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Disarmament, Indian Ocean and Strategic Externalities: The Case of Sri Lanka

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ABSTRACT

South Asia, surrounded by the Indian Ocean, is a favorite theatre to continue with the contemporary global strategic power competition of nuclear states. The non-nuclear states in South Asia simply cannot afford to remain complacent about the rapid nuclearisation that is taking place in the region since it results in adverse impacts on their security. Strangely, its underlying security impacts are somewhat ignored and never fully grasped by the non-nuclear states for various reasons. In this setting the author brings out the account of Sri Lanka's role in disarmament in the passage of South Asia's gradual transformation into a volatile nuclear region. It also questions the popular opinion whether the cause of disarmament happens to be an exclusive matter to be dealt by the nuclear club. The objective of this paper is to discuss the role that Sri Lanka traditionally played in global disarmament and the effects of third-party security concerns she faces under the emerging nuclear shadow.

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Introduction

Frank Hoffmann's "Pink Flamingo" concept is pertinently applicable to the South Asian region (Barner and Bensahel 2015) since it highlights a disaster that a state or an entity would have noticed emerging but ignored and that could cause catastrophic devastation. Hoffman is of the view that Pink Flamingo situations are patently evident but deliberately disregarded by policymakers for diverse reasons. South Asia is prone to dangerous nuclear trends and they are often ignored by the policymakers of non-nuclear states. This situation is worsened due to the tendency of avoiding adherence to the international disarmament mechanisms by the emerging nuclear powers in the region. Neither India nor Pakistan is a party to the Nuclear Non-Proliferation Treaty (NPT). It is understood that if an accident flares up in any of these states it could escalate into a worse pitch due to the public panic. In such an atmosphere nobody can guarantee that South Asia is suitably prepared to handle the transnational after effects of a nuclear catastrophe. Even though the threat is imminent, none of the non-nuclear states in South Asia has paid adequate attention to mitigate it. Apart from the direct danger of an accident or nuclear confrontation, the neighboring states of nuclear powers also face the threat of strategic

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manipulation of their assets by nuclear states. The worrisome factor is a blissful underestimation by non-nuclear states about the gravity of the emerging and persistent problem. The lack of awareness on how to face such situations could result in an abrupt collapse of the security well-being of non-nuclear states due to factors that operate beyond their control. This paper attempts to reveal the dangers of the existing “pink flamingo” situation in South Asia through the lens of a non-nuclear state.

Sri Lanka noticed the emerging nuclear threat in this region at a very early stage of global nuclear arms proliferation. In the 1960s and 1970s, Sri Lanka as a diminutive but a strategically located state played a key role in the discourse on disarmament. However, later on, her involvement in global disarmament movement ground to a halt due to various strategic reasons such as the hegemonic behavior of great powers and the emergence of new nuclear powers in South Asia. As a non-nuclear state which actively supported non-aligned foreign policy, Sri Lanka never expected to share the burden of negative spillover effects of nuclear programs of other states in the region. However, at present, she is observing a policy of puzzling silence even when a robust nuclear proliferation in the region is forging ahead which could endanger the security wellbeing of fellow non-nuclear states in the neighborhood.

Sri Lanka’s Role in Global Disarmament

Sri Lanka had maintained a clear stand on nuclear disarmament from the early days of her independence¹ Sri Lankan leaders were vociferous at various international forums about the emerging danger of nuclear weapons. Briefing Sri Lanka’s parliament of the outcome of the South-East Asian Prime Ministers Conference held in Colombo in May 1954, Sri Lanka’s Prime Minister Sir John Kotelawala remarked:

Apart from various reports in the press, little authoritative information is available to the public of the disastrous effects of these nuclear weapons. The Prime Ministers, therefore, decided to call upon the powers principally concerned, viz. United States, the Soviet Union, and the United Kingdom, to take steps to publish such information (Jayawardane 2005, 23).

What is crucially important in the above statement is the realization that the public has a right to be informed of the disastrous effects of weapons of mass destruction and that such information would awaken in them a “firmer determination to condemn and prevent the use of such weapons in time of war”. Sri Lanka was of the view that such information should not be a monopoly of an exclusive club of nuclear powers.

T.B. Subasinghe, Sri Lanka’s delegate to the First Committee of the UN General Assembly in 1958, expressed Sri Lanka’s concerns over the establishment of military bases and proliferation of nuclear weapons. He insisted: “For all countries, whether large or small, has a right to protest against policies which endangered their very existence”

¹Sri Lanka obtained independence from Britain on 4 February 1948.

(Jayawardane 2005, 23). Emphasizing the urgent need to commence talks on disarmament, Sir Claude Corea who headed the Sri Lankan delegation to the UN on disarmament in October 1960, said:

Let us not wait until the house has burnt down to become interested in inadequate fire protection. In our country, we have an old saying which might well take to heart. It runs like this: “Don’t repair the leaks in your roof when it begins to rain.” I think that there is a good lesson in that saying (Jayawardane 2005, 27).

Felix Dias Bandaranaike, Minister of Finance and Parliamentary Secretary to the Ministry of Defence and External Affairs of Sri Lanka, stated in the UN General Assembly in September 1961 that Sri Lanka’s stance of nuclear weapons is to reach complete disarmament since Sri Lanka aspires a secured world without nuclear weapons. He further stated that the Sri Lankan Prime Minister has directed him to suggest to the General Assembly “that future negotiations between the great powers should be joined by representatives of nonaligned countries” (Jayawardane 2005, 28). By suggesting that, Sri Lanka appealed to the global community that non-aligned countries should present their point of view on a par with great powers on issues of disarmament.

In October 1962, Sri Lanka’s Prime Minister Sirimavo Bandaranaike² had conveyed a message to President John F. Kennedy expressing her view on the explosion conducted by the United States at that time. In that message, she highlighted the need for establishing the inspection and control mechanisms for nuclear weapons. President Kennedy, in his reply to her message, responded that he principally agrees to Bandaranaike’s idea. In 1963 Sri Lanka decided to sign the Partial Test Ban Treaty (PTBT) concerning the ban of nuclear weapons tests in the atmosphere, in outer space and also underwater (Jayawardane 2005, 28).

As highlighted earlier, from the very early days of global nuclearisation, Sri Lanka expressed her concerns on the emerging nuclear threat in the Indian Ocean. Keerawella (1990) points out that Sri Lanka’s role in the Non-Align Movement (NAM) truly reflected her dedication to global disarmament. In 1961 Belgrade and 1964 at Cairo summits, Sri Lanka highlighted the need of the Indian Ocean Region (IOR) to be declared a Nuclear Weapons Free Zone (NWFZ). Especially at the Cairo summit, Prime Minister Sirimavo Bandaranaike made three important proposals as follows:

- (a) The concept of nuclear-free zones should be extended to cover the areas and oceans that have hitherto been free of nuclear weapons.
- (b) All non-aligned nations should take immediate action to close their ports and airfield to ships and aircrafts carrying nuclear weapons, or which are equipped to carry nuclear weapons.
- (c) Colonial powers should not only undertake to liquidate existing bases in colonial territories, but they should also refrain from establishing in colonial territories new bases capable of being used for aggressive purposes (Jayawardane 2005, 35).

²She is the world’s first woman Prime Minister.

Sri Lanka not only proposed but also acted meaningfully and promptly on the NWFZ issue. On 21 December 1964, Sri Lanka welcomed the idea of Nuclear Weapons Free Zone in Africa at the United Nations. Sri Lanka felt that this would be the first step towards the wider application of nuclear-free zones that could cover other areas and zones such as Indian Ocean in future (Jayawardane 2005). The Sri Lankan delegate on Nuclear Free Zones, RSS Gunawardena, stated:

My government has already taken action to give effect to these principals. To restrict the proliferation of nuclear weapons to the Indian Ocean, we closed our ports and airfields to ships and aircraft which either carry nuclear weapons or are equipped for nuclear warfare. We felt that this action was a practical first step in the direction of ensuring that, at least, a large area of Asia would be free from the dangers of nuclear warfare (Jayawardane 2005, 34).

According to Keerawella (1990), the three proposals made by Bandaranaike at the Cairo summit were an early manifestation of a regional peace zone. In 1970 Bandaranaike took further steps to develop the said proposals into a detailed Indian Ocean Peace Zone concept. She presented it as the Indian Ocean Peace Zone (IOPZ) proposal in the 1970 Nonaligned Movement summit at Lusaka and let the members reflect on the militarization of the Indian Ocean due to the superpower naval rivalry. Subsequently, the Singapore conference of the Heads of States of the Commonwealth Countries held in January 1971 was a favorable platform that Bandaranaike used to further emphasize the same idea because there was a considerable number of Indian Ocean littoral and hinterland states that also held the commonwealth membership.

IOPZ proposals had two salient features. The first is the entire Indian Ocean area to be free from nuclear weapons, great power rivalries, and bases maintained to support such rivalries. Then the Indian Ocean littoral states were expected to establish a regional collective security mechanism based on regional cooperation without military alliances. Bandaranaike felt that it would be easier to establish a nuclear-free zone in the Indian Ocean due to two reasons. The first, at the time the IOPZ proposal was presented there was no nuclear powers among the littoral states of the Indian Ocean. Second, even the military and naval forces of the great powers in the Indian Ocean have not yet assumed a significant proportion (Keerawella 1990). Against such a backdrop, Bandaranaike believed that the adoption of the IOPZ proposal would not involve serious actions such as dismantling of existing military bases and installations.

In October 1971 Sri Lankan Prime Minister presented the IOPZ proposal before the UN General Assembly. Premier's speech at the UN highlighted the relevance of such concept – a zone of peace – in conformity with the policy of non-alignment. Upon Sri Lanka's request to include the IOPZ on the agenda of the 26th session of the UN General Assembly, the proposal was referred to the First Committee to consider and report back. On 6 October, Tanzania joined hands with Sri Lanka as a co-sponsor to the proposal. On 16 December 1971, Resolution 2832 (XXVI) was approved by the UN General Assembly with a third world majority. The resolution carried the clamorous voice against the dangers of the great-power rivalry in the region. The point number two (2) of the proposal states that:

(the proposals) Calls upon the great powers, in conformity with this Declaration, to enter into immediate consultations with the littoral states of the Indian Ocean with a view to;

- (a) Halting the further escalation and expansion of their military presence in the Indian Ocean;
- (b) Eliminating from the Indian Ocean all bases, military installations and logistical supply facilities, the disposition of nuclear weapons and weapons of mass distraction and any manifestation of the great power military presence in the Indian Ocean conceived in the context of great power rivalry; (Keerawella 1990, 195).

Subsequently, the Secretary-General was requested to present the progress of the resolution on the implementation of the proposal to the General Assembly at the 27th Session. Since the response was not satisfactory it was included again on the agenda of the 27th UN General Assembly under a new resolution 2992. The General Assembly appointed an ad-hoc committee consisting of 15 member states to study the practical implications of adopting the proposal. Shirley Amarasinghe³ was appointed as the Chairman of the committee. Sri Lanka came into the limelight of the issue, with her securing the chairmanship. Later the committee submitted the report with a working paper prepared by Sri Lanka. Sri Lanka introduced a three-staged proposal concerning denuclearization of the Indian Ocean as follows:

- (1) The countries of the region should commit themselves to a policy of denuclearization.
- (2) The Indian Ocean within limits to be determined, together with the air space above and the ocean floor subjacent thereto, is hereby designated for all time as a zone of peace.
- (3) The nuclear powers should undertake the obligation not to deploy nuclear weapons in IOPZ (UN Archives, 27th Session folder).

The ad-hoc committee working paper presented in October 1973 highlighted the commitment expected from the littoral states. However, for the prominent littoral states, they were tricky matters to be implemented considering the ground realities and repercussions in their volatile political arenas. India was clandestinely preparing for her first nuclear explosion in early 1974. Therefore, if India was committed to adhere to the proposal, it was similar to jeopardizing her future security. Finally, the IOPZ did not materialize due to various reasons. The hegemonic pressures of the great powers that already possessed the nuclear weapons and the emerging South Asian powers that aspired to be elevated to nuclear powers in the future were prominent among those. South Asia itself becoming home to a nuclear power was the reason that changed the context of the proposal to a great extent. The first Indian nuclear test in 1974 in Pokaran dessert and the establishment of the Bhaba Atomic Research Center (BARC) signaled the changing shape of strategic politics in South Asia.

Some may argue that Sri Lanka was too preoccupied with the goal of getting rid of great powers from the Indian Ocean while overlooking the dangers that can emanate from the emergence regional powers as nuclear weapon states. This, certainly, was not

³Shirley Hamilton Amarasinghe served as Ceylon's Permanent Representative to the United Nations 1967 to 1980 and served as President of the United Nations General Assembly in 1976. He was also one of the leaders of the negotiations to draft the United Nations Convention on the Law of the Sea.

the issue. The original proposal submitted by Bandaranaike was a comprehensive one which included not only the great powers but also Indian Ocean littorals. However, when it was referred to the First Committee, strong Indian Ocean states had pressurized Sri Lanka to pitch the proposal only against the great powers (Towle 1975). It was in this context that Sri Lanka's Permanent Representative to the UN Shirley Amarasinghe has presented facts to the First Committee:

We do not want to have a great power there, By the same token, we do not intend that we should drive out Satan by Beelzebub and allow some powers within the group of littoral and hinterland states to take the place of the superpowers (Keerawella 1990, 189).

Bandaranaike firmly believed that the power balance in the region was crucial for maintaining peace and stability. That singular fact was reflected in some decisions that were made by her during critical situations such as the East Pakistan crisis. When India withdrew landing and overflying rights for Pakistan aircraft from West to East Pakistan, Bandaranaike allowed, at Pakistan's request, for Pakistan International Airlines (PIA) to transit through Bandaranaike International Airport, Colombo. Despite Bandaranaike's close relationship with Prime Minister Indira Gandhi, she resolved to extend assistance to Pakistan. According to Jayawardane (2017), even though it was a hard decision, she made the call for the sake of balance of power in the region. She also did not favor the bifurcation of Pakistan as it would disturb the balance of power in South Asia. According to Kodikara (1982, 28), "Sri Lanka regarded the East Bengal crisis as an internal affair of Pakistan and, even after the crisis was over, in order not to offend Pakistan's susceptibilities, Sri Lanka did not accord recognition to Bangladesh until March 1972". Against this backdrop, the situation after the 1974 Pokhran Indian nuclear test turned the Indian Ocean into a more complex zone. South Asia was already characterized with endemic political instability, economic backwardness, and low level of solidarity.

Even though IOPZ was not a success, Sri Lanka continued to advocate the noble cause of disarmament. In Sydney in February 1978, at the meeting of the Commonwealth Heads of Governments, Sri Lanka's president J.R. Jayewardene proposed the idea of creating a World Disarmament Authority. In the same year, with the support of the non-align states, Sri Lanka was able to sponsor a resolution at the First Session of the UN General Assembly dedicated to Disarmament (Jayawardane 1995, 209). It was aimed at discussing the adverse effects of nuclear weapons, small arms and the arms race in outer space. Sri Lanka unconditionally supported almost all the international treaties against nuclear proliferation. She was one of the first countries to sign and ratify the Nuclear Non-Proliferation Treaty (NPT) in 1968; Biological Weapons Convention in 1972; the Chemical Weapons Convention in 1998; and the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in 1996.

By this era Sri Lanka had also produced international figures who were deeply committed for global disarmament. Jayantha Dhanapala and Justice C.G. Weeramanthri are two internationally renowned Sri Lankans who are admired for their yeomen services rendered for global peace. Dhanapala, who served as the UN Under-Secretary-General for Disarmament Affairs (1998–2003) also chaired the historic NPT Review and Extension Conference in 1995. Besides, he chaired the Nobel Peace Prize-winning Pugwash Conferences on Science and World Affairs which is actively involved in a similar cause. The Late Justice C.G. Weeramantry who served as the Vice-

President of International Court of Justice (ICJ) from 1997 to 2000 is world famous due to the historic ruling he delivered by articulating that the threat or use of nuclear weapons is illegal in any circumstances whatsoever⁴

Weakening of Sri Lanka's Role

Since independence, every Sri Lankan government had continued to champion the dire need towards disarmament. However, due diverse reasons Sri Lanka failed to maintain her commitment in the same spirit during later stages. Since 1990s one can observe Sri Lanka's soft-peddling of the IOPZ idea, which is coinciding with the emergence of India, Pakistan and China as nuclear powers in the Indian Ocean region.

There is a sound reason for Sri Lanka's gradual withdrawal from her previous stand. Sri Lanka never wanted to be embroiled in the Indo-Pakistan or Sino-Indian strategic rivalry. Even the regional forums do not allow the discussion of the matter of regional disarmament. Due to the high level of animosity prevailed between India and Pakistan, the meeting agenda of the South Asian Association of Regional Cooperation (SAARC) was drafted by deliberately excluding any discussion of bilateral security issues. Even when the nuclear explosions were taking place in the region (especially they pose a grave danger of nuclear war to the region as a whole), the heads of states of non-nuclear states in the SAARC purposely ignored discussing it, due to the high sensitivity of the issue. The 10th SAARC summit was held in Colombo under the chairmanship of Sri Lanka from 29 to 31 July 1998. It was convened just after the Indian and Pakistani Nuclear weapons tests of May 1998. The summit would have at least discussed the possible adverse effects of nuclear explosions on the region, but leaders of the non-nuclear state adopted a policy of absolute and surprising silence about it. Ironically, the SAARC declaration generally referred to the importance of global commitment to disarmament (Ministry of External Affairs 2010).

It was obvious that Sri Lanka primarily had to devote more attention on resolving the issues emerging due to the protracted internal terrorist conflict during 1990s. India, Pakistan and China had played a crucial role in assisting Sri Lanka when facing the terrorist conflict. Getting the support of the friendly states to end the brutal war was a strategic priority to Sri Lanka rather than being vociferous against their nuclear activities and antagonizing them.

This was further highlighted by the fact that Sri Lanka's abstinence from signing the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017. The TPNW would have come into effect with the ratification of over fifty countries. The nuclear weapons states condemned the TPNW by saying that it will dilute the disarmament efforts of the Nuclear non Proliferation Treaty (NPT). Being a non-nuclear state, Sri Lanka voted for adopting the treaty at initial stages. Later on, Sri Lanka abstained from signing the treaty under the directions of the Foreign Ministry (Meegoda 2018). This stand was criticized by both international and local disarmament activists. Sri Lanka's refraining from signing the TPNW is a slur on her international image and devalued the impressive track record of espousing the noble cause of disarmament. The reasons for such a volte-face are not quite clear as yet. Some say that the President of the day

⁴Ruling on Legality of the Use by a State of Nuclear Weapons in Armed Conflict in 1996.

was not properly briefed by the Foreign Ministry on the issue. The Foreign ministry sources have not issued any comment of this non ratification either. Many Sri Lankan scholars and diplomats urged the government to reconsider the decision (Meegoda 2018). Due to close relationship with India, Pakistan and China, it was sensible that Sri Lanka opted to withdraw from even supporting any international efforts at putting the regional nuclear powers to jeopardy.

The regional nuclear developments emerged after 1998 and were connected directly to the national interest of above mentioned nuclear neighbours. As per Chengappa (2000), India's need to forge ahead as a nuclear state was dictated by the border disputes at which she was involved with her nuclear neighbour – China. Against such a backdrop, India's nuclear weapons program gained currency and pace with the passage of time. According to Pakistani sources their nuclear programme was triggered due to India's openly hostile involvement in the creation of Bangladesh and the humiliation suffered at the ignominious fall of Dhaka in 1971 (Khan 2012). Sri Lanka's relations with India, China or Pakistan had always been based on mutual respect and she had never ever staged anything to harm the national interests or balance of power among any of those neighboring states. On the other hand, the respective nuclear doctrines of those states clearly stress the importance of resorting to nuclear weapons to maintain the balance of power and to safeguard the interests of their state.

In the post-Cold War era, the resistance against emerging nuclear programs of India and Pakistan by the West was comparatively mild when compared to the onslaught they unleashed against Iran, Iraq, Libya and North Korea. The only imaginable reason behind this is that neither Pakistan nor India has ever challenged the might of the West through their nuclear weapons whereas all other states mentioned herein have dared to do so.

Against this backdrop, it is not reasonable to argue that India's, China's and Pakistan's rise as nuclear powers in the international arena along with their deep relations towards Sri Lanka partially restricted Sri Lanka's active involvement in regional disarmament movement. Sri Lanka also was compelled to be gravely concerned on the domestic terrorist issues rather than with the intricacies of disarmament. Sri Lanka, following a non-aligned policy, never risked to provoke the security sentiments her of powerful neighbor- India. Against this backdrop, if Sri Lanka was playing an active role in disarmament matters regionally or globally, or pursuing a proposal of "A Nuclear Free Zone", such activism could easily create concerns in India's national security sentiments. Therefore, Sri Lanka reluctantly had to slow down in pursuing the global disarmament agenda that could possibly exert pressure on the nuclear weapons programs of South Asian nuclear states.

The Present Context

Due to the increasing strategic competition in the Indian Ocean, it is doubtful whether Sri Lanka would be able to maintain silent position for a long time. The key players of the strategic game have already indicated their interest of using Sri Lanka's strategic assets for their competitive advantage. India, being the largest state of South Asia, poses a significant impact on the security outlook of the entire region. The Indo-US alliance

seems to be the most influencing strategic alliance in the Indian Ocean security. However, Chinese presence can never be treated as of secondary importance. Koblenz (2014) states that during the second nuclear age, state starting facing security threats from more than one state. They are embroiled in a complex network, suffering from overlapping bilateralism of deterrence relationships against each other. Even in South Asia there is a trilateral overlap of nuclear relations among China, India, and the United States. Small states such as Sri Lanka that happen to be innocent bystanders, are reluctantly compelled to suffer from spillover effects of these trilateral relations. They can be called strategic externalities.

Sri Lanka's Strategic Externalities

The term “externality” means the side-effect or consequence of an activity that affects other parties. The author interviewed a couple of Sri Lankan experts to explore their views over the third party effects of the problem. During an interview, Admiral Professor Jayanath Colombage, a former Commander of Sri Lanka Navy and Secretary to ministry of foreign affairs, dwelt upon the issues that could amount to strategic externalities of maritime politics. According to him, the maritime domain has become critically important for India since India still follows the No First Use (NFU) policy of nuclear weapons. When a state pursues NFU as its guiding principle, it is more dependent on second-strike capability. Generally, second-strike capabilities are sea-based capabilities. He stated that:

In the modern context, the Indian Ocean has become a place to hide nuclear weapons. In surface domains such as ships, we can at least guess what kind of weapons that the ship is possessing. However, non-nuclear countries such as Sri Lanka would not be able to efficiently monitor vehicles such as underwater submarines and what they are carrying as weaponry. It's not only India and Pakistan using the Indian Ocean for their strategic purposes. All the great powers and China are using the Indian Ocean for the benefit of their national interests. They could use the Indian Ocean to hide their nuclear missiles and enhance the second-strike capabilities⁵

Admiral Professor Colombage is of the view that in such a volatile environment, too much aligning of a non-nuclear state towards a single power may antagonize the others. Therefore, Sri Lanka should practice balanced diplomacy and a policy of equidistance when dealing with these powerful states. The nonaligned foreign policy provides the optimum platform for Sri Lanka to operate in this manner.

Due to the close proximity, there are mutual concerns on security between India and Sri Lanka. Ravi Kaul, a retired naval officer in the rank of a Commander in the Indian Navy, has remarked that.

Sri Lanka is as important strategically to India as Eire⁶ is to the United Kingdom or Taiwan to China As long as Sri Lanka is friendly or neutral, India has nothing to worry about but if there be any danger of the Island falling under the domination of a power hostile to India, India cannot tolerate such a situation that would result in endangering her territorial integrity (Kodikara 2008, 84).

⁵Jayanath S.K. Colombage (Admiral Ret.), an interview by the author at his office at “Riverpoint”339/6, Negambo-Colombo Road, Peliyagoda, Sri Lanka on 15 August 2019. He is Secretary Ministry of Foreign Affairs, Professor of International Relations, and Former Commander of the Sri Lanka Navy.

⁶Gaelic name for Ireland.

Pakistan and China are two nuclear opponents of India. This duo also maintains a very close relationship with Sri Lanka. According to Kaul's statement, India cannot simply lie idle to let China or Pakistan to exploit Sri Lanka's strategic assets against India's security interests.

Strategic jockeying or manipulation of innocent states by powerful states to achieve their strategic goals is common in today's geopolitical arena. In 2013 China adopted the Belt and Road Initiative (BRI) as a global development strategy. It involves infrastructure development and investments in nearly 70 states in Asia, Europe, and Africa. China's BRI has engaged most of the Indian Ocean littoral states to work hand-in-hand with China in terms of their future economic development. Against this backdrop, it is natural for the United States and India to anticipate that China would manipulate the strategic assets of those states against them. Therefore, this growing Chinese influence in the Indian Ocean has created deep anxiety in the minds of the United States and India.

As a countermeasure to China's Belt and the Road (BRI) initiative, the US Congress passed the Better Utilization of Investments Leading to Development (BUILD) Act in 2018. The BUILD Act was intended to bolster US International Development Financial Cooperation against Chinese. The Indo-Pacific strategy under this act has identified Sri Lanka as a vulnerable state to the strategic jockeying of China. The *Indo-Pacific Strategy Report* has highlighted that "a Chinese state-owned enterprise purchased operational control of Hambantota Port for ninety-nine years, taking advantage of Sri Lanka's need for cash when its government faced daunting external debt repayment obligations" (Department of Defence 2018, 9).

In 2008, when many countries did not bid for the development of Hambantota⁷ harbour project due to the commercial risks entailing it, Sri Lanka was compelled to depend on a Chinese loan to embark on the project. Later on, by 2017, the Sri Lankan economy took a turn for the worse and the government found itself in a serious problem of servicing the debt (Ondaatjie and Sirimanne 2019). Under these circumstances Sri Lanka has no alternative but to renegotiate the deal with the Chinese. The final agreement was to offer 70% equity and a ninety-nine-year lease of the port to China. There are a few concerns about the port of Hambantota in the minds of anti-Chinese nuclear powers. Hambantota port project has been often interpreted as a part of Chinese debt-trap diplomacy. There stand a few critical security concerns that were raised about the future operating of the port, and the possible dual use has raised concerns for India. According to some analysts, this port could be converted to a military base with the minimum effort (Abi-Habib 2018). It could dock military ships and submarines and also be used as a landing strip for fighter aircrafts. Some critics (Carrari 2021; Angha-Lakshmi 2021) say that this may have been the very reason why China still wants to invest in order to reap the maximum strategic benefit even after fully realizing the poor commercial prospects of the port.

New Delhi has often raised their concerns over the Chinese involvement in developing Southern Sri Lanka (Srinivasan 2017) since China could always use Hambantota as a second-strike platform against India. Against this backdrop, if Hambantota is transformed into a Chinese military base, it will pose a serious threat to the security interests of

⁷The Port of Hambantota is Sri Lanka's second largest port, after the Port of Colombo, that will serve ships travelling along the east-west shipping route which passes six to ten nautical miles (19 km) south of Hambantota.

India and the United States which have established military bases in the Indian Ocean. They will be increasingly nervous about Chinese presence in their backyard and even may compel to consider Hambantota as a counter-force target (outside Chinese soil).

Sri Lanka's Trincomalee harbour, which is the world's second deepest and largest natural harbor next to Sydney⁸, is another asset of incomparable strategic value. Horatio Nelson having visited Trincomalee in the 18th century had praised that it is the finest harbor in the world (Macan-Makar 2019). In some of the nooks, the depth has not even been plumbed and are said to exceed 4,000 meters. The naturally formed massive extent and the extraordinary depth of the inner and outer harbors have made it an ideal anchorage for nuclear submarines to avoid radar and sonar detections. These plus points made it a perfect place to base the second-strike capability for nuclear power.

The Japanese raid on Trincomalee in April 1942 provides a classic example of how the security of an innocent state could be jeopardized in someone else's war⁹ The Soviet leader Nikita Khrushchev's warning to Pakistan in 1961 for allowing a US spy plane to take off from a Pakistani airbase also proves how a state sharing its strategic assets with a nuclear power could get caught in an unnecessary conflict. When Moscow found out that the U2 spy plane has taken off from the American Airbase at Peshawar in Pakistan, Khrushchev warned Pakistan: "If you continue to let the American fly from your air bases into Russia then we will not only shoot down the US planes, but will have to aim our rockets at your bases as well" (Jayawardane 1992, 383).

Due to close proximity, India is gravely concerned about Trincomalee harbour as well. When the Indo-Lanka accord¹⁰ was signed in 1987, Trincomalee merited a special focus. The exchange of letters by the two leaders during that time mentioned the importance of the Trincomalee harbor in their bilateral relations. In these letters J.R. Jayewardene has reassured Rajiv Gandhi that Trincomalee or any other port in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interest. The communications between two leaders further confirmed that the restoration of the Trincomalee oil tank farm will be undertaken only as a joint venture by India and Sri Lanka (Kodikara 1989).

At present, Trincomalee oil tank farm has been developed as a joint venture between India and Sri Lanka. Therefore, India has a strong presence in Trincomalee. Likewise, there is a strong Chinese presence in Hambantota. Already Sri Lanka's strategic assets are shared with two countries that are antagonistic to each other.

Maintaining cordial relations with all these countries by furthering the nonaligned foreign policy for the best interest of Sri Lanka is a challenge. The United States and China that are involved in a global power struggle have also shown a keen interest in developing Sri Lanka's critical infrastructure. They have offered development assistance that will eventually turn to Trojan Horses. In recent times China has further consolidated

⁸Port Jackson in Sydney, Australia, is the deepest natural harbor in the world.

⁹During the Second World War Sri Lanka (then Ceylon) became the Eastern headquarters of the Allied Air Force. After the Japanese capture of Singapore, Trincomalee became an important harbor in the Indian Ocean for allied forces. Simultaneously, due to allied occupation in Ceylon, Trincomalee became a target of the Japanese fleet during World War II. Squadron Leader Mitsuo Fuchida who conducted the surprise attack on Pearl Harbor executed an air raid on Trincomalee on 9 April 1942 (Tomlinson 1976). As mentioned above, this attack is purely a situation that Sri Lanka was compelled to face due to the British occupation of Trincomalee, but not a result of Ceylon being a Japan's rival. (In fact, up to date Sri Lanka and Japan are enjoying a deep friendship.).

¹⁰The accord was expected to resolve the Sri Lankan civil conflict.

her foothold in Sri Lanka due to the construction of the Colombo Port City Project. This situation has become complicated by certain proposals submitted by the United States. Four main agreements that could pose negative strategic consequences are as follows:

- (1) Acquisition and Cross-Servicing Agreement (ACSA): Signed with the United States
- (2) Status of Forces Agreement or commonly known as SOFA: Proposed by United States
- (3) Colombo Port City Project: Ongoing Collaboration with China
- (4) Millennium Challenge Corporation (MCC) Agreement: Proposed by United States

The aforesaid agreements – already signed or to be signed – pose a potential danger towards Sri Lanka’s policy of neutrality. Powerful nuclear weapon states could strategically manipulate Sri Lanka to compromise her geo-strategic importance for their security advantage through these agreements. As highlighted earlier, if a nuclear state takes the control over Hambantota or Trincomalee ports, they could use that to boost the second-strike capability. Maneuvering of Sri Lanka’s strategic assets by nuclear states may one day bring someone else’s war into Sri Lanka’s doorstep. The drastic consequences of such a development will be unbearable for a small state like Sri Lanka.

The Indo-pacific strategy of the United States (2019) further records that whosoever seeks security cooperation with the United States should be ready to share their resources to ease the burden of security.

Cooperation means sharing responsibilities and burdens. The United States expects our allies and partners to shoulder a fair share of the burden of responsibility to protect against common threats. When we pool resources and share responsibility for our common defense, our security burden becomes lighter and more cost-effective (Department of Defence 2019, 21).

The problem faced by Sri Lanka in this context is not about sharing resources with the United States or China. Sri Lanka certainly knows that hurting the security sentiments of any of these heavyweights by aligning with a single power will bring detrimental consequences to her security wellbeing.

ACSA Agreement

The Acquisition and Cross-Servicing Agreement (ACSA) has shot into the limelight during the recent past. The researcher identifies that this agreement carries the potential of influencing Sri Lanka’s security environment. The Indo-pacific strategic initiative expects the states such as Sri Lanka to proportionately shoulder the burden of security. In other words, it expects other states to treat any threats to US security, as security threats directed at their own states. The common threats for both countries have not been defined in the report yet. The pooling of resources and their engagement along with the United States is suggested by the ACSA agreement (Senadheera 2019). Under such a condition, Sri Lanka may have to share its strategic resources with the United States.

In this strategic power projection, neither the United States nor India can afford to lose their hold in Sri Lanka's geostrategic importance to the advantage of China. That is the very reason why the US Indo-Pacific strategy pays special attention to Sri Lanka. According to the US Department of Defence (2019):

Since 2015, DoD has strengthened its relationship with Sri Lanka and increased military engagements significantly, particularly with the Sri Lankan Navy. In 2017, we conducted the first port visit in 30 years by a U.S. aircraft carrier – the USS NIMITZ Carrier Strike Group – and the first-ever bilateral Cooperation Afloat Readiness and Training (CARAT) Exercise. In 2019, we increased cooperation on mutual logistics arrangements in support of Indian Ocean security and disaster response (p.35).

The ACSA agreement signed between Sri Lanka and the US government during December 2007 is an initiative of bilateral co-operation. According to the *WikiLeaks* report highlighted by the *Sunday Times* (Chandraprema 2019), signing of the agreement then was suppressed as a low-key event for the media since the government was leaving no stone unturned at fighting the Liberation Tigers of Tamil Elam (LTTE). The United States did not want to give the impression to the rest of the world that it is supporting the SL government to fight against the LTTE by signing this agreement. The agreement was supporting the logistical needs of the US military during the exercises, training deployments, operations, or other cooperative efforts and emergencies. However, sophisticated defence items such as weapon systems were excluded from the 2007 agreement:

That ACSA was designed to facilitate reciprocal logistic support between the signatories to be used primarily during combined exercises, training, deployments, operations, or other cooperative efforts, and for unforeseen circumstances or exigencies, in which one of the parties may have a need of logistic support, supplies, and services. Specifically excluded from its coverage were weapon systems such as guided missiles, naval mines and torpedoes, nuclear ammunition and items such as warheads, warhead sections, cartridge and air crew escape propulsion system components, chaff and chaff dispensers, guidance kits for bombs or other ammunition, chemical ammunition (other than riot-control agents), any other materials, subject to the Atomic Energy Act of 1954 (Chandraprema 2019).

The curious problem arose when the United States renewed the ACSA with Sri Lankan government in a surreptitious manner on 4 August 2017 (Ramachandran 2019). There were a few annexes that were introduced with the 2017 renewal. The US has signed many ACSA agreements with other countries. Generally, the annexes list out the services that are procurable from the host country and the forms that could be used to place such orders. It is yet to be found out that whether the excluded items in the 2007 agreement are introduced in the latest agreement.

SOFA Agreement

Status of Forces Agreement or commonly known as SOFA was also shrouded in secrecy. The United States has signed more than one hundred such agreements with other countries and each agreement lays down articles addressing its contexts. However, it has not been signed up to this date. It is said that provisions of the SOFA agreement with Sri Lanka are identical with the US-signed SOFA with Poland (Senadheera 2019). SOFA

accords diplomatic immunity to the US citizens who would be present in Sri Lanka due to ship visits, training, humanitarian activities, and any other activity that is mutually agreed upon. The problems raised about the SOFA are:

- (1) The US citizens will be subjected to the criminal jurisdiction of the United States but not that of Sri Lanka.
- (2) The imports and exports of the United States will be exempted from inspection, licensing and all other forms of red tape.
- (3) Vessels and transporting vehicles or military vehicles of the US DoD can move without the permission of the host country.
- (4) Vessels and Aircraft are not subjected to the payment of landing charges or port fees, pilotage charges, overflying, terminal or similar charges, etc.
- (5) US government aircraft and vessels are free from boarding and inspection.

This agreement provides that the US military – being aliens – will be entitled to the US local jurisdiction process even while being stationed in a foreign soil. The most detrimental part will be the restriction that has been imposed on the inspection of vessels, aircraft and vehicles. Any vessel, aircraft or a person transporting prohibited nuclear or radiological substance from the Sri Lankan will automatically get through undetected under this curious clause. This will amount to de-facto immunity for handling dangerous substances against the jurisdiction or monitoring of the Sri Lanka Atomic Energy Act, No. 40 of 2014.

Article 12 (n) of the 2014 Atomic Energy Act of Sri Lanka grants the Atomic Energy Regulatory Council (AERC) the power to:

inspect any articles or commodities imported into Sri Lanka and which are available locally, and to take samples for testing of radioactivity and where the Council deems it necessary and appropriate, to publish results of such test for the information of the general public, and all relevant authorities: For this paragraph “articles” and “commodities” include the container in which the articles or commodities are imported and any vessels or aircraft carrying such containers (Article 12).

In the event Sri Lanka signs the SOFA agreement, there will be a possible conflict of interest created about the above clause of Sri Lanka’s Atomic Energy Act. According to the information published by the US Embassy in Colombo about the SOFA, it is revealed that the US cargo is free from inspection (Sri Lanka Guardian 2019). If inspection is prohibited, then the basic objectives of nuclear security such as detection of the threat and delay of the mishap can never be achieved.

Sri Lanka Atomic Energy Regulatory Council (AERC) is also entrusted with the task “to maintain a national register containing information on all sources available within Sri Lanka” (Article 11 (d) of the SL Atomic Energy Act 2014). If the agreement is signed, Sri Lanka will have to decide whether this register will cover or omit substance under SOFA by granting the United States the opportunity as well as immunity to import even prohibited nuclear substance into Sri Lankan soil. This problem could emerge in other similar fields too. The salient danger is such that it has the deleterious potential of undermining the national authority on retaining decision-making power over dangerous substances such as radiological and nuclear matter within Sri Lankan territory.

The SOFA agreement also has the potential of creating a conflict of interest between the US and the Sri Lankan governments on their approaches to nuclear nonproliferation and disarmament. This kind of issue could not be resolved under Sri Lanka's legal provisions. Article 12 (e) of the Sri Lankan Atomic Energy Act describes Sri Lanka's commitments on the international disarmament. It mentions "necessary steps to fulfill Sri Lanka's obligations under international treaties, conventions, relevant protocols, and agreements, relating to safety and security of sources". Chapters IV, V, and VI further discuss such issues in minute detail. US commitments towards international obligations are different from that of Sri Lanka's due to various strategic reasons such as power ambitions, strategic rivalries and sometimes their overbearing clout as well as brusque attitude. Against this backdrop, a SOFA type of an agreement could lead to a serious conflict of interest in the fields of import and export of dangerous goods lethal cargo, maintaining inventories, issuing licenses, and enforcement of local legal provisions.

Referring to the SOFA agreement, it is being hotly debated in the media whether the territory that is meant to be used by the US military will be treated as de-facto US territory and whether the United States enjoys the sole authority and jurisdiction to make decisions to safeguard such territory. Against such a backdrop, if the United States gets involved in a war with another nuclear power, Sri Lanka could very well become fair game. The SOFA agreement does not reveal or specify whether this type of issue could be reconciled within the ambit of this agreement and Sri Lanka will automatically fall into the hostile category of US enemy states. One of the prime objectives of Sri Lanka's non-aligned policy was to avoid being embroiled in power rivalries of other states. Under these circumstances, Sri Lanka would find it well nigh impossible to maintain its non-aligned stance and will unfortunately drag itself towards an inevitable quagmire. Only the gods may know the outcome of such a scenario. It has not been revealed whether Sri Lanka would be considered and care for under the security umbrella of the United States after signing the SOFA agreement. In such a setting, steering a foreign policy based on non-aligned principles will surely be unrealistic.

Jayantha Dhanapala, former UN undersecretary of Disarmament, is of the view that Sri Lanka is at the losing end of these agreements. He asserts that:

Why it is so important to hang on to a policy of non-alignment? I believe all these agreements which referred to by many acronyms such as SOFA and ACSA have the potential to convert Sri Lanka to build bases for the foreign powers¹¹

The former Sri Lanka President Maithripala Sirisena and Prime Minister Ranil Wickramasinghe (2015–19) were at loggerheads about the SOFA agreement (Sirilal et al. 2019). The new government under President Gotabhaya Rajapakse has announced that the authorities have not taken any decision to sign the SOFA, ACSA, or MCC agreements as they were under review. The US Ambassador in Sri Lanka, Alaina B. Teplitz has stated: "I think what we are to be focusing on those common security interests both of our countries have" (Sirilal et al. 2019). According to this, one common security interest would be fighting terrorism, the ISIS in particular. However, it is still

¹¹Jayantha Dhanapala, an interview by the author at No 10, Gamsabha Junction, Nugegoda, Sri Lanka on 21 August 2019. He is Former UN Undersecretary on Disarmament, Member of the Board of Sponsors Bulletin of Atomic Scientists, Former Chairman of the Pugwash Commission and President of the 1995 Nuclear Non-Proliferation Treaty Review and Extension Conference..

dubious whether there is a firm guarantee that these agreements will prevent the United States from using Sri Lankan assets under SOFA agreement for any other military action against the wishes of Sri Lanka.

The Colombo Port City Project and MCC Agreement

The Colombo Port City and Millennium Challenge Corporation (MCC) are two development proposals to be initiated in Sri Lanka supported by China and the United States. The government of Sri Lanka officially declared that it does not intend to go ahead with the MCC in its present form; therefore, it is yet to be finalized between the two governments. The Colombo Port City project spearheaded by China is progressing in full swing. These two projects are reflecting the strategic sparring between the United States and China in Sri Lanka. Even though these agreements are of commercial nature, they have security implications.

The Colombo Port City Project is the largest infrastructure development investment project in Sri Lankan history. It will be constructed adjacent to the Port of Colombo as a USD 1.4 bn. worth financial hub, which will be expanded to 269 hectares, consisting of skyscrapers, shopping malls, luxury hotels, and a marina. It is expected to transform Sri Lanka's economic and geopolitical identity in the future. This will be an extension of Colombo's logistical heartland. As of now, China will be given a lease on hundred and ten hectares of the port city for ninety-nine years (Shepard 2019, paras 8–9).

The Millennium Challenge Corporation Compact is a USD 480 million grant extended by the United States to Sri Lanka, thus relieving the financial burden of the Sri Lankan government. The MCC, if works out well, will be a mammoth grant for the economic boom at a time when Sri Lanka has somewhat lost the support of the World Bank financial aid program due to becoming an upper-middle-income state. Even though Sri Lanka needs Foreign Direct Investments (FDI) for economic growth, there is hardly any FDI program comes without strategic interests of the investor.

If Sri Lanka falls into the trap strategic bargaining among nuclear powers, she would not be able to maintain her non-aligned foreign policy. It is dangerous to capitalize on the interest of nuclear powers in order to get economic benefits. On the other hand, Sri Lanka cannot be double-dealing with the interests of nuclear powers who will drag small states into serious dangers. Under the non-aligned principles, Sri Lanka should not be a party to multi-lateral military alliances or interfere in great power conflicts. In this context Sri Lanka's economic dependency on the United States, China, or India will be a key factor in determining her national security in the long run. On the other hand, the weakening of Sri Lankan economy will be a means through which nuclear states would attempt to gain strategic advantage.

Conclusion

The first section of this paper dealt with the leading role that Sri Lanka played on global disarmament during the early stages of Indian Ocean nuclearisation. The second section discussed how Sri Lanka has become vulnerable to third party effects of the strategic competition of the nuclear states active in the Indian Ocean. It is also important to know how a small state such as Sri Lanka could manage these emerging externalities for her

future progress and security wellbeing. It is obvious that Sri Lanka has shifted her foreign policy functionality from an active to passive neutrality. Passive neutrality is when a country is taking every possible step to stay out of the problems by not engaging in important areas or in other words avoiding “pink Flamingos”. The areas such as nuclear disarmament seems to be a safe ground to implement the convenient passive neutralism since the policy makers think it is irrelevant to non-nuclear states and therefore worth keeping her head covered from the problem rather than engaging it. Sri Lanka’s denial of TPNW is such a position. The danger of such behaviour is the possible isolation of a state in the international system when you need the help of the rest in a crisis.

Sri Lanka must follow a policy of active neutrality towards the emerging problems of disarmament in the Indian Ocean Region. Active neutrality stems from not having an interest in the subject matter or the root cause of the dispute but portraying a genuine interest on resolving the issue. In this paper it is already pointed out that Sri Lanka has to face some strategic externalities due to the nuclear competition of powerful states in the Indian Ocean region. The lack of interest by non-nuclear states to pursue the noble cause of global disarmament against such activism is partially a reason for emerging nuclear spillovers in the region. Therefore, Sri Lanka should actively engage in conflict resolution on matters pertaining to disarmament within her security environment. She has the right to be involved if those matters have a bearing on her security wellbeing. Even though promoting nuclear disarmament is a sensitive issue for her nuclear neighbours, Sri Lanka should not get herself disengaged from the course. The 21st century’s formidable foreign policy challenge before her is to develop a meaningful platform to be engaged independently in global issues such as nuclear disarmament. She should endeavor to achieve this goal without jeopardizing the national security sentiments of the friendly nuclear states in her neighbourhood.

Disclosure Statement

No potential conflict of interest was reported by the author(s).

Notes on Contributor

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