



Accommodating Coup Refugees From Myanmar

Hemaadri Singh Rana, Assistant Professor, School of Law, Graphic Era Hill University, Dehradun.

Dr. Pallavi Singh, Department of Biotechnology, Graphic Era Deemed to be University, Dehradun, Uttarakand-248002

Abstract

The present case of Myanmar refugees has once again stirred the debate of ethics of hospitality where Indian government has been lagging far behind since independence. Although incorporation of few refugee groups is evident from historical exploration, the settlement of these refugees has been synonymous to developmental project of India. The contention between the Central Government and State Government of Mizoram over the entry of Myanmar refugees has raised few unavoidable ethical questions. The present article legitimizes the ethical position taken by Mizoram through taking recourse to political philosophy and developing relation between self and 'Other'.

Introduction

What would you do if someone knocks on your door? A simple answer is the inevitable desire to know about the person first. Here comes the next question: What if the person says his or her life is under threat? Now you are bound by some ethical questions to answer to yourself keeping your prejudices aside. You can't avoid the ethical position you make at that particular point. This is the situation with which our country is grappling with right now, to decide an ethical position.

The contention over the accommodation of the refugees from Myanmar persists presently between the Central Government of India and Mizo National Front of Mizoram. While the Central Government is persistent in its stand of setting the barrier against the refugees to oppose any movement from the state of Myanmar to India, the Mizoram government has requested the Central government to "change its policy to some extent" (Kaushik, 2021) and contrary to the Central Government is quite welcoming of the refugees with the provision of medical assistance and making availability of community halls for refugees.

Taking into consideration the decisions of the Central and State governments, there are few concerns that require to be accentuated: persistent dualism exhibited by the BJP

government, deportation of coup refugees as human rights violation; democratic obligation towards refugees and degrading democracy of India.

State Dualism: Politics of Hospitality and Signification of 'Other'

There is immense literature contributed to examine the complex nature and role of the state. While few scholars highlight how modern liberal state disciplines individual body and behaviour (Foucault, 1991), others take it further and point towards the development of patriarchal relations of state with its citizens, with the expulsion of dissidents or 'bad' citizens (Young, 2005). Yet others emphasise on the dual character of the state revealed through its functions (Mohanty, 1982; Das, 2011). For the purpose of this article, the emphasis will be put on the dual character of the state.

State dualism is not an illusion but presents a complex character of the state. It is a diplomatic stand which a state takes to preserve the national interest. It works when employed to maintain international affairs in the name of national interests. But, what if the employment of state dualism breaks the boundaries of international affairs and is used for domestic purposes. When Mohanty (1982) and Veena Das (2011) are explaining the dual nature of Indian state, they are not referring to the international sphere but how the state has come to reveal itself in domestic matters. So, is it healthy to use state dualism in domestic matters?

State dualism has both positive and negative connotations attached to it when it's applied to maintain domestic affairs. Veena Das uses, to explain the positive connotation, the example of slum dwellers in the area of Noida in India. While there has always been the eviction of the illegal slums on the agenda of the government for beautification of cities, there are possibilities of making exceptions for a few slums where slum dwellers "manage" to register it as a colony. They "manage" to accomplish it through various ways including through acquaintances or paying bribes to state institutions. The exceptions provided by the state now and then, either covertly or overtly allows the reinstatement of the state power at various levels.

However, the negative connotation attached to state dualism has become more pronounced in the way BJP has manifested its powers and functions. The dual nature of functioning of the BJP government has been more inclined towards garnishing its own image for political party gains rather than national interest. Take the example of beef eating. While on the one hand, mob violence is unleashed in major parts of northern states of India for even carrying the cattle suspected for the purposes of beef eating, to gain its votes in the northeastern states, the beef has become kosher (Ganguli, 2018). Here the exception has only been made for party interests not to restrain saffron ideology. BJP has produced a new language of toxic state dualism.

This raises the question, why do politicians lie? Toxic state dualism does not work out without telling lies. To this, Noam Chomsky succinctly argues that “The simple answer is because we let them. We have the power to prevent it, but if we don’t use the power and we sit back and say we don’t care then they lie, and they have good reasons to because……. If politicians tell the truth, I think, you would decide for yourselves……. They would be saying we don’t care at all about your safety, your security or your survival. We care about our power and about the concentrated domestic power which in our society means basically the corporate sector. …… But, real answer is we let them.” (WHY DO POLITICIANS LIE BY Noam Chomsky, 2020). In the case of refugees’ entry, the lie that is prevalent is the fear of national security proliferated in a subtle manner. But, we are not here to merely focus on the politics of state dualism, but on what Ranabir Samaddar calls the politics of hospitality, that engenders from state dualism.

The deliberation of the reluctance of Indian government for refugee policy making brings us to few reasons that range from geopolitical reasons to issues of international, particularly North-South politics. Geopolitical reason is a fear of subsequent rise in refugee inflow if India legally allows the influx of refugees like the Philippines. North South politics covers a large area of debate where Northern States of the world are willing to direct large chunks of refugees towards Southern States as third countries. Although the reasons set forth by the scholars succinctly produce the sense behind the absence of refugee policy in India, the arbitrariness visible in the state’s practice of inclusion/exclusion or variations in treatment/responsiveness towards different refugee groups is left out without justification (Rana, 2019). We can observe Tibetans being given their own exilic government while Sri Lankan refugees live in camps, Afghan refugees seeking employment and place of residence and Rohingyas outrightly denied refuge. Such arbitrary practice of state exemplifies what Ranabir Samaddar calls ‘politics of hospitality’.

Now, let’s go back to the question asked earlier: What would you do if a stranger (whose life is under threat) knocks on your door? To answer this ethical question, one must take recourse to philosophy. “There has been debates over the ethics of hospitality developed to resolve the quest of how the self should respond to the call of a stranger, or the ‘other’ knocking at our door. Philosophers like Ricoeur, Levinas, Kearney and Derrida hold the common ground that a sense of responsibility and obligation gets evoked in the self as soon as it comes in contact with the other. The point of contention revolves around positioning the self and the other in a relation, or whether such relation is even possible. That is, what course the self should adopt to fulfill that responsibility” (Rana, 2019).

In his book, *Totality and Infinity: An Essay on Exteriority*, Levinas perceives the self as passive. The overwhelming ‘Otherness’ of the other on the self is so much that the self becomes ready to sacrifice itself for the sustenance of the ‘Other’. The well being of the Other

becomes the priority even at the cost of self's well being. The generosity of the self transcends from merely being sympathetic to sacrificial. When the advocates of refugee policy argue solely on the grounds of humanitarianism without taking cognizance of the cost of substantive support required for the sustenance of refugees, they fall into the trap of extreme unrealistic generosity. Another philosopher is Kearney whose idea of practical discernment goes to the extent to neglect the 'Other' altogether and justifies the state's arbitrariness. Kearney prioritizes self over the 'Other'. The problem with such prioritization of self is that it risks authorizing and legitimizing xenophobic actions of the state. Unsupportive of the refugee policy, advocates of national security like Asam Rifles and BJP government particularly lacks the ethical relation with people whose lives are under threat. Both the stands are extremes in one sense, where the former, like Levinas, lacks practicality and the latter, like Kearney, lacks ethical reasoning.

"India's response to refugee migration and accommodation follows similar practice of practical discernment. The threat to national security posed by Rohingya refugees, as stated by the Indian government, is quite an unsatisfying justification, when Tibetan freedom activists are spatially accepted despite being radicals. The process of detention, thus, under government's rationale, could contain Tibetan activism, but the same would not suffice for the Rohingyas in case of their involvement in any radical activity, despite the fact that both possess equal potential to cause 'terror'. The point is neither to support the legal process of detention, nor to eulogise or denounce any form of activism by any group. Rather that the practical discernment among refugee groups is on unreasonable grounds. Legal provisions, thus, are present to counter the national security threat argument" (Rana, 2019).

Here, the Mizoram government's stand seems quite practical in terms of it is aware of its resources and, taking cognizance of its resources, is ready to provide medical assistance and shelters. However, the question of resources is one important matter of concern. Another important matter is that of the question of liability. Local population is not inherently in animosity with the refugees. It only occurs when the refugees turn into liabilities and burden on them and the government. No country, especially the country dwindling in economic sphere, wishes to carry the burden of refugees as liabilities. The question then arises how to transform liabilities into assets. Paul Ricouer, a French philosopher, answers this question in a quite succinct manner by introducing the idea of reciprocity. The idea of reciprocity is that the implication of sympathetic entry of refugees is synonymous to the expectation that refugees are bound to reciprocate the sympathetic gesture. The dilemma, however, is that how a refugee discarded off of her belongings carries the capital to reciprocate. The functioning of UNHCR plays a pivotal role in this sense. UNHCR provides training for development of skills and entrepreneurship among refugees in many ways. It is without doubt that refugees, trained in particular skill can reciprocate to the sympathetic gesture of the host state. This idea of reciprocity nullifies the liability argument set forth by the

advocates against refugee policy. Refugees can also support the economy of the host state. An extensive study, however, pertaining to the extent of economic benefits from refugees is yet to be done.

Deportation as Human Rights Violation

Despite the fact that the state dualism characterizes both the positive and negative aspects of the state, when it becomes a confluence with humanitarian aspects keeping lives at cost, it can take the form of human rights violation. Individuals bounded by the state laws, circumscribed within the borders, act and survive at the will of the state. As Ashis Nandy (1992) argues, modern state seeks legitimacy in the guise of a protector, in return of which it guarantees 'security' and 'development', which again could only be achieved with the willingness of its people to submit and sacrifice. From the decisions regarding the matters as personal as what to wear or what to eat, to which institution or employment to join, fall under the ambit of state power. It turns more stringent in the case of refugees, which are 'a system induced threat'. The collision of state interests and humanitarianism is bound to bring into ethical questions. The reason behind the Indian state's reluctance to sign international refugee conventions and forming national refugee policy provides evidence of the Indian State keeping the state interest before humanitarianism.

To this, the common argument that is presented is that despite the absence of refugee law, India is providing shelter to thousands of refugees. This argument is indeed true but lacks the ground reality where the refugees inhabited in India are deprived of basic human rights. The argument adds the known example of the situation of Tibetan refugees in India and the permissibility of establishment of an exilic government to Tibetans on Indian land. On close observation, however, one could note how the card of state dualism is again played by Indian government on the question of Tibetans. While Indian government has made an exception in providing huge financial aid for the establishment of offices and institutions for Tibetans, it does not officially recognize Tibetans government in exile. Moreover, unlike other refugee communities, "the rehabilitation of Tibetans was entrusted to the Indian foreign ministry, which was headed by Nehru himself. In comparable situations, the ministry of the interior took care of such matters" (Römer, 2008). The non recognition of Tibetan government in exile is considered as an attempt to come out clean so far as India's relation with China is concerned.

To dig deep under the surface, one should go to the analysis of the domestic affairs during the accommodation of Tibetan refugees in India to contradict this argument of humanitarian aspect shown during the influx of Tibetan refugees. The humanitarianism of Indian state has been synonymous to the development project of India. The decade of 1950s, which marked the first influx of Tibetan refugees in huge numbers, domestically, also marked the evacuation of thousands of Indian citizens for the construction of Hirakud dam in Odisha.

The Hirakud dam began to be constructed in late 1940s and was over in late 1950s. Thousands of people were given inadequate compensation and many are still waiting for the adequate compensation. The only speech that comes to mind is of Jawaharlal Nehru for the construction of dams where he said, "If you are to suffer, you must suffer in the name of the country." It is quite evident that the country was driven by developmental dreams to be achieved instead of humanitarianism.

In addition to this, the Tibetan refugees carry both substantive and national value for India. The developmental project, which evacuated thousands of Indian people from their lands during construction of dam, was the same reason behind the establishment of Tibetan exilic government in Dharamshala, Himachal Pradesh, the state which was lagging behind in economic reforms.

Thus, Nehru's developmental politics during the 1950s refutes both arguments of humanitarianism or cultural affinities in the case of letting Tibetans inside India. Nehru's developmental plan that had prioritised industrialisation, had resulted in the displacement and dispossession of more than two thousand families, 'less than half of which had been resettled in the last twenty five years' (Menon & Nigam, 2012, p. 68). Few of such instances include the displacement caused by the construction of BhakraNangal Dam, Hirakud Dam and Rihad Dam. Yet it contributed a huge amount of funds for the establishment of CTA. Such steps could be attributed to huge attention and international funds pouring in for Tibetans rehabilitation which might have made him realise the significance of the Dalai Lama as an international political figure.

While this was the case with Tibetan refugees, Sri Lankan refugees had faced the adverse fate of forced repatriation and deportation. Following the assassination of Rajiv Gandhi, the Sri Lankan refugees were asked to pack their bags with couple of days notice. Consent forms which were signed by the refugees were in English which most of them couldn't understand. Without any concern to threat to their lives, they were forcefully sent back. A year ago, the same instance was repeated with the deportation of Rohingya refugees.

The steps that BJP government is suggesting to take in the case of Myanmar refugees is nothing but the reignition of the old blot on the image of India as a humanitarian nation. Deporting or sending back the refugees of Myanmar to their country would cause harm, not only social or economic but physical harm. The reason set forth by the centre to return the refugees back is that it is neither a signatory of 1951 Refugee convention nor 1967 protocol. However, India is a signatory to many international conventions, particularly the Universal Declaration of Human Rights, which binds India to take steps to cease the outcry of refugees by providing them refuge. India is also party to the International Covenant on Civil and Political Rights and Convention against Torture. Moreover, In the case of Mr. Louis De Raedt & Ors vs Union Of India And Ors, Article 21 has been extended to foreigners. Article 21

provides, 'no person shall be deprived of their life or personal liberty except according to the procedure established by law'. In the Indian Constitution, Article 21 which guarantees right to life, available to foreigners too, would breach if the refugees are sent back.

For the present case, judgement of the apex court of India in the Khudiram Chakma v. State of Arunachal Pradesh is significant. According to the judgement, "..... "The most urgent need of a fugitive is a place of refuge. His or her most fundamental right is to be granted asylum. The Universal Declaration of Human Rights addressed this issue in deceptive language. To the inexpert reader there is great comfort in Article 14 (1) of that Declaration, which provides that: 'Everyone has the right to seek and enjoy in other countries' asylum from persecution, it seems tolerably clear, however, that the right to enjoy asylum means no more than the right to enjoy it if is granted." The judgement clearly delineates the rights of refugees by restricting the right of refugees to the grant of asylum (saving them from persecution) only and not extending it further to become a burden on the states or claiming other rights not available to asylum seekers. Similarly, in the case of Syed Ata Mohammadi v. Union of India, the Bombay high court rendered the judgement which stopped the deportation of Iranian refugees to the place where they face a fear of persecution.

Democratic Obligation

The aforementioned judgements proves that the Indian courts have shown through various judgements the binding moral obligation towards refugees that is enshrined not only in international conventions of which India is signatory to, but also in the Indian constitution. Apart from the moral obligation, the case of Myanmar coup also obligates India democratically. Democratic obligation is different from Democratic intervention like humanitarianism is different from humanitarian intervention. Democratic obligation is when a country supports pro democratic people without breaching the sovereignty of a country. When a state turns undemocratic, the condemnation of the undemocratic structure of the state is what becomes democratic obligation. Democratic intervention is, on the other hand, going out of its ways to intervene in the sovereign affairs of the country like the way it was handled by former Indian PM Indira Gandhi through 1971 war for the independence of East Pakistan. Supporting pro democracy leaders and protesters by the provision of refuge to them sends a strong message to the non democratic elements of the country of Myanmar. Though I agree India's democracy is itself degrading, and it won't get better until the domestic affairs are not held democratically. But, still supporting Myanmar during these times does help to better in bits the tarnished international image of India's democracy.

Conclusion

India has rarely been humanitarian in the true sense of the term. It has been supplemented by the developmental model of the time. Uniform refugee treatment was neither present during Congress time, nor it is supported by the BJP government. Rather BJP since 2014 has worsened the scenario by deporting the refugees in large chunks. BJP has even produced the 'Other' in its own domestic politics by introducing official orders and Acts on CAA and NRC. The arguments of 'threat to national security' and 'refugees as liabilities' can easily be refuted by understanding BJP's way of instilling fear amongst its own population and taking into consideration Ricoeur 's idea of reciprocity respectively.

Now, it is high time, India works on its refugee policy by formulating a uniform refugee policy. It will not only help in the short term, but in the long term of accommodating climate refugees whose lives are going to be endangered by the changing climate change. That is another debate which this article won't be sufficient to cover. For now, it is necessary to work on the conception and relation between 'self' and 'Other' and be intelligent enough to avoid shrugging off from the universal, moral and democratic obligation and responsibility to help Myanmar refugees cover their heads with shelters.

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