

# THE NEED FOR QUIET DIPLOMACY TO CLEAR THE AIR

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Prime Minister Narendra Modi extends his hand for a handshake with his Canadian counterpart Justin Trudeau in New Delhi on February 23, 2018. | Photo Credit: Reuters

Indian and Canadian leaders and diplomats have never really engaged; rather, they have talked passed each other. This is occurring today too. For decades, India has felt that Canada has shown scant respect for its interests, especially on the Khalistan issue. On the other hand, Canada believes that India displays little understanding of its laws and governance system, which prevents it from taking actions that India wants. These differing perceptions have been accumulating over the years and a trigger was needed to publicly bring them out. The Nijjar case has been just that.

Significantly, Canadian Prime Minister Justin Trudeau said, “Canada has shared the credible allegations that I talked about... with India. We... are there to work constructively with India and we hope that they engage with us so that we can get to the bottom of this very serious matter”. The operative words here are “constructively” and “engage”. For India, the problem is that Canada has never shown a willingness for a constructive engagement on its concerns.

At the UN headquarters on September 21, Mr. Trudeau emphasised that Canada is a country based on the rule of law, and on the need for the global community to uphold a rules-based world order. Canada has obviously made the murder of Hardeep Singh Nijjar a test case for upholding such an order. Implicit in its approach is the proposition that whatever may be the grievances of a country against Canada, the causing of harm to any its nationals is unacceptable. Canada's allies — the U.S., the U.K., and Australia — are clearly endorsing this proposition by asking India to cooperate with Canada in the investigation. The Indian government has called Mr. Trudeau's accusation “absurd” and “motivated,” but has offered to look into Canadian concerns if it is given specific evidence.

For India, national laws cannot become a shield for calling for secession and staging protests which glorify murder. If there is an absence of such laws, then it is necessary for a country to enact them. What Canada is currently doing is condemning Khalistani propagandists involved in hate speech, but not taking legal action against them. There is also a deeper issue. The Canadian law enforcement system does not seem to trust the Indian system. Otherwise, what can be the reason for Khalistani supporters, accused of violence and murder in India, not being sent back to face the law? The principle of ‘constructive engagement’ that Canada wants demands a quiet engagement on the entire gamut of legal processes and practices of both

countries so that all grievances can be satisfactorily addressed.

This is especially so because a strong body of Indians believes that Canadian approaches to governance systems of countries like India is coloured, if not racist. For them, the intrusive questions raised by Canada of Indian visa seekers who belong to the security services are unacceptable, for example. They ask if U.S. and British security or defence services personnel who have served in the world's troubled spots or are accused of torture are asked similar questions. It is the sovereign right of states to give or deny visas, but it is clearly an infringement of the global rules-based order to seek answers that violate a country's laws and rules. A full bilateral engagement is needed on this issue too.

Indian frustrations with Canada on the Khalistan issue go back more than four decades. The Canadian Security Intelligence Service (CSIS) was established in 1984. As many CSIS officers were taken from the police, they were aware of Khalistani activities which, as Stewart Bell notes in his work *Cold Terror*, began in 1969 when the Khalistan Commando Movement led by Jagjit Singh Chauhan "declared unilateral independence for Punjab" and set up "consulates" in Vancouver, Winnipeg, and Toronto. The Canadian authorities did not take these seriously even when it became apparent in the 1980s that Khalistani supporters were willing to use terror. Tragically, Air India's Kanishka bombing in June 1985 did not lead to a determination in Canada that terrorism was a universal threat. The threads of Khalistani terror go back to India's western neighbour. India has given evidence on this score but if Canada and other countries wish to have a quiet dialogue on any of these aspects, India should be willing to have one.

This background is necessary to recall because it has contributed to Indian responses to Canada's recent charges. Besides, it would have been wiser for Mr. Trudeau to have sought "constructive engagement" in the Nijjar case in his remarks to the Canadian Parliament; instead, he used harsh language. Mr. Trudeau should have also refrained from expelling a senior Indian diplomat. That would have elicited a more measured Indian response. The Indian tradition of calmly but firmly responding to diplomatic situations has given way to 'giving it back'. This is popular but is it wise? Measured language is an attribute of strength.

Canadian officials have publicly refused to divulge the exact nature of the intelligence they possess. They have leaked to the media though that they have human and signals intelligence of India's involvement in Nijjar's murder. Naturally, all this has to be converted into evidence which will stand judicial scrutiny. Is this likely even if Canadian allies with Khalistani populations have made it known that they helped Canada gather intelligence in the case? Mutual recriminations are never helpful, especially in resolving issues in important bilateral relationships. Quiet and mature diplomacy is required to clear the air on the Nijjar case and on old but continuing issues.

***Vivek Katju is a retired member of the Indian Foreign Service***

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