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TAKING LANKA ALONG ON INDIA'S N-JOURNEY

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The recently concluded India-Sri Lanka agreement on cooperation on peaceful uses of nuclear energy was long-overdue. Since 2010, Sri Lanka had been asking for such cooperation, but “India was reluctant to respond till Colombo approached Pakistan and Russia”.ⁱ Reportedly, India offered a comprehensive nuclear energy plan in the latter part of 2012 after Colombo expressed concerns over the radiation effects in case of an unlikely disaster involving the nuclear plants located on the southern coast of Tamil Nadu, but was not upto Sri Lanka’s expectations.

In the aftermath of India’s vote in 2012 in the United Nation Human Rights Council in favour of the resolution against war crimes in Sri Lanka, Colombo threatened to go to International Atomic Energy Agency (IAEA) with its concerns over unfounded impact of radiation from India’s nuclear power plants located in Tamil Nadu. Champika Ranawaka, the Sri Lankan power and energy minister, was quoted saying “we respect the right of India to have nuclear power stations. But our concerns are on the possible radiation effects they could have on Sri Lanka.”ⁱⁱ Of course, the Sri Lanka’s northernmost town of Mannar is 20 km away from the southernmost part of Tamil Nadu; but extrapolating a Fukushima type disaster involving India’s nuclear plants in Kudankulam is unrealistic.

Given the Sri Lankan concerns regarding nuclear safety vis-a-vis India’s nuclear energy programme, the recent “bilateral agreement on civil nuclear cooperation is...demonstration of our mutual trust”, as rightly said by Prime Minister Narendra Modi during a joint press interaction with Srisena in New Delhi on February 16, 2015. It will open “new avenues for cooperation, including in areas like agriculture and healthcare”, and will “facilitate cooperation in the transfer and exchange of knowledge and expertise, sharing of resources, capacity building and training of personnel in peaceful uses of nuclear energy.”ⁱⁱⁱ Consistent with IAEA safeguards and other international practices,



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it will facilitate enhanced cooperation in the areas of radioactive waste management, disaster mitigation, and environmental protection. Previously, India had gifted Sri Lanka the Bhabhatron Radiotherapy Machine for treatment of cancer.^{iv} In the long-term, India can sell small-scale nuclear reactors to Sri Lanka which plans for production of 6,000 MW nuclear power by 2031.^v As matter of fact, the recent agreement is the first such deal signed by Sri Lanka with any foreign country, though it has plans to approach countries like US, China, Russia and Pakistan.

Secondly, the current deal will provide an institutional-legal framework to clarify and cooperate systematically on the existing domestic and international legal provisions which have straightforward answers for most of Sri Lanka's safety-related concerns vis-a-vis India's nuclear installations. For example, the IAEA Convention on Supplementary Compensation (CSC) to which India is a signatory, calls for countries to establish a uniform global legal regime for compensation of victims in the event of a nuclear accident. Under this convention, a neighbouring country if affected by a nuclear disaster in another country will be illegible for compensation.

The Department of Atomic Energy (DAE) had reportedly conducted a classified review in 2001 under the chairmanship of Prof. VB Coutinho and S. Rajagopal on various issues including 'nuclear liability' and the obligations for India in the event of an accident which might affect Sri Lanka.^{vi} Subsequently, India's nuclear liability law (2010) incorporated provisions to address trans-boundary liability issues. Chapter I of the Civil Nuclear Liability Act clearly enumerates that the Act applies to nuclear damage suffered "in or over the maritime areas beyond the territorial water of India".^{vii}

Thirdly, as a testimony of India as a *responsible nuclear state*, the India-Sri Lanka civil nuclear agreement would herald India's goodwill towards its neighbours to help build their civil nuclear energy infrastructure. First, Bangladesh, which has a very nascent civil nuclear energy programme with Chinese help, can be offered India's cooperation similar to Sri Lanka. The Nepalese National Nuclear Policy (2008) recognizes the great importance of nuclear energy/technology in the development process, and India can extend its cooperation before it knocks another's door.



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Finally, though the civil nuclear agreement is viewed by many as “a pointed message to China”, in all practicality, it is a visionary and much needed initiative to take along the neighbours with India’s nuclear journey by sharing the benefits of its technological process.

(Disclaimer: The views and opinions expressed in this article are those of the author and do not necessarily reflect the position of the Centre for Air Power Studies [CAPS])

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- i P.K. Balachandran, “Pakistan-Lanka Nuclear Deal to be Signed During Sirisena’s Visit”, <http://m.newindianexpress.com/world/429507>
- ii “India’s Nuclear Plant Threaten Us”, <http://www.timesnow.tv/Indians-nuclear-plant-threatens-us/articleshow/4399830.cms>
- iii “Agreement between Sri Lanka and India on Cooperation in the Peaceful Uses of Nuclear Energy”, <http://mea.gov.in>, February 16, 2015.
- iv “Sri Lanka Seeks Indian Assistance on Pharma Issues”, <http://pib.nic.in/newsite/erelease.aspx?relid=73814>, August 03, 2011.
- v “Diplomacy Win: Sri Lanka’s Nuclear Deal with India is a Pointed Message to China”, <http://www.firstpost.com/world/diplomacy-win-sri-lankas-nuclear-deal-with-india-is-a-pointed-message-to-china-2102251.html>
- vi Siddharth Varadarajan, “A New Paradigm for Nuclear Liability”, www.india-seminar.com/2011/617_siddharth_varadarajan.htm
- vii “The Civil Liability for Nuclear Damage Act, 2010”, *The Gazette of India*, September 22, 2010, p. 1.