

International Relations Class 08

18th January, 2024 at 9:00 AM

INTRODUCTION (09:19 AM)

- A Brief Overview Of The Previous Class.

ROHINGYA ISSUES (09:25 AM)

Why India has taken this stand on the Rohingya Issue?

- Internal affairs of Myanmar. (i.e. mutual sensitivity)
- ASEAN factor. (Undeniable responsibility of ASEAN)
- Avoiding conflict of interests. (with Myanmar)
- Threat to national security. (a/o to some Intelligence report these Rohingyas will be involved in radicalization so we put them in detention centers)
- India's Act East Policy. (In this policy Myanmar is the important actor)
- Poverty (bz we have scarce resource)
- Unemployment. (already we have lack of employment opportunities)
- Demographic change. (If they were allowed to settle here then inter-caste marriages will happen which will affect our culture)
- Rise of illegal immigrants. (this will change thought process of other people of our neighbouring countries also that India is good place for asylum)
- Islamic extremism

DIFFERENCE BETWEEN REFUGEES, ASYLUM SEEKER AND MIGRANTS (09:34 AM)

- **Refugees:** A refugee is a person who has fled their own country because they are at risk of serious human rights violations and persecution there.
- **Asylum-seeker:** An asylum-seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country. However, he/she hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim.
- **Migrants:** Migrants can be understood to be people staying outside their country of origin, who are not asylum-seekers or refugees.

Why India has not framed a law on Refugees yet?

India's Refugee Policy:

- India lacks ^{any} a specific policy on refugees despite of the fact that we are surrounded by countries **inflicted** with social unrest.
 - At present within the legal framework of illegal migrants India has the **Foreigners Act 1946**.
 - This act provides **unbridled** power to the centre to deport any person (not a citizen) if it feels it is a danger to national security.
 - Also the **onus** of responsibility or the **burden of proof** lies with the person and not with the authorities.
 - There is a new addition to the citizenship act in terms of **CAA 2019** which seeks to provide citizenship to people who belong to **6 religions** (Sikh, Buddhist, Jain, Parsis, Christian and Hindu) who have migrated to India and have faced religious prosecution from 3 Muslim majority countries that are Pakistan Afghanistan and Bangladesh till **31st Dec 2014**.
 - **However India is not a party to the 1951 Refugee Convention and its 1967 protocol.**
 - All foreigners including refugees and Asylum seekers are entitled to all fundamental rights except **15 16 19 29 30**.
 - Because it is difficult to distinguish between refugees and **violent non-state actors**.
 - The assassination of former PM Rajiv Gandhi **substantiates** this issue.
 - Having a clear-cut refugee policy might provide grounds for these non-state violent actors to enter and create disturbance in the country.
 - We don't have a proper framework to distinguish illegal migrants and refugees.
 - Having a clear-cut refugee policy could incur a ^{huge economic} cost burden on existing infrastructure.
 - Also we are not able to understand or predict the outcome of creating a full-fledged refugee policy.
 - This means some amount of pessimism is guiding our approach in this regard.
 - Not having a refugee policy provides flexibility, open scope and a **custom-made approach** towards refugees.
 - India has a **conflict-ridden** neighbourhood and a **hostile relationship** with a few of our neighbours.
 - Therefore for geostrategic reasons and to avoid conflict we have avoided creating a well-documented refugee policy.
 - For example already giving refuge to tibetan ^{of the refugees} has become a challenge between India and China.
- ### WHY INDIA HAS NOT SIGNED 1951 REFUGEE CONVENTION: (10:20 AM)
- -> Because of the one-sided definition ^{of the refugees} in the convention which involves a violation of **civil and political rights** and **not economic rights** as grounds for providing refugee status.
 - -> India has argued that the convention is **Euro-centric** since it was created to accommodate displaced people in Europe after the Second World War.
 - -> India argues that the developed countries have a poor record regarding the assimilation of refugees.
 - -> They are violating the ^{norms} ~~norma~~ in both letter and spirit.
 - -> West especially Europe following a racist refugee policy, adopting a no-entry regime towards Asian refugees.

ISSUES GLOBAL NORTH AND GLOBAL SOUTH (10:30 AM)

Global North (GN)

- No entry racist regime towards refugees (by global north)
- **Industrial countries'** responsibility for climate change (said by Global north)
- Accuses **GS** of imposing tariff barriers (Global north accuses Global south for this and even USA says India as tariff king)
- Raises concerns about GS **data protection norms** -> They refrain any change in multilateral forums like UN, WTO, IMF and WB.
- Advocates for global data protection norms -> Advocates for data dispersion (i.e. GN are asking for personal information of employees who are working in MNCs which are in GS but India denied for this by saying this is the issue of national security.)

Global South (GS)

- Argues against racist entry restrictions
- Emphasizes differential responsibility in climate change (said by global south)
- Counters by accusing GN of imposing non-tariff barriers -> They are asking for change in multilateral forums
- ~~Advocates for data dispersion~~
- Emphasizes the importance of data localization.
- -> India also argues that convention is old and turned redundant.

Approach

CHALLENGES ASSOCIATED WITH INDIA'S REFUGEE POLICY (10:43 AM)

- There is ambiguity in the framework regarding foreigners since illegal migrants and refugees are often bunched together.
- Since there is the absence of any refugee policy India's approach is primarily guided by **adhocism**.
- Not having a specific refugee policy has also raised concerns/questions regarding India's open border policy with Nepal and Bhutan.

What could be the way forward for legislation on refugees by India?

- India suggests **creative diplomacy** (out of box diplomacy in this regard.) (in any complex issue we can write this.)
- In this regard there is a need to go forward with short-term planning for instance providing education and livelihood opportunities to these refugee populations.
- India also suggests rolling back^{of} counterproductive measures for example Project Aashrayan taken forward by Bangladesh.
- The solution to this issue lies in Collaboration and **discourse** with neighbouring affected countries.
- In this regard operation Insaniyat by MEA of India.
- Seems relevant which seeks to improve the situation of Rohingya refugees in the Cox Bazar region of Bangladesh.
- **Revision of Model Laws by Expert Committee**
- **Temporary shelter and work permit for refugees.**
- **Make a distinction between temporary migrant workers, illegal immigrants and refugees.**
- Taking care of refugees in India is a moral duty for the state.

Way Forward for Rohingya Refugee Issue:

INDIA - SRILANKA RELATION (11:20 AM)

Why Srilanka is important to India

Location:

- Due to its location in IOR Srilanka is strategically important for India as far as India's IOR strategy is concerned.
- It is also important for IOR connectivity.

Strategic Importance:

- Colombo Port and Trincomalee Port are located in the busiest sea lane of communication and are therefore of strategic importance.
- (Colombo port is the 25th busiest port in the world and Trincomalee is the 5th largest natural harbour in the world.)
- Srilanka lies across the major sea lanes of communication and is in the epicentre of the supply chain route from the Persian Gulf to the strait of Malacca.
- Sri Lanka is also part of China's Belt and Road initiative.
- Sri Lanka is important to the Indian navy since the switching of naval fleets from the Bay of Bengal to the Arabian Sea and Vice versa requires them to go around Srilanka.

An important factor in India's Foreign Policy:

- Important for the manifestation of neighbourhood-first policy.
- Deft diplomacy.
- Gujral doctrine.
- ~~strategic clout.~~
- IOR strategy.
- Manifestation of SAGAR initiative.
- Important for India's maritime diplomacy and IOR strategy.
- Srilanka emerges as an important ^{actor} ~~factor~~ in our necklace of diamond **strategy** in response to China's string of pearl **diplomacy**.

Srilanka is ←

BACKGROUND OF SRILANKAN CIVIL WAR (11:40 AM)

- Context: June 9, 2020---Columbo Protest
- Civil War from 1983- 2009
- Reason---Ethnic tensions between
- Sinhalese---74.9 % population
- Sri Lankan Tamil---11.2 % population

Conflict could be traced back to SL's

- History
- Origin Theory
- British Rule Story Reverses (Post Independence)
- Idea of Tamil Eelam
- Formation of LTTE
- 2009---Civil War ended Indian Intervention in the Sri Lankan Civil War

Way Forward:

- A unified citizenry could be the most important way forward.
- Ethnic unity.

The issue regarding the Internationalisation of Human Rights Violation

Background:

- The end of the civil war saw accusations of atrocities by both LTTE and the Sri Lankan army.
- International rights groups claim at least 40,000 ethnic Tamil civilians were killed.

UNHRC Resolutions:

Resolutions on reconciliation, accountability, and human rights in Sri Lanka in 2012, 2013, 2014, 2015, 2017, 2019, 2021, and 2022.

UNHRC Resolution October 2022:

- Draft resolution voted by the 47-member UN Human Rights Council.
- Calls for accountability for economic crimes.
- Enhances UN human rights chief's mandate to collect information on war crimes for foreign prosecutions.
- Calls on OHCHR to enhance monitoring and reporting on reconciliation, accountability, and human rights impact of the economic crisis and corruption.

Implications for Sri Lanka:

- Rebuke to Sri Lanka, challenging its need for international solidarity during the economic crisis.
- First time a UNHRC resolution calls for accountability for human rights violations due to corruption and economic crisis.
- Considered one of the strongest resolutions with wide-ranging issues.

Sri Lanka's Reaction:

- The Sri Lankan government rejects the OHCHR report.
- Refuses to support the draft resolution.
- Opposes operative paragraph number 8, claiming it confronts Sri Lanka's constitution.

(TOPIC FOR THE NEXT CLASS: CONTINUATION OF INDIA- SRI LANKA RELATION)