

Boarder Security Management – Maritime Control: An Outline on Sri Lanka

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1. Sri Lanka’s Maritime Boundary

The maritime boundary between Sri Lanka and India is divided at three different sea areas: Bay of Bengal in the North, the Palk Straits in the Middle, and the Gulf of ‘Mannar’ in the South. It is about 45km maximum distance between Sri Lanka and India through Palk Straits and Dhanuskodi on the Indian side and ‘Thalaimannar’ on the Sri Lankan side is minimum 16km distance. Both countries have over 12-22km of water and signed bilateral agreements on the maritime boundary as per the United Nations Convention on the Law of the Sea (UNCLOS)

The 1974 Agreement regarding historic waters signed between Sri Lanka and India in the Palk Strait and the Palk Bay confirmed Sri Lanka’s sovereignty for the Palk bay area. Article 4 of the Agreement stipulates that each State (India and Sri Lanka) shall have sovereignty and exclusive jurisdiction and control over the waters, the Islands, the Continental Shelf and the sub soil on its side of the Maritime boundary. In the Palk Strait and Palk Bay and Kachchativu Island were determined as falling within Sri Lankan waters and the agreement came into force on 8 July 1974.

The boundary between India and Sri Lanka in the waters from Adam's Bridge to Palk Strait shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude.

SRI LANKA - INDIA MARITIME BOUNDARY: ADAM'S BRIDGE / PALK STRAIT

POI NT	LATITUDE NORTH	LONGITUDE EAST
1	10° 05'	80° 03'
2	09° 57'	79° 35'
3	09° 40'.15	79° 22'.60
4	09° 21'.80	79° 30'.70
5	09° 13'	79° 32'
6	09° 06'	79° 32'

Article 1 of that agreement highlights “The Maritime Boundary between Sri Lanka and India in the Gulf of Mannar shall be arcs of Great Circles between the following positions, in the sequence given below”.

SRI LANKA - INDIA MARITIME BOUNDARY: GULF OF MANAAR

POSITIO N	LATITUDE NORTH	LONGITUDE EAST
1m	09° 06.0'	79° 32.0'
2m	09° 00.0'	79° 31.3'
3m	08° 53.8'	79° 29.3'
4m	08° 40.0'	79° 18.2'
5m	08° 37.2'	79° 13.0'
6m	08° 31.2'	79° 04.7'
7m	08° 22.2'	78° 55.4'
8m	08° 12.2'	78° 53.7'
9m	07° 35.3'	78° 45.7'
10m	07° 21.0'	78° 38.8'
11m	06° 30.8'	78° 12.2'
12m	05° 53.9'	77° 50.7
13m	05° 00.0'	77° 10.6'

The Article 2 of the same agreement emphasizes that the Maritime Boundary between Sri Lanka and India in the Bay of Bengal shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

SRI LANKA - INDIA MARITIME BOUNDARY: BAY OF BENGAL

POSITION	LATITUDE NORTH	LONGITUDE EAST
1b	10° 05.0'	80° 03.0'
1ba	10° 05.8'	80° 05.0'
1bb	10° 08.4'	80° 09.5'
2b	10° 33.0'	81° 46.0'
3b	10° 41.7'	81° 02.5'
4b	11° 02.7'	81° 56.0'
5b	11° 16.0'	82° 24.4'
6b	11° 26.6'	83° 22.0'

The Article 5 of the agreement states the following important areas.

- (1) Each Party shall have sovereignty over the historic waters and territorial sea, as well as over the islands, falling on its side of the aforesaid boundary.
- (2) Each Party shall have sovereign rights and exclusive jurisdiction over the continental shelf and the exclusive economic zone as well as over their resources, whether living or non-living, falling on its side of the aforesaid boundary.
- (3) Each Party shall respect rights of navigation through its territorial sea and exclusive economic zone in accordance with its laws and regulations and the rules of international law.

1.1 Territorial Sea of Sri Lanka

Sri Lanka participated the first United Nations Law of the Sea Convention (UNCLOS-I) in 1958 in Geneva and ratified the following conventions.

1. The convention of the High Seas
2. The contention of the territorial sea and the contiguous zone.
3. The convention on the Continental Shelf.
4. The convention on the living resources of the High Seas.

At the **UNCLOS III** Sri Lanka served as a very active member in order to proclaim her Maritime Zones in accordance with newly emerging trends in International Law. The UN Convention on the Law of the Sea 1982 prescribes the following limits for the various maritime zones, measured form the baseline form which the territorial seas is measured.

1. 12 miles territorial Sea
2. 24 miles Contiguous Zone
3. 200 Mile Exclusive Economic Zone

Continental Shelf Extending up to 200 nautical miles form the baseline from which the territorial sea is measured where the outer edge of the continental margin does not extend beyond that distance. Where however continental margin extend beyond 200 nautical miles the outer limit of the continental shelf would be 350 nautical miles from the baseline which the territorial sea is measured; or 100 nautical miles beyond 2500 meter isobaths.

Sea Port of Entry – Colombo Port

2. LEGISLATURE: SUMMARY OF SRI LANKA'S MARITIME CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
MARITIME BOUNDARIES	1974	Agreement		Palk Bay boundary agreement with India.
	1976	Agreement		Ratified Convention.
	1976	Agreement		Tri point agreement with India and Maldives . Point: Lat. 04° 47.04' N Long. 77° 01.40' E.
TERRITORIAL SEA	Jan 1977	Maritime Zones Law No. 22 of 1976; Presidential Proclamation of Jan 77 implementing the law	12nm	Foreign warships must obtain permission prior to transiting territorial sea.
ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Jan 1977	Maritime Zones Law No. 22 of 1976; Presidential Proclamation of Jan 77 implementing the law		Historic waters claimed in Palk Strait and Palk Bay (internal waters), and in Gulf of Mannar (territorial sea).
CONTIGUOUS ZONE	Jan1977	Maritime Zones Law No. 22 of 1976; Presidential	24nm	Contiguous zone including claimed security jurisdiction.

		Proclamation of Jan 77 implementing the law		This claim is not recognized by the U.S. U.S. protested claim in 1986 and conducted numerous operational assertions.
CONTINENTAL SHELF	Jan 1977	Maritime Zones Law No. 22 of 1976; Presidential Proclamation of Jan 77 implementing the law		
FISHING ZONE/EEZ	Jan 1977	Maritime Zones Law No. 22 of 1976; Presidential Proclamation of Jan 77 implementing the law	200nm	EEZ.
LAW OF THE SEA CONVENTION	Dec 1982			Signed Convention.
	Jul 1994			Ratified Convention.
	Jul 1994			Signed Part XI Agreement
	Jul 1995			Bound by Part XI Agreement.

3. Current Border Security Challenges

3.1 LTTE Navel Wing: 'Sea Tigers'

Sri Lanka Navy is the first line defence in the country. SL Navy's primary role is to ensure area control and denial to enemy at sea. Navy maintain day and night surveillance system at sea to prevent warlike material coming into Sri Lanka, to prevent illicit poaching through Exclusive Economic Zone which extends up to 200 nautical miles.

The Liberation Tigers of Tamil Elam (LTTE) is the main threat which is posed to the maritime border security in Sri Lanka. The LTTE is the dominant terrorist actor of the Indian Ocean. They are the pioneers in the Maritime Terrorism and with its maritime arm called 'Sea Tigers'. LTTE was able to pose a considerable threat to Sri Lankan Navy and destroyed a large number of Sri Lankan navel vessels. This Tiger unit is currently under command of col. 'Soosai' and its merchant crafts are commanded under Tharmalingam Shanmugam Kumaran alias KP. There is a subunit called '**Black Sea Tigers**' which carries out suicide attacks while the other unit does most of the underwater operations. The supply support units are tasked with keeping LTTE supply routs safe for cargo transportation and escorting cargo to shore. Most of their activities take place the waters of Northeastern Sri Lankan Waters which link to south East Asia.

Here are some of the acts of piracy where the LTTE was directly accused of hijacking vessels outside the waters of Sri Lanka:

1. MV Irish Mona -August 1995
2. MV Princess Wave -August 1996
3. MV Athena -May 1997
4. MV Misen -July 1997
5. MV Morang Bong -July 1997

6. MV Cordiality -September 1997

7. MV Princess Kash -August 1998

3.2 Illicit activities in the territorial waters.

1. Smuggling
2. Passing assets across to India
3. Human Trafficking
4. Gun Running
5. Activities avoiding Exchange Control and dealing in Indian and Sri Lankan currency.

3.3 Claim of Island 'Kachchativu' by Madras Government.

Tamil Nadu State has recently raised the issue of 'Kachchativu', making proposals based on their own perceptions without any apparent valid legal basis, pertaining to the rights of Indian fishermen. There has been a case filed by the former Chief Minister of Tamil Nadu Ms. Jayalalitha Jeyaram at the Indian Supreme Court.

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3.4 The poaching of Indian Fishermen Issue

This is lead to violation of Sri Lanken waters by Indian fishermen. Indian fishermen routinely cross the boundary line to pursue their livelihood. This will also result following

- a) Supporting terrorist activities in the Sea
- b) Using Sri Lankan Resources by other parties.

3.5 Sethusamudram' Project

'Sethusamudram Ship Channel' Project, which envisages dredging of a ship channel across the Palk straits between India and Sri Lanka has created a lot of attention of people of Sri Lanka. The project will allow ships sailing between the east and west costs of India to have a straight passage through India's territorial waters, instead of sailing around Sri Lanka.

Sthusamudram project could affect all the neighboring countries of India if India plans to use the canal to provide a naval base for nuclear submarines and for vessels carrying nuclear fuel supplied by the nearby nuclear plant named 'Koodankulam'.

A terrorist attack on a ship transiting the canal with nuclear fuel or a nuclear vessel could kill even the unborn children in neighboring countries. The nuclear weapons being manufactured by India no doubt are weapons of mass destruction.

4. Boarder Management

4.1 Sri Lanka Navy under Ministry of Defense

The Sri Lanka Navy is of operating in waters around Sri Lanka effectively protecting Sri Lanka's national interests. Their Mission is to conduct prompt and sustainable combat operations at sea in accordance with the national policies. Their maritime role is to conduct operations at sea for the defense of the nation & its interests. Recently Sri Lankan Government has taken the initiative to set up a Coastal Guard system in Sri Lanka.

4.2 Sri Lanka Customs

Sri Lanka Customs is one of the oldest Government Departments, established in the year 1806. With the introduction of Customs Ordinance, it developed into a full-pledged state organization mainly responsible for the collection of revenue and the enforcement of law. The Sri Lanka Customs oversees both the Airport and the Colombo Sea Port by functioning its offices from there. Sri Lanka Customs comes under the purview of the Ministry of Finance of which H. E. the President is the Minister. Head of the Customs is The Director General. Sri Lanka Customs is a key state organization operational at the frontiers and its main functions centers around revenue collection and enforcing Customs law and other related rules and regulations. In the process the customs department endeavors to ensure smooth movement of people and goods across the boarder.

5. Colombo Mega Port Programme

Mega Port Project has initiated by the United States Government with the help of

- a) U.S. Department of Energy (DOE),
- b) National Nuclear Security Administration (NNSA)
- c) Office of Second Line of Defense (SLD).

The SLD has deployed radiation detection equipment to foreign countries in support of law enforcement since 1997 in response to

- a) concerns about the amount of nuclear materials in the former Soviet Union,
- b) the vulnerability of those nuclear materials to diversion and
- c) the demonstrated interest of terrorist organizations and rogue nations in acquiring such materials.

The Mega port initiative provides radiation detection equipment, training and support to a prioritized list of world's largest and busiest ports (Mega ports) to enhance the port's capability to screen container cargo specifically for nuclear and other radioactive materials. According to USA Officials, 20 Mega ports will be established all over the world near future. Objective The principal objective of this program is to reduce the risk of illicit trafficking of Special Nuclear Materials (SNM) and other radioactive isotopes that might be used in weapon of mass destruction (WMD) or radiological dispersal device (RDD) before they reach the borders of the United States. However it is the fact that US Government has decided to direct all their imports through the Mega ports located in worldwide. Therefore there will be economic advantages to Sri Lanka since more cargo will be go through the Colombo port.

Under this initiative; Implementation of radiation detectors are to detect radioactive materials incoming and all outgoing containers t and from Colombo Port and transitional containers.

Responsible Parties

1. Sri Lanka Customs Department
2. Sri Lanka Ports Authority
3. South Asia Gateway Terminal
4. Sri Lanka Atomic Energy Authority
5. Sri Lanka Navy

Three types of stations have been established to carry out screening of containers for radioactive materials. They are;

1. Local alarm stations – at in and out gates/container terminals (LAS)
2. Central alarm station (CAS)
3. Secondary inspection station (SIS)

6. 1540 Status

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