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**International Relations**

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# GLOBAL GOVERNANCE INSTITUTIONS

## 37.1 United Nations

India was among the founding members of the United Nations that signed the Declaration by United Nations at Washington on 1 January 1942 and also participated in the historic UN Conference of International Organization at San Francisco from 25 April to 26 June 1945. As a founding member of the United Nations, India strongly supports the purposes and principles of the UN and has made significant contributions to implementing the goals of the Charter, and the evolution of the UN's specialized programmes and agencies.

### Historical Perspective

Independent India viewed its membership at the United Nations as an important guarantee for maintaining international peace and security. India stood at the forefront during the UN's tumultuous years of struggle against colonialism and apartheid. India was the co-sponsor of the landmark 1960 Declaration on UN on Granting of Independence to Colonial Countries and Peoples which proclaimed the need to unconditionally end colonialism in all its forms and manifestations. India was also elected the first chair of the Decolonization Committee (Committee of 24) where its ceaseless efforts to put an end to colonialism are well on record.

India was amongst the most outspoken critics of apartheid and racial discrimination in South Africa. In fact, India was the first country to raise the issue in the UN (in 1946) and played a leading role in the formation of a Sub-Committee against Apartheid set up by the General Assembly. When the Convention on Elimination of all forms of Racial Discrimination was adopted in 1965, India was among the earliest signatories.

India's status as a founding member of the Non-Aligned Movement and the Group of 77 cemented its position within the UN system as a leading advocate of the concerns and aspirations of developing countries and the creation of a more equitable international economic and political order.

### Contemporary Priorities

- **UN Reforms:** The current priorities of the United Nation to workout the UNSC reform regarding its expansion and veto power. Apart from this it has also to consider the reform in the financial management of the United Nation. The peacekeeping operation are completely executed by the UNSC with minimum say of the country contributing the soldier. Therefore United Nation need to reform and bring democracy in the peace keeping operation.
- **Sustainable Development:** India is partnering with like-minded countries to ensure that the focus of the

debate on sustainable development remains on poverty eradication and that Rio principles remain sacrosanct in the global discourse on shaping the post 2015 development agenda. India remains committed to addressing Climate Change through a comprehensive, equitable and balanced outcome based on the principles of equity and common but differentiated responsibilities.

- **Terrorism:** India has been advocating "Zero tolerance" approach to terrorism in all its forms. With the objective of providing a comprehensive legal framework to counter terrorism, India took the initiative to pilot a draft Comprehensive Convention on International Terrorism (CCIT) in 1996 and continues to work for its early adoption. The reason for its non-adoption is disagreement on the definition of the terrorism amongst the member nation.
- **UN Peace Keeping:** The classical format for high level meeting of the UN Security Council Peacekeeping and disarmament are among the most unique pursuits of the UN because they embody the promise and innate potential of the organization to make the world a better place. India has a proud history of participation in UN peacekeeping operations dating back to the 1950s, having taken part in as many as 43 peacekeeping operations.
- **Disarmament:** India remains the only State possessing nuclear weapons to call unambiguously for a Nuclear Weapons Convention to ban and eliminate nuclear weapons. India is committed to achieving a nuclear weapons-free world in a time-bound, universal, non-discriminatory, phased and verifiable manner as reflected in the Rajiv Gandhi Action Plan that was presented to the Special Session of General Assembly on Disarmament in 1998.

India is today at the forefront of efforts on UN reform, including expansion of the Security Council in both the permanent and non-permanent categories to reflect contemporary realities.

## 37.2 Global Governance and Governance of Global Commons

Global Governance is defined as a process of governing around the world with the cooperation of states, intergovernmental organizations, transnational actors etc.

The deepening economic globalization, and increasing migration, trade and capital flows, and climate change and increased activities in the global commons – those resource domains that do not fall within the jurisdiction of any one particular country, and to which all nations have access – make individual States more susceptible to policies adopted by others. Therefore, increased coherence, coordination

and collective decision-making at the global level, grounded in international human rights standards and guided by the human rights commitments of the international community, are necessary. Yet, government policies and international arrangements for collective decision making have not kept pace with these changes.

The new global partnership for development provides an opportunity to address these global economic, social and environmental issues in a coordinated, coherent and collaborative manner. In this way, the global partnership can promote a more effective, coherent, representative and accountable global governance regime, which should ultimately translate into better national and regional governance, the realization of human rights and sustainable development.

### Global Governance and Sustainable Development

The transition to global sustainable development has not been successful yet. Economic and social development has seen progress, but numerous challenges remain, while global environmental problems have become even more acute. Partly, this is because the increasing interdependence among States has not been accompanied by sufficient adjustments in the global governance regime.

The sharp increase in trade and capital flows make global economic governance increasingly relevant for development. However, gaps in the international trade, backlash against globalisation, economic slowdown due to Covid-19 and structural changes due to IR4.0 have reinforced rather than curb global imbalances. For example, bilateral, regional and multilateral trade agreements have eroded policy space for developing countries and pose hurdles to technology transfers, while financial market liberalization has increased their macroeconomic vulnerabilities without necessarily providing access to stable finance.

Gaps in the global governance regime also make further progress in social development more difficult. These include the absence of adequate mechanisms to regulate the movement of workers between countries, and weak protection of the rights of migrants and their families, as well as restricted access to technologies in health, agriculture and other areas.

Environmental sustainability, the third dimension of sustainable development, is similarly characterized by a weak global environmental governance regime that is very fragmented. There have been some successes, such as the Brundtland Commission and the Earth Summit, along with other specific UN sponsored initiatives and summits that spurred environmental awareness and action in specific areas such as the Montreal Protocol on Substances that Deplete the Ozone Layer, Paris climate agreement and Kigali agreement. Many gaps remain however, and overall coherence is weak.

The United Nations Conference on Sustainable Development, held in Rio de Janeiro in June 2012, allows

envisaging a more coherent global governance framework that is inclusive, centred on sustainable development, and integrates human rights concerns, addressing above shortcomings. This would involve conceptualizing an international policy-making framework, cutting across all organizations and decision-making entities, where the three dimensions of sustainable development (economic, social and environmental) are integrated in a coherent and balanced manner, while also strengthening political engagement and governance within each of the dimensions and governance pertaining to the financing of sustainable development.

Achieving these objectives would require a partnership at the global level between all countries, multilateral organizations, civil society and other stakeholders. At the same time, putting in place an enabling and inclusive system of global governance would create an international enabling environment and would thus strengthen the global partnership for development in many ways, translating into a more coherent framework for achieving sustainable development at regional and national levels.

### Governance of Global Commons

The governance of the global commons represents a specific aspect of global environmental governance. Stewardship of the global commons cannot be carried out without global governance. Global commons have been traditionally defined as those parts of the planet that fall outside national jurisdictions and to which all nations have access.

International law identifies four global commons, namely the *High Seas, the Atmosphere, the Antarctica and the Outer Space*. These resource domains are guided by the principle of the common heritage of mankind. Resources of interest or value to the welfare of the community of nations – such as tropical rain forests and biodiversity – have lately been included among the traditional set of global commons as well, while some define the global commons even more broadly, including science, education, information and peace. The implementation of the common heritage principle and common responsibilities relates directly to the four key enabling factors which have been identified as cornerstones of the development agenda:

- Inclusive social development
- Inclusive economic development
- Environmental sustainability
- Peace and security

Historically, access to most of the resources found within the global commons has been difficult and they have not been scarce. However, the advancement of science and technology in recent years and the increased demand for resources is leading to an increase in activities such as fisheries, bio-prospecting, navigation, flight, scientific research, and the laying of submarine cables. At the same time, our planet is facing critical environmental challenges,

most importantly climate change and global warming, the depletion of the Ozone layer, and rapid environmental degradation in the Antarctica. If business as usual prevails, these trends will likely worsen and will negatively impact the global commons' capacity to provide ecosystem services for human well-being.

The international community acknowledges the need to conserve these resource domains for development and human well-being, and has adopted a number of conventions and treaties to govern global commons. They include the *United Nations Convention on the Law of the Sea (UNCLOS)* of 1982 and instruments governed by the International Maritime Organization and UNEP's Regional Seas Conventions to govern the high seas; the *Antarctic Treaty System (ATS)* ensuring the protection of the Antarctica fauna and flora; a multitude of international environmental treaties that administer and protect the atmosphere and deal with the air pollution and atmospheric depletion, like the *UNFCCC* and the *Montreal Protocol* on Substances that Deplete the Ozone Layer; and the Treaty on Principles governing the Activities of States in the Exploration and Use of Outer Space.

Nonetheless, many gaps and challenges remain. The frameworks covering the global commons are complex and fractured. Many of the older agreements do not fully consider the impacts of human activities on ecosystems and on non-target species. Numerous new activities do not have detailed international rules and standards. In the high seas, bio-prospecting is not regulated by UNCLOS, and other activities such as deep-sea fishing, mining and research, hydrocarbon exploration and extraction, carbon sequestration and storage, and ocean fertilization are expected to increase as well. Moreover, modern conservation principles such as the ecosystem and precautionary approach, and tools such as *marine protected areas (MPAs)* are not comprehensively incorporated in the frameworks. There also remain geographical gaps in the regional regimes, which leave large parts of the global commons without a regional agreement.

*Developing countries face* a particular challenge in undertaking expensive environmental impact assessments or monitoring of the global commons, and they often lack sophisticated technology to carry out exploitation or environmental conservation activities. Landlocked developing countries and other geographically disadvantaged countries need to be supported to promote their effective participation in the activities related to ocean fisheries, mining and exploration of global commons, as stipulated in UNCLOS.

Lastly, there is growing interest, in particular amongst regional economic and military alliances, in access to the global commons from a trade, security and critical resources perspective. A global governance regime, under the auspices of the UN, will have to ensure that the global commons will be preserved for future generations.

### Global Governance and Global Partnership for Development

In light of this, having a target of the attainment of an inclusive and equitable system of global governance and governance of the global commons could be a way of incorporating a global partnership into a possible post development agenda. The sub-components of this target may comprise, for example, enhancing participation of developing countries in multilateral institutions, increasing their representativeness and accountability, and the establishment of a UN-led monitoring and accountability mechanism with a focus on equitable growth, environmental sustainability and peace and security.

However, political sensibilities are likely to arise in terms of refining the institutional mandates of intergovernmental organizations, as well as implementing reforms concerning the adequate level of representation of hitherto under represented Member States. A further factor of contention could be the relationship with informal decision-making bodies like the G20, yet there is a need for predictable and consistent engagement with the G20 and other established multilateral and regional institutions, with greater coordination of their objectives and activities in support of development. Consequently, to address these sensitivities, governance targets should be concrete, where possible, yet must allow for political compromise and flexibility.

Another option to consider is the integration of global governance targets and requirements within each of the four core dimensions of the development agenda – economic development, social development, environmental sustainability, and peace and security – as a way of supporting improved implementation and accountability.

### Conclusion

To achieve coherence in global governance, all three dimensions of sustainable development – sustainable economic growth, social inclusion and protection of the environment and the global commons – need to be integrated at the global level. The establishment of a high-level political forum during *United Nations Conference on Sustainable Development (UNCSD)* is an essential step in this direction and serves to mainstream sustainable development and the agendas of the United Nations system. At the same time, for the UN to effectively play its role as convener and principal forum for coordination, consideration should also be given to proposals that have been made to enhance coordination, cooperation, coherence and policy-making across the United Nations system. In a more interdependent world, a more coherent, transparent and representative global governance regime will be critical to achieve sustainable development in all its dimensions – economic, social, and environmental. The global partnership for development can contribute to achieving this vision by integrating global governance targets firmly into the post-development agenda.

**The Global Commons**  
And their challenges in the 21st Century

The global commons are increasingly contested, and the challenge of governing these unappropriated spaces becomes more and more pressing. Given the issue's potential to shake up the global order and rule of law, it is crucial that institutions and rules be designed and enforced to govern these spaces. Only this way will the challenges pointed out below have the chance to be addressed.

**Do we need stronger institutions to govern the Global Commons?**

The world is currently at an impasse when it comes to the governance of unappropriated spaces and the global commons. More than ever, it is up to the international community to drive collaboration in order to directly influence what will prevail: legal principles, or the struggle for hegemony.

**Global Common 1: Outer Space**

- Space Resource Mining
- Appropriation of Space Resources
- Space Debris
- Satellite collisions

**Global Common 2: Air & Atmosphere**

- Air Pollution
- Greenhouse Gases
- CO2 levels

**Global Common 3: High Seas**

- Melting of Ice
- Pollution and Debris
- Over-exploitation and over-fishing
- Pirates threatening safe navigation
- Imperial ambitions to control extra-territorial waters

**Global Common 4: Cyberspace**

- Censorship of information, free speech, and political freedom
- Cyber security threats, and cyber-crime
- Cyber warfare and espionage
- Invasions of privacy
- Regulation & Governance of stored data
- Regulation & Governance of multinational internet businesses (Google, Facebook, etc.)
- Right to be forgotten

**Global Common 5: the Arctic Poles**

- Pole Governance
- Pole Ownership
- Access to Polar Resources

### 37.3 United Nations Human Rights Council

The Council was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251 by replacing the United Nation Commission for human right. Its first session took place from 19 to 30 June 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms. The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly for three year terms on a regional group basis. The Human Rights Council replaced the former United Nations Commission on Human Rights.

It is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

Its activities include:

**Universal Periodic Review Mechanism:** It serves to assess the human rights situations in all United Nations Member States.

**Advisory Committee:** It serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

Working with the *UN Special Procedures* established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

Its Resolutions adopted have highlighted egregious violations despite efforts to the contrary by some members of the HRC. The situation in Syria, Yemen, Myanmar, and North Korea are a few among them. Subject areas that have been the source of much controversy have been addressed at the HRC, including LGBTIQ rights and discrimination on the basis of religion.

#### Problems with UNHRC

The Membership criteria as they stand are very soft: candidates commit to the highest standards of human rights, and states should take into account a nominee's human rights record when voting. Both of these rules are basically unenforceable. Common presence of Saudi Arabia and Russia on the Human Rights Council is shown as an example for this.

Human Rights Council is a highly politicised body. State governments are political constructs, so any institution made up of government representatives is inevitably political too. Hence, states will generally vote in favour of their national interests rather than human rights interests if the two should clash.

There are allegations of bias against Israel. The body has aimed a disproportionate number of resolutions against that country. The Human Rights Council's regular agenda of 10 items contains only one item that focuses on a particular state, that state being Israel. Israel has been the subject of more special sessions than any other state (more than a quarter of the 28 sessions). This also implies corresponding lack of focus on other serious human rights violations. Recently, the United States has withdrawn from the United Nations' top human rights body accusing it of "chronic bias" against Israel.

However, reform of Human Rights Council is necessary, and discussions and reform proposals are already in the works, with engagement by states and human rights organisations indicating a consensus building approach.

#### India and UNHRC

India is a founding member of the Council and has served two terms from 2006-2007 and 2007-2010 respectively. It was elected by an unprecedented 181 votes to the Council for the term 2011-2014 and will seek re-election to the Council for the term 2015-2017. Also, it is highly respected in the Council. It believes that the promotion and protection of human rights are fundamental freedoms

can be best pursued through dialogue and cooperation. It has consistently and successfully pleaded for preserving the inter-governmental nature of the Council's mechanism and encouraged strengthening of national efforts to realize human rights.

India has upheld respect for national sovereignty and territorial integrity, non-interference in the internal affairs of the States, impartiality, non-selectivity and transparency. It has abstained on one-sided or unbalanced resolutions on country specific situations since we believe that "finger pointing" cannot be an elegant or effective solution to such issues. Recently, India was elected to HRC for a period of three years beginning January 1, 2019.

### 37.4 International Court of Justice (ICJ)

**Seat:** Peace Palace, The Hague, Netherlands.

**Established:** 1945.

The International Court of Justice settles legal disputes submitted to it by states and provides advisory opinions on legal questions submitted to it by duly authorized international branches, agencies, and the UN General Assembly. The ICJ is composed of fifteen judges elected to nine-year terms by the UN General Assembly and the UN Security Council from a list of people nominated by the national groups in the Permanent Court of Arbitration. One third of the judges are elected every three year.

ICJ has drawn up its own Rules of Court. It is an organ of UN with the UNSC having Veto powers on its decisions. It is the function of the ICJ to decide in accordance with international law disputes of a legal nature that are submitted to it by States. Its objective is to bring about the settlement of disputes by peaceful means and in conformity with the principles of justice and international law. Only member States can be party to the cases in ICJ not individuals, corporate or a group of people. A case can only be submitted to the Court with the consent of the States concerned.

#### Problems with ICJ

- Acceptance of cases by ICJ only when both state parties to case agree. The ICJ cannot entertain a case when one of the parties to the case is in disagreement to go to ICJ.
- Veto by the permanent members on UNSC on ICJ's decisions. This dilutes the purpose of having an international court of justice.
- Only state party to the charter of ICJ can apply for cases at ICJ. No individuals, NGO's and private enterprises could file a case in ICJ.
- **Lack of Autonomy:** The ICJ lacks autonomy in choosing the judges as the seats are fixed region wise and have representatives of permanent members who are huge in number and hence may influence the decisions made by the ICJ.



- **No Enforcement Agencies:** There is no agency to enforce and implement the decisions of the International Court of Justice and in needs to look up to United Nations. This again dilutes the purpose of having an international justice mechanism.
- Overlapping jurisdictions by other international courts like the International Criminal Court have led to the dilution of purpose of the International court of Justice.

#### Suggestions to Address Problems

- The ICJ could take cases even if the parties don't agree as there might be cases of States using this to not participate in any cases at all.
- There should be provisions made that may allow individuals, NGO's and private enterprises could file a case in ICJ.
- The ICJ should gain more autonomy and the veto power of the UNSC permanent council should be done away with.
- The ICJ should at least have the power to enforce its decisions or an agency of its own to do the same.
- The overlapping jurisdiction mechanisms should be done away with. There should be only one international justice mechanism for a given purpose.

#### India and the ICJ

- India has been a member of the International Court of Justice since its inception and many of the cases have been arbitrated by the International court of Justice for India.
- Justice Dalveer Bhandari currently serves as permanent judge at ICJ. India has always tried to abide by the decisions of the ICJ and helped in the smooth functioning of the international justice body.
- **Kulbushan Jadhav Case:** Pakistan claims he is an Indian RAW agent, was found guilty and awarded death sentence at a military court. India claims he was allegedly kidnapped from Iran and says Jadhav is a businessman with no links to government of India. India had moved to International Court of Justice (ICJ) for an immediate injunction against the death sentence on the basis of for violating the Vienna Convention on consular relations.

### 37.5 International Criminal Court

**Seat:** The Hague, Netherlands.

**Established:** 17 July 1998.

The International Criminal Court ("the ICC" or "the Court") is a permanent international court established to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression.

Over 120 countries are States Parties to the Rome Statute, representing all regions: Africa, the Asia-Pacific, Eastern



Europe, Latin America and the Caribbean, as well as Western European and North America.

### Formation of the ICC

On 17 July 1998, a conference of 160 States established the first treaty-based permanent international criminal court. The treaty adopted during that conference is known as the Rome Statute of the International Criminal Court. Among other things, it sets out the crimes falling within the jurisdiction of the ICC, the rules of procedure and the mechanisms for States to cooperate with the ICC. The countries which have accepted these rules are known as States Parties and are represented in the Assembly of States Parties. The Assembly of States Parties, which meets at least once a year, sets the general policies for the administration of the Court and reviews its activities.

### Nature of the Body

The ICC is a permanent autonomous court, whereas the other similar courts established within the framework of the United Nations to deal with specific situations only have a limited mandate and jurisdiction. The ICC, which tries individuals, is also different from the International Court of Justice, which is the principal judicial organ of the United Nations for the settlement of disputes between States.

The ICC is an independent body whose mission is to try individuals for crimes within its jurisdiction without the need for a special mandate from the United Nations. On 4 October 2004, the ICC and the United Nations signed an agreement governing their institutional relationship. The ICC does not replace national criminal justice systems; rather, it complements them.

When a State becomes a party to the Rome Statute, it agrees to submit itself to the jurisdiction of the ICC with respect to the crimes enumerated in the Statute.

### Problems with ICC

- **Membership:** USA and China along with India which are major countries are not party to the ICC. Many founding member nations like Russia, South Africa and Burundi have recently withdrawn themselves from the Rome Statute sighting ICC as a biased body. This has led to the loss of credibility of the body.
- **Inadequate Jurisdiction:** It does not have jurisdiction on some of powerful nations like India, the permanent members of UNSC, Israel etc.
- **Lack of Enforcement Agencies and Investigation units:** It was seen that investigations led to flawed results as they were not done properly by the ICC's

investigating units. The infrastructure for punishments used by the courts is the state machinery only which can be manipulated by the culprits.

- **Political Prosecutions:** In some cases the prosecutions have been found to be politically motivated by the State parties. These cases further debase the credibility of ICC.
- **Need for State's Help in the Case:** ICC cannot prosecute a case successfully without successful state's participation. So, a convict knows if he becomes the head of the state, he can hamper the ICC's case.
- There are allegations for bias ness in favour of western countries.

### Suggestions to Address Problems

- Increase the jurisdiction of ICC to cover all the nations of the world.
- ICC should have dedicated investigative agencies with greater autonomy so that cases can be investigated without any interference.
- The permanent members of UNSC should be brought under its ambit.
- ICC should make it clear that ICC does not replace national criminal justice systems; rather, it complements them.
- ICC should develop a correct funding mechanism which cleans its image of being a stooge in the hand of its funders.
- ICC should try to shun the perception of being politically motivated while giving its judgments.

### India and ICC

India is not a member to Rome Statute, the enabler of ICC. The reasons are:

- Since ICC does not have jurisdiction on major powers, it fails in its purpose as an international criminal court.
- Terrorism and nuclear weapons usage are not under the purview of ICC.
- AFSPA, abuses in Naga movement, Kashmir conflict, atrocities in the Naxalite region would be some of the cases India would have to deal with if it comes under ICC.

### Keywords

Evolution (Rio principles, Bretton Woods institutions, G20, Montreal Protocol, UNCLOS), Policy (UN reforms, Climate Change and Global Commons).

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## TRY THIS MAINS PREVIOUS YEAR QUESTIONS

1. "The reform process in the United Nations remains unresolved, because of the delicate imbalance of East and West and entanglement of the USA vs. Russo-Chinese alliance." Examine and critically evaluate the East-West policy confrontations in this regard. (Write in 250 words) **(2025)**
2. 'Terrorism has become a significant threat to global peace and security.' Evaluate the effectiveness of the United Nations Security Council's Counter Terrorism Committee (CTC) and its associated bodies in addressing and mitigating this threat at the international level. (Write in 250 words) **(2024)**

# INDIA AND DIASPORA

## 38.1 Introduction

*"Indian diaspora across the world are true and permanent ambassadors of the country."* —PM Narendra Modi

The term "diaspora" originally used for Jews living outside Israel, has come to be used for people who have spread or have been dispersed from their homeland (native country). The term in Indian context is used to describe Indian nationals and citizens living abroad for work or business.

Diaspora serves as an important phenomenon for non-state actors, soft powers in foreign policy analysis, and an 'inevitable link' between the home and host lands for the people. For instance, in the economic sphere, the Chinese diaspora has been a propelling force for its emergence as an economic superpower due to their significant contribution to FDI. In the political sphere, the Jewish diaspora has a strong grip over the US and the European Union in terms of shaping their strategic relationship with Israel. Similarly Indian diaspora played important role in 123 agreement with USA.



## 38.2 Historical Background

### Ancient and Medieval

Indians have been migrating to various parts of the world from ages immemorial. The earliest emigration of Indians may be traced to the trade and religious contacts with other civilizations like the Greek and the Mesopotamian. Later on, there were also instances of the Buddhist monks spreading the religion and religious gospels across the South and Southeast Asia.

Indians and Indian Kingdoms were spreaded across the seas. However, population movements in the ancient phase never led to any formation of permanent Indian settlements abroad. Apart from the above, Indians had trade links with the East Africa through various groups such as the Ismailis, the Horas, the Ranyas and the Chettiyars under the banner of Nattukottai Chettiyar Association.

Ever before the colonial indentured labour migration, population mobility was inherent in the social order and was observed in the case of the marginal peasants who shifted their loyalties from one master to another and hence traveled from one region to another.

### Colonial Period

The British rule and its impact on the Indian peasantry, the famines, and the consequent economic backwardness resulted in mass unemployment. The institution of Slavery was banned by the British in 1830s which created an acute labour shortage in sugar plantations of the British and European colonies. This situation gave birth to the *indentured form of labour* from India and other parts of Asia. Much of the recruitment of this form of labour was done from Western Bihar, Uttar Pradesh, Bengal and Orissa.

### Post-Colonial Period

The migration in the post-colonial period was entirely different when compared with the earlier forms of migration in the ancient-medieval and the colonial phases. Here, the migrants are mostly from the middle-class, with instruction in English, and were skilled. The educational system in the post Independent India was patterned after the British and American educational systems. The system produced professionals who outnumbered the availability of jobs that can absorb them. The migration was mainly to the developed nations of the West the U.S., the U.K., and some in the Europe and Australia.

In the last few decades, a considerable number of professional, semi-skilled and unskilled workers, as well as students from India have shifted abroad. According to the United Nations, this diaspora, which totals to more than 32 million people, is the world's largest such community spread in 136 countries across the globe. According to UN 18 million people lives outside India in 2020. According to same report UAE host 3.5 million, US host 2.7 million and Saudi Arabia host 2.5 million Indians. This group, in last few years, has come to acquire a significant place in India's foreign policy. Let's try and understand the evolution of India's diaspora policy.

## 38.3 Diaspora Policy

### Active Dissociation

India's first Prime Minister, Jawaharlal Nehru, pursued a policy of "active dissociation" from the Indian diaspora. He was concerned about the impact of connecting with and advocating for this diaspora on the sovereignty of host countries. Nehru's policy left a bitter taste for generations among Indian-origin communities abroad.

His cold view of overseas Indians was encapsulated in a comment made in India's Parliament in 1957: *"If they adopt the nationality of that country, we have no concern with them. Sentimental concern there is, but politically they cease to be Indian nationals."* The implication of Nehru's views was that the diaspora could not expect India to fight for their rights and therefore, India's foreign policy was accordingly structured as a model of non-interference

whenever the emigrant Indians got into trouble in Sri Lanka, Myanmar, etc.

However, Lal Bahadur Shastri entered into an agreement with Sirimavo Bandaranaike to resolve the question of Tamils in Sri Lanka and made a beginning. Otherwise, the Nehruvian trend was continued and extended till 1980 by successive governments.

### **New Era for Diaspora Policy**

Indian community globally was considered as 'one' only on national days or other important occasions. It was under the regime of Rajiv Gandhi that there was a boost in the diaspora policy. He offered support at Fiji Indian crisis in 1986. Besides, having realized Indian diaspora as a strategic asset, he invited talents like Sam Pitroda to participate in nation-building and took administrative measures to establish the Indian Overseas department in 1984.

The policy of reaching out to the Indian diaspora began in earnest during the tenure of Atal Bihari Vajpayee. It was under NDA-I that Pravasi Bharatiya Divas was first launched in 2003 to be celebrated on 9th of January which marks the day when Mahatma Gandhi returned to India from South Africa. The government decided to celebrate it annually by holding events including bestowing awards on the prominent members of the Indian diaspora. Government created separate Ministry for overseas Indian affair in 2009. It also started Person of Indian Origin (PIO) card scheme and Overseas Citizen of India (OCI) card scheme.

Narendra Modi, after assuming the office of Prime Minister in 2014, has brought the linkage between Indian diasporic community and development of the country. Since then, diaspora has become an important feature of Indian foreign policy, which is now centred on strengthening the role and significance of Indian diasporic community in the development of the country, in addition to attracting global investment, aid and technology. In 2016 Ministry of External Affairs started '*Know India Programme*' apart from '*E-migration system*'.

### **38.4 Strategic Advances**

This change in Indian diaspora policy is reflected in special outreach to Indian communities during Prime Minister's visits to the United States, the United Kingdom, Australia, Canada, Singapore, Israel, United Arab Emirates, Saudi Arabia and Qatar.

Moreover, the government has made a conscious effort to reconnect the Indians living abroad to their homeland by simplifying visa regulations and merging the Person of Indian Origin (PIO) and Overseas Citizenship of India (OCI) Card into a single identity card to secure lifelong Indian visas, avoid checks at local police stations during visits, and started a Ministry of Overseas Indian Affairs among many other initiatives.

This diaspora policy not only focuses on the rich, industrialists, white collared professionals but gives due respect to the working class population. It is evident

from the PM's visit to Indian workers' camp in Abu Dhabi, establishing the Indian Community Welfare Fund (ICWF), and announcing an online platform 'MADAD' to assist them.

In 2015, the Indian government launched Operation Raahat in Yemen and Operation Ganga in Ukraine. Recently, the Union Cabinet has also approved proxy voting for non-resident Indians.

### **38.5 Economic Strength**

The diaspora has not only contributed through FDI, remittances and transfer of knowledge and entrepreneurial means but also through the rise of the services sector in India, especially in the IT and ITES sectors. India retained the top spot among world's largest remittance recipient country in 2018 getting \$ 87 billion. FDI inflows in 2021 increased from \$36 billion in 2013-14 to \$74 billion in 2021.

Most importantly, the Indian diaspora is also active in local politics in countries like the U.K. and Canada. The government has also urged diaspora members to invest in social projects such as improving rural sanitation and visiting India every year to boost tourism. However, the importance of Diasporas does not end with remittances alone, but extends to knowledge transfer, the sharing of resources, acting as unofficial Indian ambassadors, and pushing for India's interests abroad.

### **38.6 Diaspora and Indian Interests**

The role of diaspora in shaping and furthering India's foreign policy goals is unclear. The most successful role the diaspora played was in ensuring the passage of the India-US Nuclear Deal in 2008. Nevertheless, as more people of Indian origin take up larger roles in politics, business and entertainment abroad, they will be more likely to not only invest in India but also help further India's interests.

Two good examples are Antonio Costa, the Portuguese Prime Minister, and Leo Varadkar, Ireland's Prime Minister. Both belong to the Indian diaspora, and come from two economically strong countries that can trade with India. Portugal has already signed MOUs with India in science and technology, double taxation avoidance, space, trade and investment.

India can also benefit from the diaspora in North America in achieving her space, defence and security goals. Groups like the United States India Political Action Committee (USINPAC), Friends of India, Canada India Foundation (CIF) and Canada India Business Council (CIBC), are already actively pushing for India's interests.

In Canada, the CIF and the CIBC are proponents of stronger ties between the two states, even supporting a free trade deal.

Similarly, about five to six million overseas Indians, comprising Indian citizens abroad and persons of Indian origin, live in ASEAN countries. Ethnic Indians have long been an integral part of their societies. They have acted as a bridge between the two regions and the overall public

opinion towards Indians is positive. This plays a key role in developing closer ASEAN-India ties.

It is held that despite India pursuing stronger ties with Israel, it enjoys a favourable relationship with the Saudi Arabia, perhaps to an extent due to the presence of the diaspora.

Smaller but equally important way in which the Indian community abroad helps further India's foreign policy goals, is by helping in the return of stolen artefacts. The *Indian Pride Project* for example successfully lobbied to bring back the famous Nataraja from Australia, and sandstone Yakshi from the United States.

However, some gaps remain in India's diaspora policy. These are irregularity of diaspora conferences, employer-employee mode of India-Gulf relations, hurdles to diaspora investment and poor efforts to bring about brain gain.

The support of the diaspora is neither automatic nor continuous. They have been critical of bureaucratic procedures in India among other issues.

### 38.7 Issues Faced by Indian Diaspora

#### West Asia

- Low oil prices owing to Shale gas boom and slower global growth is resulting in job cuts for Indians.
- Rising conflicts and instability due to Shia-Sunni conflicts and the radical Islamism.
- Fierce competition from skilled labour from the Philippines and cheap labour from Nepal and Bangladesh.
- Regressive policies like employer seizing the travel documents upon arrival known as "Kafala" labour system are exploitative.

#### US, Canada & UK

- Discriminative practices owing to a racist, persistence of colonial mindset.

- Stricter H-1B visa norms in the US Congress.
- Revision of visa norms in UK post-Brexit might hit Indian diaspora hard, especially IT professionals.
- The disparity in jobs and racial abuse due to terrorist branding based on skin colour of people.
- Inadequate cultural integration due to different eating preferences, consumerism and nuclear society.

#### Dual Citizenship

- Majority of Indian diaspora want to retain their Indian citizenship along with the citizenship of the country of their residence and single citizenship policy of India does not allow them to do so.

### 38.8 Way Forward

- The Government needs to address the problems of blue-collar workers working overseas like:
  - ♦ Negotiating a Standard Labour Export Agreements with the host countries.
  - ♦ Monitoring and supervision of our overseas workers by our Missions.
  - ♦ Compulsory insurance schemes covering the risks faced by our overseas workers.
- The diaspora's financial and intellectual capital must be cashed in by India and the major challenge before India is how it can tap this for mutual benefit.
- Efficient implementation of Central Government Schemes like Know India programme etc.

#### Keywords

Evolution (Jewish diaspora, emigration, indentured labour, professionals, education, policy of active dissociation, Sirima-Shastri Pact, Fiji Indian crisis, Sam Pitroda), Policy (Pravasi Bharatiya Divas, Overseas Citizen of India, Madad, Indo-US Nuclear Deal).

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### TRY THIS MAINS PREVIOUS YEAR QUESTION

1. Indian diaspora has scaled new heights in the west. Describe its economic and political benefits for India. (Write in 150 words) **(2023)**