

International Conventions, Agreements, Organizations

Wednesday, November 16 2011, 11:45 PM

International Institutions, Agencies and Forums

Structure

Mandate

The Marrakesh Treaty of WIPO

1. It legalises the right to read for blind and print disabled. The treaty waives the requirement of prior approval from authors and publishers for the reproduction and distribution of works into a disabled friendly format.
2. Public libraries should cater to the needs of such disabled to enable actual realisation the objectives of the treaty.
3. The Treaty also allows for the cross-border exchange of accessible formats of books. Exchanges between countries in the past were difficult given copyright law is territorial.
4. The new arrangement should lead to an increase in the overall number of works available in accessible formats, as service-providers around the world can share texts and eliminate duplication.

Madrid Protocol

1. It is an international agreement signed in 1989 which gives the extension of copyrights and trademarks of any one country to all member countries. India is a signatory.

Paris Pact

1. It is an agreement signed by 55 countries against escalation of drug trafficking.
2. The idea is to check the flow of opium to heroine precursor chemicals like acetic anhydride to the narcotic gangs in Afghanistan.

The Missile Technology Control Regime (MTCR), 1987

1. It seeks to prevent proliferation of missiles and UAVs capable of carrying > 500 kg of payload for > 300 kms.
2. It is an informal and voluntary partnership.

The Wassenaar Agreement, 1996

1. It is a traditional arms export control regime. However, it functions in a diluted way now.
2. It cannot block weapons exports from member nations to non-member nations, but the exporting member nation has to disclose the exports within 6 months.

The Australia Group, 1985

1. It is an informal group and identifies those exports which may be used to develop chemical and biological WMDs by the importing nation.

Comprehensive Convention on International Terrorism

1. It is a proposed treaty which intends to criminalize all forms of international terrorism and deny terrorists and their supporters access to funds, arms, and safe havens.
2. The negotiations of this treaty are currently under way at the UN. Currently, they are deadlocked because of differences over the definition of terrorism.

Fissile Material Cut-Off Treaty (FMCT)

1. It intends to prohibit the further production of fissile material for nuclear weapons but allows for peaceful purposes.
2. It was proposed by a committee constituted by the 65 member Conference on Disarmament where decisions are taken unanimously. This has become a major stumbling block as Pakistan has been blocking its terms.
3. So far it has not been able to define even fissile material and negotiations are deadlocked.

Global Counter Terrorism Forum

1. It was created in September 2011 on the sidelines of UN summit. It comprises of 29 nations + EU. It provides a venue where members can come together, identify urgent terrorism needs and focus on solutions.
2. It will have a coordinating committee of foreign ministry officials + 5 working groups. 3 groups will focus on Sahel, Horn of Africa and

SE Asia and 2 will focus on criminal justice and countering extremism.

The Collective Security Treaty Organization

1. It is an inter-governmental alliance of Armenia, Belarus, Russia, Kazakhstan, Kyrgyzstan and Tajikistan.
2. Aggression against one is aggression against all and member states can't join any other military organization.
3. They agreed to cooperate with each other to ward off the threats of Arab Spring to their regimes.
4. It also agreed that foreign military assets can be deployed in any country only with the consent of all others.

Shanghai Cooperation Organization

1. SCO members are Russia, China, Kyrgyzstan, Kazakhstan, Uzbekistan, Tajikistan.
2. While originally India and Pakistan were to be upgraded to full members, Afghanistan to be made an observer member and Turkey a dialogue partner, no expansion took place. Russia supports Indian membership while China wants a procedural approach and Kyrgyzstan, Uzbekistan and Tajikistan oppose it as they fear the group will diverge from solving regional issues.
3. SCO can play a crucial role in stabilizing Afghanistan post US withdrawal.
4. India has called for breaking trade and investment barriers within the members of SCO. It wants a greater involvement in the trade ministers' meetings.
5. India has also been involved with the SCO's Regional Counter Terrorism Centre (RCTS) and intelligence is shared. RCTS can observe trends in radical political Islam right from the beginning of the 'arc of unrest' from Ferghana Valley across Amu Darya into Afghanistan and Pakistan. It wants to take part in the joint military exercises for anti-terrorism (1st time India will participate in a bloc military exercises).

The Eurasian Union or The Common Economic Space (CES)

1. The CES comprises of Russia, Kazakhstan and Belarus. In the first phase, it sets up a Customs Union and in the second phase, by 2015, it will setup a single economic system via the Eurasian Union.
2. The proposed Eurasian Union will be a \$2.5 trillion economy, \$1 trillion trade and 90 billion oil reserves.
3. The Eurasian Union will be modeled on EU and will be open for other ex Soviet republics as well. Kyrgyzstan and Tajikistan have already applied and Russia is actively courting Ukraine.
4. The previous arrangement, the CIS, failed because it was too loose and diverse an organization without any concrete proposals towards economic integration and Russia tried to establish its hegemony over it.
5. But in Eurasian Union, all countries will have a single vote and decisions will be taken by consensus. The costs however will be borne in the ratio of GDPs.

6. The key challenge however is courting Ukraine which is second biggest economy in the region and has access to Black Sea. Without it Russia cannot regain the power of the ex-Soviet Union.
7. Ukraine however remains firm on joining EU even though it looks unlikely due to EU problems and Yulia Tymoshenko's imprisonment.
8. Russia is following a carrot and stick policy to court Ukraine. It is building alternative gas pipeline (Nord Sea Gas Pipeline) to supply EU and corner Ukraine and is also selling gas at more than half the price as compared to Ukraine to members of CES.
9. The main risks to the Union however are political as it is a pet project of Putin and Kazakh and Belorussian dictators.

UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1. This prevents the extradition of people if there is reasonable chance that they will be subjected to treatment in their home country.

Arms Trade Treaty

Features

1. ATT is not a treaty for disarmament or a step towards general disarmament. It is a treaty for regulation of arms trade.
2. It will be implemented by the national governments who will create national laws in conformity with the treaty. There will be no supranational agency.

India's Position

1. India faces a dilemma because on one hand it is facing terrorism and small arms are used by terrorists and so it would want a "stricter" treaty while on the other hand it faces security challenge from China and would want a "liberal" treaty (since it itself would be an arms importer). Thus India wanted a treaty focused on small arms and not a comprehensive one. Currently, due to weak surveillance and documentation mechanisms there is no way to trace the route of seized smuggled weapons and the arms-exporting countries cannot be held responsible. So India has asked for better documentation, scientific methods, unerasable marking etc. for small arms. China (because it is a big exporter) and US (because of 2nd amendment) want small arms out of the treaty. While Pakistan wants only light weapons covered by the treaty, the EU is pressing for a comprehensive treaty.
2. India wants to keep issues like human rights violation etc. out of the criteria for deciding arms export.
3. India also supported a national implementation as against any supra national framework. Implementation review can be done in meetings between nations held from time to time instead of any organization with a permanent secretariat.
4. India also asked to keep technology transfer out of the treaty (since it will be a net importer of technology).
5. India (in line with most countries) didn't want control on ammunition (since it is too difficult to monitor and US was anyways opposing it).
6. India also opposed detailed reporting and record keeping provisions. It felt that these provisions would only burden the national governments.

Issues before ATT

1. In the treaty, states are seen as legitimate actors in international transactions of weapons, but many states do not have broader public or democratic acceptance. On the other hand, some non state actors are seen as representative of people.
2. Another challenge is that states have unequal standards in application of domestic laws relating to illicit weapons proliferation. So balancing domestic laws and international obligations could be tricky.

The Pacific Alliance

1. There's a new group of nations in Latin America - the Pacific Alliance, uniting Mexico, Colombia, Peru and Chile.
2. Presidents of the four nations formally launched the economic integration pact and their first big move will be to drop visa requirements so citizens of all four countries can travel freely between them.

Deep Sea Mining

1. Environmental impacts: The complete consequences of full scale mining operations are unknown. However it will result in disturbances to the benthic layer, increased toxicity. Sediment plumes could have the greatest impact. Plumes are caused when the tailings from mining (usually fine particles) are dumped back into the ocean, creating a cloud of particles floating in the water. Two types of plumes occur: near bottom plumes and surface plumes. Near bottom plumes occur when the tailings are pumped back down to the mining site. The floating particles increase the turbidity of the water. Surface plumes cause a more serious problem. Depending on the size of the particles and water currents the plumes could spread over vast areas. The plumes could impact zooplankton and light penetration.

International Seabed Mining Framework

1. The ISA requires nations interested in mining the poly-metallic nodules (often have Ni, Co, Cu, Ag, Au and rare earths) to explore two equal mining sites and turn one over to the ISA, along with a transfer of mining technology over a 10 to 20 year period.
2. Although the United States had been a leader in the international community's effort to develop an overall legal framework in the Third United Nations Conference on the Law of the Sea, deep divisions arose between developing and developed nations over the establishment of an international organization to regulate the exploration of deep sea mining in international waters. These divisions were so deep that the United States and other industrialized countries declined to formally sign the treaty, although endorsing the consensus that had been reached by the conference on other areas covered by the treaty.
3. On the economic and commercial front, the industrialized nations sought a more market-oriented regime. They objected to provisions for mandatory technology transfer, production limitations from the seabed and the establishment of a subsidized international public enterprise.
4. Then US decided to take a more active role in the reform effort, deciding that the merit of actively participating would not be to find an

answer to every future question regarding the uses of the oceans, but to create a framework and channel discussions of new issues along lines more acceptable to the industrialized nations. So the final agreement avoids establishing a detailed regime anticipating all phases of activity associated with mining of the deep seabed. However, it sets forth economic and commercial principles consistent with a free market philosophy to form the basis for developing rules and regulations at such time as commercial mining develops in international waters.

5. Due to severity of the deep sea regime, currently mining operations are focused on EEZ only.

India's Deep Sea Mining Capabilities

1. India's National Institute of Ocean Technology, Chennai operates remotely operated robots for deep sea mining purposes. They are called Remotely Operated Submersible Vehicle. They can go up to 5400 meters and mine there. India's mining beds are in southern hemisphere in the central Indian ocean in ~8000 sq. km. area.
2. Because of the China factor, India has decided to conduct deep sea mining at a faster pace.
3. India's objectives in its deep sea mining plan are:
 1. Survey and exploration.
 2. Environmental impact assessment.
 3. Mining technology development.
 4. Metallurgical technology development.

UNCLOS

1. Baseline: Normally, a sea baseline follows the low-water line, but when the coastline is deeply indented, has fringing islands or is highly unstable, straight baselines may be used.
2. Internal waters: Covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.
3. Territorial waters: Out to 12 nautical miles (22 km; 14 miles) from the baseline, the coastal state is free to set laws, regulate use, and use any resource. Vessels were given the right of innocent passage through any territorial waters.
4. Innocent passage: It is defined as passing through waters in an expeditious and continuous manner, which is not prejudicial to the peace, good order or the security of the coastal state. Fishing, polluting, weapons practice, and spying are not "innocent", and submarines and other underwater vehicles are required to navigate on the surface and to show their flag. Nations can also temporarily suspend innocent passage in specific areas of their territorial seas, if doing so is essential for the protection of its security.
5. Archipelagic waters: A baseline is drawn between the outermost points of the outermost islands, subject to these points being sufficiently close to one another. All waters inside this baseline are designated Archipelagic Waters. The state has full sovereignty over these waters (like internal waters), but foreign vessels have right of innocent passage through archipelagic waters (like territorial

waters).

6. Contiguous zone: Beyond the 12 nautical mile limit, there is a further 12 nautical miles the contiguous zone, in which a state can continue to enforce laws in four specific areas: customs, taxation, immigration and pollution, if the infringement started within the state's territory or territorial waters, or if this infringement is about to occur within the state's territory or territorial waters. This makes the contiguous zone a hot pursuit area.
7. Exclusive economic zones (EEZs): These extend from the edge of the territorial sea out to 200 nautical miles from the baseline. Within this area, the coastal nation has sole exploitation rights over all natural resources. Foreign nations have the freedom of navigation and overflight, subject to the regulation of the coastal states. Foreign states may also lay submarine pipes and cables.
8. Continental shelf: The continental shelf is defined as the natural prolongation of the land territory to the continental margin's outer edge, or 200 nautical miles from the coastal state's baseline, whichever is greater. However, it may never exceed 350 nautical miles from the baseline; or it may never exceed 100 nautical miles beyond the 2,500 meter isobath (the line connecting the depth of 2,500 meters). Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf, to the exclusion of others. Coastal states also have exclusive control over living resources "attached" to the continental shelf, but not to creatures living in the water column beyond the exclusive economic zone.

Asia Democratic Security Organization (ADSD)

1. Coined by Shinzo Abe, it is a strategy whereby Australia, India, Japan, and the US state of Hawaii form a diamond to safeguard the maritime commons stretching from the Indian Ocean to the western Pacific.
2. This commonality between Japan and India is also referred as "confluence of seas" signifying common interest of India and Japan in the region extending from Indian ocean and western pacific ocean

Regional Comprehensive Economic Partnership (RCEP)

1. The proposed bloc would be world's largest trade bloc comprising of ASEAN + China, + Japan + S Korea + Australia + New Zealand. India has joined the talk.
2. India plans to lower its import duties and liberalize FDI rules in exchange for sweeter deal in mode IV services.
3. The biggest concern is China - with already a huge trade deficit with China, would it be prudent to enter into a FTA with China? But the problem is if India doesn't join this, the members can increase their tariff barriers further against India. So India's overall trade will suffer. And if India decides to join later, it may have to pay higher price and abide by rules it had no role in framing. Look East policy would be meaningless if India is not a part of the bloc, if it comes into existence.
4. Before joining, India will have to increase its own competitiveness for which it needs time. So India is likely to pursue a defensive agenda in order to buy time (huh).
5. India is not in favor of including IPRs in the talks as it wants TRIPS to continue as the guiding principle.

Indian Ocean Rim - Association for Regional Cooperation (IORARC)

Doctrine of Open Regionalism

1. The group embraces five distinct regions, and within it distinct regional economic communities — ASEAN, SAARC, GCC, SADC and COMESA.
2. It is an unwieldy organisation of countries at different levels on the economic development scale.
3. Several countries do not even send any business delegations to its conferences.
4. Economic co-operation in the region cannot be inward looking and it must become a springboard for connecting with existing trade communities for its full potential to be realised.
5. While member countries will be encouraged to bring down barriers to doing trade with each other, they can continue to be part of other regional trade groups with different arrangements.
6. Some key areas are in tariffs, the food sector, standards, in setting up regional value chains, mining, pharmaceuticals and traditional medicine, and co-ordination among its EXIM banks.

Commonwealth

Tuesday, November 1 2011, 2:05 AM

Commonwealth Background

1. The English queen heads 16 countries. This is called the commonwealth realm.
2. Diplomatic relations between commonwealth countries are called high commissioners and not ambassadors to emphasize they are not considered foreign.

Perth Summit

1. They agreed to fight terrorism by curbing terrorist financing via local legislations and institutions and international cooperation in Comprehensive Convention on International Terrorism.
2. They agreed to combat piracy and agreed that political stability needs to be established in Somalia. They agreed to aid African Union Mission on Somalia financially.
3. They agreed to tackle cyber crime through local legislations and by cooperating in Commonwealth Internet Governance Forum initiated Cyber Crime Initiative.
4. They pledged support to Biological and Toxin Weapons Convention.

Change in UK Succession Laws

1. The Act of Settlement 1701 will be amended where a female child can only ascend to the throne if there are no male heirs. Now the eldest kid irrespective of the gender will inherit.
2. The requirement that the heir cannot marry a Roman Catholic is lifted but he himself should belong to English church and will continue to head it.

Maritime Issues

Sunday, October 30 2011, 3:12 AM

Maritime Violence

1. Italian ship Enrica Lexie is the one which fired on Indian fishermen.

Government Initiatives

1. GoI has issued guidelines on carrying armed guards on ships to combat piracy.
2. It has signed 4 international conventions on accident control and associated pollution.
3. Indian ports have started to rate ships by emission standards.

Maritime Piracy

India's Interests

1. The Somali pirates have started using bigger captured ships which enable them to operate in a radius of ~1500 km and brings them to India's coasts.
2. A large proportion of international fleet men are Indians.
3. India's central location in Indian Ocean and its aspirations to become a major power further the cause of stronger anti-piracy measures by her.

Steps to Combat Piracy

1. The efforts of the Contact Group on Piracy off the Coast of Somalia (CGPCS) and UK Maritime Trade Operation (UKMTO) facilitates independently deployed navies to coordinate their anti piracy operations.
2. The shipping community could consider installation of mechanisms to disable their engines once it becomes evident that pirates are succeeding in gaining control.
3. Somaliadoes have comparatively stable neighbors who could contribute to a regional response and international efforts.
4. Indian navy escorts the ships - both Indian and foreign - in the Indian Oceans.
5. Legislations need to be enacted in countries so as to make sure that pirates caught are not released in want of suitable laws. The policy of catch and release needs to be changed.
6. The financial system backing of the pirates needs to be clipped.

Offshore Drilling and New Concept of Naval Supremacy

1. US has announced that it will join Philippines and Vietnam in resisting Chinese efforts in establishing hegemony over entire South China Sea. Vietnam also invited India to explore oil and gas in this region at Cam Ran Bay. South China Sea contains 61 bio barrels reserves and 51 bio undiscovered. China, India and US are beefing up their navy presence in this region to establish influence.
2. Tensions are also rife in the Mediterranean Sea between Turkey and Cyprus and Israel over the natural gas fields. Cyprus and Israel drill the gas as Turkey watches and its ships circle the Israeli rigs.
3. Due to global warming and corresponding melting of polar ice, new waterways are opening up in Arctic and there is a race between Russia, US and Canada to drill new oil fields. Arctic consists of 238 bio barrels reserves and potential twice as large undiscovered reserves

Arctic Race

1. India, China and Japan seeking stakes in Arctic region. They have asked to be "permanent observers" in the Arctic Council. Canada, US, Russia, Norway, Sweden, Denmark, Finland, Iceland.
2. But United States and Russia oppose the move. The indigenous Arctic people, the Inuit, have said they have no objection to the Arctic Council being made more inclusive as long as the voice of the original inhabitants is not ignored.
3. The NE Sea Route, between Greenland and Russia, can connect China and Europe shortening the distance from 21k km to 13k km. The NW sea route can cut distance between Asia and East coast of US by 4k km.
4. Arctic holds ~40% of world's oil and gas reserves and hosts 50k tourists annually.
5. Both India and China have got Arctic observatories in Norwegian archipelago of Svalbard. But while India's Arctic interests are currently more of a scientific nature, China's military has already expressed a strategic interest.
6. Powerful ice-breaking ships are a key investment to be a key power in the region. India & China are planning to build an icebreaker, while the US has one & the US Navy is pushing hard for upgrading its fleet in the Arctic. Russia has a fleet of over 25 ice-breakers, including six nuclear-powered ones.
7. India doesn't have the technology nor the finances to capture Arctic resources in a meaningful way. So it must negotiate for a treaty like Treaty of Antarctic (1959) where nations are only allowed to conduct scientific research and no sovereignty claims. Arctic must be declared as global common like Amazon rainforest because of its impact on global ecology.

Antarctica and the Arctic are two regions on earth that pose both challenges and opportunities for scientific research, exploration and possible access to a hidden rich natural treasure for humans. Mercifully, however, they still remain largely untouched by human intervention. They are very sensitive to climate change and its impact upon life on this planet. As such, the scientific community and policymakers around the world have turned their attention to the Polar Regions (PR), regarded as the "global commons". In a way, the footprint of Indian explorations in these "final frontiers" could be edged by geostrategic considerations as well as the vast untapped potential of these wonders of nature. India took a bold step to make forays in Antarctica in 1983, in the midst of doubts about the wisdom of such perceived "extravaganza" when the first Indian expedition was sent. The utility of such Indian initiatives has been proven over the years and, now, two functional all-weather research stations (Maitri and Bharathi) operate in the frozen southern continent. The northern PR of the Arctic – comprising about 6% of the earth's surface area – has come up on our radar screen belatedly. India made its first foray in the region by setting up its first research station

Himadri in 2008. With that, India has sought to join the close-knit club – the Arctic Council (AC) – that governs the region. The recent acceptance of India’s bid for an “observer” status in the AC underscores her credentials as a global player. It sends signals at multiple levels. How can India make use of this new platform for advancing scientific knowledge as well as her own national interests in potential exploration of hydrocarbons? Even as India gears up to sit on the AC’s high table, it will need to play the role of a responsible player to push for a regulatory framework that jettisons all territorial claims and provides for protection of the ecologically fragile region from the brazen rush for natural resource exploitation and the threat of environmental degradation.

The Changing Arctic Equation

The Arctic is characterised by a harsh climate with extreme variation in light and temperature, short summers, extensive snow and ice cover in winter and large areas of permafrost. A recent estimate by the US department of energy suggested that about 30% of all the undiscovered natural gas reserves on earth – nearly two-thirds of the proved gas reserves of the entire west Asia – lie in the Arctic.¹ Also, as much as 13% of undiscovered oil reserves on earth appear to lie in the Arctic. For many years, little thought was given by major nations to exploiting this vast, untapped storehouse of Arctic energy resources. Now the supply-demand equation for these resources is quietly beginning to change. It could, in turn, trigger a complex and fateful variety of climactic, technological, economic and geopolitical implications. The Arctic faces prospects of adverse effects from long-range air and sea transport of contaminants and some of the human activities such as interference with ancient animal migration routes, oil and chemical spills into the sea, and the unforeseen impacts from the climate change causing melting of the ice cover. Ironically, melting of ice has made this nature’s last preserve more accessible. It will open up new shipping channels to transport oil and gas from and through the Arctic. It could, in effect, lead to a new scramble for territory and resources, especially among the five Arctic states (Canada, Denmark, Norway, Russia and the US). The confluence of competing interests (especially scientific research and the quest for natural resources) has placed the Arctic suddenly on the national agendas of a host of countries such as India. Since the Arctic lacks a specific legal regime – unlike the Antarctica Treaty System – the new access to the North Pole not only opens up new scramble for exploitation, but also potential territorial disputes that could pose a threat to international peace and security. In fact, Russia, Norway and more recently Denmark have claimed sovereignty over some portions of the Arctic as a part of their extended continental shelves.² These territorial claims are lying before the Commission on the Limits of the Continental Shelf (CLCS) established under the United Nations (UN) Law of the Sea Convention (1982). Amidst the hunt for resources and routes, the lives of indigenous and other Arctic peoples have been put to risk. Their lives are closely linked to local resources, particularly due to their dependence on wildlife harvesting. However, a combination of several factors makes the Arctic and its inhabitants among the most exposed populations in the world.

India’s Entry

The 1996 Ottawa Declaration formally established the AC as a high-level intergovernmental forum to provide a means for promoting cooperation, coordination and interaction among the Arctic states, with the involvement of the Arctic’s indigenous communities and other inhabitants on common issues, in particular, sustainable development and environmental protection. The AC member states are Canada, Denmark (including Greenland and the Faroe Islands), Finland, Iceland, Norway, the Russian Federation, Sweden and the US. It has a provision for admitting non-Arctic countries as “observers” with their role confined to participation in the meetings of the council, submitting written statements, making relevant contributions through their engagement in the AC, and proposing

projects through an Arctic state or a permanent participant. The AC has matured from a largely symbolic organisation to one addressing the pace and consequences of climate change in the Arctic, prompting what has already been called a new “great game”. As changing climate opens the Arctic to increasing economic and political competition, it was decided at the eighth ministerial meeting of the AC held on 15 May 2013 in Kiruna (Sweden) to let nations from the earth’s north to become observers to the AC’s operations. India’s bid for an observer status in the AC has been successful along with those of five other countries: China, Italy, Japan, South Korea and Singapore. India’s expanding interest could be attributed to the evolving geo-economic shift to the north revolving around the perennial quest for oil and gas, mining and fishing. India’s economic cooperation with other states surrounding the Arctic is quite promising. Moreover, Indian investments in the Arctic are through joint ventures by the ONGC Videsh Limited (OVL) with Russian partners. It offers an opportunity to invest in cold-climate/deep-sea oil, gas and metal extracting ventures. The emergence of the Northern Shipping Route (NSR), as an alternative to the traditional sea route through the Indian Ocean, opens vast opportunities. This presents India with the possibility of using the NSR for transporting energy and mineral resources from the Arctic. India has made a strong case for securing its place among other contenders on the grounds of using the region primarily for scientific purposes. It is based on accepting the principles and the sovereignty of the AC on Arctic issues. Having got the seat of an observer on the high table, India needs to seize the unique opportunity to think innovatively on possible contribution to the AC’s role in the Arctic’s governance. Even without the voting power, India can still make its presence felt through bilateral means as well as emphasise upon issues of transparency, sovereign equality and preserving the Arctic as “global commons”. Keeping the Arctic safe from the hunger for natural resources and lack of a regulatory framework does present a daunting task. As such, India could use this vital platform to support concerted multilateral efforts in making the Arctic a weapons-free zone as well as advocate the cause of sustainable development and protection of the fragile region. Though the Indian narrative on the politico-strategic developments in the region is still evolving, she needs to develop a comprehensive long-term strategy for the Arctic. Even as the “great game” begins for the Arctic, India needs to take the role of international law more seriously to provide a backbone for her re-emergence as a global player as well as work on formulating a resource strategy coupled with the quest for scientific knowledge in the Arctic. It would also be pertinent for India to take initiatives to develop human and material infrastructure to participate and partake in the unfolding of the Arctic’s dynamics in the coming years. Since governance in the Arctic requires leadership, India is uniquely positioned to provide such a leadership if appropriate homework gets done. “Coupled with India’s active involvement with the Law of the Sea negotiations for over fifty years, as well as experience in deep-sea exploration...India is well represented in all the institutions established by the Convention. It is time for this country to take a lead role in the Arctic governance issues within the overall framework of the existing legal regime”, observed H P Rajan, former secretary to UN CLCS. Thus, India needs to use her entry as an observer in the AC to provide a role model for using tools of international law and diplomacy to balance national and global interests as well as responsibilities in harmonious ways.

People's Movements

Thursday, November 17 2011, 12:51 AM

Russia

What People Wanted?

1. They demand election legislation reforms, parliamentary elections. The new parliament should draft a new constitution which will reduce presidential powers drastically.

What Putin Gave

1. He raised the fine for participation in and organizing 'illegal' protest rallies to \$9K and \$30K respectively.

China

1. China has elected village committees in every village. But they don't have any financial powers for which they have to depend upon local bureaucracy. Lately, land prices have gone up a lot in China. This has resulted in land related corruption.
2. In Wukan, along with the local officials, the village authorities sold farmers' lands to real estate developers. This led to protests.
3. Recently people protested against setting up of a nuclear facility and the PRC government accepted their demands and shelved the proposal.

Brazil

March 2013, with the government's popularity riding high and 63% approving of President Dilma Rousseff, Brazil's prospects seemed bright both domestically and internationally.¹ The occurrence of the country's largest protests in the last 20 years in June 2013 surprised analysts abroad and even a vast number of Brazilians. The surprise indicated some alienation, but it was understandable considering that Brazil's situation is far from hopeless despite some oscillations in economic performance, and its high potential for economic growth is recognised worldwide. But the protests rage on and pressure state institutions even after local and central governments have agreed to some important concessions. To try to understand what is happening, we start with two aspects of the reductionist approach that now holds sway in analysing society, which essentially ignores its real complexity. First, any analysed event goes beyond the dimensions measured

by large surveys on the government's popularity. This sort of evaluation mainly uses statistical methods and considers each person interviewed as a voter, which itself is a reduction of a citizen to only one aspect. An individual's answers to fixed and homogeneous questions do not sum up his or her aspirations and feelings. The surveys obtain simplified and codified information that does not coincide with what the interviewee would express spontaneously. So comes the surprise, because the people have not revealed dissatisfactions related to not only the performance of the regional and national governments, but also the survey system as such. Many of the opinion poll companies are directly connected to Brazil's big media corporations, which have been at the centre of the protestors' complaints. The effect of the opinion poll phenomenon is that it reinforces the misinterpretation of social problems and encourages disregarding them, especially because governors use these statistics as guidelines for their actions. Even now, after the gaps in the picture painted by statistics have become clearer than ever, media and poll companies persist with the same kind of measurement to try to understand the profile of protesters and to recalculate the prestige of politicians. The second aspect, also related to a failed way of analysing the complexity of society, is the technocratic and "economicist" approach used in social analyses worldwide. This reduces societies to their economic dimensions, as if the people's prosperity and satisfaction depends on economic and technical improvements alone, as pointed out by Jacques Levy (2008). As with the large surveys, other aspects of the people's daily lives are not considered with the seriousness they actually deserve. What is worrying is that the efficiency of this reified economic dimension is evaluated by its practitioners. Those who assess if society is growing are the companies that contribute to maintaining a technocratic lifestyle, making it a self-evaluation. So the power to evaluate the general prosperity of a society has little to do with its own people, and ignores their complexity and diversity. Governors, the media and major analysts in Brazil act from this perspective, building images of the country in accordance with it. This is now falling apart. May be one of the most valuable gains of the protests will be a review of this way of interpreting society, leading to more openness and new ways of expressing and understanding the complexity of social life.

The Movement and the Media

No discussion on contemporary identity can ignore the role of the media, as pointed out by philosopher Jean-Marc Ferry (1991), at least as an important agency that builds public opinion. The Brazilian mass media has dealt negatively with social movements for decades, indirectly influencing the views of a significant number of citizens. The media's intolerance of social movements can in part be explained by the positions its elite owners occupy, and in part by its anomalous behaviour while pretending to voice what it considers are "social concerns". Whenever a social movement stands out, the local media tend to treat it as something outside society – as if there are, on one side, some groups touched by the issues raised by the protestors, and, on the other side, ordinary citizens leading regular lives. Since the media likes to pose as "a representative of society" and considers social movements to be apart from it, it condemns the inconveniences caused by these movements "in the name of society". During the first and smaller wave of protests (initially focusing on the increase in urban bus fares), the media declared that the police had to strongly put down its leaders. Youth belonging to an organised movement that for 10 years has been demanding better public transport policies were treated as social outsiders, as jobless middle-class troublemakers. So most governors responded with repression in the name of "restoring public order", believing that almost all of society had the same opinion as the media. The police used weapons that would otherwise be used against those trying to overthrow the government, which was very far from the minds of the very pacific and ordinary protesters in the streets. In only a few days, the protests spread across the country, showing the gap between the media's representations and reality. The protests grew precisely because they were reflecting real public opinion, which was not necessarily that established by the media. The antagonistic stand of the media may also have fuelled the expansion of the protests. When their point was no longer sustainable, the main TV channels and newspapers had to undergo some self-criticism. Less than two days after

their animosity, these organs began to soften their stand and gradually sell a discourse of support to the protests – some even making their space available to voice the protesters' demands. Suddenly, those who were previously isolated from “society” were seen as belonging to it. Yet, the protestors became even more suspicious about the real intentions behind the media's sudden sympathy for the movement. It is possible to say that the media is acting in this way to try to disperse the demands that initially led to the wave of protests. Or it could be to wrongly characterise the protests, or to soften their ideological and political zest, and to gradually make it all look innocuous. What is remarkable in the media's new behaviour is its insistence that the protesters operate within the establishment's rules, which reveals how alienated it is from reality. It believes that protests criticising the existing order should operate within the limits of the same order.

Polyphony and Its Challenges

The protests in Brazil do not cease to astonish because they are being continuously reframed and redefined, adding new issues and following new paths. They initially had a clear organisation and some specific goals (the leading group dealt with public transport and urban mobility), but the course of events has led to its fragmentation and the adding of new aims, some of which are even contradictory to the original ones. Many demands have become more abstract, general and vague, lacking a clear-cut point. Demonstrations such as those “for peace”, “for a better Brazil”, and “against corruption” fall under this category.

At the heart of the main protests is what could be called a new social character, something unusual in street protests until now. It is similar to Eder Sader's (1988) diagnosis in *When New Characters Entered the Scene*, a book on 1970s and 1980s Brazil and the role of workers in social struggles against the dictatorial regime. The title points to a remarkable trend in the recent protests because there are now new characters on the scene, and they have rarely taken to the streets against the established order. They are a section of middle-class youth who were averse to public movements and commonly thought to be conservative. Their demands are now mixed with the ones on the street. So there are calls to improve urban security alongside punishing the police, and to cut taxes alongside increasing public investment.

The insurgency of the middle class, which is historically seen as more conservative, seems to be connected to the convenience provided by online social networks to express dissatisfaction that had been contained in the class till now. In Brazil, this big group could not find a comfortable setting to protest as a movement, to organise themselves, and find common demands, and the social networks seem to have facilitated this. Occupying the streets was previously almost a monopoly of left movements, and there was a dose of ideological rejection, and also a dose of cultural estrangement to it among other groups.

However, with the recent protests, these factors seem to weigh less. The new social actors have started to add their demands to those already on the street, enlarging the movement to the largest ever seen in contemporary Brazil (there were more than 4,00,000 protesters in Sao Paulo and even more in Rio de Janeiro in a single evening). But by embracing so many diversities, the movement faces the challenge of choosing legitimate representatives to negotiate with the authorities for concrete solutions to the complaints presented. It will not be simple to identify reasonable leaders from among the many different groups that have come together.

In this sense, the demonstrations have a multiplicity of voices, sometimes even making disparate and contradictory assertions. Some new opportunistic and even undemocratic aims have been added to the serious and justified demands, blurring the whole process. A part of this has been criticising and humiliating members of political parties joining the protests, asking them to get out and to put away all party flags. This tendency has worried some analysts about undemocratic trends coming to the fore. But if the present polyphony opens the space for such distortions, it can also be seen as the reflection of a crisis in the current system of political representation, which should be reevaluated. These lines of interpretation analyse the process in a macro and global perspective, and it is also guiding some on the orthodox left, who tend to consider these events as part of a historic process on the rise and fall of the working-class movement.

But we think it would be more suitable to follow a more modest and focused path, as indicated by Carlo Ginzburg (2012), because it is difficult to identify clear goals while we are still experiencing the phenomenon. Thus, instead of trying to frame the movement in a specific category or trying to locate it in a historic trend or cycle, we will follow this more unpretentious path of indicating some of the main political motivations that seem to impel it.

Representative Government: Complaints and Failures

Despite the diversity of the proposals and preferences of the groups on the streets, it is possible to identify a common thread among all types of protesters. Starting with the initial complaint of top-down modifications to the public transport system, the second biggest complaint (which appeared shortly after) was on excessive state spending for the World Cup and the Olympic Games. The demand common to these was the need to make the population the protagonist of public policies, and not just their adjuvant. They seemed to say that the people should be consulted by the government before it sets priorities. If we take this main demand into consideration, the claims of the poor or rich, of conservative or left protesters, do not seem contradictory. Even with its diversity, the movement signals the intention of the demonstrators to lead their country's development and not just watch it as spectators. These people reject that so many huge investments not decided by the population are being made at the cost of more urgent needs. Brazil still has serious deprivation to deal with in many areas – such as in health and education, and even in urban mobility. They also reject assessments of the country's condition on economic factors alone, which sometimes generates a sense of nationalism that loses meaning when confronted with social reality. Another point seems to be political actions taken with their effect on governors' prestige in mind than their effect on the daily lives of the people. All in all, Brazil faces a struggle to guide the course of its development along a path that benefits the majority. Among the main complaints is criticism of the way political actions ignore immediate and daily life, focusing more on abstract, macro and future gains when basic conditions have to be improved and everyday needs met. Brazil's big cities are unfriendly to its inhabitants, more clearly to the poor (with serious social segregation), but even the rich are not satisfied with security, crowding and traffic. In this context, the economy seems more than ever an abstraction, because the urgent problems of Brazil's urban areas remain despite growth. Considering all this discontent, Brazil seems to be entering a new phase in which representative government and democracy will have to be strengthened and readapted. Some of the protesters reject political parties as an affront to democratic institutions, and others as intruders trying to weaken the movement. But we can see that some part of the protesters are truly dissatisfied with the current political parties, not feeling themselves represented by these groups or even in general by the current political dynamic. But it is crucial to note that the people are not challenging democracy, it is democracy that is challenging the people. These protests do not threaten democracy, they are democracy itself. They show that society has democratic vigour and that this vigour is being threatened by a political regime that is losing its efficacy and being paralysed by alliances that wreck party programmes and turn political representation into a farce. Hence, all types of citizens, rich or poor, conservative or left, feel disenfranchised, and

they do not see it as unreasonable to voice their complaints about this together. The simple act of them getting together on the streets expresses the immanent power that democracy has to be guided by the citizens themselves. They will not simply delegate power to a representative but they will join political processes and debates on their own, as Lefort (1979) says. That political regimes are necessarily bureaucratic and institutional seems to have obscured this strength within democracy, in such a deep way that it is not easy to reverse. It is this reversal that is the key at the moment, and that it has happened means there is already an innovative openness in Brazil.

Some Gains and New Perspectives

The protests have produced important responses from the regional and central governments as well as from public sector undertakings – urban bus fares have been lowered; construction for the automobile sector has been cancelled; the congress has speeded up voting on some proposals that were stalled for years; it has also rejected a project that was intended to change a constitutional provision and was seen as a possible loophole for political corruption; it has passed a bill that severely punishes work similar to slavery, which was previously paralysed by the agricultural business lobby; the Supreme Court has ordered the arrest of a congressman convicted of corruption; and most important of all, President Rousseff has proposed a national referendum on reforming the country's political system. These actions in such a short period of time are extraordinary. They indicate that the new “protagonism” of citizens, even though diffuse, had led deaf governors and political parties to finally make some important concessions. It is important to remember that this protagonism will not present consensual proposals, and the governors will be challenged with distinct demands. But diversity is not a problem if it is seen as the freedom to express differences, which is fundamental to a democracy effectively representing its citizens. We see once again the need for a constant and open discussion about politics, as well as the need for improving political practices. It also includes overcoming the automatic association of politics with corruption, a cliché that is widespread in Brazil but not discussed deeply enough. In that sense it is important to remember that this revival of the political sense has not passed through the forms of institutionalisation in political life today. Therefore, rethinking forms of political organisation is healthy if democracy is to be revitalised. The leaders of political parties need to let in some fresh air so that they will not repeat the failures that are criticised now. All this implies the end of obsolete coalitions and their diversionary political games, which have transformed political representation in Brazil to a show full of scandals that does not allow a space for policies produced by the people's deliberation. The protests are exerting pressure to achieve this possibility of deliberation and a leadership that will truly pursue national development. What will come of it is still not known. But they already have the very significant achievement of having woken up Brazilians from their lethargy.

5 Point National Pact of Dilma Rousseff

Reasons

1. Spending on the stadiums was planned for \$1.1 bio but has already exceeded \$3 bio. Most of money in this cost escalation is going to the companies (big funders for political parties) in the form of government subsidies.
2. At the same time, the projects proposed for public like better public transportation, roads, airports have not been constructed.

Features

1. A constituent assembly to consider political reform.
 1. The proposal for constituent assembly was unconstitutional and subsequently withdrawn. Instead a referendum on political reforms is proposed which would be subsequently made into law by the legislature.
 2. Congress voted overwhelmingly to reject a constitutional amendment that would have curbed prosecutors' powers to investigate politicians.
2. Making corruption a felony (today it is a misdemeanor).
3. A promise to invest \$23 bio in city transport.
4. More spending on health and education specially from oil.
 1. She promised incentives for doctors to move to poor areas and vowed to expand a programme that cancels the tax debts of hospitals that attend to more patients.
 2. She pledged to increase the number of medical graduates and, meanwhile, import foreign doctors to meet demand.
 3. The congress also passed a bill, which it had rejected last year, to devote three-quarters of royalties from new oilfields to education and the rest to health.
5. A reiteration of the importance of fiscal responsibility.

Why in Democracies?

1. In democracies people are supposed to have the mechanism of elections to exercise their will. There should be no pent up frustrations. Then why such revolts have come up in democracies?
2. People's awareness
 1. In democracies, people are aware of their rights which the law of the land gives them. So they have aspirations of exercising them. But when the existing system fails them, they have to come on streets.
 2. In dictatorships, such an awareness is not there or there is too much fear. So discontent simmers and simmers for decades until it comes out as a massive explosion blowing away the dictators altogether.
3. Party based politics has left out people based politics
 1. The party politics system has grown insensitive to and disconnected from the people. They see democracy as a 5 yearly ritual only. The system has evolved so as to effectively shut out the people from participating in the governance. Government accountability and sensitivity is decreasing.
 2. Normally, such strong popular resentment would create opportunities for the opposition parties, but the formal opposition is either too weak in these countries or hand in glove with the executive over these issues and insensitive towards people's

feelings. So people take to the streets, forming their own opposition.

3. In all these democracies, there is rampant criminalisation of politics, naked interference of oligarchs in policy making and there is a sense that the politicians work to benefit them and not the general public.
4. That is why these movements are not against the persons who are the rulers, but against the system which has been created.
5. That is why we need mechanisms such as referendums, petitions, initiative, recall.

4. Illiberal majoritarian democracies

1. In Russia, Turkey and Egypt, people are protesting against majoritarianism. Here the ruling parties interpreted their election victories as a writ to do whatever they want once in office, including ignoring the opposition, minority rights, choking dissent and indulging in corruption. For instance in Turkey, the ruling party has more than two-thirds majority, which allows the government to pass any law it desires.
2. What is common is a powerful sense of "theft," a sense that the people who got elected are stealing something more than money: the people's voice and right to participate in governance.

5. Human capital development

1. When you educate your people, you can't afford to treat them with paternalism any more, they will demand their rights.
2. Growing youth population in the total population.

6. Violent police action

1. The protesters are general public, not cadre or party based. Their grievances are genuine and they really feel for the issue. When they are demonstrating peacefully and the police takes brutal actions against them, gross injustice is committed. And with smartphones and internet, as the news, images and videos circulate, the rage spreads quickly. The government quickly appears as the devil.

7. Apathy of mainstream media

1. The media has not done anything to earn accolades. It is viewed with suspicion by the protesters, who perceive it as representing various lobbies and economic interests, and manipulating the news - and not without any merit.

8. Economic issues

1. They silently create the conditions necessary for such an explosion. Unemployment and inflation run high. Inequalities across are rising.
2. In Brazil, a 9 cent increase in bus fares set off mass protests because it seemed so out of balance when the government was spending some \$30 billion on stadiums.

9. Technology

1. With the proliferation of smartphones, tablets, Twitter, Facebook and blogging, aggrieved individuals now have much more power to engage in, and require their leaders to engage in, two-way conversations - and they have much greater ability to link up with others who share their views to hold flash protests.

Impact on Democracies

1. Democracy has become harder: allocating resources between competing interest groups is tougher if millions can turn out on the streets in days. But dictators may have to pay a higher price tomorrow even if they are able to quell the protests today.
2. The Egyptian episode also highlights on the flawed notion of reform by flash protests. The notion that protest is a legitimate method of dictating legislation and policy to government is dangerous. For the demonstrations to yield some greater good, there needs to be the mediating power of institutions. Else, protesters can become handy playthings for unaccountable power centres.

Tax Evasion and Black Money

Sunday, November 6 2011, 9:00 AM

Eurasia Group

1. Its a regional group on enforcing anti-money laundering (AML) standards including Russia, China and India.

IBSA

1. A special electronic unit will be setup to exchange information in tax evaders and black money in IBSA nations.
2. They will also work together to identify loopholes in the current system which enables people to evade taxes.

DTAA with Mauritius

1. It specifies that a company will be taxed in the country of its domicile only irrespective of where the benefit accrues.
2. So foreign companies register in Mauritius under the Mauritius Offshore Business Activities Act (MOBA). According to MOBA provisions, such a company cannot carry any activity in Mauritius and neither can own any asset there.

SC's Anti-Black Money Efforts

1. In 1985, McDowell case, SC held that just because its not illegal is not acceptable. Legislature cannot be expected to plug every loophole so its for the courts to decide. The test for the court will be to ask whether the transaction is a device to avoid tax.
2. During early 2000s, IT department decided to lift the corporate veil on the Mauritius companies and taxed them as it found that their real domicile was US or Europe with whom India's treaty was that gains should be taxed where they are accrued. But the companies appealed to the government.
3. The government forced IT department to backtrack. This was challenged in courts where the SC upheld the government's decision citing FDI and hence backtracked on the McDowell's decision.
4. Then comes the present Vodafone case.

Government Initiatives

1. Budget 2012-13 makes it mandatory to declare assets held abroad. It also allows for reopening of assessment up to 16 years and compulsory reporting of assets held abroad.
2. TDS for bullion and property transactions above a certain threshold. Taxation of unexplained money at the highest rate irrespective of the income slab.

3. It has signed DTAA with Netherlands, Indonesia, Monaco. Further Czech Republic and Finland will give black money information to India. India has 84 DTAAAs out of which 75 didn't have any information exchange clause. So they are being renegotiated and so far 48 have been successfully negotiated.
4. A study was initiated which will submit its report by 2012 end. CBDT is coordinating with EC to check election black money. CBDT and IT have detected undisclosed income of \$10 bio in last 3 years and the transfer pricing agency has discovered mispricing of \$13 bio.

White Paper on Black Money

1. Box Trading: It is the trading in stocks and commodities outside the recognized stock exchanges.