

## European Parliament Resolution on Citizenship (Amendment) Act



Image source: Deccan Herald

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The European Parliament (EP) putting off a vote on the controversial resolution on India's Citizenship (Amendment) Act (CAA) last week has come as a relief to the country's political leadership in general and the Ministry of External Affairs (MEA) in particular. Media quoted unnamed sources in the MEA hailing the development as a 'diplomatic victory'. Some even went a step further dubbing it as a loss for the Pakistan's Ministry of Foreign Affairs (MFA), which was accused of masterminding the move to embarrass India in the European continent and beyond.

It is widely known that Pakistan's MFA and the deep state that calls the shots in that country on such matters had stepped up their ongoing anti-India propaganda in world capitals and international bodies after India scrapped the special status enjoyed by the erstwhile State of Jammu and Kashmir (J&K), and also bifurcated it into two union territories in a sudden move in August 2019. While developments like the resolution adopted by the British Labour Party criticising the Indian action and statements emanating from other world capitals urging the Indian government to lift communication restrictions and the release of the detained political prisoners held in J&K appeared to be *suo moto* moves, the role of persistent lobbying by an assertive Pakistani propaganda machinery was visible to the discerning eye.

The Pakistani hand in the draft resolutions moved by EP groups like Renew Europe and S&D through some British Labour Party and Liberal Democrat European Parliament Members (MEPs), among others, was evident from the very beginning. Shaffaq Mohammed, the Mirpur (in Pakistan Occupied Kashmir)-born Liberal Democrat MEP, a known India-baiter, had openly worked to garner the support of various interest groups in the EP through the so-called Friends of Pakistan in the EU body. However, other Liberal Democrat MEPs like Dinesh Dhamija had raised objections to Mohammed's action claiming that the latter got the move endorsed without proper discussion, or even inviting all the leaders to the Lib Dems meeting held for the purpose. When some Indian journalists asked why he has not sponsored such a resolution on human rights violations and religious persecution in Pakistan, he answered sheepishly that he could have done so if "there were emergencies" that warranted such a move, thereby exposing a clear bias.

### **Sharply Critical Resolutions**

In fact, five separate draft resolutions on the subject were submitted by as many groups, representing about 560 of the 751 MEPs in the EP from the 28 member nations that included the UK at the time. The 66-member Europeans Conservatives and Reformists (ECR) Group, considered generally favourably disposed towards India, had withdrawn its draft. Groups like Renew Europe and S&D that moved resolutions comprised several Labour and Liberal Democrat MEPs from the UK. However, PIO MEP Neena Gill and others, though representing the British Labour Party, had spoken in favour of India when the debate took place subsequently.

All the drafts, sharply critical of India, were finally coalesced into a joint resolution that was taken up for discussions. It alleged, among other things, that the CAA was discriminatory in nature and violated India's international obligations. It also voiced concern over the National Register of Citizens as it marked "a dangerous shift in the way citizenship will be determined in India, thereby creating a large-scale crisis of statelessness and causing immense human suffering". The group Greens/European Free Alliance was critical of the private visit of MEPs to J&K which they alleged was "to legitimise PM Modi's nationalist agenda". Though the draft submitted by the Group of the United European Left-Nordic Green Left had references to the UN Security Council resolutions related to J&K, the final resolution did not have any mention about it. But the motion did take note of an earlier related United Nations High Commissioner for Human Rights (UNHCR)'s statement, also critical in parts of the CAA.

### **India's Response**

At the legislative level, Speaker of the Lok Sabha Om Birla stated that as a member of Inter-Parliamentary Union, the EP needed "to respect the sovereign processes of fellow legislatures, especially democracies". Passing such a resolution would "set an unhealthy precedent," he added. Birla asserted that "for one legislature to pass judgement on another" was inappropriate as it could be misused by vested interests. In his letter to the EP President David Maria Sassoli, Birla also emphasised that "as

fellow democracies, the European Parliament should not take actions that call into question the rights and authority of democratically elected legislatures in other regions of the world”. Speaker of the Rajya Sabha, Vice President Venkaiah Naidu cautioned that “there was no scope for outside interference in India’s internal matters”.

The External Affairs Ministry in Delhi, headed by a former career diplomat, and its missions in European capitals, and particularly in Brussels where the EU is headquartered, went into a diplomatic overdrive to limit the damage the passing of such a resolution would have caused. Not only the respective EU member governments but also the concerned groups in the EP and influential MEPs were again briefed on the Indian position in this regard. It was reiterated that “the entire process would be allowed to run the course of popular and judicial scrutiny”, especially as about 60 cases challenging the validity of the CAA are pending in the highest court of the country. India emphasised the point that a foreign legislative body passing a resolution on an act undergoing such a [comprehensive] scrutiny in the home country would be prejudicial to parliamentary sovereignty of the latter. Not only was the CAA not discriminatory, it was also a matter internal to India that has been adopted through a democratic process, it was argued. It was also pointed out that different EU member nations have set their own conditions for the naturalisation process for granting citizenship to foreigners.

Even as India did not succeed in preventing the resolution from being taken up for discussions, its political and diplomatic interventions in various European capitals, and particularly in Brussels did have an impact. In the end, the possibility of India-EU bilateral relations turning sour, even if temporarily, was deftly averted as an understanding was reached whereby the voting would be postponed until March, i.e., after the MEPs and other stakeholders got a ‘direct [Indian] perspective’ on the issue from EAM S Jaishankar during his February visit. It was also a matter of relief for the Indian side as the decision to postpone the vote had the support of 271 out of 483 MEPs present. Only 199 MEPs, that included members of groups like GUE/NGL, opposed the move. Thirteen MEPs abstained.

### **French Support and EC’s Crucial Stand**

Some EU member countries like France were openly supportive of India. France was also of the view that such a resolution, even if adopted by the EP, was not binding on the European Commission (EC) –the body that proposes and enforces legislations as well the implementation of EU’s policies, or even the European Council—the EU arm that defines its general political direction and priorities. Some French MEPs even suggested a Pakistani hand behind the motion, while some others condemned the resolution as “meddling in another country’s internal affairs”.

Notably, the EC had very clearly distanced itself from the move even before the resolution was taken up for discussions. Not only the EU spokesperson but also its senior officials repeatedly made it clear, among other things, that the “opinions

expressed by the European Parliament and its members do not represent the official position” of the organisation.

Many observers felt that the resolution would not have come at a more crucial juncture as the 15th India-EU Summit, with Prime Minister Narendra Modi travelling to Brussels to participate in it, is only a month away, in March 2020. External Affairs Minister S Jaishankar is scheduled to visit the EU headquarters after a couple of weeks to lay the groundwork for the summit. India and the EU are believed to have made progress in the negotiations aimed at resetting and strengthening the bilateral economic, commercial and strategic partnership.

With China slowing down and India’s current slowdown widely considered a transient phenomenon, the following statistics, among other things, point to the importance both sides attach to India-EU relationship. The EU was India's largest trading partner, with €92 billion worth of trade in goods in 2018. That was 12.9 per cent of the country’s total, ahead of the share of China at 10.9 per cent and the US at 10.1 per cent. The bloc was also the leading destination for Indian exports, accounting for about 18 per cent of the total during the period.

India was the EU’s ninth largest trading partner, though it accounted for only 2.3 per cent of the EU’s total trade in goods in 2018, behind the US (16.9 per cent) and China (15.3 per cent). However, it is interesting to note that trade in goods between the EU and India has increased by 72 per cent in the last decade. Trade in services between the two sides increased from €23 billion in 2010 to €29 billion in 2016. India was the fourth largest service exporter to the EU and the sixth largest destination for EU services exports. The EU's share in foreign investment in India jumped from 8 per cent to 18 per cent in the last decade making the EU the leading foreign investor in the country. The EU’s foreign direct investment stocks in India amounted to €73 billion in 2016, though well below that of the bloc’s similar investments in China that stood at €178 billion. While over 6,000 EU companies are present in India, Indian companies have invested over €50 billion in Europe since 2000. These figures are subject to changes after the UK’s recent exit from the EU.

After opting out of the Regional Comprehensive Economic Partnership (RCEP) for well-considered reasons, India is more or less resigned to settle for a limited trade agreement with the US in place of a full-fledged FTA. India now needs to stitch up free trade agreements with groupings like the EU on priority. Even as about 50 per cent of the world trade happens under the agreements-format today, India has trade agreements worth the mention with only about one-third of the WTO members.

### **Fate of the Resolution**

The allegation of some of the more vocal sponsors of the resolution that “the EU had crumbled in the face of India's diplomatic lobbying and [it has] prioritised trade and business interests over human rights concerns by postponing a vote on the motion” is perhaps a propitious bellwether for the Indian side. In other words, it is most likely

that as the resolution is scheduled to be put to vote in the very same month as that of the India-EU Summit (March 2020), it has become even more incumbent on the part of the host grouping to try and find a way out to avoid embarrassment to both sides. If the past is any indication, it is most unlikely that the fate of the five dozen petitions on the validity of the CAA pending in the Indian Supreme Court would be decided by next month. In such a scenario, what other agreeable excuse the EU leadership needs to impress upon the EP groups to put the scheduled vote on the backburner until after the Indian judicial scrutiny is allowed to run its full course.

Meanwhile, the Pakistani establishment could be expected to keep the pot simmering and use every weapon in its armoury to ensure that the resolution is put to vote in March itself, i.e., if they are convinced of its passage at the time. Incidentally, it was the last opportunity when known India-baiters like Mohammed Shaffaq were able to try and embarrass India in the EU forum from within as he, along with 72 other colleagues from the UK, many among them strong supporters of the resolution, ceased to be MEPs on January 31 when Brexit finally became a reality.

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