

Seeking Refuge through Sea Routes: Major Challenges

Borders define some as members and categorize others as aliens. In the contemporary age of mixed and massive flow of refugees, an important tool of neoliberal forms of governance and neoliberal migration management has been an increasing externalization of borders, primarily seen in the European refugee context, but which, however, has been witnessed in the Global South in recent times. A particular form of this externalization policy has been the offshore processing of asylum. In 2015, we witnessed the Andaman Sea Refugee Crisis and the worsening plight of the Rohingya refugees. This followed the development of regional offshore processing in Nauru and Papua New Guinea and the (in)famous Australia-Cambodia deal in September 2014. Forceful relocation of Rohingya refugees and stateless people, evidences of gross human rights violations of the Rohingya in Papua New Guinea and Nauru, inappropriate medical facilities, and hardships faced by the Rohingya refugees even after resettlement, all highlighted the pitfalls of Australia's offshore practices, with respect to the handling of the Rohingya refugees. The words "externalization", "extra-territorial processing", however, are European constructs themselves, and therefore, perhaps need to be re-analyzed while focusing on a decolonial approach in South Asia. However, as a practice, it has been reflected in recent times in the Global South as well, with the relocation of the Rohingya refugees to the island of Bhasan Char, in Bangladesh, which has further led to instances of Rohingya women and children being deprived of their basic human rights to which they are entitled to as per different international and regional human rights frameworks. However, the case of offshore processing in Bangladesh, and the hosting of the Rohingya refugees in other South Asian states is very different from Australia's externalization policies.

In 2016, two new mechanisms through the New York Declaration were devised to strengthen protection measures for refugees and migrants – the Global Compact on Refugees and the Global Compact on Safe and Orderly Migration. However, rather than bringing a panacea for the stateless, homeless beings, especially in cases, where states have adopted policies of deterrence, and have forced refugees to undertake dangerous, irregular journeys, the Compacts, particularly the Global Compact on Refugees, proved to be an architecture of externalization, dispossession and responsibility shifting, rather than protection and responsibility sharing. Therefore, as indicated in the Kolkata Declaration, adopted by the Calcutta Research Group in 2018, the inadequacy of the existing legal regime to address the new complexities related to cross border and mixed and massive flows of refugees in South Asia, and the experiences of the postcolonial states of South Asia, call for greater attention in order to reconstruct and improve the said legal regime. In this background, the purpose of this paper is two-fold: to comparatively discuss externalization practices, particularly offshore processing, in both Australia and Bangladesh, in relation to the Rohingya refugees, and to explore the gaps in protection under the Global Compact on Refugees which directly affect the Rohingya as far as offshore processing is concerned.