'Revisiting Statelessness and global protection regime: the Rohingyas'.

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The 2006 New York Declaration for Refugee and Migrants had all 193-member states of the UNconsenting on the fact that protection and rendering shelter to fleeing refugees are shared international responsibility and must be shouldered by the members equally. This declaration was followed by an initiative from the United Nations High Commissioner for Refugee (UNHCR) to develop a 'global compact for refugees' which in a nutshell aims towards enhancing refugee self-resilience and ease pressure on host countries[1]. While this compact, termed by the Assistant High Commissioner as a 'minor miracle'[2] calls for a more humane understanding so far as rights of refugees are concerned redefining the humanitarian lens, it also has been instrumental in producing a 'global gaze'[3] . Although as the Assistant commissioner highlights, the compact will deliberate on how to enhance refugee protection globally, in particular consider situations emanating in the 'global south' and put protection of people at the centre, attempts of equitable sharing of responsibility have not yet worked much in the 'global south'[4]. This paper will attempt at narrating one such failed attempt in South Asia. Questions surrounding nationality, citizenship and identity are recurrent themes between the countries in South Asia, once united but are separate nation states now. This research would unveil the exclusion and counter resilienceof Rohingya refugees, devoid of a citizenship status, that although had emanated as a post-colonial fallout spanned between the murky borders of Myanmar-Bangladesh-India, but is now a widely discussed global and transnational event. The writeup will focus on the experiences of Rohingyas in India and Bangladesh as this is where they have mostly sought asylum, fleeing persecution in Myanmar, and introspect whether existing and emerging protection regimes like that of the global compact are sufficient to address these occurrences as mixed and massive flows in Asia and beyond. How far would this compact be successful in fostering an equitable share of responsibility in South Asia, unless the states come together in creating a fearless ambience for the Rohingyas, especially in Myanmar?The current decision of the Government of India to deport seven Rohingyas violates international laws[5]. Is going back at all an option, when till now the government of Myanmar has not guaranteed a safe life to them? Will a return without the promise of a citizenship status hold any meaning? What should thus constitute the global compact isof immense importance as without initiating such an assurance and enabling multilateral dialogue between the concerned states in South Asia, in order to securitise the lives of the civilians first, no new mechanism will work. This paperthus will look into predicaments of life in such dire vulnerabilities as that of statelessness, yet a life that is resilient, and holds through, and inquire into the avenues of protection guaranteed by international laws in this regard. How far these laws have worked in India and how far these have potential in the current context for the stateless persons, in both in India and Rohingya camps in Bangladesh are the nodes of analyses.

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[1] 'Towards a global compact on Refugees'http://www.unhcr.org/towards-a-global-compact-on-refugees.html
[2] Volker Turk, Assistant High Commissioner for Protection, 'A Minor Miracle: A New Global Compact on Refugees', http://www.unhcr.org/583404887, 18 November 2016.
[3] RanabirSamaddar, 'Promises and Paradoxes of a Global Gaze', Theme Paper, Module Note, Calcutta Research Group, http://www.mcrg.ac.in/RLS_Migration/Module_Wise/Full_Paper_Module_A.pdf.
[4] Same as FN 2.
[5] 'India to deport 7 Rohingyas to Myanmar Thursday', The Economic Times, 3 October 2018, https://economictimes.indiatimes.com/news/politics-and-nation/india-to-deport-7-rohingyas-to-myanmar-thursday/articleshow/66055792.cms?utm_source=facebook.com&utm_medium=Social&utm_campaign=ETFB Main