and Western diplomatic sources in Islamabad told this author, at that time, China and Iran had prevailed over Pakistan to desist from the attempt to get at India over its alleged human rights violations in the Kashmir valley.⁵

A Geopolitical Calculus Too

Two significant factors – not just India’s opposition to the “intrusive [international] approach” towards a sovereign state’s internal affairs – should explain New Delhi’s latest positive gesture towards Colombo. These two factors are: (1) India’s overall geopolitical calculus in regard to Sri Lanka, and (2) New Delhi’s concerns over the possibility of one-sided international focus on Sri Lanka’s overall human rights situation.

Relevant to India’s geopolitical considerations is the thinking that has likely influenced the US to target Sri Lanka negatively on the human rights front for the past several years. China, which has gained huge strategic access to Sri Lanka in recent years, looms large on the US’ geopolitical radar in the Indo-Pacific region. The US’ pressure on Sri Lanka on the human rights front can well be seen as making geopolitical sense in this context. For India, too, it is important to send a signal to Sri Lanka, whenever possible, that Colombo can count on New Delhi, too, and not just Beijing over issues of national sovereignty. China, which voted for Sri Lanka in the latest UNHRC session, knows that actions speak louder than words. The operative bottom-line in China’s latest stand at the UNHRC was that the US’ move against Sri Lanka “went against the mandate of the Office of the High Commissioner”⁶ itself.

⁵ P S Suryanarayana, India’s Diaspora Vote, ISAS Brief No. 234 – 28 March 2012, <http://www.isas.nus.edu.sg>

⁶ Human Rights Council adopts a resolution on reconciliation, accountability and human rights in Sri Lanka [on 27 March 2014], <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14447&La...>, accessed on 30 March 2014

On the latest occasion, India has also had to reckon with Pakistan's attitude towards Sri Lanka in the UNHRC. Pakistan and Sri Lanka are India's fellow-members of the South Asian Association for Regional Cooperation (SAARC). Pakistan made ideological and procedural points. Pakistan argued that the planned "international investigation" would be "a clear violation of the sovereignty and territorial integrity of Sri Lanka". Equally, "if this investigation should be funded by the countries supporting this resolution [such as the US], this would be a serious breach of impartiality [of the probe]". In Pakistan's view, the time-span of 2002-2009, proposed to be covered under the planned UN investigation, would be "biased against Sri Lanka, as it would not include abuses perpetrated by the Liberation Tigers of Tamil Eelam prior to 2002".⁷

The Pakistani view regarding the time-frame of the allegations sought to be probed under the UN auspices is shared by India in its apprehensions about a one-sided investigation. India's former Prime Minister Rajiv Gandhi was assassinated by the LTTE during the national poll-campaign in 1991, well before 2002 – an issue that still resonates in political circles in Tamil Nadu and elsewhere in India now.

Beyond this emotive mix of varied concerns over human rights lies the 'moral' question of who won and who lost in the latest UNHRC vote against Sri Lanka. The run-up vote on a motion seeking the deletion of the operative paragraph was lost, with 23 members, led by the US in the 47-member Council, succeeding in retaining the clause. A minority of 14 members, including China as also India and Pakistan, voted for the deletion of this clause, while there were 10 abstentions. This could be seen as a marginal but clear victory for the US over Sri Lanka.

However, Official Sri Lanka has argued that, in the end, it became clear that "more countries are against the US [than for it] at the UNHRC".⁸ The final count was 23 votes (including that of the US as the key sponsor of the resolution) in favour of a "comprehensive investigation" in Sri Lanka by the Office of the UN High Commissioner for Human Rights. Twelve members, including China as also Pakistan and Russia, voted against, while 12 others, including India as also Indonesia besides Japan (a long-time US ally) and the Philippines, abstained. Colombo has drawn some comfort from the fact that a clear majority of 24 did not cruise along the US' wavelength. Colombo will, however, wait to see how India and others

⁷ Ibid

⁸ Same source as in N. 3 above

react as and when the UN High Commissioner for Human Rights begins to implement this resolution.

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