Understanding Indian Responses to the Rohingya Crisis

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A multitude of factors influence Indian responses to the conflict in Rakhine, which has created one of the largest humanitarian crises of our times. Amongst these factors are India's domestic compulsions arising from its experience in sheltering Bengali refugees, and its role of unwitting host to Bangladeshi immigrants. These movements are themselves rooted in the history of Bengal, which found itself severed at the end of colonial occupation. The need to maintain friendly and close relations with its neighbours and Southeast Asia is another driving factor, in light of the rising Chinese influence in the region.

1. Bengal and Rakhine: A History of Migration, Transfer and Exodus

Bengal, before the British orchestrated its partition in 1947 as part of the partition of India, had existed as a political entity for over a millennium, governed by a myriad of rulers with a territory consisting of West Bengal, Bangladesh, and parts of Assam and Tripura.[1] Bengal and its eastern neighbour on the Bay of Bengal, Rakhine State, have had close and profound interactions throughout the course of history. For instance, the Arakanese Kingdom once served a period of subordination to the Sultanate of Bengal (fifteenth century), and later included the Bengali port of Chittagong in its territory (sixteenth century). This era witnessed cultural exchanges and movement of Bengali people into Rakhine, many of whom were forced to move.[2] Later, during the colonial rule, the British encouraged mass migration of agricultural workers from Bengal to Rakhine.[3]

The movement of people went both ways. In 1784, when Burmese King Bodawpaya annexed the Arakanese Kingdom, the subsequent persecution drove thousands of Arakanese to Bengal, where they found shelter in an area of Chittagong that is now known as Cox's Bazaar. The area was named after East India Company Captain Hiram Cox, tasked with rehabilitating the Arakanese refugees.[4] By 1814, the number of Arakanese refugees in Cox's Bazaar had risen to 100,000.[5] Since then, Cox's Bazaar has accommodated many waves of refugees fleeing Rakhine, including the departures of Muslims in 1942, 1948-49, 1959,

1976-78 and 1991-92, and the 2017 exodus.[6]

2. Bangladeshi Refugees and Immigrants

After the partition of India, Cox's Bazaar went to East Pakistan (now Bangladesh), and that has kept India relatively insulated from the Rohingya displacements and departures. However, India has had to deal with the much larger displacement of people from East Pakistan/Bangladesh along the 4,096 km long land border.

After the independence of India and Pakistan in 1947, there has been a movement of people from Bangladesh (then East Pakistan) into India, driven by persecution, flooding, and the lack of economic opportunities.[7] This movement reached its peak in the lead up to the Bangladesh Liberation War in 1971: driven by the persecutions inflicted by the Pakistani army and its collaborators, 10 million Bengali refugees fled to India.[8] India struggled to take care of the refugees with its limited resources, costing the government USD 3 million per day, an amount that was grossly inadequate and which led to "most horrible" living conditions in refugee camps.[9]

According to estimates, more than 15 million Bangladeshis are living in India, mostly as refugees (including members of minority communities of Bangladesh) and economic migrants.[10] In 2016, the government claimed 20 million "illegal immigrants" of Bangladeshi origin to be living in India, while admitting the impossibility of providing accurate data due to the clandestine nature of their entry into India.[11] These numbers are considered to be inflated.[12] According to the 2011 Census (an exercise that takes place every 10 years), 2.3 million people were living in India whose last place of residence was in Bangladesh, with most of them living in Indian states that share a border with Bangladesh, including Assam, West Bengal and Tripura.[13]

The flight of Bangladeshi refugees during and after the 1971 Bangladeshi Liberation War created tensions in Assam that led to a six-year-

1. Ramesh Chandra Majumdar, *History of Ancient Bengal*, G. Bharadwaj, Calcutta, 1971, p. 1.

2. Thibaut d'Hubert, "Pirates, Poets, and Merchants: Bengali Language and Literature in Seventeenth-Century Mrauk-U", in Thomas de Bruijn and Allison Busch (eds.), *Culture and Circulation: Literature in Motion in Early Modern India*, Brill, Leiden/Boston, 2014, pp. 50–51 (https://legal-tools.org/doc/470u9m).

3. Derek Tonkin, "Migration from Bengal to Arakan during British Rule 1826–1948", Occasional Paper Series No. 10 (2019), Torkel Opsahl Academic EPublisher ('TOAEP'), Brussels, 2019 (https://www.toaep.org/ops-pdf/10-tonkin/).

4. Abdul Mabud Khan, *The Arakanese in Bangladesh: A Socio Cultural Study*, University of Calcutta, Calcutta, 1992, p. 74–75. Captain Cox stated that up to 50,000 Arakanese had entered Cox's Bazaar by 1799.

5. Walter Hamilton, *Geographical, Statistical and Historical Description of Hindostan and Adjacent Countries*, vol. 1, John Murray, London, 1820, p. 168.

6. Jacques P. Leider, "Mass Departures in the Rakhine-Bangladesh Borderlands", Policy Brief Series No. 111 (2020), TOAEP, Brussels, 2020 (https://www.toaep.org/pbs-pdf/111-leider/).

7. Pushpita Das, *Illegal Migration from Bangladesh: Deportation, Border Fences and Work Permits*, Manohar Parrikar Institute for Defence Studies and Analyses ('MP-IDSA'), New Delhi, 2016, p. 27.

8. See United Nations Security Council, 1606th Meeting, UN Doc. S/PV.1606, 4 December 1971, para. 168.

9. *Ibid*.

10. Sanjeev Tripathi, "Illegal Immigration from Bangladesh to India: Toward a Comprehensive Solution", Carnegie India, 29 June 2016.

11. Rajya Sabha (Council of States of the Parliament of India), Unstarred Question 55, 16 November 2016.

12. Paran Balakrishnan, "Does India really have a Bangladeshi problem?", *Hindu Business Line*, 8 February 2020.

13. Nikhil Rampal, "Maximum immigrants from Pakistan and Bangladesh entered India more than 30 years ago", *India Today*, 14 December 2019.

long agitation by the All Assam Students' Union (AASU), fearing "adverse effects upon the political, social, culture and economic life of the State" due to the continuous influx of foreigners.[14] The tensions over undocumented immigrants and their registration in electoral rolls precipitated into episodes of mass violence, such as the massacre of 18 February 1983 in Nellie, a village in Assam populated by Bengali Muslims, that led to 1,819 deaths.[15] The agitation ended with the signing of the Assam Accords between the leaders of the agitation and the Indian government, according to which the foreigners who had entered Assam on or after 25 March 1971 were to be detected, deleted from electoral rolls, and practical steps were to be taken to expel them from India.[16]

The detection of undocumented immigrants in Assam was to be undertaken through an update to the 1951 National Register of Citizens in Assam ('NRC'). However, this exercise started some 28 years later, in 2013, when the Supreme Court directed the State to do so.[17] In the final NRC list published on 31 August 2019, 1.9 million individuals have been left out, who anxiously await next steps by the State.[18] At the same time, recent amendments to the Citizenship Act have caused confusion over the implementation of the NRC.[19] The amendments open the path of citizenship to members of "Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh and Pakistan" who entered into India on or before 31 December 2014.[20] The number of individuals excluded from the NRC will likely be significantly reduced due to the application of the Citizenship Amendment Act, and as appeals against individual exclusions are filed.

The foreign minister of Bangladesh, noting Indian assurances that the NRC will not affect the country, has said that Bangladesh will allow the return of its citizens who may be residing in India irregularly.[21]

3. Rohingyas in India

The movement of Rohingyas to India started in 2012. According to the United Nations High Commissioner for Refugees ('UNHCR'), almost all Rohingyas arrive in India through the land border with Bangladesh.[22] Until April 2018, 17,705 Rohingyas were registered with the UNHCR in India.[23] The Indian government estimates around 40,000 Rohingyas to be living in the northern and eastern parts of India.[24] This is a small number in comparison to the estimated 15 million Bangladeshis in India.

Absent a national refugee law, India considers Rohingyas as "illegal immigrants" and, as claimed by the Ministry of Home Affairs, is empowered to deport them.[25] At the India-Bangladesh border, India's Border Security Force has apprehended 478 Rohingyas trying to enter India between 2015 and 2018.[26]

The Rohingya issue has been discussed in the Indian Parliament, where the government has maintained that the estimated 40,000 Rohingyas living in India are a security threat and drain the country's limited resources and, consequently, that they will be identified and deported.[27] A Ministry of Home Affairs order directing the state governments to identify Rohingyas and start the process of their deportation has been challenged by two Rohingyas before the Supreme Court. The petitioners argue that the deportation will be contrary to fundamental rights that even non-citizens are entitled to under the Constitution of India, and breach the customary international law principle of non-refoulement.[28] While the matter is still *sub judice*, the government has deported 12 Rohingyas to Myanmar, after the Court refused to grant interim relief to stop the deportation of 7 of them.[29]

Even though few Rohingyas have been repatriated to Myanmar, which has accepted them as its nationals, the deportations had a chilling effect on the Rohingya population in India, already facing discrimination where they live. As a result, hundreds of Rohingya families fled from India to Bangladesh in order not to be deported to Myanmar.[30]

In Jammu, India's north, where most of the Rohingyas in India have settled, their presence has become a local political issue, with fringe groups running front cover advertisements in newspapers terming Rohingyas as a threat to peace.[31] These developments are not surprising as the government has itself labelled the Rohingyas as a security threat, claiming some of them to have linkages with terror organisations based in other countries.[32]

While Bangladesh is now housing more than a million Rohingyas, India seems to be very intolerant towards its relatively small Rohingya population of 40,000. This is in stark contrast to the treatment of other refugee groups. India has a long history of hosting and assimilating refugees and respecting non-refoulement, with these principles being part of "Indian ethos and civilization".[33] Afghan, Bengali, Tamil, and Tibetan refugees have been positively received by the Indian government, with essential facilities extended to them. Similarly, around 1,600 Buddhist and Christian refugees from Rakhine, who fled from villages around Mizoram during the 2017 hostilities between the Myanmar security forces and the Arakan Army, were sheltered in bordering villages, with district administration and paramilitary forces providing aid.[34] India's deportation of Rohingyas has been called an aberration to the country's humanitarian heritage, standards of morality, and *dharma*.[35] This begs the question, what factors are involved in India's handling of the Rohingya crisis?

4. Factors Influencing India's Rohingya Response

4.1. Sensitive Northeast

India's mountainous Northeast is sparsely populated (making it easier for new settlers to acquire land) and its constituent ethnic groups are

[14] Accord between AASU, AAGSP and the Central Government on the Foreign National Issue ('Assam Accords'), 15 August 1985, para. 2 (https://www.legal-tools.org/doc/bsln9n/); see also Tripathi, 2016, *supra* note 10.

[15] Chandrima Banerjee, "36 years on, survivors of Nellie massacre remember India's bloodiest election", *Times of India*, 17 April 2019.

[16] Assam Accords, *supra* note 14, para. 5.8.

[17] Supreme Court Observer, "Assam's National Register of Citizens: Background" (https://www.legal-tools.org/doc/o788bg/).

[18] Ruhi Tiwari, "Assam's NRC wound was re-opened and then conveniently forgotten by India", *The Print*, 12 May 2020.

[19] Rahul Karmakar, "Fear of statelessness haunts thousands rejected by NRC in Assam", *The Hindu*, 16 March 2020.

[20] The Citizenship (Amendment) Act, 2019, No. 47 of 2019, 12 December 2019.

[21] Anisur Rahman, "Bangladesh Says It Will Take Back Undocumented Immigrants Who May Have Crossed to India", *The Wire*, 16 December 2019.

[22] United Nations High Commissioner for Refugees ('UNHCR'), "Mixed Movements in South-East Asia 2016", 2017, p. 4 (https://www.legal-tools.org/doc/csxmnq/). The report also suggests that Rohingya consider India to be cheaper to live and safer than Malaysia.

[23] UNHCR, "Culture, Context and Mental Health of Rohingya Refugees", 2018, p. 15 (https://www.legal-tools.org/doc/rfydmo/).

[24] Lok Sabha (House of the People of the Parliament of India), Unstarred Question 659, 6 February 2018.

[25] The Foreigners Act, 1946, No. 31 of 1946, 23 November 1946, Section 3(2)(c); Lok Sabha, Starred Question 181, 31 July 2018.

[26] Lok Sabha, Unstarred Question 3243, 1 January 2019.

[27] Lok Sabha, Unstarred Question 659, 6 February 2018.

[28] Supreme Court, *Mohammad Salimullah and Another v. Union of India*, Petition, 14 September 2017, Writ Petition (Civil) No. 793 of 2017, p. 1 (https://www.legal-tools.org/doc/52qbvp/).

[29] Lok Sabha, Unstarred Question 232, 5 February 2019.

[30] Krishna N. Das, "Hundreds of Rohingya families flee India after deportations", *Reuters*, 17 January 2019.

[31] "Media's 'dangerous Rohingyas' rhetoric scaring refugees, locals in Jammu", *Newslaundry*, 17 March 2018.

[32] Supreme Court, *Mohammad Salimullah and Another v. Union of India*, Sur Rejoinder on Behalf of Union of India, 3 October 2017, Writ Petition (Civil) No. 793 of 2017, p. 3 (https://www.legal-tools.org/doc/ajdj0t/).

[33] "Statement by H.E. Mr. Ajit Kumar, Ambassador and Permanent Representative of India to the UN during the General Debate in the 66th Session of Executive Committee of the UNHCR", Ministry of External Affairs, 7 October 2015.

[34] Rajeev Bhattacharyya, "Myanmar crisis: Caught between army and rebel group, refugees in Mizoram hope for better future but are reluctant to return", *Firstpost*, 2 January 2018.

[35] Divakaran Padma Kumar Pillay, "Repatriation of Rohingya Refugees: An Aberration on India's Humanitarian Legacy", MP-IDSA, 16 October 2018.

sensitive towards their culture and demographic composition. The Rohingyas' presence in India's Northeast could stoke tensions with the native residents who are already simmering at the prolonged presence of Bengali refugees and immigrants, and the consequent demographic changes. Similarly, the movement of Buddhist Chakma refugees from the Chittagong Hill Tracts to Mizoram, a State in the Northeast, sparked local tensions.[36] One of India's main insecurities is the possibility of Rohingyas entering the Northeast, which could lead to further complications in an already delicate situation.

4.2. Political Disposition

The Bharatiya Janata Party ('BJP'), India's governing party since 2014, has consistently included in its election campaigns the issue of the adverse impact of "illegal immigration", and possible measures to deal with it.[37] The BJP accuses the Indian National Congress (the opposition party) of using irregular immigrants as a vote bank.[38] Having termed Rohingyas as "illegal immigrants" who pose a security threat, from the BJP's perspective there is no political advantage to be gained by sheltering the Rohingyas in India. Quite the contrary, their early repatriation would serve BJP's political goals.

4.3. Geopolitical Interests and Indian Foreign Policy

With Myanmar's transition to a full democracy, India finds it desirable to enhance the existing bilateral relations. India needs Myanmar as an ally to stop the movement of north-eastern insurgents and arms along the border. Besides, it is an important component of India's Act East Policy.[39] The Kaladan Project offers an alternative transport route to India's Northeast via the Sittwe Port in Rakhine, providing the landlocked region with connectivity to the Bay of Bengal. This is considered crucial for India.[40] The India-Myanmar-Thailand Highway is also seen as important for Indian trade with Southeast Asia.[41]

India is worried about the increasing Chinese influence in the Indian Ocean region, in particular the construction of strategically located seaports in Pakistan, Djibouti, the Seychelles, the Maldives, and Sri Lanka that seem to encircle India and have hosted Chinese naval vessels.[42] China's recent deal with Myanmar on the Kyaukphyu deep-sea port in Rakhine is most alarming to India, as it gives China access to the Indian Ocean and completes the encirclement of India.[43] It offers some relief to India that Myanmar has already been concerned about the dual-use potential of the port, and its Constitution prohibits deployment of foreign troops.[44]

China has significant plans for Myanmar, which include a China-Myanmar Economic Corridor under its Belt and Road Initiative.[45] The blanket support that China has offered to Myanmar in international fora on the Rakhine crises has brought the two countries closer.[46] Indian criticism of Myanmar security forces' actions or advocacy of the

Rohingya plight can push Myanmar further towards China.

However, as Myanmar faces broad-brushed Western condemnation for the Rohingya crisis, India's support on this issue is important to Myanmar, as it is the largest full-fledged democracy in the world. The two countries are also bound by a shared history, cultural ties and land borders, which adds layers to the importance of India to Myanmar.

The fact that the situation in Rakhine intensified in the aftermath of the attacks against the Myanmar Defence Services by the Arakan Rohingya Salvation Army (ARSA) in 2016-17 – which India was quick to condemn as terror attacks – limits India's response to the subsequent Myanmar response.[47] One of the main features of Indian foreign policy is universal condemnation of terrorism in all its forms and manifestations: to this end, India spends a considerable amount of its diplomatic resources on building consensus on the draft Comprehensive Convention on International Terrorism.[48] In the Indian foreign policy playbook, terrorism is one of the worst crimes known to humanity, and a counter-terrorism response from an affected State is, perhaps, viewed sympathetically.[49] Thus, when the operations in Rakhine by the Defence Services led to the outpouring of a large number of refugees to Bangladesh, India, while still condemning terror attacks, softly urged cessation of violence and the return to normalcy in a supportive statement.[50]

However, Bangladesh, India's key partner, wants India to be firm with Myanmar, telling the authorities to expeditiously restore peace and create the conditions for the safe repatriation of Rohingyas.[51] India needs Bangladesh as its close partner, not just because of its geo-strategic location,[52] but also for its co-operation in verifying and accepting irregular Bangladeshi immigrants and stemming their flow into India.[53] Bangladesh's co-operation will also be important for the outcome of the Assam NRC exercise.

As with Myanmar, China is also relevant for the ties between India and Bangladesh. China is Bangladesh's biggest trading partner, and has been deepening ties by using significant investments under the Belt and Road Initiative and trade concessions.[54]

5. India's Rohingya Strategy

Against this wider background, a three-pronged Indian strategy has emerged. The short-term approach, motivated entirely by domestic issues, appears to disincentivise the entry of Rohingyas into India by generally not playing a welcoming host to Rohingyas and not extending to them the same facilities it has offered to other refugee groups. Further, by labelling them as "illegal immigrants" who pose a security risk and tasking the authorities to identify and deport them (with a few Rohingyas actually having been deported to Myanmar), the Indian government has generated a credible fear of deportation in the Rohingya community. The government's characterisation has emboldened fringe groups to spread hate-speech targeting Rohingyas, creating a general atmosphere of insecurity.

The medium-term approach is to bolster the Bangladeshi capacity to host refugees by extending material assistance to help with the large influx of Rohingyas.[55] One commentator has claimed that this is

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[36] Gautam Sen, "The Persecuted Rohingyas of Myanmar: Need for Political Accommodation and India's Role", MP-IDSA, 13 August 2012.

[37] See, for instance, BJP's election manifesto for the 2019 parliamentary elections, Bharatiya Janata Party, "Sankalp Patra: Lok Sabha 2019", 8 April 2019, p. 11. It states that "illegal immigration" has brought about a "huge change in the cultural and linguistic identity of some areas" and impacted the livelihood and employment of local population.

[38] "Kiren Rijiju accuses Congress of using 'Bangladeshi infiltrators as vote bank', asserts BJP will do its best to protect North East", Firstpost, 14 February 2019.

[39] Harsh V. Pant, "Need to Get Myanmar Right", Observer Research Foundation, 5 March 2020.

[40] Subir Bhaumik, "The India-Myanmar Kaladan Project: Vision and Reality", Policy Brief Series No. 106 (2020), TOAEP, Brussels, 2020 (https://www.toaep.org/pbs-pdf/106-bhaumik/).

[41] Ibid.

[42] Keith Johnson, "China Deals in Myanmar Rattle India and Add to String of Pearls", Foreign Policy, 29 January 2020.

[43] Ibid.

[44] SUN Yun, "On the Yunnan-Rakhine Corridor", Policy Brief Series No. 109 (2020), TOAEP, Brussels, 2020 (https://www.toaep.org/pbs-pdf/109-sun-yun/).

[45] Ibid.

[46] Ibid.

[47] "Situation in Rakhine State of Myanmar", Ministry of External Affairs, 26 August 2017 (https://www.legal-tools.org/doc/9j3flg).

[48] See, Nayanima Basu, "Countering terror will be the focus in India's eighth stint as UNSC non-permanent member", The Print, 18 June 2020. This is just one example of Indian focus on countering terrorism.

[49] India advocated for terrorism to be included as a crime against humanity in the Rome Statute, see Devasheesh Bais, "India and the International Criminal Court", Policy Brief Series No. 54 (2016), TOAEP, Brussels, 2016 (https://www.toaep.org/pbs-pdf/54-bais/).

[50] "Situation in Rakhine State of Myanmar", Ministry of External Affairs, 9 September 2017 (https://www.legal-tools.org/doc/rfs62e/).

[51] "Dhaka 'diverges' from India on Rohingya issue", The Hindu, 8 July 2020.

[52] On India's Siliguri Corridor related anxieties, see Bhaumik, 2020, supra note 40.

[53] Tripathi, 2016, supra note 10.

[54] See Mozammil Ahmad, "Bangladesh and the China-India Conflict", The Diplomat, 8 July 2020.

[55] "Operation Insaniyat - Humanitarian assistance to Bangladesh on account of in-

an exercise to pursue strategic interests, of extending token support to Bangladeshis under the garb of humanitarianism, as Rohingyas in India do not receive such material assistance from the State.[56]

The long-term objective in dealing with the Rohingya crisis is to restore peace in Rakhine, so that Rohingyas in India and Bangladesh can be safely repatriated. India fears that prolonged strife in Rakhine could force more Rohingyas to flee to Bangladesh, who may then head to India through the porous India-Bangladesh border.

India understands that the Rakhine problem has security- and development-related dimensions.[57] To this end, it has been nudging Myanmar to restore peace and has started an aid programme, the Rakhine State Development Programme ('RSDP').[58] Under the RSDP, India built 250 pre-fabricated houses in Rakhine, and is now moving to its second phase that will involve other community development projects.[59]

The Bangladesh and Myanmar repatriation agreement has received India's endorsement as it supports "voluntary, sustainable and speedy repatriation of displaced people [from Rakhine State] currently in the Cox Bazar".[60] When it comes to Rohingyas in India, the government informed the Parliament that it has discussed the issue of "Rohingya migrants with [Myanmar] […] and emphasized the need for safe, speedy and sustainable return of these displaced persons".[61]

This is a balancing act, of India trying to advocate for the interests of both Bangladesh and Myanmar, while not appearing to be taking one side over the other. India needs them both as its partners. Bangladesh's handling of the Rohingya crisis may have made this task easier for India.[62]

At the same time, India knows well that its geopolitical concerns will not end with the return of the Rohingya, as there are other conflicts and rebel groups in Myanmar, like the Arakan Army.[63] India therefore supports the peace process that is being pursued under Myanmar's Na-

tionwide Ceasefire Agreement framework.[64]

6. Future Developments

As we have seen, there are many layers to India's position with respect to Rohingya and Bengali immigrants and refugees. There are also several factors that can alter the current Indian position. The foremost of these factors comes from within India – the Supreme Court. The Court has a legacy of liberally interpreting the Constitution to expand the scope of rights and judicial review.[65] The Assam NRC exercise is being monitored by the Court, and the issue of the deportation of Rohingyas is also before it. The Supreme Court's determinations on these issues can have the effect of frustrating the policy goals and tactics that the Indian government is pursuing.

With Bangladesh's impressive economic growth in recent years, and the improvements in social development indicators, fewer will see the economic rationale for illegally entering India.[66] In that case, India's concerns may become limited to those Bengali immigrants and refugees whose majority may have entered India decades ago.

Myanmar, being at the cusp of South Asia and Southeast Asia, is bound to India and Bangladesh through historical ties and the Bay of Bengal. There is much historical baggage between the three countries, but also potential for the future. For the sake of this common future, they need to address each other's grievances and concerns in the spirit of good neighbourliness.

Chinese and Indian civilisations have co-existed peacefully for millennia. However, at this turn of history, they may be standing at the brim of a civilisational contest.[67] Such contest would affect, so far positively, the countries that border them both, as each tries to be a better neighbour than the other. While India and China may continue to compete for influence in South and Southeast Asia, they can still work on and reap benefits from the strongest aspect of their bilateral relationship: trade. A stable, peaceful and economically strong Myanmar will offer them new avenues[68] to increase their trade with each other and others in the region, and bring to fruition the goals of their partners, such as the Bangladesh, China, India and Myanmar Economic Corridor.[69]

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flux of refugees", Ministry of External Affairs, 14 September 2017 (https://www.legal-tools.org/doc/sduzc9/); see also K. Yhome, "Examining India's Stance on the Rohingya Crisis", Issue Brief No. 247, Observer Research Foundation, New Delhi, 2018, p. 4.

56 Mudasir Amin, *'Nobody's Children, Owners of Nothing': Analysing the Indian State's Policy Response to the Rohingya Refugee Crisis*, The Hindu Centre for Politics and Public Policy, Chennai, 2018, pp. 71–73.

57 "India-Myanmar Joint Statement during State Visit of President to Myanmar (10-14 December 2018)", 13 December 2018, para. 17 (https://www.legal-tools.org/doc/umgeua/).

58 Ministry of External Affairs, 2017, *supra* note 50.

59 "India-Myanmar Joint Statement during the State Visit of the President of Myanmar to India (February 26-29, 2020)", 27 February 2020 (https://www.legal-tools.org/doc/akqys1).

60 *Ibid.*, para. 13.

61 Lok Sabha, Starred Question 181, 31 July 2018.

62 See Shafqat Munir, "Geopolitics of Rakhine Region: A Bangladesh Perspective", Policy Brief Series No. 119 (2020), TOAEP, Brussels, 2020 (https://www.toaep.org/pbs-pdf/119-munir/).

63 See NAKANISHI Yoshihiro and Antonio Angotti, "The Arakan Army: Violence in Rakhine State in Myanmar", Policy Brief Series No. 107 (2020), TOAEP, Brussels, 2020 (https://www.toaep.org/pbs-pdf/107-nakanishi-angotti/). The Arakan Army has emerged as a significant armed group and is seen as a threat to Indian developmental projects in Myanmar. See also Bhaumik, 2020, *supra* note 40.

64 India-Myanmar Joint Statement, 2020, *supra* note 59, para. 23.

65 See Devasheesh Bais and Vinamra Kopariha, "Human Rights Litigation before Indian Courts as an Example and Resource for other Asian States", Policy Brief Series No. 64 (2016), TOAEP, Brussels, 2016 (http://www.toaep.org/pbs-pdf/64-bais-kopariha).

66 See "India and Bangladesh: Migration claims fact-checked", *BBC News*, 21 February 2020.

67 Border tensions between India and China have escalated in Ladakh in the summer of 2020, as an early sign of a rivalry.

68 See Bhaumik, 2020, *supra* note 40.

69 See Munir, 2020, *supra* note 62.