ANNEXURE- IX

THE DRAFT OF INDO-SRI LANKA FRIENDSHIP TREATY SUGGESTED BY PRESIDENT PREMADASA TO REPLACE THE INDO-SRI LANKA ACCORD IN MARCH 1989

The Sri Lanka Draft

The Democratic Socialist Republic of Sri Lanka and the Republic of India:

Recognising, the special relationship that exists between them based on the historic links and traditional ties.

--Desirous of strengthening, consolidating and expanding the existing friendly relations between them,

--Re-affirming their commitment to the principles of the United Nations Charter, and also the Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations contained in UN Resolution 2625 (XXV).

Recalling their commitment to the fundamental principles of the Non-Aligned Movement of respect for sovereignty, territorial integrity and political independence, equal relations between States, non-interference in internal affairs of States, non-use of force of threat of force, peaceful co-existence and the peaceful settlement of disputes. Have agreed follows:-

Article I

The Democratic Socialist Republic of Sri Lanka and the Republic of India (hereinafter referred to as the two countries) solemnly declared their respect for the independence, sovereignty, territorial integrity and unity of the other and re-affirm their commitment to enduring peace and friendship between them.

Article II

In this spirit, the two countries agree, through the strengthening of good neighborly relations between them, to consolidate their mutual trust and confidence and to remove any hindrances to achieving these objectives, through friendly cooperation.
Article III
The two countries, convinced that bilateral problems could only be resolved by discussion and dialogue—
(i) Declare their commitment and adherence to solving bilateral problems through discussion and negotiation on the basis of their sovereign equality, and
(ii) Declare that they will not either directly or indirectly interfere or intervene in the internal affairs of each other.

Article IV
The two countries further agree that:
(i) The ports of one country shall not be used in any manner prejudicial to the interests of the other.
(ii) Each country will not permit its territory to be used by any person to commit terrorist activities or to advocate separatism in the other; and will deport such person if such person is a national of the other country, to that country.

Article V
The two countries affirm their commitment to the consolidation and extension of the friendly relations and mutual cooperation that have traditionally existed between them. Towards this end, they agree to promote active cooperation in the economic, social cultural, educational, technical, scientific and other fields as mutually agreed.

Article VI
This Agreement shall be subject to ratification and shall enter into force upon the exchange of Instruments of Ratification.

Article VII
The Agreement shall remain in force until either country declares its intention to terminate it by giving the other six months’ written notice.

Article VIII
The two countries shall consult each other with regard to any amendments or modification of this Agreement and such amendments or modification shall be effected in writing as mutually agreed and shall be subject to ratification. Such amendment or modification shall enter into force upon exchange of Instruments of Ratification.
Article IX

Article X
Any difference of interpretation or application of the Agreement that may arise between the two countries shall be settled between them in a spirit of mutual trust and understanding.

Agreement to consolidate and extend friendly relations and cooperation between the Republic of India and the Democratic Socialist Republic of Sri Lanka.

The Government of the Republic of India and the Government of the Democratic Socialist Republic of Sri Lanka being the high contracting parties to this treaty.

Conscious of the special relationship and friendship that exists between the two countries over two millennia.

Desirous of consolidating, strengthening and expanding the traditional ties of friendship.

Inspired by the common ideals of peace, secularism and democracy.

Reaffirming their shared commitments to the aims and principles of the Non-Aligned Movement to peaceful co-existence and sovereign equality of states.

-- Recognising the multi-ethnic, multi-lingual and multi-religious character of the societies in the two countries, and the need to foster conditions in their states in which all citizens can live in equality, safety and harmony and fulfill their aspirations, which in turn would contribute to the unity, sovereignty and territorial integrity of the two countries.

-- Conscious of the facts that the process of democratic evolution and national consolidation in their respective countries, are affected by cross border links and sensitivities that have their origin in history.

-- Believing that the traditional friendship between the two countries can be strengthened by weaving a new pattern of cooperative relationship responsive to each other’s concerns: Recalling the significant contribution made to these
Have agreed as follows:-

Article I
The parties reaffirm their determination to implement in its totality, the Indo-Sri Lanka Agreement and the annexure there to, concluded on 29 July, 1987.

Article II
The parties solemnly declare their respect for each other's independence, sovereignty, territorial integrity and unity and reaffirm their commitment to enduring peace and friendship between them.
In this spirit, the parties agree to consolidate their mutual trust and confidence and to remove any difficulties in the way of achieving these objectives through strengthening good neighborly relations and friendly cooperation.

Article III
All problems between the States shall be settled bilaterally and amicably through consultations and negotiations on the basis of sovereign equality and mutual respect.

Article IV
Should the security or stability of either state be endangered by external aggression or other threat, the high contracting parties shall immediately enter into consultations and take appropriate counter measures.

Article V
In conformity with the traditional friendship between the two States, neither party shall enter into or participate in any military alliance directed against the other.

Article VI
The parties undertake to refrain from any act of aggression against the other and not to permit the use of their territories for the commission of any act that might inflict military damage to the other party.

Article VII
The parties shall not permit their territories to be used by any person to commit terrorist activity directed against the other party. The parties shall consider requests for extradition of any person involved in terrorist activity in accordance with existing arrangements.
Article VIII
The high contracting parties undertake not to give to a third party, any use of their territory as a military base or for any other facility of a similar character.

Article IX
Each high contracting party shall ensure that any port in its territory will not be made available for military use by any third country in a manner prejudicial to the security interests of the other.

Article X
The parties undertake not to permit the presence on their territory of foreign mercenaries or military or intelligence personnel with a view to ensuring that such presences do not prejudice Indo-Sri Lanka relations.

Article XI
The parties undertake to ensure that any facilities set up on their territory by foreign broadcasting organisations are used solely as public broadcasting facilities and not for any military or intelligence purposes.

Article XII
The high contracting parties affirm their commitment to the consolidation and extension of friendly relations and mutual cooperation that have traditionally existed between them. Towards this end they shall continue to strengthen and widen their cooperation in the economic, social, cultural, educational, technical, scientific and other fields on the basis of the principles of equality and mutual benefit. In this spirit the high contracting parties agree to develop the Trincomalee oil tank farm as a joint venture between them.

Article XIII
The parties shall establish a joint consultative mechanism to review matters of common concern in the light of the objectives of this treaty, which will meet at least once a year.

Article XIV
Any differences in interpretation and application of this treaty shall be settled through consultation and negotiation in a spirit of mutual trust and understanding. The present treaty shall replace the letters exchanged by the President of the Democratic Socialist Republic of Sri Lanka and the Prime Minister of India on July 29, 1987.
Article XVI
This treaty is concluded for a period of twenty years and will be automatically extended periods of five years at a time unless either of the parties declares its intention to terminate it by giving notice in writing to the other party, twelve months prior to the expiration of any such period.

Article XVII
Any amendment or modification to this treaty can be affected through mutual agreement in writing. Such amendment or modification shall enter into force upon?