E-ISSN: 2664-603X
P-ISSN: 2664-6021
IJPSG 2025; 7(5): 243-246
www.journalofpoliticalscience.com
Received: 18-03-2025
Accepted: 21-04-2025

Dr. Charu Mathur
Associate Professor,
Department of Political Science, ARSD College,
University of Delhi,
New Delhi, India

Corresponding Author:
Dr. Charu Mathur
Associate Professor,
Department of Political Science, ARSD College,
University of Delhi,
New Delhi, India

Stateless struggles: Examining the chin refugee crisis through legal and humanitarian lens

Charu Mathur

DOI: https://doi.org/10.33545/26646021.2025.v7.i5c.552

Abstract
The Chin refugee crisis epitomizes the moral and legal challenges of contemporary forced displacement. Globalisation has meant the gradual loosening up of erected boundaries across the globe, free movement of people, goods, ideas and even money have been a crucial marker of globalisation; but this movement has also meant starting of cultural wars, conflicts, to exploitation of workers, global inequality in the so-called 'developing world'. All these problems, however, find a common link in this being human rights, rights that are accorded to humans on the merit that they are human beings, and not because of their race, gender, caste, creed, ethnicity, or nationality.
In a globalised world order where the ideals of social and political inclusivity are being put forward, certain regions of the world are overrun by ethnic state-sponsored violence and gross human rights violations. Myanmar is one such country. The Chin people are an ethnic minority residing in Chin State, located in the western region of Myanmar. It is an isolated, neglected hilly region with inadequate infrastructural facilities, thus making it one of the most underdeveloped states. With a population of less than five lakhs, it has been the battleground between the rebels fighting the Military Junta. The result of this conflict has been a massive Human Rights disaster, with civilians being killed in their own homes and entire villages being wiped out.
In this paper, several policy solutions have been explored as to how the situation in Myanmar can be de-escalated and made to align with social inclusivity and how the Burmese refugees can be accommodated in their homeland, so that they do not have to wander in neighbouring countries like India and Malaysia, in search of safe haven. To tackle the Human Rights situation in Burma, solutions like a 'Peacekeeping Force' as 'Observers' to ensure that the rights of civilians are not jeopardised in the conflict.
Also, it's proposed to create 'Humanitarian Buffer Zones' which would be enforced by a neutral third party and ensure that the civilians are left out of the conflict and are not caught in the crossfire between the rebel and the state. 'Foreign intervention with gradual phasing out of the military junta'. As an alternative political structure, a 'Federal Structure with Balanced Autonomy' given to the provinces to manage ethnic tensions.

Keywords: Globalisation, ethnicity, inclusive, human rights, military junta, humanitarian buffer zones

Introduction
The Chin State is remotely located on the western periphery of Myanmar and is one of the least developed states of the country. Isolated geographical location, economic backwardness, lack of industrialisation, dependence on subsistence mode of agriculture, poverty, unemployment, political instability, rivalries between ethnic groups have led to migration of people to other parts of the homeland or crossing international frontiers in search of safety and security. Another factor for their migration is that Chin State has around 53 Chin 'ethnic, linguistic and tribal' groups who are mostly Christians. The Bamar majority follows Buddhism, and forced assimilation or Burmanization of the Chins. The forced conversion, forced conscription to military, mass killings, mass rapes, torture, forced labour etc, are the key pushing factor for escaping 'persecution'. These ethnic groups are composed of the Kuki tribe, the Chin tribe and the Mizo tribe. An effort was made to bring all the tribes together, but it wasn't possible due to political rivalries between factions and vested interests of leaders.
The armed conflict of February 2021 in the Chin State made matters worse. The population was divided into two main groups, the 'Chin National Front (CNF)' and 'the Chin Brotherhood'.

The inter-group rivalry and tussle between resistance forces and the military junta, opened two fronts, thereby making the life of civilians a hell. The resistance groups were successful in driving the military out of the State. The tensions were a threat to peace and endangered the life of the people. It forced almost one third of its population, to leave the State. Many of them were 'Internally displaced' (those who have to leave their 'place of origin', but do not have to cross international frontiers), and rest sought refuge in India and Malaysia.

Post-coup scenario in Chin State

Today, the coup forms a part of the horrendous memory of the people of Chin State, but the State Capital Hakha, is still under the military. The combined resistance forces of Chin National Front and allied resistance groups are trying to take over parts of the State from the regime forces. However, in this scenario, the women are feeling completely marginalised as they are not part of the armed resistance force. The roles given to them in the army are non-combat, like administrative duties, nursing, training, cooking, etc. Progress and development in the state is slow. The Chins are unifying and demanding 'Chin land'. However, tensions in the region were aggravated by the presence of the Arakan army (one of Myanmar's most powerful armed organisations, which is fighting for an autonomous homeland for the Rakhine ethnic people).

Impact of the Chin crisis

The tensions in Chin state have had an impact on Northeast India also. As the Chin constitute the 'Kuki-Mizo-Chin Group', the ethnic groups find their roots in the Mizo tribe residing in Mizoram. In places like Mizoram, the Mizo and the Chin are related by race and culture, which has led to some indirect protection. "The access to India is easier for us - Mizoram's border lies just 50 kilometers from the Chin state. So, it (India) becomes our safest bet to ensure survival." Those who have crossed over are 'safe from persecution and threat of regime attack'. They have been warmly received by their extended families, with whom they share racial bonds and kinship ties. Nevertheless, this localized hospitality lacks the permanence and legal certainty needed for long-term security and rights realization. India, which hosts a substantial number of Chin refugees (especially in Mizoram and New Delhi), does not have a codified asylum law. While the central government has occasionally expressed intentions to deport "illegal migrants," Mizoram has resisted such moves, creating a complex center-state tension.

Hardships and Challenges Faced by the Refugees in India

"Going back is not an option - if I do, I will be arrested, tortured, and killed," says a Chin refugee staying in New Delhi. After reaching India, the problems of political and social inclusivity remain pertinent. They possibly can't get an Aadhaar card, access to basic utilities and economic opportunities are bleak. According to Falan Refugees Organisation, around 7000-12,000 Chins live in Delhi NCR, and their numbers have increased after the coup in 2021.

Chin refugees encounter significant obstacles in obtaining healthcare, education, employment, and housing.

Education

Non-familiarity with either Hindi or English creates problems for education and acts as a barrier. The Chins who have had an education in Myanmar have it in the local Burmese language and the qualifications aren't accepted by state-run institutions in India. Higher education in India is expensive for them. As they do not have an Aadhaar card, they are unable to get admission in state-run schools. The United Nations becomes the sole provider of education, but the ground reality reveals, it only provides schooling for grades 10th or 12th. The refugee status puts them in the heavily competitive college admission process, in which they can't apply through the international students' quota, nor do they receive any affirmative action; rather, they have to apply in the open category.

Employment

Chins are racially different; due to which they face racial discrimination in Delhi, which further hampers and hinders their education and job opportunities. In employment, they are discriminated against, and as they are not citizens, it creates scope for exploitation. A migrant stated that if an Indian worker was given ₹14,000, the Chins were paid as low as ₹5000 per month. Only with the intervention of organizations like FRO and the Church they get a better deal. Low levels of educational achievements & skill education, Chins are primarily engaged in work such as daily wage labourers, vegetable vendors etc. Largely seen among older generations of refugees, while the younger generation was aspirational. A respondent who was in his late forties stated he couldn't continue his education, had to engage in work to provide for his family and that he was too old now to learn any new skill.

Healthcare

The status of refugee creates further baggage. Chins are not eligible for any government schemes; this reflects in healthcare as well. The Chins are unable to get treated in government-run hospitals, the UN in ground reality provides very little for healthcare services, which makes the Chins to rely upon private clinics, hospitals, etc. This comes at a huge expense. The private sector players work with mutual understanding for admission into the hospitals and the delivery of health services. Many refugees are at risk of complex, physical, mental and social problems, which contribute to poor health outcomes and impede successful social integration. Noncommunicable diseases (cardiovascular, cancer, chronic respiratory diseases, mental health, etc.) now represent the primary burden of disease and are recognized as a major challenge in refugee healthcare management. this has significant implications for rehabilitation medicine.

Decades of persecution, coupled with displacement, have inflicted profound psychological trauma on the Chin community. Mental Health was another key issue among the Chin Refugees which hasn't been dealt with, the refugees tell gruesome stories of mass-killings, burning of villages, false incarceration, torture and rape, etc. All these contributed to constant trauma, insomnia, anxiety, PTSD and panic attacks among the refugees. The pandemic was another challenge for the Chin refugees; they could not work, and the constant flow of income was depleted.

Food Security

Chin refugees are not covered under any governmental food distribution. A card issued by the UN acts as a document that provides benefits for the fulfilment of basic needs, but very few refugees have been issued this card. The ground realities are different from what is on paper. Before pandemic the UN did not provide rations, only during the pandemic and afterwards did the UN start providing rations, which too was irregular. This means the Chins have to fend for themselves for food security.

The Legal Framework for Refugees

There is no specific domestic refugee law in India, as it is not a signatory to the 1951 United Nations Refugee Convention or the 1967 Protocol, the two-corner stone international legal instruments defining the rights of refugees and the responsibilities of host nations. The reasons cited by successive Indian governments for this non-ratification include: Sovereignty Concerns: Fear that international obligations might infringe upon India's sovereignty. Resource Constraints: Hosting refugees requires significant financial and logistical resources and Geopolitical realities. However, India is a signatory to international legal Conventions, such as the Universal Declaration of Human Rights (1948). India has also ratified the International Covenant on Civil and Political Rights (1966) and International Covenant on Economic, Social and Cultural Rights, both of which emphasize the protection of fundamental human rights, including those of refugees. But implementation of these human rights has been cumbersome and hard, now even more so in the times of globalisation where problems in one part of the world, do influence what is happening in another corner of the world, problems of globalising human rights have become multifaceted and solutions to these questions hard to answer.

Refugees in India are governed under the Foreigners Act of 1946, the Passport Entry into India Act (1920) and the various liberal judicial interpretations. However, these laws make no distinction between refugees or asylum seekers, or other foreign nationals who enter the country without valid documents. Under this act:

- Any foreigner without valid documentation can be detained, deported, or imprisoned.
- Refugees are treated as illegal immigrants if they enter without proper travel documents.
- There are no specific provisions for humanitarian protection or asylum procedures.

This lack of differentiation leaves refugees in a legal grey area, vulnerable to detention and deportation, and heavily reliant on executive discretion for their protection and rights. The absence of a legal framework means refugee status is determined on a case- to-case basis.

Role of the United Nations High Commissioner for Refugees

The UNHCR operates in India, primarily in urban areas like New Delhi with limited jurisdiction and issues Refugee Cards, which provide limited legal protection and allow access to certain social services. Also, it works with Indian authorities and civil society organizations to ensure Refugee Rights and other basic protections. Some state governments recognize UNHCR-issued refugee cards, while others do not, leading to inconsistent implementation of protections. In rare cases, the UNHCR coordinates refugee resettlement to third world countries or voluntary repatriation. UNHCR recognition is not legally binding across Indian states.

Solutions and Recommendations: 'Humanitarian Buffer Zones' and 'Peacekeeping Intervention'

Buffer zones are demilitarised areas which are administered by a neutral third party (often by the UN), these areas create pockets of peace in disturbed areas and act as a haven for civilians. In the case of Myanmar, it can be proposed to adopt certain villages and areas as buffer zones where 'Internally Displaced Persons can travel to find refuge. The migration of internally displaced persons to buffer zones can be facilitated by Peacekeeping convoys and temporary safe passages, which would be agreed upon by both parties.

'The Buffer Zone' is grounded in pragmatic mutual agreement by both sides as it allows the Junta government to present the 'Buffer Zone' as an effort to promote peace, while the Rebels will support the zone because it prevents humanitarian atrocities. The Humanitarian Buffer zone can also serve as a place where negotiations between the Junta and the Rebels can be carried out as it is a neutral territory. All in all, the belligerents involved in the conflict have enough reason to support the buffer zone.

Another alternative to solve the chaos caused by the civil war, can be intervention of 'Peace Keepers' 'Observers' or 'Mediators' to monitor, maintain peace and protect the populace of Burma from getting their human rights violated. The fact remains there is extortion, rape, issues of food security, displacement, mass killings of civilians due to this dual between the contesting forces. The Peacekeeping forces should come from neutral countries that have a minimum stake in the conflict and their functioning should stay till normalcy is brought back to Myanmar.

'Federal Overhaul' is another option, as Myanmar is overrun by ethnic tensions and its current system of government does not accommodate this diversity and which is not consonant with a globalised world order where rights of all social groups are to be accommodated. A federal Overhaul of the country would greatly solve this problem, as the provinces would be considered as independent federating units, like the USA. The provinces can have significant autonomy over their matters and will have equitable representation in the central government. This overhaul will give the provinces the jurisdiction to look over their interests while having a central government that looks over foreign policy and overall development of the country through interprovincial cooperation.

Conclusion

'The February 2025 in-principle agreement to unite under a single political structure represents an important opportunity for the CNF and Chin Brotherhood to scale back the tensions between them.' 'Chin State faces immense challenges, including dealing with a humanitarian crisis amidst war and with limited external support.' Globalising human rights has become a challenge. We have all become stakeholders in the quest for human rights across the globe. Myanmar has hope, but the rest of the world needs to stop spreading fear about how unstable things will be after the junta is removed. This only burdens the democratic resistance instead of confronting the real threat: the military regime. What's needed is unity, support, and concrete action, not hesitation.

References

1. United Nations High Commissioner for Refugees (UNHCR). Global trends: Forced displacement in 2023. Geneva: UNHCR; 2024.
2. Chin Human Rights Organization (CHRO). Report on human rights abuses in Chin State. CHRO; 2023.
3. International Crisis Group. Myanmar's coup shakes up its ethnic conflicts. Asia Report. 2022 Jan 12;(319):1-30.
4. International Crisis Group. A road to nowhere: The Myanmar regime's stage-managed elections. Asia Briefing. 2023 Mar 28;(175):1-12.
5. Ministry of Home Affairs, Government of India. Status of refugees in India. New Delhi: Ministry of Home Affairs; 2022.
6. ASEAN Secretariat. Five-point consensus on Myanmar. Jakarta: ASEAN Secretariat; 2021.
7. Refugees International. Forgotten refugees: The Chin in Malaysia and India. Washington DC: Refugees International; 2022.
8. Amnesty International. Myanmar: Religious persecution of ethnic minorities. London: Amnesty International; 2023.
9. Asia Pacific Refugee Rights Network (APRRN). Statelessness and displacement in Southeast Asia and the Pacific. APRRN; 2023.
10. Chin Human Rights Organization (CHRO). https://www.chinhumanrights.org/
11. Forced Migration Review. https://www.fmreview.org/
12. IndiaSpend. https://www.indiaspend.com/