

A Short History Of Indian Voting Pattern On The Sri Lankan Resolutions Since 2009-2014 – A Compromise On The Panchsheel Principles Of Ethics And Morality In International Relations.

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When everyone who have been keenly following the Sri Lankan affairs expected India to vote for the US sponsored resolution seeking International Investigations, India abstained from voting at the 25th UNHRC,2014 in Geneva during the course of the passing of the resolution A/HRC/25/23.

In all there were three voting on the 27th of March 2014. The first one was on a vote sought by Pakistan to ascertain whether there were enough finances in the UNHRC to conduct an International Inquiry and wanted the resolution to be deferred for a year. India which had announced that would abstain jumped into action and voted for the Pakistan sponsored motion.

The second vote was also sought by Pakistan to remove operative paragraph 10 (OP10) seeking an International inquiry. India once again voted along with Pakistan, China, Russia and Cuba to remove OP 10.

It was only on the third vote seeking the passing of the resolution sponsored by the USA, India abstained. Thereby India clearly cast its vote twice on behalf of Sri Lanka and supported Pakistan and China.

It was a day of shame to be voting along with countries which has the scantiest regards for human rights. The justification may be the Kashmir issue. If India has treated the people of Kashmir with dignity and honor why should it fear any inquiry?

In 2012, everyone thought India would vote against the resolution (A/HRC/19/L.2) and support Sri Lanka, they just did the opposite. Sri Lanka stood dumb folded and betrayed as its immediate neighbor had taken the trouble of garnering votes for Sri Lanka in 2009 (A/HRC/S-11/L. 1/Rev. 2) and voted along with China and Pakistan long considered by the South Block and the other Indians as their traditional enemies and the only countries against which India has fought wars.

The 2009 vote for Sri Lanka along with Pakistan was a very curious case to note as India had virtually snapped all its relations with Pakistan after the Mumbai bomb blasts in November 2008 in which Pakistan was accused of aiding the terrorists who had carried out this attack on India's economic capital.

In 2012, India's position was not clear till the last minute. The pressure from Tamil Nadu was too much for the Indian state to resist. It played its wily game by supporting the resolution and sprang a diplomatic success. India diluted the resolution and Sri Lanka was happy that its immediate neighbor had helped them by diluting the resolution despite voting against it. USA, the main sponsor of the resolution too was happy that the resolution had the support of the world's largest democracy and the leader of the Non Aligned Movement. The people of Tamil Nadu too calmed down as their country stood by their emotional sentiments.

In 2013, India's position was unclear till the voting day. The parliamentary session was on and a great debate took place on whether Genocide had taken place in Sri Lanka or not. The Tamil Nadu state Assembly passed a unanimous resolution seeking India to vote for the resolution.

The DMK pulled itself out of the government as it wanted the Union government to sponsor the resolution. BJP leader, Mr. Yeshwant Sinha, wanted India to seriously address this issue and he termed the last days of the war in Sri Lanka as 'genocide'. "The government of India is unable to take a stronger stand because the government of India was complicit in the genocide which was done in Sri Lanka during the Eelam War".¹

On their part some Congress leaders, like P.Chidambaram, G.K.Vasan and others too wanted India to support the US sponsored resolution. The students of Tamil Nadu started a movement in support of the resolution which scared the establishment. During the debate on the resolution (A/HRC/22/L.1/Rev.1), the Indian envoy to Geneva, Mr. Dilip Sinha remarked during the debate, "We note with concern the inadequate progress by Sri Lanka in fulfilling its commitment to this council in 2009".²

On the 27th of March 2014 Dilip Sinha stated, "In asking the OHCHR to investigate, assess and monitor the human rights situation in Sri Lanka, the resolution ignores the progress already made by the country in this field and places in jeopardy the cooperation currently taking place between the Government of Sri Lanka and the OHCHR and the Council's Special Procedures".

He added, "India noted that in the past year, there have been some notable developments in Sri Lanka. The Sri Lankan government has honored its commitment to the international community to hold elections to the Northern Provincial Council. Further, it has taken steps to implement some of the important recommendations of Lessons Learnt and Reconciliation Commission (LLRC), such as Trilingual Policy, promoting the official use of the Tamil language and the upgrading of schools in the Northern and Eastern Provinces."

Some encouraging factors for the Indian action would be the tacit support of some fringe elements burning the US flag stating the resolution did not fulfill the aspirations of the Tamils. If that was the case, these groups should have taken up the matter India and prevail upon it to sponsor the resolution and draft it to suit their needs. By burning the US flag, these groups diverted the issue and many in Tamil Nadu were left confused as to what was happening?

The 2014 elections in India too played a spoilsport like in 2009 when many did not focus on the Tamil issue. It gave an easy leverage to the Congress government to mend fences with Sri Lanka and reassure its President of its support before its departure from governance in New Delhi.

In the 1970s and the 1980s, India had been training Tamil militants from different groups. This made the Tamils believe that India would get their promised land. In 1987 when India's objective was fulfilled through the signing of the Indo-Lanka peace accord, India wanted to destroy the militants it had created and waged a futile three years war.

After the civil war was over in 2009, Gotabaya Rajapakse, the defense secretary had to remark, "India could never absolve itself of the responsibility for creating terrorism here, though some of those directly involved in subverting Sri Lanka were blaming the Rajapaksa administration for the plight of the Tamil-speaking people here".³

Publicly though India washed off its hands during the last assault on the LTTE by Sri Lankan armed forces from 2007 to May 2009, Journalist Nitin Gokhale, author of *Sri Lanka: from War to Peace*, wrote that in 2006 India began quietly extending military support to the Sri Lankan government, including the delivery of five Mi-17 helicopters. Gokhale reports that these helicopters played a crucial role in several of the Sri Lankan Air Force's missions aimed at crushing LTTE resistance.⁴ Well-coordinated operations by the two navies between 2006 and 2009 actually broke the backbone of the Sea Tigers, Gokhale says.⁵

Sri Lankan leadership once again gratefully acknowledged the Indian Navy's contribution in locating and destroying at least 10 'floating warehouses' owned by the LTTE that were used by the Tigers to store arms, ammunition and even armored personnel carriers.⁶

India played a key role in warding off international pressure on Sri Lanka to halt military operations and hold talks with the LTTE in the dramatic final days and weeks of the war in 2009, confidential U.S. Embassy cables accessed by *The Hindu* through WikiLeaks showed⁷.

Wikileaks cable of January 29, 2009 clearly stated that India was not opposed to a military solution to the Tamil problem. It was evident from the statement of its then External Affairs minister and the present President of India who said, "I stressed that military victories offer a political opportunity to restore life to normalcy in the Northern Province and throughout Sri Lanka, after twenty three years of conflict. The President assured me that this was his intent."⁸

Pranab Mukherjee had also down sized the civilian presence in the war zones. The United Nations and the ICRC said 250,000 civilians have fled to dense jungle terrain where fighting is raging in the 115 square miles still controlled by the Liberation Tigers of Tamil Eelam.⁹ When there were 250,000 civilians struck up in the war zones it was Mr. Pranab Mukherjee who had said that there were only 70,000 civilians¹⁰. After the victory, President Mahinda Rajapaksa said he had fought India's War¹¹.

It is also no secret that Pranab Mukherjee, was seen as the guardian angel of Mahinda Rajapaksa¹². It may be these considerations that India and its President might be dragged into the scope of the Investigation that may have worried India. A change of guard, with a national party heading the union government would continue the same policy with a little soft approach.

One of the important issues raised by Dilip Sinha on the 27th of March 2014 was that of the 'Intrusive approach', being adopted by the US and the others including the OHCHR to which India was opposed, he seemed to suggest that the sovereignty of Sri Lanka must be respected. Here we need to examine if India had followed his advice in the past.

India's 1971 intervention in East Pakistan was ostensibly to prevent the "suppressing of freedom and human rights," and was a result of democratic failure. Operation Searchlight and the persecution of the Bengali people were an outcome of West Pakistan's refusal to accept the Awami League's victory in the 1970 General Elections. This incident reminds that despite a move toward inclusive democracy, Pakistan relapsed and imploded, forcing Indian intervention. At the same time, one might argue that India's intervention was deeply rooted in opportunism designed to further its own national interest. By enabling East Pakistan to secede, India secured its eastern borders and ensured an unparalleled military dominance of the region.¹³

When Sri Lanka imposed a strict economic embargo on Jaffna, India intervened on the 4th of June 1984 and dropped food packets in the Tamil areas in Operation Poomalai. Sri Lanka accused India of violating its sovereignty.¹⁴

Before the operation the High Commissioner of Sri Lanka was told that the Indian aircrafts were expected to complete their mission unhindered and any opposition by the Sri Lankan Air Force "would be met by force" by the escorting Mirage 2000s.¹⁵

During the course of the imperialistic days, India has always championed the cause of 'The right to Self Determinations' of Asia and African countries. It had always led a campaign against Apartheid in South Africa, do we call these as 'intrusive approach' or breach of sovereignty by India into the internal affairs of be it Pakistan in 1971, Sri Lanka in 1987 and South Africa before 1992?

The absurd explanation given on many occasions that China might occupy the space left open by India in Sri Lanka has no buyers as many know that MR is cozier with China and trusts them more than India. At the same time India seems to have lost its traditional supporters, the Tamils with their consistent anti-Tamil policy.

The Delhi pundits need to know that Human Rights have no boundaries and it is Universal. When you sign International treaties and mechanisms you are obliged by International Laws and practices. This is not the first time International inquiry would be undertaken by the OHCHR.

What happened on the 27th of March 2014 was the burial of the values of Human Rights, Morality and ethics on which India was founded. Gandhism was lost for political considerations. It is a blessing in disguise for the USA to learn a lesson never to trust India. It is the same for the Tamils too.

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¹ <http://www.internationaljournaloflondon.com/interview-with-indian-mp-shri.-yashwant-sinha.html>

² , Mr. Dilip Sinha, Indian Envoy to UNHRC, Geneva during the debate on 'Promoting Reconciliation in Sri Lanka', 21 March 2013.

³ <http://www.thehindu.com/news/international/south-asia/india-responsible-for-30year-war-gotabaya-rajapaksa/article4605639.ece>

⁴ <http://thediplomat.com/2012/12/india-and-sri-lankas-civil-war/>

⁵ <http://timesofindia.indiatimes.com/india/India-behind-Lankas-victory-over-LTTE-Book/articleshow/4924585.cms>

⁶ <http://timesofindia.indiatimes.com/india/India-behind-Lankas-victory-over-LTTE-Book/articleshow/4924585.cms>

⁷ Nirupama Subramaniam, "How India kept pressure of Sri Lanka", The Hindu, March 16, 2011

⁸ https://www.wikileaks.org/plusd/cables/09COLOMBO106_a.html

⁹ Emily Wax, '250,000 Civilians Stuck in Sri Lanka War Zone, Red Cross, U.N. Say' The Washington Post, January 29 Thursday, 2009

¹⁰ Aarti Dhar, 'LTTE has done much damage to Tamils'. The Hindu, February 19 Thursday, 2009

¹¹ M G Devasahayam, 'The Hidden Hand in the Killing fields of Sri Lanka Exposed: It's India', theweekendleader.com, Vol 2, Issue 28, 15 July 2011.

¹² <http://www.ceylontoday.lk/42-31744-news-detail-is-pranab-mukherjee-mrs-guardian-angel.html>

¹³ Pranay Ahluwalia *The Diplomat* November 24, 2013

¹⁴ 'IAF drops relief supplies over Jaffna'. The Hindu, 5 June 1987

¹⁵ <http://www.bharat-rakshak.com/IAF/History/1987IPKF/Chapter1.html>