



INDIA AND SOUTH ASIA: SEPTEMBER 2017 DOSSIER

The summer months bring a certain lull and calm into Indian domestic politics. Because of this, but also as a result of the long-standing confrontation of Indian and Chinese troops in Bhutan, we continue with our focus on the India-China relations and India's position vis-à-vis the Chinese OBOR initiative. The visit of the Japanese Prime Minister Shinzo Abe in India features prominently and has to be seen also in the wider context of the geostrategic implications of the tense bilateral relations between India and China.

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Part I India - Domestic developments

- Yashwant Sinha hits at the Modi – government
- Colin Gonsalves: Recipient of The Right to Livelihood Award, 2017

Part II India - Foreign Policy Developments

- The 'Road' to Redefining Asia? Examining the Geopolitical Implications of China's 'One Belt One Road' Initiative
- The India-Japan Annual Summit in Gujarat
- BRICS 2019 in China

Part III South Asia

- Modi in Myanmar

Part I: India – Domestic Developments

The former BJP-Finance and Foreign Minister Yashwant Sinha created much furor with his sharp criticism of the economic performance of the NDA-government, especially attacking Finance Minister Arun Jaitley.

Colin Gonsalves, a prominent Senior Lawyer at the *Supreme Court* and head of a country-wide *Human Rights Legal Network* (HRLN), received the *Right to Livelihood Award*, which is also called the *Alternative Nobel Prize*.

Yashwant Sinha hits at the Modi – government

Yashwant Sinha, a former civil servant, played important roles as Foreign and Finance Minister during the NDA-regime of the erstwhile Prime Minister Atal Bihari Vajpayee. He did not stand as a candidate in the 2014 *Lok Sabha* elections and decided to retire from active politics.

But Sinha remains a critical columnist, also leading a delegation twice to Jammu & Kashmir, in order to create dialogues for bringing peace to the Kashmir Valley.

In a critical article, Sinha referred to the massive disruptions in the economy by the so-called *Demonetisation* and the implications of the newly introduced *General Service Tax* (GST). He maintains, that the Government of India is in denial of the underlying reasons of the steady decline of quarterly GDP growth, which came down from a high of 9.2% during the last six quarters to 5.7%, which BJP party president Amit Shah dismissed as „*technical*“.

Sinha: „*The economy is poised for a hard landing and on a downward spiraling. The actual growth is at around 3.7% or even less. Demonetisation has been an unmitigated economic disaster and the GST has been very disruptive. We have wasted the oil bonanza.*“

According to Sinha, „*the economy needs to be handled differently. Sector after sector is in distress. Demonetisation is not a structural reform and has not led to a cashless economy. 'A new India and a new economy' is sheer rhetoric. A revival of the economy is unlikely by 2019, the earliest in two years. The economy is heading for a depression.*“

Sinha criticised the finance minister Arun Jaitley in particular, „*but I am not asking for his resignation. After giving up the defence ministry, he still keeps three ministries. Jaitley has made a mess out of the economy. Urgent measures are: Clearance of stalled projects, the Non-Performing Assets' with over 90% of bad loans in Public Sector Banks have to be cleared, private investments have to be revived and consumers demands to be raised. Primarily construction, textiles and agriculture have to be tackled. After 40 months in government, one cannot speak anymore of a legacy problem of stalled projects and NPA's.*“

Yashwant Sinha insinuates, that critical BJP-politicians are not allowed to raise these issues and „*that they are not speaking out of fear of not being renominated as candidates for the 2019 elections.*“

The polemics of the BJP, that he is „*frustrated*“ , described Yashwant Sinha „*as the cheapest accusation, since I decided in 2014 to opt out of active politics.*“

Sinha, who sought an appointment with Prime Minister Narendra Modi in December 2016 with regard to the findings of his delegation's visit to Kashmir, admitted, „*that the doors were shut for me. I have not opted out of the party, nor have they thrown me out. It is not the same party today.*“ He smiled ambiguously at the description of the BJP by the *India Today* moderator Rajdeep Sardesai „*as*

an authoritarian party.“

Reactions to Yashwant Sinha

B. Jay Panda, Member of the *Lok Sabha* for the regional *Biju Janata Dal* from Orissa (Odisha), said, *„I am not sharing Sinha's pessimism. I expect an improvement in the coming quarters. But a better communication by the government is required. Also the exchange rate has to be addressed. The GST has been the least bad option, before we had 13 to 16 different taxes in India.“*

Arun Kumar, a retired Economics Professor from the *Jawaharlal Nehru University* and a specialist on the unorganised sector of the economy, went even so far to say, *„that the economic growth is at best one to two percent. The credit offtake is the lowest in sixty years. The capacity utilisation has gone down and the investments are low. The investment climate has been damaged.“*

On the other side, the economist Gurchuran Das maintained, *„that the Indian economy has the best structural features for growth.“* But he admitted, that there was a loss of 1.5 million jobs between January and March 2017. *„Demonetisation was a mistake. The GST is flawed. It is important to unlock the land laws.“*

The young Jaiveer Shergill, spokesperson of the Congress party, alleged, *„that the NDA-government is in a perpetual denial mode.“*

But the government seems to be aware, that something is wrong with the economy and has reconstituted the *Economic Advisory Council to the Prime Minister* under the chairmanship of Professor Bipek Debroy.

Colin Gonsalves: Recipient of *The Right to Livelihood Award*, 2017

Colin Gonsalves is a Senior Lawyer at the *Supreme Court of India* and heads the *Human Rights Legal Network* (HRLN). He also specialises on labour laws.

Known for his pointed political opinions, which might not be shared by many, Colin Gonsalves is critical vis-à-vis the current government and maintains, *„the West should learn to criticise the Indian government, but instead most countries are begging for contracts. Yet, in this regard, Germany is better than the rest.“*

Gonsalves belongs to those parts of Indian civil society and especially in the judiciary, who in their daily work take the side of the oppressed sections of society and therefore antagonized in his career many of those, who belong to sections of the ruling elite.

The award is a recognition of his work so far. As it looks like, Colin Gonsalves will even try to intensify his work in an India, which is undergoing tremendous political, economic and social transformation processes.

*** See P. S. at the end of the Dossier with a portrait of C. Gonsalves, the citation and some further information on the award.**

Part II: India – Foreign Policy Developments

Dr. Isha Dubey, recently graduated from the University of Aarhus in Denmark, analyses in detail the OBOR concept, its rationale and implications and India's reactions to it.

Dr. Joyce Lobo analyses the linking of Japan's *Indo-Pacific strategy* to India's *Act East Policy* during Abe's visit. She briefly writes on the recently held 9th BRICS 2017 summit, wherein Modi met Xi on the sidelines post Doklam.

The 'Road' to Redefining Asia? Examining the Geopolitical Implications of China's 'One Belt One Road' Initiative

By Isha Dubey

The ancient Silk Road, which was in reality a combination of the several networks of land based trans-Eurasian trade routes crisscrossing and cutting across Central Asia, connected China, India and the Mediterranean in a flourishing economic and cultural exchange between 100 BCE and circa 1350 CE. It was, in that sense, perhaps the pioneer global system of trade – predating what has been hailed as globalization by a few millennia – evoking images of opulent, bustling cities such as Xian, Dunhuang, Samarkand, Bukhara and Aleppo as these conduits not only for merchants peddling their exotic wares in the form of silk, spices, dyes and so on, but also as arenas for the fertilisation, exchange and dissemination of new ideas. It is seemingly with a similar vision, that the Chinese President Xi Jinping first introduced the *Silk Road Economic Belt* concept in September 2013, during a speech at the Nazarbayev University in Kazakhstan.

The idea was to invoke the ancient Silk Road, to fashion a modern-day trade network, that would bring together China, Central Asia, Russia and Europe – forging and strengthening not only economic ties, but also those of friendship, cooperation and culture. This staggeringly ambitious project – One Belt One Road (OBOR) as it has been christened - has since come to occupy center stage in China's foreign policy. A tentative road map, delineating the plan for its scope and execution was released by the Chinese government in March 2015 in the form of a document titled *Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road*. It laid out the larger objective of the initiative as such:

China advocates the Silk Road Spirit - "peace and cooperation, openness and inclusiveness, mutual learning and mutual benefit", and exerts efforts to implement the United Nations 2030 *Agenda for Sustainable Development* in the field of coasts and oceans. China is willing to work closely with countries along the Road, engage in all-dimensional and broad-scoped maritime cooperation and build open and inclusive cooperation platforms, and establish a constructive and pragmatic Blue Partnership, to forge a "blue engine" for sustainable development.

Even as it is clear from the language of the document, that the principles of mutual cooperation and partnership with the participating nations are central to the conception of OBOR, the project has been, since the time it was first introduced to the world, been eyed with a certain amount of wariness and caution by the international community, due to a certain lack of clarity as how exactly this participatory model of development will be implemented, given the vast geo-political stakes involved.

This article then aims to look more closely into India's response and approach to OBOR. Being one of the largest economies in the region and with its geographically strategic location, that is vital to the development projects planned within OBOR, India's engagement with the initiative is of importance to China. However, the Indian state has approached the Belt and Road Initiative with substantial

guardedness and has raised pertinent questions about its larger implications for the existing geopolitical status quo in the Asian region, as well as for the territorial integrity of the nations involved. This stand was manifested in India's decision to boycott the first Belt Road Initiative (BRI) international forum summit, held in May this year.

The soundness of this stand against OBOR, taken by India, shall be examined over the sections that follow. The first section shall scrutinize the reason behind OBOR's centrality in China's foreign policy and look at what exactly it hopes to achieve by pushing its agenda with such show of vigor. Secondly, it would be useful to briefly discuss how the Belt Road Initiative has been received by major political players involved in international diplomacy and power dynamics. This shall be followed by an analysis of India's policy of keeping out of OBOR, as a matter of policy and the reasons behind it within the context of the two nations' historical as well as more recent strategic relationship. Finally, I shall delve into the question of what strategic options are available with India, to counter the concerns and threats posed by OBOR in terms of the possibilities of fostering other regional and trans-national partnerships and groupings.

What the Belt-Road Initiative means for China

To be able to understand the larger geopolitical ambitions, that power or feed into China's envisioning of OBOR, it is important to first briefly lay out what exactly falls within its ambit. OBOR essentially is comprised of two components, which while largely interlinked and overlapping in objectives, nonetheless are different from each other in terms of the countries they involve and the specific sub-projects, they are meant to cover.

These components are the *Maritime Silk Road Initiative (MSRI)* and the *Silk Road Economic Belt (SREB)*. While the end game for the MSRI, as understood by experts based on the literature, that is currently available on it, is to connect China to Europe through the Mediterranean and the Suez Canal, the plan is also to bring several countries in Eastern Africa under it. The central idea at the core of it is to bring about a mammoth surge in connectivity among the nations, delineated to be part of the project by either developing new undertakings or incorporating already existing ones such as the China-Pakistan Economic Corridor, the decades-old United Nations Economic and Social Commission Trans-Asia Railway, the multilateral Greater Mekong Sub-region Economic Cooperation Program, the China-India-Bangladesh-Myanmar Economic Corridor and the Mekong River Development Initiative, to name a few. The professed goal is not only to bring in sustained development through a combination of hard and soft infrastructure buildings, but also to redefine and expand the scope, of what hard and soft infrastructure can be.

The SERB, while mirroring many of the goals and targets of the MSRI, is a distinct project, that was announced separately, which ". . . entail a thoroughfare or Eurasian Land Bridge that will connect the Pacific to the Baltic through a series of transportation routes (air, rail and road)." It hence essentially aims to be a land based network, involving specific countries, such as Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan, Mongolia, Russia, Pakistan, India, Afghanistan, Iran and Turkey. The picture, that emerges then, is that of a dynamic scheme that is still very much subject to being shaped, as it best suits China's rapidly expanding vision for it.

Even as the exact blueprint of the projects, that are to be a part of OBOR and the manner in which they are to be executed, remains somewhat shrouded in confidentiality, what is abundantly clear that the OBOR is China's bid to gaining the upper hand in a multi-polar world, both economically and strategically.

According to Chinese Studies scholar Joshua Meltzer, the Belt and Road Initiative is in fact reflective of a relatively recent change in China's foreign policy, fostered by Xi, who aims to work towards the fulfilment of what has been called the '*Chinese Dream*', that envisions a China, that is simultaneously internally prosperous and internationally engaged. This is a departure from his predecessor Deng Xiaoping's policy of keeping a low profile internationally and biding one's time. OBOR is an articulation of China's eagerness, to stake its claim as the Asia's dominant power. He further points

out, that the central focus on infrastructure building is an exercise, to a large extent, in building and projecting a narrative of regional and global influence and economic progress. The several trade and investment initiatives, that are part of OBOR, are indicative of efforts to increase regional economic integration and reliance on China, by creating a market for Chinese exports, such as steel and cement in countries, where the large scale infrastructure projects are planned.

Reactions and responses to OBOR in the international arena

Given, that OBOR is as clear an indication as possible of China's ambitions to be regarded as not only a regional but a global superpower, it is inevitable that the world has been forced to sit up and take notice. The initiative has hence evoked strong reactions and response from the International community.

In the United States, the BRI has been received with significant suspicion and ambivalence. The project, since its announcement in 2013, has been closely monitored and analyzed both by policy oriented think tanks as well s academia. While no large scale consensus exists, regarding the role OBOR could play in altering the current world order and the existing US-China relations, what is largely undebated is, that it certainly has the potential to vastly transform the economic and political landscape of Central Asia and even South East Asia and Europe to a lesser degree. The concerns and questions of American experts, commentators and policy makers regarding OBOR are primarily centered around the issue of what exactly are China's 'real' motives for pushing for it, how will they in actuality be executed and the long-term implications. Over the years, assessments of the motives and implications of this mammoth project have variously interpreted it as *" . . . an entirely mercantile venture . . . a strategic gambit aimed at establishing Chinese hegemony or even a Sino-centric world order . . . a risky act of hubris that could exacerbate China's economic slowdown ...having the potential to reestablish Eurasia as the largest economic market of the world and effect a shift away from the dollar based global financial system"*. However, even as the reservations about the OBOR persist in Washington circles, American representation at the BRI Summit held in Beijing in May this year is indicative of the fact, that even among all the talk of the new American President of isolationism and economic nationalism, China's Belt Road Initiative cannot be ignored by the United States.

Most states of the European Union sent representatives to the BRI Summit in May. However, reactions to OBOR in Europe also remain varied and conflicted. Here again, while there is a general consensus, even appreciation of the sheer ambition of the project and its potential to change the existing politico-economic status quo, the reservations are about the details (or lack thereof) of execution and implications. This was articulated by Jyrki Katainan, the Vice President of the European Commission, in his speech at the BRI Summit in Beijing. He asserted that *" . . . any scheme connecting Europe and Asia should adhere to a number of principle including market rules and international standards and should compliment existing networks and policies."* The other area or concern for the EU, as far as OBOR is concerned, is the issue of reciprocity and doubts over the extent to which the BRI will open up Chinese markets for European companies. Hence while the Belt Road Initiative certainly has the capacity to create opportunities for Europe, Europe largely perceives it as a Chinese venture, designed to serve Chinese interest and solidify its position as the key economic player in the Eurasian region for the several decades to come. The level of control that the 'partner' nations will have over this process remains poorly defined.

Assessing India's stand on OBOR

India and China have historically shred a troubled relationship, chequered with the betrayal of the Panchsheel Agreement, the 1962 Indo-Chinese War and unsettled border disputes, that were its lasting legacy and India's opposing stand on the Tibet issue vis-à-vis China. These have all left their mark on the two nation's current strategic relations, with evident signs of consistent strain.

The recent standoff at Doklam, has only exacerbated the tensions manifold - bringing the two countries almost at the brink of a full blown military conflict. Some International Relations pundits

have even gone so far as to suggest, that the pitch of the Chinese rhetoric during and in the wake of the Doklam standoff was driven, in some measure, by China's displeasure at India's total boycott of the BRI Summit, which was seen by the former as a clear snub.

India, on the other hand, has presented strong reasons for wanting to be disengaged from OBOR and for its evident mistrust of the gigantic project. In a firm statement from the *Ministry of External Affairs*, India minced no words in calling out the Chinese government's in-transparent approach to executing the Belt Road Initiative by emphasizing the "*connectivity must be pursued in a manner which respects sovereignty and territorial integrity.*" The main cause of concern for India, around which the above statement is structured, is the China-Pakistan Economic Corridor (CPEC), which is one of the flagship programs of the BRI. It passes through *Pakistan Occupied* (PoK), thereby posing as a potential security threat to India. A joint undertaking between China and Pakistan, that passes through disputed territory, is tantamount to providing legitimacy to Pakistan's claim over the area, which it had in fact originally forcefully occupied. Since India's stand is, that PoK is essentially Indian territory wrongfully seized by Pakistan, an agreement to engage with China over CPEC would dilute that claim. Further, it would also involve a third country, in what is essentially a bilateral issue. The other area of concern for India, in relation to CPEC specifically and OBOR in general, is potentially the adverse impact, the project can have on the environment and the possibility of disruptions in the ecology of the region. Finally, it is also the apprehension of the creation of a huge debt burden, that figures among India's misgivings with the Belt Road Initiative.

It would certainly be inaccurate to say, that India's concerns regarding OBOR are misplaced or exaggerated.

Given the long history of diplomatic tensions with both Pakistan and China and the latter's inconsistent stance on the Kashmir issue, that has veered between neutrality and decidedly leaning in favor of Pakistan over the years, it is understandable, that India wishes to tread lightly on what could potentially be a very precarious situation strategically. There have been questions raised about India isolating herself in the region and also that of being perceived as a veritable villain in its big development story. However, it cannot be denied, that the matter of territorial integrity and sovereignty of a nation shall always be non-negotiable. Further, the question of India's unwillingness to be part of a larger trans-Asian vision for development, can be countered by the fact, that India is the second largest shareholder/inventor in the *Asian Infrastructure Investment Bank* after China and is also seen to be leading the development agenda of the SAARC nations.

Countering the OBOR juggernaut

In the wake of its strong stance against OBOR, Indian analysts and policy makers have been exploring options for other regional partnership and infrastructure projects, that can be formulated, so as not to undermine India's image as a pro-development nation without posing any threats to its sovereignty. Further, commentators like C. Raja Mohan have emphasized, that even if joining China's big infrastructure dream might be detrimental to Indian interests in the long run, the idea at the core of it – connectivity – is still a vital one and needs to be worked upon nonetheless. He suggests a three-fold approach to tackling the challenge posed by OBOR. Firstly, it is important to understand, that much before it became the centerpiece of China's foreign policy, OBOR was in fact originally conceptualized as an internal '*Go West*' policy, aimed at linking China's developed east coast with the internal provinces and unifying the domestic market. Hence, following from that vision, it is imperative that India too focuses on strengthening its internal connectivity. Secondly, more needs to be done in modernizing India's connectivity across its land and maritime frontiers with its neighboring countries. This has become even more urgent, considering that at least three of India's neighbors – Pakistan, Bangladesh and Nepal – have agreed to be a part of OBOR. And finally, C. Raja Mohan calls upon the need to foster new partnerships with countries like Japan and America, for developing our own hard and soft infrastructure, that would enhance connectivity both within the subcontinent and beyond.

In is with this in mind, that India released a vision document for the *Asia Africa Growth Corridor* (AAGC) at the recently held meeting of the *African Development Bank* in Gujrat. Powered by the joint vision of Indian Prime minister Narendra Modi and his Japanese counterpart Shinzo Abe, the AAGC aims for India and Japan to collaborate in creating quality infrastructure in Africa, in conjunction with state of the art digital connectivity. Whether this initiative has the potential to truly challenge the Chinese behemoth, that is OBOR, is something that will only become clear over the several months and years, that are to follow. However, given India's substantial goodwill in Africa, Japan's financial and technological backing and the fact, that China is equally eager to make Africa an integral part of its own development designs, it should be interesting to see this battle for regional supremacy and one-upmanship between the Indian elephant and the Chinese dragon unfold, as they lock horns to control the development narrative in Asia.

The India-Japan Annual Summit in Gujarat

By Dr. Joyce Lobo

The specialty of Prime Minister Shinzo Abe's visit to India was the venue for most of the programs, including the Summit, taking place in Prime Minister Narendra Modi's home-state of Gujarat.

'Towards a free, open and prosperous Indo-Pacific': A very lengthy joint statement was issued on September 14, 2017, titled "*Towards a free, open and prosperous Indo-Pacific*", a strategy, that belongs to the Japanese, that is now meshed with India's *Act East Policy*. To strengthen cooperation, both countries are relying on the ASEAN and also on trilateral frameworks with countries such as the USA or Australia. Relations between India and Japan are today considered special, strategic and global. The *India-Japan-USA trilateral dialogue* was just concluded post Abe visit to India, which focussed on maritime security in the Indo-Pacific, connectivity and proliferation.

Defence: The approach towards a global partnership is viewed by these two countries as quest for a free and open Indo-Pacific strategy for Japan, while it means *Act East* policy for India. Therefore the talks revolved on the forward movement, regarding defence and security cooperation in areas other than maritime security alone. Defence and security cooperation has been expanded from a mere focus on a maritime security to land and air defences. Therefore, both sides are exploring cooperation between the Indian Army and the Japan Ground Self Defence Force and between the Indian Air Force and the Japan Air Self Defence Force, including the coastguards.

The other component on defence was technological and equipment cooperation. Arun Jaitley, who had then held the defence portfolio, met Japanese Defence Minister Itsunori Onodera in the first week of September. During this annual dialogue, both ministers launched a business-to-business meeting of their industries for defence production. India is seeking Japanese technology for the local manufacturing of arms and equipment. During this meeting, both sides strongly condemned the North Korean nuclear test of September 03.

All the three armed forces of both the countries have a steady flow of interactions. By April this year, India has complied with the UN resolution to stop trade relations with North Korea, excepting food and medicine. India, alongwith Japan in the joint statement, has "*stressed the importance of holding accountable all parties, that have supported North Korea's nuclear and missile programmes*". These parties refer to China and Pakistan.

Japan had supported India's stance on the Doklam issue, against China laying infrastructure in the disputed area lying within Bhutan. Again, it has a similar understanding with India on terrorism, particularly on cross border terrorism and harbouring of such groups. The joint statement identifies groups such as *Al-Qaida*, *ISIS*, *Jaish-e-Mohammad*, *Lashkar-e-Taiba* and other affiliates. India has likewise given its full support to Japan on the North Korean nuclear issue. It completely supports

the *UN Security Council* resolution 2375, that imposes economic sanctions on North Korea and condemns its recently held nuclear test.

India also had concluded in July this year the *Japan-India-US Trilateral Maritime Exercise MALABAR 2017*. Both sides are also exploring for an *Anti-Submarine Warfare* training. However the US-2 amphibious aircraft sale seems to be not taking off, with more discussions doing the rounds.

Economic cooperation: The visit signified the launch of the first *Mumbai-Ahmedabad High Speed Rail Project*, which is said to be at the cost of Rs. 1.08 lakh crore (US\$ 17 bn). This will be laid for a distance of 508 km. To supplement this project there is a HSR Training Institute, that will be established.

The other project, that was discussed, was to develop *Japanese Industrial Townships* in four locations of Gujarat, Rajasthan, Andhra Pradesh and Tamil Nadu. Cooperation in automobiles includes a new dimension, wherein both sides launched the production of Lithium-ion batteries for hybrid and electric vehicles. Both countries have signed a MOC under the *Japan-India Special Program for Make in India*, to cooperate in infrastructure development programmes in the Mandal Beachraj-Khoraj region in Gujarat. The Japanese companies are also developing the human resource development, through the *Japan Institute of Manufacturing (JIM)* in Gujarat, Rajasthan, Tamil Nadu and Karnataka.

Projects, that have been finalised through the *Official Development Assistance (ODA)*, are a ship-breaking recycling yard in Alang Sosiya in Gujarat, the North East road network connectivity, the Calcutta East West Metro project and the Gujarat Investment Promotion program. Also, the constituency of Modi gets an uplift, wherein the project of the *Varanasi Convention Centre* was launched. This is part of the sister-city arrangement, done in 2015 between Varanasi and Kyoto. Thus the economic aspects of the current bilateral talks and agreements have dominated the Abe visit.

Japan is the largest source of FDI in India, especially since the previous year, there is a 80% increase amounting to US\$ 7.7 billion in 2016-17. However, there is a decline of 16% in terms of bilateral trade since 4 years— from \$18.6 billion in 2012-13 to \$13.48 billion in 2016-17. Exports to Japan stood 3.85 billion in 2016-17 from 6.81 billion in 2013-14. In the meanwhile, the imports have reduced from \$12.5 billion in 2012-13 to \$9.63 billion in 2016-17.

Connectivity: Connectivity found an important place during the present summit, though both countries share a principled approach. The focus has been on Africa. Both sides discussed on ways to merge their respective initiatives (*India Africa Forum Summit* and *Tokyo International Conference In African Developments*) towards the African continent. This takes forward the idea, that emerged in the November 2016 meeting between Modi and Abe, to create the *Asia Africa Growth Corridor (AAGC)*. On May 23, 2017 Prime Minister Narendra Modi had announced, that an *Asia-Africa Growth Corridor (AAGC)* would be established with support from Japan in his address to the annual general meeting of the *African Development Bank (AfDB)*. During this time, a vision document was released by both the governments—“*Asia-Africa Growth Corridor. Partnership for Sustainable and Innovative Development*”, which suggested that the corridor would be raised on four pillars of Development and Cooperation Projects, Quality Infrastructure and Institutional Connectivity, Enhancing Capacities and Skills and People-to-People partnership. Knowing India’s developing status and its resource constraints, it finds partnership with Japan complementing it in several ways in Africa in areas, like its development assistance programmes, expertise in designing, planning and delivering hardware infrastructure and capacity to transfer capabilities for managing and strengthening supply chains in manufacturing sector and infrastructure projects. Through the AAGC, both countries intend to create a free and open Indo-Pacific region with sea corridors, that will link the African continent with India and countries in South-Asia and South-East Asia. This is considered as an alternative sea corridor, that both countries are attempting against the *One Belt One Road* initiative of the Chinese.

The Chinese influence on the African economy can be gauged from the *2017 African Economic Outlook*, released at the AfDB summit, which showed, that it was still the major consumer of African goods, accounting for 27 per cent of Africa's total global exports. China is also a leader in greenfield investment in Africa. In 2015-16, the country invested a whopping USD 38.4 billion (24 per cent of total Greenfield investment). In comparison, India, during the same year, invested just USD 2.2 billion (1.3 per cent of total greenfield investments) across 64 greenfield projects. Japan investments at present are minuscule.

The second part of connectivity cooperation between India and Japan would be in the North East region, which also blends with the *Act East Policy*. An agreement was signed by both sides to create the *Japan-India Act East Forum* and to identify areas, where Tokyo could participate in infrastructural development. In this manner, India intends to connect with Myanmar, Bangladesh and the rest of the East Asian countries. Ironically this will allow Japan a presence in the areas, where China has laid claims, especially in Arunachal Pradesh or Doklam in Bhutan. Japan is already a participant in the North East through road connectivity, electrification, water supply, sewage treatment, afforestation, people-to-people exchanges, etc. It invites and involves the youth from this region to its home country through the *IRIS Program*.

The third part of the connectivity cooperation is in the creation of smart islands. The talks were an extension of last year's discussions to upgrade infrastructure in islands such as the Andamans and Nicobar. This is the first time, that India has changed its policy in accepting foreign investments to develop these islands. This comes well in hand to monitor the naval movements of other countries in the Malacca Strait.

Also for the first time, the Japanese soft loan of US\$ 4.5 billion will be utilised for the *Delhi-Mumbai Industrial Corridor* (DMIC), which so far has been funded by the Indian government.

Japan has conveyed its interest to Iran and India to participate in the Chabahar Port project. While Japan and India share common aspirations at the regional and global level, the former has come in support of India's candidature to the *Asia Pacific Economic Cooperation* (APEC).

Clearly the partnership between India and Japan is heading towards maintaining the regional balance in the Indo-Pacific region. Today, they share common principles and positions and hence India and Japan are being called as 'allies'. Most of their moves and strategies also suggest an anti-China policy, that one can't miss in the policies pursued.

BRICS 2019 in China

The 9th BRICS Summit took place in Xiamen, China (September 3-5, 2017) on the theme—“*Stronger Partnership for a brighter future*”. China had invited five guest countries—Thailand, Mexico, Egypt, Guinea and Tajikistan. Today the BRICS countries comprise of 42% of the world's population, global GDP of 23% and 17% share in world trade. About four documents were signed—*BRICS Action Agenda on Economic and Trade Cooperation*, *BRICS Action Plan on the Innovation Cooperation*, *BRICS Customs Cooperation* and MoU between *BRICS Business Council* (BBC) and *New Development Bank* (NDB).

The Xiamen Declaration: The BRICS leaders have discussed the global economic situation and issues, that are currently trending around the world. For the first time, terrorist organisations like the

Lashkar-e-Taiba and *Jaish-e-Mohammad* have found mention in the *Xiamen Declaration* as perpetrators of violence adding to security concerns. Concerns were raised on terrorism with the declaration calling for the early ratification of an India sponsored *Comprehensive Convention on International Terrorism* (CCIT).

The member countries have made some progress, since they adopted the *2015 Strategy for BRICS Economic Partnership*, namely in prioritising areas like trade and investment, manufacturing and minerals processing, infrastructure connectivity, financial integration, science, technology and innovation, and Information and Communication Technology (ICT) cooperation, etc. Already, the first report on the implementation of the 2015 strategy is submitted. The member countries also decided to promote development of BRICS local currency bond markets, establish a BRICS local currency bond fund and facilitate financial market integration.

Some of the work in progress are to have a BRICS social security agreement, a financial framework for sustainable development, a BRICS infrastructure project preparation facility, a BRICS trade settlement in local currencies, BRICS cooperation in agro-business, a BRICS cooperation in energy, a BRICS trade facilitation network, and a BRICS credit rating agency. While intervening at the Plenary Session, Prime Minister Narendra Modi pointed the areas of priority to India— early creation of a BRICS rating agency; promotion of co-operation between the *Contingent Reserve Arrangement* and the IMF by the Central Banks, energy access particularly renewable energy, participation of youth in joint initiatives, cooperation between cities of member states and cooperation in technology and innovation. In particular, Modi suggested capacity building engagement between BRICS and African countries.

The BBC has covered work in the areas of e-commerce, technical development, sharing digital economy experience etc. with good results. In the meanwhile, it's NDB, which has launched its African regional center, has expressed, that new projects required to be implemented in a steady manner. The BBC was set up in 2013 in Durban, having about 25 senior industrial leaders from all the five countries. The working groups focus on energy and green economy, infrastructure, manufacturing, skill development and financial services.

BRICS attempts to create a multi-polar order and in this summit, the member countries have agreed to strengthen the 'golden decade' for higher achievements. The BRICS summit had taken place in the background of the Doklam standoff between India and China, being called off after two and half months of a stalemate. Meeting on the sidelines of the Summit, Modi and President Xi Jinping focussed on BRICS related issues. A lot of efforts are put by both countries to carry forward the dialogue process, despite the differences that have emerged over the last two years. Therefore both countries are back to the principled position of maintaining 'peace and tranquillity', arrived through diplomatic channels. There is a lot of internal strife between India and China particularly. However both countries attempt to manage continuity in terms of their relations.

Dr. Joyce Lobo writes on Modi's visit to Myanmar and the greater understanding both countries share in terms of terrorism.

Modi in Myanmar

Prime Minister Narendra Modi visited Myanmar on September 05-7, 2017 for his first official bilateral with Naypyidaw. This trip was largely peppered by visits to holy places of Hindus and Buddhists. Myanmar encompasses India's *Act East Policy* and *Neighbourhood First Policy*.

President Htin Kyaw, the first civilian executive to rule Myanmar after a gap of 54 years, visited India between August 27 -30, 2016. Myanmar enables India to maintain security at the India-Myanmar borders along the north-east region. Naypyidaw, like India, faces insurgency, that stems from the borders of China. Myanmar has initiated the *Panglong Conference*, to negotiate with the Kachin, Chin and Shan states to its north. To bring an end to the years of unrest, *State Councillor and Foreign Minister* Aung San Suu Kyi first visited China to seek support for peace talks between Myanmar and the rebels. She visited India only in October 2016, wherein she raised similar concerns, that India and Myanmar share. However, she pointed out, that while terrorism was a problem, all surgical strikes were not acceptable.

For India, Myanmar – as a gate-way to South-East Asia - becomes important, as it is considered as the land bridge for India to connect with ASEAN and also as an anchor for the BIMSTEC initiative. Hence, areas of interest are connectivity, infrastructural development, counter-insurgency cooperation, apart from various economic projects. Modi held talks with Suu Kyi on September 06. Many agreements on health, culture, capacity building, maritime security and collaboration between key institutions were signed. Both the leaders took stock of the projects that are in an active phase of implementation, like the *Kaladan Multi Modal Transit Transport project*, the *Trilateral Highway project*, the *Myanmar Institute of Information Technology* etc. and also discussed new ones. Bilateral trade between India and Myanmar is merely US\$ 2.2 billion.

India has supported Myanmar's government's peace and national reconciliation process. However, Myanmar has come under intense international pressure on its military crackdown of the Rohingya Muslims, to the point of asking the 'silent' Suu Kyi to return her Nobel Peace prize. India and Myanmar are on the same page on counter terrorism. The Indian government, led by Modi and the *Rashtriya Swayamsevak Sangh (RSS)*, which is the ideological mentor of his *Bharatiya Janata Party*, consider the Rohingya's as threat to India's national security, that neatly blends with Napyidaw's policy. The Modi government, right after this visit to Myanmar, announced its intention to deport the Rohingyas to Myanmar, blatantly violating the principle of non-refoulement. The joint statement mentioned Myanmar's condemnation of the terror attack on the Amarnath Yatra, undertaken by the devout Hindus. Likewise, India condemned the terror attack in the Rakhine State by Rohingya Muslims. The Myanmar Buddhists are against the Rohingya's, wherein their role is questionable in helping the military during crackdowns.

Both sides have an amicable understanding on respecting each other's sovereignty. The 1600km long border between both the countries is not sealed and this process has been ongoing. India has about 16000 registered asylum seekers and 40,000 illegal refugees from amongst the Rohingyas. Recently, Myanmar forces have connected the killing of Hindu villagers as an act committed by the *Arakan Rohingya Salvation Army (ARSA)*. However, ARSA claims, that they are wrongly implicated. The Myanmar military and the government, which is not forthcoming to take the press or human rights

activists to the place, where Rohingya atrocities are committed, were most willing to show the killing of Hindus in Myanmar. Myanmar has sought the sympathies of India over the Rohingya issue, by playing the Buddhist and the Hindu card against the Muslims, which suits the current political dispensation in India.

P. S.

Colin Gonsalves (India), THE RIGHT LIVELIHOOD AWARD, 2017

Colin Gonsalves (India), „*for his tireless and innovative use of public interest litigation over three decades to secure fundamental human rights for India’s most marginalised and vulnerable citizens.*”

Colin Gonsalves is amongst the most complete human rights lawyers of his generation. He is a Senior Advocate at the Supreme Court of India and the founder of the Human Rights Law Network (HRLN), an Indian national network of public interest lawyers. Over three decades, HRLN’s lawyers have engaged in public interest litigation to hold the government to account and secure a broad spectrum of human rights. Gonsalves’ clients have included India’s most vulnerable people such as bonded labourers, ethnic and religious minorities, refugees, slum dwellers, women and the poor. Gonsalves’ most significant victories in the courtroom include the 2001 “Right to Food” case, which saw India’s Supreme Court issue far reaching orders enforcing a free midday meal for all schoolchildren and subsidised grain for over 400 million Indians living below the poverty line. In 2016 and 2017, Gonsalves obtained landmark judgements from the Supreme Court, that ended the longstanding immunity of the Indian Armed Forces from criminal prosecution. This is already having a significant impact in reducing the number of extrajudicial executions occurring in India’s Northeast.

Building a network of public interest lawyers across India

Colin Gonsalves was born in 1952 and graduated in 1975 in engineering from the Indian Institute of Technology in Mumbai, but immediately switched his vocation to law, as he became aware of its importance as a tool to address human rights abuses. Graduating in law from the University of Mumbai in 1982, Gonsalves started his legal practice in Mumbai, with a focus on securing the rights of workers. In the mid 80s, Gonsalves and two other colleagues started the Peoples’ Law Centre, to provide free legal aid for working class people.

Noticing a complete lack of legal aid for India’s poor, Gonsalves and his colleagues began to visit other states, participating in meetings and taking the first steps to form a network of young lawyers and social activists. In 1989, his Peoples’ Law Centre was renamed as Human Rights Law Network (HRLN). HRLN published books such as “Women and the law” and “Prisoners’ Rights”, revealing the expansion of the organisation’s mandate from labour law to other branches of public interest law. In 1991, the organisation was legally registered as “Socio Legal Information Centre”, with Gonsalves as its Director. It remains popularly known in India as HRLN, and today counts 250 lawyers, social workers and staff operating out of 22 offices in the country. Gonsalves and HRLN slowly but surely expanded their work to represent Adivasis, Dalits, slum dwellers, unorganised workers, women, children and advocates for the advancement of disability rights, LGBT rights and environmental law. Throughout its history, HRLN has focused on using the legal system to win practical results for the poor and marginalised sections of society, winning over 1,000 cases.

Pioneering public interest litigation to secure the rights of millions

To empower peoples' organisations to litigate, HRLN began trainings throughout the country focusing not merely on the provisions of the law but more particularly on the steps to access justice in a practical way with or without a lawyer. In 2000, HRLN began prolifically litigating in the field of public interest litigation (PIL), a unique development where class action cases can be filed through NGOs and others, at low costs and sometimes with dramatic results for large numbers of people.

One such instance was People's Union for Civil Liberties vs Union of India, commonly known as the "Right to Food" case, which Gonsalves filed in 2001. Outraged with the scandalous situation, where excessive amounts of food grains were rotting in government granaries, while people continued to die of hunger and starvation, Gonsalves brought a PIL in the Supreme Court, that led to the Court issuing over 80 far reaching orders, enforcing a midday meal for all students, supplementary nutrition for little children, adolescent girls, pregnant women and lactating mothers, maternity benefits at the time of delivery and subsidised grain for over 400 million people below the poverty line. Significantly, through this case, the Supreme Court affirmed that the right to food was in fact a constitutional right. The Indian government enshrined this right in legislation through the National Food Security Act in 2013.

Gonsalves and HRLN have used PILs to promote and protect a diverse range of human rights and provide concrete remedies to vulnerable groups. A landmark case, regarding high drug prices of essential medicines, led the Supreme Court to direct the government to enforce price controls. Many of HRLN's housing rights petitions have resulted in stay orders on the demolition of slums. More recently, in the *Parivartan Kendra vs Union of India* case litigated by Gonsalves, the Supreme Court held that private hospitals must provide free treatment for the victims of acid attacks, a horrendous form of violence against women in India.

Gonsalves and HRLN's work is not limited to strategic litigation, and they work on the principle of never turning a poor client away. HRLN has filed several petitions on behalf of Sudanese, Yemeni and Myanmar refugees and is currently pursuing a petition on behalf of 6,000 Rohingyas, seeking stay on deportation. Resolute in challenging the death penalty, Gonsalves managed to get a stay order on the execution of 16 persons through a judgement of the Supreme Court in *Shartrugan Chauhan versus Union of India* in 2013 on the grounds, that their mercy petition was pending before the President of India for too long a time period. When Najeeb Ahmed, a young university student, disappeared in October 2016 under mysterious circumstances, following an alleged altercation that took on sectarian overtones, Gonsalves courageously agreed to represent his family in their quest for justice.

Over the years, Gonsalves has instilled a sense of public interest lawyering in India through HRLN's internship program, which has mentored hundreds of young law students across the country.

Successfully holding the State to account for extrajudicial executions and human rights violations

Contemporary activists working to promote and protect human rights in India do so under immense pressure and great personal risk. Despite this, Gonsalves has not shied away from mounting legal challenges to the impunity of army, police and security personnel for committing human rights violations. Gonsalves and his HRLN colleagues have represented several victims of rape in police custody, torture and extrajudicial executions in the insurgency-hit central Indian state of Chhattisgarh, despite facing intimidation, violence and death threats.

Together with local activists, Gonsalves produced a fact-finding report, revealing 1,528 extrajudicial

executions committed by the Indian Army in the Northeastern state of Manipur from 2000 to 2012, that had not been adequately investigated. This report became the basis for a petition to the Supreme Court, filed by Gonsalves on behalf of the victims' families. The Supreme Court ordered an investigation and for the first time, army officers testified under oath in a witness box. In this case, *Extrajudicial Executions Victim Families Associations vs Union of India*, the Court in 2016 issued a groundbreaking decision holding, that the police must file *First Information Reports* (FIRs) and investigate every case alleging killings of civilians by the army. Striking a blow at the immunity given to armed forces personnel operating under the draconian Armed Forces (Special Powers) Act from 1958, the court subsequently in July 2017 ordered the *Central Bureau of Investigation*, to set up a *Special Investigation Team* to investigate the extrajudicial executions, file criminal charges and report on compliance by the end of the year. The fact, that the government has tried twice to nullify the Court's verdict through petitions and failed on both occasions, highlights the significance of Gonsalves' triumph, at a time, when there is a worldwide trend of states suppressing civil liberties.

About the Award: Established in 1980, the Right Livelihood Award honours and supports courageous people and organisations offering visionary and exemplary solutions to the root causes of global problems. In total, there are now 170 Laureates from 69 countries. In addition to presenting the annual award, the Right Livelihood Award Foundation also supports the work of its Laureates, particularly those, whose lives may be in danger due to the nature of their activities.

About the selection process:

Anyone can propose candidates to be considered for a Right Livelihood Award. Through this open nomination process, the Foundation receives a clear indication of what citizens around the world consider to be the most pressing issues of our time, and the individuals, who dedicate themselves to solving them. After careful research by the Foundation's research team, reports on the current proposals are submitted to the Foundation's board and international Jury. The Jury meets annually in September to select the Recipients. This year, the jury considered 102 nominations from 51 countries.