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## CONTENT

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**Cristina Peregrina Leyva**

*Brazil and Mexico comparative cultural diplomacy analysis* ..... 1–8

**Marin Ekstrom**

*India–Russia relations in the 21st century* ..... 9–27

**Candice Stephens-Mc Nichols**

*Putting the human back in human rights: the issue of climate refugees and creating an adequate legally binding international human rights treaty for refugees and internationally displaced persons due to climate change* ..... 28–38

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## **BRAZIL AND MEXICO COMPARATIVE CULTURAL DIPLOMACY ANALYSIS**

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### **ABSTRACT**

Brazil and Mexico are considered emerging nations with increasing regional power. Their cultural output has been recognised in the region and internationally through their nation-branding and specific historical periods where their cultural projection abroad was present. In this text, there will be an analysis of the cultural diplomacy of both of these Latin American countries, where first there will be an introduction into their cultural policy models and traditions as these influence their cultural diplomacy tendencies.

Furthermore, the specific nation-based context will be presented separately, where their historical development in this topic will be discussed in relation to public diplomacy, nation branding, cultural cooperation, and cultural relations. In the conclusion of the following article, there will be a contrast on differences and similarities between these countries beyond those presented in the introduction and a result of the nation-based analysis presented beforehand.

Key words: cultural diplomacy, cultural relations, cultural cooperation, soft power, comparative policy, Latin American studies.

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### **Introduction**

The output of cultural products of Brazil and Mexico has been one of the strongest in the Latin American region. For instance, Mexican and Brazilian TV has a solid regional presence (Bell and Oakley 2014, p.146). Moreover, the cultural industry of Brazil has a strong development towards international audiences (Bell and Oakley 2014, p.53) in comparison with other Global South countries, its cultural protectionism that had screen quotas for national production as well (Bell and Oakley 2014, p.154).

Both countries have a domestic cultural policy model based on the ‘Architect State’, meaning that its fine arts are funded through a Ministry or Department of Culture, where culture is seen as a part of social welfare objectives (Hillman-Chartrand 1989, p.51). Furthermore, their policy tradition is that of ‘Cultural States’ where these countries’ cultures are worthy of preservation and emulation (Mulcahy 2017, p.8). There is a strong link between cultural policy and sense civique in this policy tradition (Mulcahy 2017, p.9) as its part of the nation’s identity, civism, and society. In the Brazilian and Mexican cases, there is an understanding of cultural identity and protection of cultural rights in discourse. Moreover, in its domestic cultural policy, Brazil has had a stronger cultural protectionism tradition also, unlike Mexico. Brazil has had a historical tradition of cultural protectionism. Brazilian cultural policies aim to protect its national culture over external cultural influences, though there was some influence from the USA, as it was with Mexico.

Domestic cultural policy traditions and models influence external cultural relations. Cultural policy is often linked with not only the cultural institutions of a country but other ministries, where different national interests need to be met. In the case of cultural diplomacy, it is largely dictated by foreign relations and objectives of a nation and sometimes linked to objectives of other governmental institutions of the same country. Some forms of cultural diplomacy can be categorized as external cultural policy or international cultural policy. The countries analysed in this research have some similarities in their cultural policy as derived from the French institutional model. Their domestic policy models can be reflected in the way cultural diplomacy is done by these countries, which have a strong cultural diplomacy tradition abroad, in contrast to other countries of the Latin American region.

Cultural diplomacy is a form of public diplomacy that involves cultural exchanges, for purposes of intercultural dialogue or soft power objectives of a nation. This form of traditional public diplomacy is often related to soft power, as a means for a nation to promote its culture abroad for political motives. Soft power is defined as co-optive power with “the ability of a country to structure a situation so that other countries develop preferences or define their interests in ways consistent with its own” (Nye 1998, p.168). Moreover, this form of power, which has been increasingly analysed in international relations and cultural policy research, has a symbolic and immaterial approach to power. “This power tends to arise from such resources as cultural and ideological attraction as well as rules and institutions of international regimes” (Ibid). Therefore, a soft power approach to cultural diplomacy entails a power play from actors involved in these types of exchanges.

## **Cultural diplomacy in Brazil**

The cultural diplomacy of Brazil has an ample historical tradition. Between 1910 and 1912 the Brazilian government led diplomacy that aimed to showcase a prestigious image of the country (Dumont and Flechét 2014, p.3) but during the development of the First Republic between 1889 and 1930, there were no clear actions on cultural diplomacy (Ibid). Later on, the Brazilian Commission of Intellectual Cooperation was founded and the role of culture was further explored by this institute and the Foreign Ministry. Moreover, the main objective was to create propaganda and intellectual expansion in Europe, trying to get the attention of writers than knew Spanish or Portuguese or that could develop an affinity for Brazilian culture (Ibid).

Brazilian cultural diplomacy is shaped by its foreign policy principles. From 1985 in José Sarney's government to Lula da Silva's government in 2003, Brazilian cultural diplomacy became more defined by the aforementioned administrations (Torresini et al 2018, p.90). Nevertheless, cultural diplomacy has not been widely studied in the external relations of Brazil (Torresini et al 2018, p.91) but this country has been one of the leading Latin American countries in cultural diplomacy.

In the government of da Silva, there was a stronger establishment of cultural diplomacy. It was during this administration that political and economic model changes were happening and that affected Brazil's foreign relations (Torresini et al 2018, p.101). Besides the influence of national cultural policy changes, the Foreign Affairs Ministry had its own division of Cultural Promotion and in 1978 the concept of 'Brazilian culture' was further explored (Torresini et al 2018, p.106). These advancements in cultural diplomacy and cultural policy in the country had an influence from the dictatorship era, where there was an active role of the state to promote an official Brazilian culture (Ibid). Its cultural protectionism tradition inherited by the dictatorship determined the following cultural diplomacy political agendas.

The division of Cultural Promotion had more funding in that historical period. This division looked for "the promotion of Brazilian culture abroad, with incentives to generate cultural programs in the Brazilian representations" (Torresini et al 2018, p.107). In this period the Brazilian government aimed to use culture as a soft power tool to establish themselves as a global political actor. Moreover, culture was seen as a means to create an intercultural dialogue with other nations and represent the cultural diversity of the country (Ibid). Moreover, the policy document "external cultural policy of Brazil" stated that Latin America and Africa are the priority countries for their cultural diplomacy objectives. Notwithstanding that it might increase

its exchanges with more industrialized and scientifically developed countries such as the USA and Europe, while the Middle East and Asia would be the last priorities (Torresini et al 2018, p.108). Therefore, for Brazil, the priority was Latin America and overall Global South regions. It was through “21 international units: 12 in the American continent, 3 in Europe and 6 in Africa” (Ibid) that cultural diplomacy was distributed in their foreign relations objectives.

Later on, cultural diplomacy in Brazil would be closely linked to a more merchandise and product approach. During Lula da Silva’s administration, his foreign minister stated that “Brasil, country of fashion, football, popular music, and cinema, had to establish its own creative industry and strengthen its technological base, expansion which would benefit the economy, politics and culture” (Torresini et al 2018, p.116) Moreover, the image that the Foreign Ministry wanted to portray regarding Brazil was of an emergent nation with a strong projection (Torresini et al 2018, p.117). Some of the main actions of this period included the creation and support of transregional associations and workgroups that aim to create cultural centres and collective financing of a collective identity, mainly language; besides regional organizations like Mercosur, through cultural identity and more specifically academic exchanges (Ibid).

The priorities of Brazilian cultural diplomacy were established. Some of them included: “Promotion of Brazilian culture in the international sphere; support of Brazilian products abroad; regional integration; strategies for the internationalization of Brazilian arts and culture; the establishment of an international cultural cooperation agency; emphasis on the global south; virtual promotion of the activities of the Ministry; insertion of production companies of cultural goods into the international market and fostering the exchange of students and professionals of culture” (Torresini et al 2018, p.119). There was a strong focus on cultural industries in the context of commerce, not only as a nation branding projection of Brazil abroad.

Moreover, besides the Cultural Promotion office in the Foreign Ministry, there was the creation of the International Relations Office at the Cultural Ministry. This further showcased an interest in cultural affairs as: “the Cultural Ministry opened the International Relations Office, responsible of coordinating the participation of the ministry in international organizations and events related to culture” (Torresini et al 2018, p.120). This consolidated the ongoing relation between the Cultural Ministry and the Foreign Ministry in developing Brazilian cultural diplomacy on a global scale and with the objective of being seen as a leading emergent country.

## **Cultural diplomacy in Mexico**

Mexican cultural diplomacy has been dictated by the Mexican Foreign Ministry and its international cooperation agency – AMEXCID. Moreover, Mexican cultural diplomacy has had different changes in past administrations, during Enrique Peña Nieto's presidency, there was an increase in a bilateral and multilateral approach to cultural diplomacy, as well as increasing use of technologies and inclusiveness of Mexican diasporas.

One of the main instruments of Mexican cultural diplomacy is the Mexican cultural institutes abroad. There are 12 institutes around the world, but their objectives and finances are not thoroughly planned (Villanueva Rivas 2019, p.1148) which poses difficulties to make it a strong cultural diplomacy output. Moreover, the dimension of nation branding in cultural diplomacy is part of Mexican cultural diplomacy, which has been influenced by the violent context of the country (Ibid).

During this period in Mexican cultural diplomacy, there was a new organ created for international cooperation, which is independent of the Foreign Ministry. This new organ had some conceptualization problems, which permeated this country's cultural diplomacy (Villanueva Rivas 2019, p.1149). This new organ followed the creation of a specific law, besides the creation of the General Office for Cultural and Educative Cooperation, which established the principles for Mexican cultural diplomacy (Villanueva Rivas 2019, p.1150). These principles were related to cooperation or promotion and focusing on the promotion of the cultural image of Mexico abroad.

Moreover, this country's cultural diplomacy is an element for Mexican foreign policy to position the country in the international sphere. "To be an administrative unity efficient to the defence, promotion, and diffusion of Mexican culture abroad, with the objective to preserve and strengthen the position of Mexico in the international sphere" (Ibid). Therefore, cultural diplomacy is seen as a tool for establishing Mexico as a stronger international figure. Furthermore, the establishing of Mexico as a world actor through culture required some connections with the educational and overall international cooperation framework within the Mexican cooperation instruments. In this regard, the following is mentioned: "Coordinate the promotion of Mexican interests around the world, through education and cultural cooperation and the promotion of culture, as well as strengthening national capacities in education through exchanges and international partnerships." (Villanueva Rivas 2019, p.1151). The educational



aspect is closely linked to cultural cooperation objectives in Mexican foreign policy in cultural affairs matters.

Cultural diplomacy and cultural cooperation are seen as a soft power tool for the Mexican government that helps other priority areas. The projection of Mexico is done through cultural diplomacy by: “promoting and projecting a positive image of Mexico in the world through education and culture, in coordination with Mexican institutions, embassies, consulates and Mexican delegations abroad, also private and social sectors” (Ibid). Therefore, the Mexican government states that the positive perception of Mexico abroad, through culture, necessitates collaboration across sectors and different institutions and professionals of its diplomatic body. One of the main objectives of generating a positive image of Mexico abroad was to foster investment and commerce in the country. The government stated that it needed to “define agendas in regards to public and cultural diplomacy that allow to improve a better image of Mexico abroad, which will increment the flows of commerce, investment and tourism to elevate and democratize the productivity at regional and sectorial” (Villanueva Rivas 2019, p.1152). Consequently, culture becomes a tool for priority areas in Mexican diplomacy, such as the economy.

## **Conclusions**

Brazil and Mexico are both countries with economic and political leadership in the Latin American region. These two geographically extensive territories have cultural policy traditions and a cultural diplomacy history that dictates their performance on the world stage today. These countries have been set as priorities in cultural relations matters with other regions e.g. European Union or specific countries, e.g. Brazil with the Netherlands, Mexico for Austria in cultural affairs.

Moreover, Brazil has had a stronger regional cultural diplomacy. In its recent history, the country aimed to position its cultural diplomacy on the world stage, to be recognised as a strong emergent country, prioritizing fellow Global South regions, such as Africa. Besides the government, civil society has played a role in the knowledge of Brazilian culture abroad that has made it become representative to this day. Mexican cultural diplomacy focused on exchanges with the Global North, such as Europe and North America, notwithstanding Latin America as a partner.

Brazil and Mexico have cultural policies that have been influenced by the French ministerial model for its institutions and execution. These countries' domestic cultural policies influenced their cultural diplomacy and cooperation models and objectives. In the case of Brazil, the protectionism towards Brazilian cultural outputs for consumption of the local population was a priority, whereas the Mexican case did not have a protectionist cultural policy in terms of production and consumption, but did have an interest in presenting a 'cultural image' of the nation abroad. Both countries had an influence from the cultural power of the USA in Latin America and worldwide, though Brazil's periods of cultural protectionism aimed to resist that influence through its cultural diplomacy.

In regards to nation-branding, both of these countries have an interest in portraying a specific image of their countries abroad. In the Brazilian case, it was influenced by the cultural diplomacy period during the dictatorship, where a controlled and specific image of the South American country contributed to the perception of the country as modernized. In the Mexican case, its nation branding was necessary for economic objectives, the country aimed to have a positive image beyond the violent reality that strikes the country, which would attract investors.

Nevertheless, Mexican and Brazilian foreign relations do not necessarily prioritize cultural diplomacy nor cultural affairs in other forms. This form of diplomacy has mainly been used as a tool for other political and even economic purposes of the aforementioned countries.

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## INDIA–RUSSIA RELATIONS IN THE 21ST CENTURY

Arushi Singh

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### Introduction

Indian and Russian relationship can be seen as being one of cooperation and collaborative linkages with a long historical significance to give it a necessary strategic consequence that is essential for its advancement. The evolution of the partnership is informed by various historically significant events which lend themselves to the advancement of this unique partnership. General Secretary of the Communist Party of the Soviet Union Nikita Khrushchev's announcement of the territories of Kashmir and Goa being part of India, Russian support for Panchsheel, the mediation in 1965 after the war between India and Pakistan which culminated into the Tashkent agreement and the soviet assistance for the building of various industrial plants, Indo-Soviet Treaty of Friendship and Cooperation of 1971 which gave India freedom from the threat of US intervention and USSR's support in the United Nations. After the fall of the Soviet Union, the relationship was sustained through defence cooperation. President Yeltsin's policy of de-ideolisation was in line with the Indian thinking of being non-aligned. It was at this time that India and Russia renewed the Treaty of Friendship. The significance of these interactions lies in the fact that they gave and are likely to continue to offer Russian leaders like Vladimir Putin a platform to enhance interactions with India. These provide future dividends for both countries through previously established structures.

Another facet of the relationship was based on trade. In 1991, the Union of Soviet Socialist Republics (U.S.S.R.) was the largest trading partner and biggest defence supplier to India. The ties have continued which even today with the Russian Federation contributing more than 50% to Indian imported military equipment value wise but the same cannot be said of the Indian trade partnership with the Russian Federation. Although the Soviet Union was a major export market for India but that has not continued to be so under its successor state, Russia. This, like multiple other areas, has potential for rejuvenation in the future.

The road to self-sufficiency for India was paved with the technology borrowed from the Soviets. The Soviet help in the field of heavy industry like mining, metallurgy, nuclear energy and steel plants has helped shape modern Indian heavy industry. USSR was instrumental in helping

maintain the territorial integrity of India and their help in the development of the scientific potential of India cannot be denied or discounted. The same cannot be said of the relationship with Russia which in many cases has receded or stagnated.

Consequently, it is important to remember that the relationship that India enjoyed with the USSR is not the same that it has with Russia. There have been seismic changes in the world since the fall of the Soviet Union in 1991. The most significant change being wrought by the world evolving to become unipolar with the potential to become multipolar. Multipolarity provides the opportunity for both Russia and India to rise as important pillars of this new world order.

Another important facet which will play will be the ever-present realist considerations which will pit one country against the other country. Thus, the interests of one country may end being adverse to the National Interest of the other country. Considerations also inform the stances taken by both countries on the international world stage today. India and Russia have come together in BRICS (Brazil, Russia, India, China, and South Africa) to advance cooperation on the cultural, political and economic fronts. There are also new avenues of interactions with each other in different forums such as the Shanghai Cooperation Organization and G20.

One area where interests of both countries continue to coincide happens to be defence which has not seen the level of stagnation seen in other areas due to geopolitical or economic considerations. In the field of nuclear energy, Russia has remained an important partner. Nuclear power plants like Kalpakkam were built with Russian help. Russia is also the only foreign country to be involved in the construction of nuclear power plants in India.

In the same vein, Russian cooperation in the energy sector is crucial for India. Russia is a giant in the production of natural gas producing 576 million tonnes of oil equivalent. (Frangoul, 2016) Natural gas has been described as low carbon when compared to other sources of fuel. Thus, there is great potential for future collaboration with high energy import countries like India. There is also mass potential in Russian natural resources which span across a vast territory. With Indian needs for natural resources becoming insatiable in the future, it is immensely important for the future of Indian advancement to maintain a favourable relationship with Russia. Subsequently, India-Russian concord has been witnessed on space. It has been more than three decades since the first Indian astronaut Rakesh Sharma flew on the Soviet Soyuz 11 spacecraft. This cooperation has continued with the Indian Space programme Gaganyaan with the Russians training Indian astronauts.

Russia has also supported India's entry into the United Nations Security Council and has used its veto power to conserve the Indian national interest. Russia has also supported India in the abrogation of 370, stating it an internal Indian matter. There has been continued Russian support for Indian entry into the Missile Technology Control Regime and the Wassenaar Arrangement.

With an ever-expanding and threatening mutual neighbour China encroaching on both Indian and Russian frontiers; it is imperative to continue a strategic partnership relationship with Russia. Though in the current international security environment, the Indian-Russian relationship has been threatened with the perceived closeness that India has been seen to have accrued with the US and the same being true of Russia in respect to China and Pakistan.

The public sector investments initiated by India have also sustained the relationship. Through multiple crises, the relationship between India and Russia has endured. Russia was one of the countries that supported India in pursuit of a waiver from the Nuclear Suppliers Group for civilian nuclear programme. In 2016 to mark 70 years of India-Russia diplomatic relations, a joint statement on partnership for global peace and stability was signed giving hope for the future of the relations.

### **India-Russia relations in the 21st century**

The starting point of the India-Russian partnership in the 21st century can be seen in the year 2000 with the signing of the Declaration on the India Russia Strategic partnership. The strategic decision to host an Annual Summit where the Prime Minister of India and The President of the Russian Federation meet to discuss matters of vital importance to both countries and sign various agreements, so far there have been 20 such summits. (Anon., 2019) This annual summit has been extremely fruitful in encouraging mutually beneficial relations.

The relationship or the partnership between Russia and India has been described as a "the model partnership" (Marsh, 2014) There have been various visits by President Putin himself. He attended five summit levels meetings from 2000 to 2010. The Declaration of India-Russia Strategic relationship in 2010 was further upgraded to "Special and Privileged Strategic Partnership." (Anon., 2019) President Putin also attended the 15th Annual summit in 2014. President Medvedev made two visits one in 2008 and the other being 2010. There have been meetings in BRICS summits and during the G20 summit like in Brazil on 16 July 2014 and in Australia on 15-16 November 2014.

The visit of PM Modi to Russia in 2015 for the 16th India-Russia Summit helped reaffirm the Indian commitment to the relation. There has also been a declaration on Association of Indian and Russian Universities to further increase people to people interactions. There have been NCC delegation programs to promote youth exchange programs. Air India has since 2014 started flights to Moscow after 15 years to better facilitate these ties. There has also been concerted on the building of people-to-people networks with better inter-parliamentary exchange. Another dimension of the relationship is the soft power deployed by India through the use of Indian dance, yoga, music, and Ayurveda. Russia also celebrated the International Yoga Day. (Anon., 2019)

Various Memorandums of Understandings have been signed to help increase the cooperation between the two countries in the fields like space and technology, in business and investment. There are also bilateral meetings between intergovernmental commissions which increase the links between the two countries. Interaction through technological cooperation has also included railways and solar energy.

International North–South Transport Corridor was signed in 2002 to increase connectivity between Russia and India through various useful ports such as Iran, Azerbaijan, and central Asia which will link St. Petersburg to Mumbai through the Caspian Sea through a collection of land, sea and rail connectivity projects. There has been Russian support for Indian cooperation in Central Asia which has traditionally been under Russian sphere of influence.

After the Mumbai attacks and the global financial recession, the visit by President Dmitry Medvedev resulted in various agreements signed in the fields including tourism, space, civil nuclear, terrorism leading to the building of 4 reactors at Koodankoolam Power Plant, supply of nuclear fuel, supply of 80 Mi-17 Helicopters. (Gidadhubli, 2009) There has been an agreement on Plan of Action on the Localisation between ROSATOM or Rosatom State Nuclear Energy Corporation and the Department of Atomic Energy in India. There have been consultations between the two countries on the issues of non-proliferation, disarmament and export control. India has also signed a deal with Russia for the reprocessing of spent fuel and also the transfer of sensitive enrichment. The umbrella accord was signed by Manmohan Singh and Dimitry Medvedev, the respective heads of both the states at the time.

Both India and Russia also share the same concerns on issues like Islamic terrorism, drug and human trafficking. To counter the problems of drug trafficking, the BRICS countries have an anti-drug meeting group where there have been discussions regarding the illicit trafficking of

drugs, precursors and controlled chemicals for making synthetic drugs. Both India and Russia also share the same position of no differentiation of the Taliban.

There has also been sustained diplomatic relations between the two since diplomatic relations were established between the two countries on 13 April 1947. From the mid-50s, there has been economic cooperation, inter-governmental cooperation in the field of agriculture, cooperation on the ministries of Justice, law and company affairs, gas exploration. India and Russia signed the document Druzhba-Dosti in 2014 which increased the scope of the special and privilege strategic partnership of both the countries in the year 2015-2016. There is the Dialogue of Civilization which includes Poland, Germany, Russia, India, America which facilitates more cooperation in a constructive way related to expertise in conflict in the current world environment. There is also collaboration for better sustainable and inclusive peace. It also attempts to start dialogues between countries. The UN supported Alliance of Civilization also serves the same purpose.

India is trying to increase trade relations with the Eurasian Economic corridor which is made up of five countries which are Russia, Belarus, Kyrgyzstan, Armenia, and Kazakhstan. There have been meetings and the potential areas are tariffs concessions, free trade zones. (Chaudhury, 2018) To enhance South-North cooperation, PM Modi has also extended a 1-billion-dollar line of credit which comes under the Act East Policy. Russia has also tried to initiate Russia-India-China Trilateral Grouping to better enhance relations between the three countries.

There are trade relations that are being enhanced include, for example, Uralkali which would export fertilizers to the Indian market and Diamonds Company ALROSA which would sell directly to Indians. There are also joint ventures involving Sistema and India's Shyam Group and Reliance communications in telecommunications. Gazprombank, Vnesheconombank and Promsvyazbank have offices in India. (A.V. Kortunov, 2017)

BRICS is an interesting development to occur on the world stage. BRICS provides a structure through multilateralism. India uses BRICS to increase its voice in global governance. Russia uses BRICS as a vehicle to change US dominance. Russia has the highest Gross domestic product (GDP) per citizen in the BRICS nations with the shrinking of debt and the increasing of Russian reserves will have a positive effect on the relationship. This also provides Russia with leverage in negotiations. BRICS and its presence in Global South can have a positive impact combined with the ability to construct institutions. It has also undermined the Washington consensus and helped provide more power to the Beijing consensus. New



Development Bank constructed by the BRICS countries has also provided more opportunity for cooperation between the two countries. BRICS also has the opportunity to fill the role left open by the western institutions.

All these relations in different fields highlight the need, scope of the relationship and potential of the partnership between the two countries in the 21st century.

### **India-Russia defence cooperation**

The cooperation in the field of defence has remained quite robust. In the 1980s, Soviet Union leased a nuclear-powered submarine to India which acted as a testament to the strategic trust that exists between two countries. In 2009 alone, there were some 200 joint projects between the two countries. More than 800 Russian defence firms depend on Indian contracts. The orders that have come from India for defence equipment have supported the research and development of Russian industry like the SU30 MK aircraft. In 2010, India and Russia signed the special and privileged strategic partnership. Russia remains the only country that has shared strategic defence technology with India. There also has been contribution in strategic and sub-strategic systems. Consequently, both India and Russia are to benefit through the sale of Russian Military equipment which has been improved with Indian cooperation.

At least till 2025, India is being evaluated to be the main arms importer of Russian made combat aircraft. There has also been no requirement made by Russia as to the deployments of these weapons which has aided in preserving Indian strategic autonomy and keeping the relationship intact.

One of the most important documents that have been signed between Russia and India is the India-Russia Inter-Governmental commission on Military-Technical Cooperation (IRIGC-MTC) which is concerned with the aspects of the defence coordination, development and cooperation.

Russia continues to supply India with destroyers, frigates and submarines like Arihant submarine. There is also Indian involvement with the designing of these advancement naval ships. India has also bought the aircraft carrier Admiral Gorshkov which was renovated and renamed INS Vikramaditya. There is also the possibility of the signing of a contract for export and joint production 200 Ka-226T helicopters. (Anon., 2018) Estimations indicate that India

have been essential for Russia in the case of the manufacturing of the Talwar class frigate, Su-30SM, T-90A Main battle tank. (Makienko, 2019)

One of the biggest successes has been Indo-Russian Aviation limited which was formed in 1994 which is concerned with parts for MiG/ Su-30. It also supplies aircraft batteries, fuel tank, Ground support and ground handling equipment, repair and overhaul of aircraft engines, aggregates and systems as well as exports to friendly countries. (Anon., n.d.) There has been Russian collaboration with India in the case of fifth generation fighter planes and Russian T - 50 Tanks.

One of the most striking examples of Joint India-Russian cooperation which can be seen in the case of BrahMos supersonic cruise missile and T-90 tank. Annual INDRA joint Military exercises held since 2003 between India and Russia to improve combat training and facilitate exchange of intelligence and information. INDRA 2017 was the first time Tri-Services Exercise between India and Russia and first time on Russian soil. (Anon., 2017)

The defence relationship should be nurtured and extended to new areas of cooperation. These areas might include developing an Indian missile attack early warning system, increasing the potency of Indian medium-range missiles, fortifying Indian missile defence, bolstering the Indian Nuclear triad through the strengthening of the Indian Navy and the Air Force. These measures will enhance and even complimenting both the national interest of India and Russia. (Anon., 2018)

India and Russia prefer cooperation in technology through the signing of the Inter-Government Agreement on Helicopter Engineering which has been predicated to provide a framework for the first “Make in India” project in defence sector. Russia also supplied India with its first nuclear submarine INS Chakra. (Marsh, 2014)

The joint effort of Indo-Russia Rifles Private Limited JV has opened a rifles factory at Amethi to manufacture the Kalashnikov AK 203 rifles with 670,000 Kalashnikovs to be manufactured. (Manu Pubby, 2019) India has also been making with Russian on GLONASS instead of being dependent on only the American GPS. Russia is also supplying India with the technology to build Intercontinental Ballistic Missiles.

### **India-Russia strategic cooperation**

The special and privileged strategic partnership outlined areas of cooperation between Russia and India as being nuclear energy, space, energy security and hydrocarbons. When Atal Bihari Vajpayee was Prime Minister of India, the Indian ONGC Videsh Limited (OVL) bought 20% stake in the Sakhalin oil bloc of Rosneft. ONGC Videsh has also signed MOU with Rosneft for collaboration in exploration of oil and gas in the Arctic shelf. India has also bought 15% share in Russian oilfield Vankorneft through ONGC Videsh. India is also thinking of investing in oil fields called the eastern cluster. Indian oil companies like Oil India, Indian Oil purchased 38.8% of shares of Vankorsk oil-field. The Indian private company ESSAR has been bought by a consortium led by Rosneft that operates 5500 petrol pumping stations in the country and also 20 million tonne capacity refinery at Vadianar. (Anon., 2019) This makes Russia a stakeholder in the stability of India which could have further impact on the defence deals between the two countries. Gazprom and ONGC are also looking at the development of an LPG plant at Yamal Peninsula in Siberia which would help with Indian growing energy demands. Gujarat State Petroleum Corporation is also investing in Russian LPG. (Marsh, 2014, p. 416) The plans for TAPI (Trans Afghanistan Pipeline Initiative) which would help connect India with Siberia are in progress which could take place after 2014.

Gazprom would also prefer to build a pipeline connecting Iran to India. This would also benefit Iran which be removed as a competitor for European Markets thus giving Russia the European markets. It would also work as leverage against NATO countries. Indian OHGC Oil and Gas Corporation has signed a deal with Sistema and Sibur to work on hydrocarbons. (Marsh, 2014, p. 418)

Terbs and Titov oilfields in Timan Pechora region have provided the context for collaboration. (Anon., 2019) The OIL-IOC-BPRL consortium has taken another 29.9 per cent stake in a separate Taas-Yuryakh oilfield in Siberia. There is also Indian involvement in the Yurubcheno-Tokhomskiye oil field with Rosneft. At the Sochi Summit, LNG supply from Gazprom (contract with GAIL) was signed. (Kapoor, 2019)

Another area of strategic cooperation has been nuclear energy. Indian “DAE and Russia’s Rosatom signed the Strategic Vision for strengthening cooperation in peaceful uses of atomic energy.” Rooppur NPP construction project in Bangladesh is to be done with the Ministry of Science and Technology of Bangladesh, Rosatom and Indian DAE in a trilateral agreement. This could emerge as a model in other areas of cooperation. (Anon., 2019)

India's Petronet LNG has agreed to buy liquefied natural gas from Russia's Novatek and investment for future projects. India's H-Energy is interested in investing the purchase of LNG from Novatek. Coal India is in the process of signing a deal for mine coking coal in Russia. (Lee, 2019)

In the domain of space, the first India satellite, Aryabhata was launched on the UUSR Soyuz. There is a continuation in collaboration with ISRO and Roscosmos having signed an agreement in favor of cooperation and use of outer space for peaceful purposes. Indian department of science and technology and the Russian science foundation for basic and exploratory research signed an agreement. A MOU was signed to set up ground station in each other's territories and for the navigation of GLONASS and NavIC constellations. There have been discussions on production of space systems in India, technologies for the future like space systems, rocket engines, propellants and propulsion systems, spacecraft and launch vehicle. Russia will also help with the life support systems needed for the mission. Furthermore, Russia's Research, Development and Production Enterprise Zvezda in agreement with Glavkosmos along with the Human Spaceflight Centre of the Indian Space Research Organisation (ISRO) has began developing personal flight gear for the Indian astronauts training in Russia. (Chaudhury, 2020)

The strategic cooperation in the artic is of extreme interest. India was the first country to open a consulate in Vladivostok. Shipping and trade routes are being explored between Chennai to Vladivostok. Interest has also been shown in the development of the Russian Far East. Indian companies are operating in the Far East region "such as M/s KGK in Vladivostok in the field of diamond cutting and M/s Tata Power in Krutogorovo in Kamchatka in coal mining." (Chaudhury, 2019)

The Russians have invited the Indians to increase their investment and economic involvement in the Far Eastern region and Siberia. There has also been an opening of a Far East Investment and Export Agency which help to further facilitate the relations between the two countries. The Russian Far East is a vast area which stretches from the Lake Baikal to the Pacific Ocean, comprises 1/3 of Russian territory. It is also rich in resources such as timber, fish, minerals and hydrocarbons. (Ramachandran, 2019) This makes the area attractive for Indian businesspeople. On example of such investment is Tata Power has secured for a coal thermal mine in Kamchatka peninsula.

## **Challenges and prospects in India-Russia relations**

Russia is trying to engage Pakistan through technology, building pipelines, steel plants, using military hardware which adversely affects the relations with India. There has also been the Russian sale of equipment consisting of JF-17 thunder and Mi-35 helicopters to Pakistan.

It has also sold to the Chinese S400 defence system and Sukhoi system exacerbating tensions. Russia can be interpreted to use this method to imply to India to keep the Russian defence arrangement as a priority. This can be seen as acting as an impediment in other areas of strategic cooperation. Though the Russians have maintained it is to fight against terrorism. India has suggested regular dialogue on this issue to resolve any conflicts of misunderstandings.

Due to the increase in Purchasing power of India, India also prefers to buy the US made defence equipment in some instances because India needs to diversify and in some categories, Russia simply does not have any alternatives to offer like airborne anti-submarine systems. When compared to the US, Russia has severe technological and military limitations. India in 2018 also signed the Logistics Exchange Memorandum of Agreement (LEMOA) as well as the Communications Compatibility and Security Agreement (COMCASA) with the US in 2016. India is also a major defence partner of US. India has the same unifying factor with the US of containing China. These factors complicate the relations between India and Russia.

Russia is also under sanctions from the Countering America's Adversaries Through Sanctions Act (CAATSA) which has put India in a difficult situation in relation to the S-400 systems which has been reported to have the capability to restrict the Pakistani Air Force's ability to operate within the Pakistani airspace. Additionally, India is also dependent on the US for a CAATSA waiver. (Smith, 2021)

The competition for the Indian Defence market has significantly increased with Germans, French and the Israelis all competing to win contracts. This is causing fractures in its relations with Russia which was once the number one supplier of defence weapons to India. India has also been facing competition from countries like Brazil, China, and Sri Lanka in the case of raw materials sale.

Russia and China have a common border. The geography of both countries will come between the relations of the two countries with the aspiration of China to emerge as the superpower in the world and also a regional hegemon thus threatening Russia. The convergence between Russia and India is based on the fact that they do not want a unipolar world with China as the sole

superpower. Thus, aligning interests of both the countries inevitably will result in better reanimation of relations.

To revitalize relations with Russia, India needs to significantly increase economic cooperation, increase strategic and cultural engagement. Better banking regulations and coordination would also better facilitate exchange. India has also maintained diplomatic and concerted efforts with the commonwealth of independent states (CIS), an organization of ten republics that were once part of the Soviet Union.

Russia is also focusing more on ISIS and Syria than on the Taliban for stabilizing Afghanistan. Making it clear that Russia prioritizing its own protection at the cost of regional stability. India is also concerned about the Chinese activities in Afghanistan which promote Pakistani interests. This is found detrimental by India as it considers it to be problem for the regional security of the region at large. Afghanistan has invited India, China, Russia and other significant players in the region to help with the Afghan peace settlement. The level of importance that India gives to Afghanistan can be seen by the visits of Prime Minister Modi to Afghanistan in 2015 and 2016. India has also provided Afghanistan with 4 helicopters purchased from Russia. There might be future agreements on a bilateral basis for economic development in Afghanistan.

The Chinese would prefer to go ahead with the implementation of G-2 which would include only US and China further signaling its aspirations to the exclusion of both India and Russia, the Chinese infringement on the territorial sovereignty of India in North-East of the country, the stand-off at Doklam where India has pledged to support Bhutan militarily, Russia dealing with changing the demographics in the further reaches of the Russian Federation. All of this offers the potential of a common security framework against the encirclement policy or encroachment by China. There have also been speculations of the weakness in the framework of Belt and Road Initiative (OBOR) and of China–Pakistan Economic Corridor (CPEC) which can be further used by Russia and India for strategic purposes. The Russian support for Silk Road Economic Belt and the Eurasian Economic Belt can be a hindrance.

The North-South corridor initiated by Russia with India and Iran as participants has huge trade potential. The lack of a reliable connecting transport corridor is a limiting factor in the relationship. There is also potential for Russia to use the warm water ports in Kochi or Vishakhapatnam to start a joint deep seaport that can be used to build ships for other developing countries. There is a demographic shift in Russia which leads to more immigration

opportunities. The first recipient has been China, but India can also benefit from this. (A.V. Kortunov, 2017)

The relationship has not transformed with a changed global scenario which is troubling. There is the dormant potentiality of combining the production of Indian steel with Russian technology has enormous prospects in terms of planning and construction of oil and gas exploration equipment especially in the Arctic. India has had observer status in the Arctic Council since 2013. The hydrocarbons that are in the Russian sector of the Arctic are estimated to be as high as 100 billion tons which is viewed by the government as a zone of special interest in terms of national interest. (Marsh, 2014, p. 276) The authorization by the Russian government for the LPG tankers to use the Arctic route and the natural gas found in the Arctic to reach the Indian market can lead to another renaissance in terms of trade in oil and gas. There is immense scope in the diversification of interest away from defence to the natural gas which due to being less polluting than oil thus there is also more potential for long term relation building mechanism.

One of the other potential agreement between India and Russia have been the Agreement on Reciprocal Logistics Support (ARLS) which will allow both countries to acquire both countries access to the other's military facilities for fuel and supplies, increasing the cooperation in the logistics and will be most favorable for the ships of the Indian Navy which are of Russian origins. (Gurung, 2019) The Modi Government has opened up the defence sector by the possibility of foreign companies owning more than 49% stake in defence companies and full ownership of railway companies. (Anon., 2019)

Trade remains a relatively under-explored area comprising only 16% of India GDP. There are efforts from the government to facilitate the relationship with the setting up of Intergovernmental Commission on Trade, Economic, Scientific Technical and Cultural Cooperation. (Anon., 2018) Another worrying area has been the investment though most of the Russian investment goes to the transport, technologies such as nuclear. Indian investment has been mostly in the pharmaceutical industry and the agriculture industry. There was also controversy that India paid more than sixty percent for a secondhand aircraft carrier Admiral Gorshkov which was renamed as INS Vikramaditya. (Hughes, 2019)

India is in need of Russian technology and energy while Russia needs Indian defence and energy spending. Future developments include 750 thousand AK-203 Kalashnikov assault rifles manufactured under license in India, "four Krivak III-class frigates, 18 Sukhoi 30MKI fighter aircraft, 21 MiG-29 fighter aircraft, 200 Kamov helicopters, five units of the S-400 Triumf air

defence missile system and the ten-year lease of a nuclear-powered attack submarine from Russia.” The other security concern emphasize the fact that India only has ammunition to last 10 days in the case of a war with outdated military equipment and the supply dependent on Russia, India is in a precarious situation. (A.V. Kortunov, 2017)

Rajesh Gandhi of Choron Diamonds had explored Yakutia in the Arctic for his diamond ventures which is one of the coldest regions. There is also potential for scientific exploration and tourism. India being one of the exporters of polished diamonds, this area is of immense interest. The facility for the E-Visa system is being realized.

The Indian workforce that has been working in West Asia to the Western countries will be an important component in the Indian involvement in the arctic exploration. PM Modi personally attended the Eastern Economic Forum with the Japanese PM also representing his country further showcasing the importance of this forum. There are also a lot of challenges with the development like the harsh weather, sparse population density and high cost of transportation in the Arctic.

Indian participation in Eurasian Economic Commission (EEC) has been made of 140 businessmen and industrialists with 5 billion worth of agreements being signed other than the 15 government deals. (Trigunayat, 2019) The Russian company Uralvagonzavod sells spare parts for compensation being accepted in rupees, other countries could also do the same. Liberalization of visa can also help increase the trade between the two countries. The formation of special economic zones will increase trade. Collaboration between Russian Provinces and Indian states will also lead to better opportunities. There was increase also in trade between India and Russia in the year 2019 of 21.5% since 2000. (Anon., 2019) However, problems proliferate with red tape, regulation and bureaucracy in India by the Russian companies. The same has been a concern on the Indian side with some advocating for better relations with the US. There must be more expediency in relation to better access to each other markets for both countries.

Oil swaps involving different countries like Qatar, Japan could also be done to eliminate the burden of transportation cost. India and Russia can also mine nuclear materials like uranium and there is also the option of utilizing renewable energy for long term cooperation which can also be sold to third world countries.



India can also be a market for the diversification of assets of Russian companies to wean them of their overdependence on European markets which will be facilitated by a green corridor that will help with the easing of customs. The talks for such a corridor have started. BRICS new development bank will also provide funding for new infrastructure projects.

There is also the trade dependence of Russia on China. Both China and Russia share an aversion to the US led world order. Russia has continued to support India in its quest for a seat on the United Nations Security Council (UNSC). (Chaudhury, 2020) Though the Joint Declaration issued by Russia and China show that the due to the increase in the number of seats in the UNSC will lead to dilution of power which they both consider counterproductive. There is the geopolitical reality that if Russia does not reform it will remain at the periphery of a consolidated Euro economic bloc and consolidated Asia Pacific economic bloc. These facts necessitate better relations between the two countries.

One of the great fields of investment and cooperation between the two countries can be Quantum computing. Scholars propound that the impact will be felt across fields from “space travel to medical research”. (Reddy, 2017) Russia has been making an effort in this field through the Russian Quantum Centre. Another field is of Artificial Intelligence in which Russia is ahead with the militarisation of AI, drone technology and robotics. There is great scope for cooperation in cyber security. An agreement has been signed but that is nowhere near the potential that companies like Kaspersky can help India achieve through collaboration with the building of the state apparatus which India is attempting to establish a unified cyber force. Another great sector for cooperation is Information Technology (IT) with Western countries putting hurdles in India’s way. Russia, Central Europe and central Asia can become new markets for India. (Reddy, 2017)

India and Russia can use the platform provided by BRICS to promote their economic interest and more importantly their interest in outer space for the future. India and Russia can also mine the nuclear materials like uranium together through the use of indigenously designed Indian-Russian technology which could also extent to working on renewable energy for long term cooperation for use and sale to third world countries.

There are also areas of cooperation to achieve peace in the region. Russia has considerable sway with the Taliban which could help India in the aftermath of the US withdrawal as New Delhi possesses limited linkage with the new regime in Kabul despite having invested billions in the

country for reconstruction. (Jaison, 2019) Furthermore, experts opine that India can play a role in the potential mediation between Russia and America and start a Track 2 dialogue.

## **Conclusion**

The 1990s have been described as the most difficult time in Russia after the collapse of the Soviet Union. There was considerable reduction in economic activities and military cooperation. The cultural exchange crumbled. There was considerable disintegration in the science and technology cooperation. The scrapping of the cryogenic engine deal was a severe blow. USSR also tried to cultivate closer relations with Pakistan to better engage with Americans. (Unnikrishnan, 2017)

The steps taken by the Narasimha Rao government helped with establishing better ties with the Russian government. India was one of the few governments that decided to pay back the Russian government, its full debt back. India's buying of military equipment also helped keep the Russian military complex alive. The defence sector has been the mainstay of the Indian and Russian partnership which appears to remain so in the near future as well.

From the Indian point of view, Russians have not prioritized India. There are problems with the Russian economy further complicated by sanctions, severe disagreements with the West especially the US, accusations of interference in the 2016 American elections, infringement of territorial integrity of Ukraine by the annexation of Crimea, there has been a decline in Russia's power status, troubling demographics shifts, diminution has been observed in the manufacturing and technological innovation. There all act as hurdles in the relationship between India and Russia. Though India abstained in the UNGA when the resolution regarding, the territorial integrity of Ukraine was put to a vote.

While India is the 7th largest economy in the world with been labeled as an emerging power, impressive human capital, with increase in economic power, the foreign policy has also vastly expanded. Acknowledging these components, Russia has also started viewing South Asia from a "tactical prism" as it does not want the emergence of a unipolar which makes more cooperation with India more probable. (Jaison, 2019)

There are striking similarities between India and Russia aspirations. Though, both are regional powers with advantages like vast natural resources in the case of Russia and in case of India,

the demographic dividend and the dynamic economy can both complement each other. Indian investment in Sakhalin oil fields gives Moscow a partner other than the western powers in its energy sector and also relieves reliance on the Chinese market. If the transportation costs are high, there is also the possibility of selling the hydrocarbons on the international markets. Thus, profiting both countries. It also reduces Indian dependence on West Asian countries for its needs especially the Persian Gulf. The relations between India and Russia have been state sponsored like the India-Russia summit started in the early 2000s. It has limited the potential of expansion of the relations. Trade have remained low being which at US 10.11 billion dollars during the fiscal year 2019-20 as compared to Russia-China trade at \$110 billion in 2019. (Singh, 2021)

There are multiple new areas for partnerships, collaborations and cooperation which have emerged in recent years. These areas will lead to a more enhanced and beneficial relationship between the two nations. “Russia’s aim is to solidify Moscow’s place between East and the West, Atlantic and the Pacific, NATO and China.” (Marsh, 2014, p. 421) Though there have new developments in the arena of international relations with the showcasing of the Russian intent with the SCO and the BRICS summit being conducted simultaneously to exhibit to the world the new emerging world order. Even though India and Russia are referred to as “weakest of great powers”, (Marsh, 2014) there can be power accumulation through BRICS and SCO. Through cooperation, both countries have the potential to emerge as the “Strongest” powers.

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**PUTTING THE HUMAN BACK IN HUMAN RIGHTS:  
THE ISSUE OF CLIMATE REFUGEES AND CREATING AN ADEQUATE LEGALLY BINDING  
INTERNATIONAL HUMAN RIGHTS TREATY FOR REFUGEES AND INTERNATIONALLY  
DISPLACED PERSONS DUE TO CLIMATE CHANGE**

Candice Stephens-Mc Nichols

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**Introduction: the nature and extent of the problem**

Climate Change is a ubiquitous problem affecting countries worldwide. However, some outside the scientific community have likened it to being “mythical”, “non-existent” or a “hoax”. (Hellier, 2020) Within recent times it has resulted in severe wildfires in Australia and the states of California, Oregon and Washington in the United States. It has even resulted in major hurricanes such as Hurricane Sally which recently devastated the southern states in the US and Hurricanes Irma, Maria, Dorian, Iota and Eta which threatened and wreaked widespread destruction to the region of Latin America and the Caribbean. With such climatic events occurring throughout the world, climate change is little but a “mythical”, “non-existent”, “hoax”. It is a severe reality which states throughout the world and particularly SIDS grapple with each year, as it occasions tremendous loss of lives, revenue, augments the unemployment rate, creates economic crises, and amplifies inequities, and already existent inequalities throughout the world. Yet in many cases the impact of climate change upon small island developing states and particularly SIDS of the Caribbean and in Latin America are often overlooked. The Latin American and Caribbean region, like the Asian region, is however one of the most plagued and vulnerable regions of the world and is extremely susceptible to the impacts of climate change.

Moreover, most Latin American and Caribbean territories depend heavily on tourism and agriculture as their principal industries in attracting revenue and economic development to the region, and therefore having a good steady climate is important, not only for the social well-being of these territories and its citizens but for their economic development and sustenance. Because the focus of these economies has concentrated on one or two principal industries, any impacts resulting from natural disasters can result in potentially devastating consequences for the overall GDP and sustainable development of the already straggling economies of the LAC region.

The impacts of climate change have also occasioned widespread loss of lives and created widespread unemployment throughout the world and also within Latin America and the Caribbean. With the widespread loss of employment, this can perpetuate the inequalities and inequities that currently exist, particularly within low income and middle-income developing countries, and augment their levels of poverty. This in turn creates a situation of gross inequality and the inability to meet the sustainable development goal targets. Yet the impacts of climate change upon the LAC region have not been as widely discussed throughout the literature.

However, while there is a dearth in literature on the impacts of Climate Change on the LAC region generally, another looming issue which has not been highlighted in great detail within the literature is the issue of displacement of populations both at the global and domestic level as a result of climate change.

With the impact of the wildfires in Australia in 2019 and the earlier half of 2020 and the recent wildfires in California, Oregon and Washington in the latter half of 2020 for example, it is foreseeable that such impacts would result in widespread displacement of human populations in more developed countries in future. It is also noted that the current natural disasters affecting Germany, Belgium, Britain, the Netherlands and several other European territories in July 2021, and Canada in North America, also show that more and more, developed countries are also impacted by the devastating reality of climate change. As such, the issue of population displacement is something that even developed countries would have to grapple with in future, and to come up with adequate solutions to dealing with the issue of climate refugees.

Moreover, it is also foreseeable that the LAC region, like the developed territories, would have to determine how they can effectively deal with displacement of populations within the LAC region due to the impacts of climate change. For example, in the cases of Latin America and the Caribbean, there has been widespread displacement of human populations as a result of natural disasters during the hurricane season. This includes the impact of hurricane Dorian on the Bahamas in 2019, which resulted in the displacement of the Haitian population in one of its islands of Abaco. (Shah, 2020; Mercy Corps, 2020) Another example is the devastation caused by two back-to-back hurricanes Eta and Iota which ripped through the territories of Nicaragua, Honduras and Guatemala in November, 2020. (Narea, 2021)

It was particularly noted that because of Hurricanes Eta and Iota, this resulted in the forced migration of millions of refugees from Guatemala, Nicaragua and Honduras seeking asylum in the United States. (Narea, 2021) It was also delineated by UNICEF that these hurricanes



resulted in over 200 deaths and in another 5.3 million persons in need of assistance as well as 1.8 million children without homes and access to clean drinking water. (Narea, 2021) It also resulted in severe unemployment due to the downturn of the agriculture industry and the rise in poverty which was exacerbated during the COVID-19 pandemic. (Narea, 2021) The report also noted that more families continue to be pushed into poverty and if there is no urgent action, more children would likely become malnourished and drop out of school. (Narea, 2021) With little to no other options, millions of displaced persons within the Latin American region therefore sought asylum as refugees in America, many of them even making perilous journeys and seeking to enter through clandestine means from Mexico. (Narea, 2021)

Notably, however, under the Biden administration many of such refugees were turned away at the border, but the US took in unaccompanied children and asylum seekers who were sent to Mexico under the Migrant Protection Protocols to await their day in court in the US. (Narea, 2021) These events delineate that more and more it is foreseeable that such climatic events will continue to augment the mass displacement of populations for small island developing states and Latin American states in the near future as this region is consistently plagued by hurricanes and natural disasters. (Shah, 2020)

### **Is there clearly defined international law relating to climate refugees?**

The law, as it stands, in relation to the displacement of human populations in times of crises and specifically as a result of climate change, has not been clearly developed. In fact, there is no concrete binding international legal instrument which sets out how such displaced persons are to be treated. This therefore creates lacunae in the law, and anomalies at both the international as well as the domestic level, as to how such persons should be treated. It is therefore imperative that such gaps be filled in order to accord better treatment for internationally displaced persons and for the protection of their human rights and human dignity.

It was noted recently that the impact of hurricane Dorian in the Bahamas resulted in the displacement of several Haitians living in Abaco in the Bahamas and also resulted in the inhumane and forceful eviction and refoulement of some of these persons to their already devastated and war-torn territory of Haiti. (Shah, 2020) It was also noted that while Haitians sought refuge in neighbouring territories such as the Dominican Republic and other

neighbouring territories, they were refused entry on the basis of the domestic laws of the receiving states. (Shah, 2020) The situation in Abaco as with the cases in Guatemala, Honduras and Nicaragua highlight the plight that most refugees face as a result of climate change. Many of these persons face poverty and destitution after the impacts of climate change and although the UN and its agencies provide funding for displaced persons, the funding is often insufficient. Additionally, in most cases there is not enough investigation into the reasons why persons are fleeing their countries of origin to seek refugee in other more developed countries and many are returned to their countries in which they face worse conditions. Therefore there is a need to conduct proper investigations of the circumstances why persons flee their countries of origin especially where they are fleeing on the basis of the impacts of climate change upon their country.

Although there is a dearth in literature on the impacts of climate change on the LAC region, this paper seeks to explore the issue of the need for an international law for internationally displaced persons due to crises resulting from climate change and natural disasters.

It is noted that most displaced persons or refugees seek to migrate across borders to more developed territories to obtain asylum and security within the state of asylum. However, the International Law pertaining to refugees does not make provision for obtaining refugee status, albeit temporary refugee status on the basis of climate change or natural disasters. In fact, the Refugee Convention defines a refugee according to Article 1(2) as a person “who [...] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside of his country of nationality [...]”. This definition is noticeably narrow and restricted to cases where the person seeking asylum has a “well-founded fear of being persecuted on the basis of race, religion, nationality or membership of a particular group”. It does not provide for cases where persons are displaced or fear being displaced as a result of the issue of climate change or natural disasters.

It is necessary to note that some of the benefits of the Refugee Convention are that it grants those defined as refugees “access to the judicial system, access to public education and the right to work.” (Warren, 2020) Article 33 (1) of the Convention also provides for the non-refoulement of refugees which is perhaps the most critical benefit for refugees and displaced persons. Consequently, if the issue of climate change were included in the convention, this would have been able to afford protection for refugees who are displaced due to factors such as climate change. The scope of the convention however does not address the issue of climate

change and natural disasters and therefore the scope is limited as the Convention emerged as a result of World War II and the original drafters did not have climate change or displacement of persons as a result of climate change in contemplation. (Warren, 2020)

This issue is therefore one for which the International Community would have to collaborate upon in order to take into consideration the human rights context of internationally displaced persons and refugees who are fleeing their country of origin as a result of the impacts of climate change. This is due to the fact that the Convention itself does not take into consideration the issue of displacement of refugees as a result of climate change and thus it is inadequate as it stands to deal with this problem.

Many authors and scholars have opined that the Refugee Convention should not be amended, as it was not drafted with climate refugees in contemplation and that the issue of climate refugees does not accord with the scope of the Refugee Convention. (Docherty et al., 2009; Warren, 2010) Docherty et al., (2009) also posited that there should be a multilateral treaty or Protocol which could either fall under the scope of the Refugee Convention or alternatively the UNFCCC framework Convention. Warren however opined that a multilateral treaty was not the best approach but that the best approach was the negotiation of bilateral and regional treaties under the scope of the UNFCCC and the Climate Change Displacement Facility. (Warren, 2010)

However, in this paper, it is proposed that it is necessary to amend the Refugee Convention to ensure that internationally displaced persons who are displaced as a result of climate change, are also included in the definition of Refugees under the Refugee Convention. This is because the Refugee Convention is currently the only Convention which deals with the human rights of refugees and those who cross borders to gain asylum in a country outside of their own. In this way, there will be some protection for these so called “climate refugees” and as such, such persons will be accorded some level of human dignity and protection within the scope of the convention albeit temporarily.

In addition to amending the Refugee Convention to broaden the scope to include “climate refugees”, in this research paper, it is argued like Professor Docherty, that there should be a new legally binding instrument such as an Ad- Protocol drafted to supplement the Refugee Convention in order to elaborate upon the rights of internationally displaced persons as a result of Climate Change. (Docherty et. al, 2009) It is not proposed however, that a matter involving human rights of internationally displaced persons due to climate change, should be drafted

under the United Nations Framework Convention for Climate Change (UNFCCC), or as a supplement to the Paris Agreement, as these are both International Environmental Agreements which do not speak to the issue of human rights per se.

However, it is posited in this research, that the Climate Change Displacement Coordination Facility could fall under the UN Framework Convention on Climate Change. Moreover, all matters affecting Climate refugees involving matters such as coordination efforts on behalf of climate refugees, administrative and legal procedures can fall under the Climate Change Displacement Facility. But we will discuss this in greater detail later on in this research. For now, it is only necessary to note that there should be an amendment to the Refugee Convention to provide for and deal with the issue of “climate refugees”, and an amendment to the environmental treaties or conventions such and the UNFCCC to provide for other legal and administrative procedures, as well as for coordination of procedures for the protection of the rights of displaced persons.

At this juncture, although it is acknowledged that the scope of the Refugee Convention is not wide enough in ambit to cover internally displaced persons as noted by Warren, (2010), the Refugee Convention was not meant to deal with internally displaced persons, it is meant to cover those who cross international borders for the reasons specified in the Convention. The Refugee Convention is therefore wide enough to cover internationally displaced persons, and can potentially cover internationally displaced persons due to the impacts of climate change, once amended. Additionally, although the Convention is inadequate in its scope as it stands, it offers better protection to refugees who are displaced due to climate change than other options.

For example, within recent times there has been some recourse to non-binding legal agreements such as the 2018 Global Compact for Safe, Orderly and Regular Migration (the Marrakech Compact) which provides for humanitarian visas and work permits for displaced persons affected by climate change, as well as for the planned relocation of displaced persons and their non-refoulement. These criteria are found under Objective 5 of the Marrakech Compact. This agreement however, is non-binding, and as such, the strength of it as an international legal instrument which can protect refugees or migrants is somewhat nebulous, and it may only be considered as soft law at most.

This is due to the fact that there are still many “climate refugees” and migrants who are making perilous journeys and risking their lives as well as that of their families at sea, and they continue to be turned away by border officials who refuse to grant them any form of asylum or

international protection. Many of these refugees have been intercepted by border officials and returned to their country of origin before they could seek asylum. For example, some of these cases involve the turning away of several internationally displaced climate refugees from the United States who were coming from states such as Guatemala, Honduras and Nicaragua.

Additionally, the Marrakech Compact also does not have the force of law to ensure that refugees, migrants or internationally displaced persons as a result of climate change, will be guaranteed or granted any temporary visa or stay within a receiving state since this is totally at the discretion of the state itself, as part of its sovereign power. This would therefore be inimical to the interests and rights of refugees and displaced persons to receive protection or asylum from the receiving state as provided for under the International Refugee Convention 1951 and its Optional Protocol relating to the status of Refugees 1967 if the Convention were amended to include the category of “Climate Refugees”.

There have also been regional treaties which deal with granting of asylum to refugees apart from the Refugee Convention. They also provide for the non-refoulement of such refugees, such as the Inter-American Human Rights Convention, however, this is only a regional agreement and apply only to those members who are party to the agreement. Moreover, pursuant to Article 22 (7) and (8) the non-refoulement of refugees only applies to cases where persons are in danger of their rights being violated because of their race, nationality, religion or social status or political opinions which is similar to the criteria under the Refugee Convention.

The African Charter on Human and People’s Rights is another regional human Rights Convention which provides pursuant to Art 12 (3) that persons who are persecuted have the right to obtain asylum in other countries in accordance with the laws of that country and other international conventions. The criteria under this Convention are that the person must face persecution. It is not certain however, that displaced persons fleeing their countries of origin because of natural disasters can be said to be facing persecution.

Moreover, Article 22 (5) of the Charter also provides for the prohibition of mass refoulement of non-nationals on the basis of nationality, race, ethnic origin or religious groups. The scope or ambit of the African Charter is therefore not wide enough to capture the issue of displacement of persons and refugees as a result of crises such as climate change or natural disasters. It is therefore limited in its scope and further, it only applies to member states which are party to the instrument.

It was noted that there was also a proposal to amend the Paris Agreement on Climate Change to incorporate the “Climate Change Displacement Coordination Facility” which establishes the right of displaced persons to move and to re-settle across borders and also creates a mechanism to facilitate treaties on how such movements or migration can occur. This Climate Change Displacement Facility has value, as it seeks to coordinate and relocate migrants in an orderly manner through bilateral, regional and multilateral arrangements and to facilitate cooperation of states in this regard. It is suggested however, that the Climate Change Displacement Coordination Facility can be placed under the umbrella of the UNFCCC as the Framework Convention and can be annexed as a Protocol to the Convention. In addition to the Climate Change Displacement Coordination Facility, as proposed by Professors Docherty et al., (2009), there can also be a displacement settlement fund established to deal with the international displacement of refugees as a result of Climate Change. This would ensure that climate refugees are protected during times of crises.

At the moment however, there is still no clearly defined international law or agreement for the protection of internationally displaced refugees and it remains to be seen how states will treat this issue, as even developed states are also being impacted by climate change and natural disasters. This is particularly so for developed states in Europe such as Germany, Belgium, the Netherlands and Britain, who recently experienced the devastating impacts of natural disasters through heavy rainfall and flooding. It is also important for Canada who has also recently experienced extremes in weather or climate such as extreme heatwaves and tornadoes which caused the death of many citizens. It is therefore imperative that states begin developing an adequate system of protection for climate refugees as a new category of refugees.

### **Is there hope or a way forward for climate refugees?**

While there is as yet no clearly defined, legally binding international instrument created specifically to protect persons displaced by climate change and its impacts, there have been developments within the United Nations and specifically the UN Human Rights Committee on the issue of climate refugees. There was a recent decision in 2020 by the United Human Rights Committee. The case involved the judgment of the UNHRC on the case of Ioane Teitiota who applied for protection from refoulement by the government of New Zealand after claiming his life was at risk in his native country of Kiribati. The Intergovernmental Panel on Climate Change had noted that Kiribati was among one of the six Pacific Islands that was in greatest

danger of rising sea levels and it was the first country at risk of being submerged under rising sea levels. In this judgment, while the UNHRC rejected Mr. Teitiota's claim, they held that a person seeking asylum and who is fleeing the effects of a climate crisis cannot be returned to their home. The UNHRC held that to deport such an individual who faces climate induced conditions violates the right to life under the ICCPR Convention.

In this case, the Committee highlighted the role that the International Community must play in assisting countries adversely affected by climate change. The Committee stated "that without robust national and international efforts, the effect of climate change in sending states may trigger the non-refoulement obligations of receiving states and that given that the risk of entire country becoming submerged under water is such an extreme risk-the conditions of life in such a country may become incompatible with the right to life with dignity before the risk is realized." (United Nations Human Rights Office of the High Commissioner, 2020).

This is the first decision in which the UNHRC had ruled on a matter of climate change and the issue of climate refugees. It is noteworthy that although decisions of the HRC are not legally binding upon parties and are not evidence of precedent in subsequent decisions, they still have legal, if not, highly persuasive authority as most states uphold the decisions of the HRC based upon the principles of good faith. This means that in the absence of a legally binding instrument to provide for climate refugees, states may consider the decisions of the HRC. The decision in the Teitiota case also opens up the door and provides scope for future claims from climate refugees.

Although the Teitiota decision is revolutionary and provides some hope for climate refugees and displaced persons due to the impact of climate change, states still need to find a way to negotiate a legally binding agreement for the protection of such persons who have to flee on the basis of climate crises. The best approach is a mixed method approach of amending and creating a definition for "climate refugees" under the Refugee Convention and a supplement protocol to define the rights of such refugees and also making provisions for the procedural issues involving such refugees under the Climate Displacement Facility, which should be a Protocol to the main framework agreement of the UNFCCC as discussed at length earlier.

## Conclusion

While many have asserted that climate change is merely a hoax or a myth and is non-existent, climate change is a reality which several states and particularly SIDs struggle to grapple with. More and more however, developed countries are also rapidly facing climatic events which they too can no longer ignore. It was predicted by the UN International Organization on Migration that there would be over 200 million displaced persons due to climate change by 2050 and the impacts are currently being felt throughout the world. (Shah, 2020) It is therefore important that States become prepared to drive action at the international and domestic level by ensuring that there is adequate protection for the rights of these refugees within the context of International Law. This necessitates driving action to amend current Rights Based Conventions and to create new Protocols to existing Rights Based Conventions established to protect refugees. Additionally, it necessitates amending current Environmental Conventions and creating new Protocols to Environmental Conventions dealing specifically with climate change. A blended approach can therefore be the most plausible solution for protecting the rights of refugees and internationally displaced persons at the international and domestic level.

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