

Asylum and Protection Policies of India: Where do Rohingyas Stand?

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Abstract:

The Rohingya crisis is an ongoing phenomenon that has displaced several hundred thousand people from the Northern Rakhine State, Myanmar to Cox's Bazar, Bangladesh. International bodies, such as the United Nations and United Nations High Commissioner for Refugees (UNHCR) has considered the Rohingya persecution as a "genocidal intent" and a "textbook example of ethnic cleansing" respectively. It is the result of plighting hundreds of thousands of people initiated earlier by the Myanmar government. This state-sponsored forced displacement encouraged by Indian counterparts when the Rakhine state came under some joint economic projects. In this backlash, India is experiencing welcoming people from a diverse country and providing asylum and protection. On top of this, India is becoming a so-called mother country for the asylum seekers and protection provider among the persecuted minorities in South Asia. A recent trend on these particular issues proved that Indian protection policies are behind of minorities' migration towards India. In various ways, a large number of Hindus and Muslims have been migrating from Afghanistan, Bangladesh, Bhutan, Nepal, Pakistan, and Sri Lanka to India due to the Indian tradition of asylum and protection policies. As the Rohingya is one of the persecuted communities not only in Myanmar but also in the World, and India as the major part of its border, they did not show any interest to protect the lives of the Rohingya people. Whether India is allowing people, especially Hindus, to come and apply for Indian citizenship, here, in terms of Rohingya protection, Indian counterpart is reluctant to interfere with this large group of forcefully displaced people.

Keywords:

Asylum, Protection, Rohingya, India, Bangladesh, Security.

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“Refugees had occupied many of the open places in the city, pitching tents in the green belts between roads, erecting lean-tos next to the boundary walls of houses, sleeping rough on pavements and in the margins of streets. Some seemed to be trying to recreate the rhythms of a normal life, as though it were completely natural to be residing, a family of four, under the sheet of plastic propped up with branches and few chipped bricks. Others stared out at the city with what looked like anger, or surprise, or supplication, or envy. Others did not move at all: stunned maybe, or resting. Possibly dying” (Hamid in “Exit West”, 2017²).

Introduction:

Rohingya is one of the most persecuted communities in the World. Since 25 August 2017, more than 743, 000 Rohingyas fled to bordering Bangladesh from Myanmar. It has happened due to the widespread crime against humanity. Still today, from 1978 to onwards, the total figure of Rohingyas already crossed the margin of 1.1 million in Bangladesh. The United Nations High Commissioner for Refugees (UNCHR) stated that the ongoing Rohingya persecution is a “textbook example of ethnic cleansing”. In addition to this, the United Nations coined this large scale problem as a “genocidal intent” committed against Rohingyas. The Government of Myanmar and its entire allied triggered Buddhist nationalistic identity as a weapon to make the Rohingyas “others”, “illegal immigrants” in the country (Ali 2019; Yhome 2018). Yhome has stated that “at the root of these conflicts is the inability of the Buddhist-majority community to accept that the nation is a multiracial, multilingual, and multireligious society”. To make a singular racial-religious identity in Myanmar, “kill all, burn all: the Japanese war tactic used on the Rohingya” (Jaipragas, 2017). In recent times, this state-sponsored systematic ethnic cleansing is happening due to the citizenship act enacted from 1982. The act has declared the Rohingya as an alien, foreigner, or say, stateless people living in Myanmar. Mostly, Rohingyas are considered as Bangladeshi because of their religious and linguistic similarities. It is the result of plighting hundreds of thousands of people initiated earlier by the Government of Myanmar.

²Mohsin Hamid, the writer of “Exit West” published in 2017, portrayed the Indian partition happened in 1947 in a fictional manner. In the beginning of this paper, his narration used related to the incident Rohingya crisis.

As India is experiencing and welcoming people from a diverse country and providing asylum and protection simultaneously; Indian is becoming a so-called mother country for the asylum seekers and protection provider among the persecuted minorities in South Asia. A recent trend on these particular issues proved that Indian protection policies are behind of minorities' migration towards India. In various ways, a large number of Hindus, Buddhists, and Muslims have been migrating from Afghanistan, Bangladesh, Bhutan, Nepal Pakistan, and Sri Lanka to India due to the Indian tradition of asylum and protection policies. As the Rohingya is one of the persecuted communities not only in Myanmar but also in the World, and India as the major part of its border, they did not show any interest to protect the lives of the Rohingya people. Whether India is allowing people, especially Hindus, to come and apply for Indian citizenship, here, in terms of Rohingya protection, Indian counterpart is reluctant to interfere in this large group of forcefully displaced people. The primary objective of the paper is to understand Indian asylum and protection policies from a sociological point of view. In this paper, the author wants to explore the Indian position over the Rohingya crisis and draws a conclusion.

Discussion on the Indian Asylum and Protection Policies:

India has a long tradition of hosting a large population of refugees. Over the decades, in South Asia, the country has welcomed someone of the biggest refugee population. The Government of India, led by the Bharatiya Janata Party (BJP), recently proposed that “those who belong to the minority communities in Pakistan, Bangladesh and Afghanistan and have been staying in India on a long-term visa be allowed to buy property, open bank accounts and obtain Permanent Account Number as well as Aadhaar card”. The ruling party also wanted to amend the Citizenship Act, 1955 by declaring India as “a natural home for persecuted Hindus” earlier in their election manifesto (Tripathi 2016³). Before the declaration, there is an estimation of hosting to approximately 4,35,900 refugees and asylum seekers according to the World Refugee Survey 2007 conducted by the United Nations States Committee for Refugee and

³Government plans to grant Indian citizenship to Hindu and Sikh refugees, soon. The home ministry has proposed that those who belong to the minority communities in Pakistan, Bangladesh and Afghanistan be allowed to buy property and open bank accounts. The link is available at <https://economictimes.indiatimes.com/news/politics-and-nation/government-plans-to-grant-indian-citizenship-to-hindu-and-sikh-refugees-soon/articleshow/53070619.cms?from=mdr> (Last accessed 2nd November 2019).

Immigrants (Paul *at el.*, 2017). On top of this, the Rohingya migration in India is an old issue. While Bangladesh provided shelter for over 1.1 million, India has 18000 Rohingyas asylum seekers and refugees registered with UNHCR⁴. But the Government of India estimated the number of Rohingyas in India is almost 40,000⁵ (The Independent). Brenner (2019) stated that there are various types of Rohingya migration that took place in India along its various patterns, drivers and experiences. According to UNHCR's statistics, two-third of the registered Rohingyas are living in the cities of Hyderabad and Jammu including the capital New Delhi. There are unregistered Rohingyas living in the Indian states of West Bengal, Uttar Pradesh, Panjab, Rajasthan, Karnataka, Bengaluru, Chennai, Tamil Nadu, and Kerala.

Meanwhile, India is not a signatory to the United States Nations Refugee Conventions of 1951. India is not interested to follow the regulations of the conventions due to the socio-economic status of the refugees that might be harmful to India. Considering the definition of refugees is narrow for the Indian context, the country believes that "most of the refugee movements are directly related to the widespread poverty and deprivation around the globe" (Paul et al., 2017). This is why the Indian counterpart stated that "Rohingya refugees illegally staying in India will be deported to Bangladesh" (The Government of India⁶). India is not following the principle of non-refoulement despite not ratifying the 1951 Convention and the 1967 Protocol (Paul et al., 2017). While a large number of innocent Rohingya became the part of mass atrocities and genocide because of the support from the Indian to their military government of Myanmar, now Indian is protecting its borders by claiming "highly porous" as a result of mass migration of people. The overall security is an optimal issue to deport the Rohingya as well. On the other hand, India is following a "restrictive migration policy for refugees". The country tends to believe that terrorism is becoming part of the migrated groups. The Independent reported that hundreds of families flew India for Bangladesh to avoid deportation to

⁴ UNHCR (2019) The Refugee Brief. Available at <https://www.unhcr.org/refugeebrief/the-refugee-brief-4-january-2019/> (Last accessed 1st November 2019).

⁵ The numbers of Rohingya live in camps across the country are 40,000 and only 16,500 have UNHCR registration cards. The link is available at <https://www.independent.co.uk/news/world/asia/rohingya-crisis-myanmar-india-bangladesh-muslim-families-deportations-a8732966.html> (Last accessed 2nd November 2019).

⁶ Rohingya refugees illegally staying in India will be deported to Bangladesh: Govt. The link is available at: <https://www.youtube.com/watch?v=rFXHrXCdfqo> (Last accessed 2nd November 2019).

Myanmar due to the call for an “identify and kill” movement against the Rohingya refugees in living the Indian states of Jammu, Hyderabad and the capital, New Delhi.

India on the Questions of Rohingya Crisis

The Rohingya crisis is becoming a dangerous and alarming issue for Bangladesh not because of the country's failure to get support and attention from the international community but also the country has received limited aid from abroad. The Government of Bangladesh is trying to convince the international community as well as the UN by the foreign ministry of Bangladesh to solve the crisis and the repatriation of Rohingyas to Myanmar. But what was done by the Government of Bangladesh cannot ensure the safe and sustainable return of the Rohingyas. The repatriation procedures have not yet started due to Chinese and India support in favor of Myanmar. It is reported that China and India are in the back of Myanmar over the Rohingya. This is happening due to the heavy investments in the Northern Rakhine state. It is also seen that the two countries took a markedly different approach to the Western powers leaning on Suu Kyi's beleaguered government (Bhaumik, 2018). The allegations have been proved when Aung San Suu Kyi, leader of the National League for Democracy and the first and incumbent State Counselor, a position akin to a prime minister, claimed that Bangladesh is only responsible for repatriation process, and the host country needs the help of international communities, especially from India. Unfortunately, Bangladesh is facing the problem alone and signing deals, Memorandum of Understanding (MoU) and contract with the government of Myanmar which are not possible to implement.

The Rohingya crisis in Myanmar is an old issue for Bangladesh. As it is a neighboring country to Myanmar, the country now is under the global spotlight due to the World's largest humanitarian response. On top of that, the Rohingya crisis is becoming slow poison for Bangladesh as the entire global politics, South Asian and Regional powers, is trying to maintain its respective positions by keeping their own interests and establishes domination in the region and within the region. Strategically, each the party, especially India, plays a parallel role in the same situation in a different manner. This is always seen in both national and international areas as being one of the main components of politics. In responding to the Rohingya crisis, India holds its solidarity at Myanmar's position on Rakhine State and Rohingya issue. The way

Rohingya issue is viewed by the Government of Myanmar, the Government of India may be seeing the issue in a similar manner. Sufficiently, the position of India is being seen in favor of Myanmar.

As India is a trusted good friend for Bangladesh, the relation between Bangladesh and India has reached a peak in recent history. On the other hand, India has historical relations with Myanmar. In the circumstances of South Asia, India stands as a territorial superpower. Thus, the role of India is crucial for Myanmar on the questions of ethnic minorities and its Eastern border securities. Both of the countries are sharing a common border with the North-East part of India close to China, and they are working in framing UN resolutions are in favor of Myanmar. Indian economic relation with Myanmar is also increasing day by day. A part of the political transformation of the countries, economists argued that India is looking at the economic transformation from its own perspectives. The resources reserved in the entire Rakhine State is much more than the expectations. This is an issue for India where mass killing in Myanmar is not much a problem for them. To some extent, India is not considering the entire ethnic cleansing due to its association with Myanmar in its economic transformation. Similarly, India never allows Rohingyas to enter into their borderland. At the same time, earlier the country creates pressure to keep opening the Bangladeshi border and provide shelter near the border areas.

It is also true that, over the decade, India is sufficiently proved its political and economic dominance over Bangladesh. The country is particularly important for South Asian politics. In our region, especially for Bangladesh, Indian supremacy is never questioned. India always tried to keep its influence and dominance relatively. As we look at some of the Rohingya issues, there is a difference between the position of India and the position of Bangladesh in the recent Rohingya issue. The position of Bangladesh in the Rohingya issue is different from that of the position of India. It can be said that India is doing nothing for Bangladesh on the Rohingya issue. The Indian government thinks that the Rohingyas have threatened the security of its country. The terrorist group can raid the Rohingya group. Bhaumik (2018) stated that "India, too, fears a jihadi nexus" and "wants to create public assets in Myanmar". Recently, Indian intelligence

services published reports where they found close links between the Arakan Rohingya Salvation Army (ARSA), Bangladesh's Jamaat-ul-Mujahideen (JMB) and the Indian Mujahideen. In this situation, the central government has already ordered to send illegal Rohingyas back to their country. Most importantly, the Rohingyas are unable to appeal to the United Nations High Commissioner for Refugees. The United Nations said that the identity of Rohingya refugees can be given whether they are refugees or not. India thinks such a proposal is unacceptable. Bangladesh notices that India is very cautious about any statement or comment about Myanmar, especially if any party does not explain the position as sensitive to Rohingya issues.

On top of this, it is to be noted that India is building a deep seaport in the Rakhine state. India has a plan to make a road from Mizoram via Thailand. India funded Kaladan Multi-Modal project has designed to provide a sea-river-land link to its remote northeast through Sittwe port (Bhaumik, 2018). At the same time, India will not be willing to put any pressure on Myanmar in its interest. The country also knows that the country does not have any liability for the dangers Bangladesh has faced with Rohingya refugees as India is interested to strengthen its position in the Indian Ocean. Talking about the establishment of rail links between the two countries are in the pipeline. However, India initially supported Myanmar, but gradually the situation became unclear due to the increase in the frequency of the crisis. Indian Prime Minister Narendra Modi visits Myanmar during the massacre of Rakhine state. Aung San Suu Kyi was in a typical position when Modi announced his support to Myanmar on the Rohingya issue. There will be so much torture, persecution and the interests of the Rohingyas, and their interests do not go silent or strategic position as the fulfillment of the negative politics. If India takes a firm stand, the Myanmar government will be forced to change their existing mentality on the Rohingya people.

Despite the crisis, India has been forthcoming with its support for the refugees in terms of food supplies. The external affairs, directed by Sushma Swaraj, has declared maximum support for Bangladesh in tackling the humanitarian crisis. Her department highlighted the need for the safe, speedy and sustainable return of displaced persons to Rakhine state. At the same time, the Indian counterpart mentioned that the only long-term solution to the situation in Rakhine

State is rapid socio-economic and infrastructure development that would have a positive impact on all the communities living in the State (Mohanty 2018).

Conclusion:

The Rohingya crisis is neither an internal nor a bilateral issue. It has become a trans-border phenomenon creating a security threat in the cross-border. To solve the crisis, the multilateral approach needs to be addressed. Similarly, South Asian giants, like India, need to cooperate in the repatriation processes. Along with China, India should come forward to solve the crisis in due time. On the issue of Rohingya, many people have been discussing the role of India in favor of Myanmar. Scholars argued that Bangladesh is not certainly a party in the Rohingya issue; it is with the Government of Myanmar. Bangladesh's role here is to assist some endangered people from its humanitarian ground when the number of asylum seekers is increasing. Outside Bangladesh, India is the third party here. Regardless of the role of India in the Rohingya issue, there are substantial differences in the overall relationship with Bangladesh. Whether they should or should not be particularly concerned for Bangladesh, India forgets about the suffering of the Rohingyas and the sufferings of Bangladesh at all. United Nations recently tagged the crisis as ethnic cleansing and, to some extent, mentioned it as genocide. Experts in this sector argued that the Rohingya can be a big problem for South Asian peace unless international communities along with India are working together. As Myanmar and her government officials continuously deny the Fact-Findings reports prepared by UN bodies. Recently Bangladesh has recommended three possible solutions to solve the Rohingya crisis. These are the abolition of discriminatory laws, policies, and practices of Myanmar against the minority group. Secondly, Myanmar needs to create a conducive environment by building trust and ensuring protection, rights, and citizenship for all Rohingyas including making a "safe zone". Thirdly, the crimes against Rohingyas in Myanmar should be prevented by bringing accountability and justice, particularly in the light of recommendations of the Fact-Finding Mission of the UN Human Rights Council.

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