

# On the Margins of Citizenship: Principles of Care and Rights of the Residents of the Ranaghat Women's Home, Nadia District

By

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## Introduction

The nationalist discourse has always tried to locate women's participation as a journey from private to public locating women as "symbolic bearers of the nation" but "denied any direct relation to national agency or citizenship" (Roy 2005: 41). The denial of national agency can be traced back to the "Indian" nationalist movement; specifically the nineteenth century where "the movement for women's education" is often read as "the rising middle class's attempt to adept its women to a Western milieu" (Kumar 1993: 14). The traditions of the *andarmahal*<sup>1</sup> were condemned; particularly women's participation in popular cultural forms such as songs and recitals (*kirtans, panchalis and kathakathas*<sup>2</sup>). These cultural forms were seen as low and obscene by the rising middle class (Banerjee in Kumar *ibid*: 15). In an attempt to ape the "colonial" lifestyle there was an attempt to redefine the public-private relationship. The "home" /"private" associated with women had to be reformed so that it could complement the "outside"/"public". Indian nationalist historiography is rich with evidences of women participating in the violent and non-violent struggles of freedom movement.

The Indian sub continent was partitioned into two nascent nation states - India and Pakistan in 1947 based on the two-nation theory. Partitioning of the Indian subcontinent was followed by communal frenzy and tension in various centres of the country as people were forced to flee their homes for newer homelands. "Physical violence on women's bodies and forceful impregnation" on both side of the border followed by formal agreement between Governments of India and Pakistan that "any (abducted) girl (of any community) should be forcibly recovered and returned to her relatives and, until such time as her relatives remain untraced, to the Government of her country (Qidwai 1990: 151<sup>3</sup> in Roy 2005: 45) mirrors the

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gender blindness of Indian nationalism and reinstates that the process of Indian citizenship was an exclusive project of the patriarchal nation state.

It is against this historical backdrop we need to read the partition historiography and try to understand the process of “becoming a citizen” for post partition refugees as a project of Indian statecraft. The Indian statecraft adopted various policies and programmes to cope with the mass movement of people. Despite varied accounts of partition both on the eastern and western front there are certain humanitarian questions that we need to ponder upon. How are to locate this mass movement of people from one corner to the other? Is the movement similar to mass exodus of Jews during the days of the Third Reich? Is this “another example of “coerced migration” – to use the category of Charles Tilly (1990) which “entails obligatory departure, forced severing of most or all ties at the origin”? (Bagchi and Dasgupta 2007:1). All “coerced migrations” have their own region -specific reasons and these reasons create unique “refugee experiences”. These unique refugee experiences create various expectations of rights/ care. In this context it is important to understand that partition was not an “event” but a continuing process, a process that has produced and reproduced “citizens”, non – citizens as the state continues to dole out refugee care even after sixty two years of independence to residents of Permanent liability Camps and Women’s Homes in West Bengal. In this essay we will explore the present dilemmas faced by Bimala and Kanaka Das<sup>4</sup> as inmates of Ranaghat Women’s Home of Nadia District, West Bengal. These narratives reveal parallel unending struggle between statecraft, citizenship rights steeped in the prejudices produced by the development discourse of the Indian nation state. Through these two narratives an attempt will be made to unravel the dichotomy of “rights”/“care” that occupies their imagination. Following this, we will try and unravel how the shifting notions of “citizenship rights” based on “territoriality” and a given moment can create a new category of “us/them” within the marginalized. The two narratives bear witness to the changing face of the government’s shifting position as the nation- state makes way for the market state and is constantly negotiating with them to acquire land for public purpose.

### **Partition, Statecraft and “Citizen”**

Partitioning of the Indian subcontinent was responsible for one of the massive migration of people in modern history. In this section, we will try and see how the nascent Indian state conceptualized “citizenship” vis a vis the “refugee/ displaced”. The statecraft adopted legislative measures like Displaced Persons (Legal Proceedings Act) 1949, and the Administration of Evacuee Property Act, 1950. In this context, it is important to note that the citizenship of partition refugees was a major concern as evident in the Constituent Assembly Debates of 12 August 1949 on Article 5 and Article 6. The definition of “citizenship” as propounded by Article 6 of the constitution stated that if a person has migrated to India before 19 July 1948

would be considered a citizen of the state and added that if a person migrated to India after 19 July 1948 would be required to reside in India for six months and then register with a government official prior to attaining Indian citizenship. There was strong opposition from two representatives in the Constituent Assembly Debates who were against this kind of securitization of borders.<sup>5</sup> The identification documents such as we will see create systems of regimentation which produce a linear notion of citizenship that is disciplined through securitization and militarization of “borders” and movement of people across borders. Indian state since its inception has created ways to securitise and militarise its borders to prevent population movement post partition. One of the basic ways to discipline and monitor the refugee movement is issue of identification documents. In the case of eastern side of Bengal, refugees were issued border slips, migration certificates. Apart from these identification documents; the government announced that “refugees”, residents of East Bengal who have managed to come to West Bengal between 1 June 1947 and 25 June 1948 on account of civil disturbances or fear of such disturbances or the partition of India was entitled to relief and rehabilitation. A second order published in December 1948 declared that refugees would not be registered after 15 January 1949 and on 22 November 1948; the State Government clearly declared that the state would not support any family with able-bodied male immigrant beyond a week of their arrival at camps (Chatterji in Kaul (Ed): 77-78). The refugee influx from East Bengal was a constant feature and it continued till the formation of Bangladesh. The refugee influx from East Pakistan from the very beginning was seen as a temporal problem thus solutions laid in curtailing their rights; post partition refugees were still better off compared to those who came in later as the camps had stopped functioning and even the state initiated steps to stop refugee influx in 1970s. This is evident in the Lok Sabha debate (19 August 1970) where Shri Surendra Pal Singh, Deputy Minister in the Ministry of External affairs pointed out:-

*“... In reply to one of our verbal protests against the increased exodus of minorities from East Pakistan, Pakistan had inter alia alleged that we are not exercising sufficient vigilance on the border. The charge of laxity on our part was denied but at the same time it was emphasized by us that the primary responsibility for stopping the migration lay with Pakistan; we could not be expected to take an inhuman attitude towards human beings in distress”.*

*“Government had already taken up this issue strongly with Pakistan and has reminded them of their solemn obligation under the Nehru – Liaquat Pact of 1950 and the Tashkent declaration of 1966 and has urged them to provide security of life, property and honour to their minorities and thus stop the exodus.”*

It was one of the ways in which the nascent Indian state distanced and incorporated this moving population in its territorial ambit. “State” according to Donald Carter (1994) is a continuing project envisioned through official documents. From the cartographer’s maps to presentation of columns and graphs in daily reports, the state must create and re-create a vision, or visions of its own existence. Soguk( 1999) extends this argument

slightly further by arguing that the “institution of the identity certificates, “documenting” refugees “ as distinct from , say , citizens, must be seen as a practice of statecraft , one among the an array of practices that craft the identity of the state.

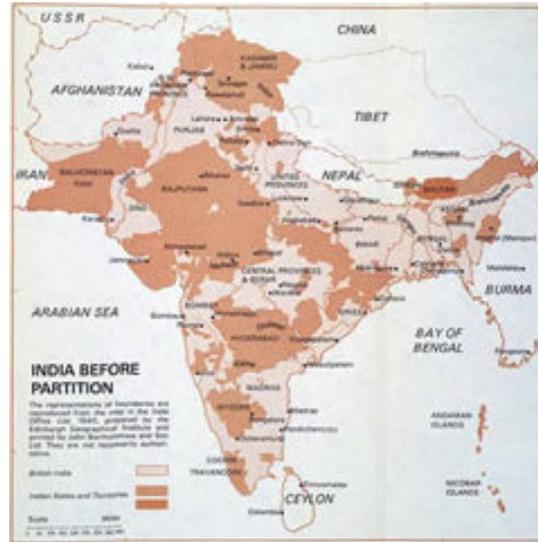
The state refugee discourse classified the refugees into two categories. People who migrated before April 1958 were known as old migrants and the new migrants were those who migrated between January 1964 and March 1971. During the intervening period of five years and nine months about 52000 people crossed over to West Bengal. This figure is however, based on Police records of only those who crossed border through the check-posts. There is no official record of those who crossed the 1200-mile border at countless unmanned points. Persons in authority who are in the know of things have estimated that not less than 2.5lakhs of persons migrated to West Bengal during these years; particularly after the widespread minority killings in Rajshahi and Pabna districts of East Bengal in 1962. Whatever, be the actual number of the migrants, the fact remains that quite a large number of refugees migrated during this period have been deprived of relief and rehabilitation benefits, to which are entitled those who preceded and followed them. The State Government was of the opinion that there should be no discrimination between one refugee and another on the ground of the date of migration<sup>6</sup>.

The ideals of the nation state India upheld towards displaced people during violence that erupted post partition in East Pakistan which forced thousands to migrate for a better and secure future even exists at the level of rehabilitation schemes and measures laid down by the West Bengal Government. The Refugee, Relief and Rehabilitation Department, Government of West Bengal’s missionary zeal is reflected in the forward to the latest Administrative report<sup>7</sup> of the Department where the Minister of State-in-Charge Binay Krishna Biswas writes,

*“We in this department and directorate have always stood by the displaced persons in their struggle and will continue to play our role as far as is practicable to ameliorate the sufferings of displaced persons coming to our state from the erstwhile East Pakistan on or before the 25.03.1971 and our motto is we will continue in this nature”*

The state discourse on refugee issues remained confined to managing “population flows”. One of the classic features Foucault argues of “techniques of power” is the emergence of population as an economic and political problem. Population is seen as the wealth, manpower or labour capacity. Foucault calls this technology “bio-politics”, where there was increasing state intervention in the lives of the individual. The state refugee discourse was also centred on how to negotiate with the rising population with each day after 1950 riots in Barishaal and other districts in East Pakistan. The population movement was seen as a temporary phase both by the people themselves and by the nascent Indian state.

### Map 1: India before Partition: Education Sources - Indian Independence 1947



(Source: <http://www.bl.uk/reshelp/findhelpregion/asia/india/map1/> accessed on 11 May 2009)

One of the ways to cope with refugee influx was to provide shelter, food and other basic amenities. Government started to open certain camps in Nadia district, which were used as military base during world war, and also because of availability of vacant land as the state probably had no idea how they are going to cope with huge numbers. So, were the refugees were seen as a daily increase in “numbers”, an aberrance to the building of the modern nation state? Not necessarily so, as the Government laid down various initiatives for the displaced. One of the prime initiatives was building up separate places for the refugees- campsites. To cope with the mass refugee influx from East Pakistan, the Government response was threefold: “relief, rehabilitation and general measures” (Das, Samir in Samaddar 2000: 123). One of the relief measures was to enumerate and classify the refugees in terms of their social and economic background. The Government set up three types of camps: a) Women’s Camps b) Worksite Camps and c) Permanent Liability Camps. (Basu Ray Chaudhury 2009:8). Most of these camps were strategically set up in and around the border districts of West Bengal (See Map 2). The Government’s rehabilitation policies were targeted to the rural and urban population. Rural policies were three fold: type scheme, Union Board scheme, Barujibi scheme and Horticulturists scheme. Each of these schemes addressed special needs and provisions of the people in the form of special grants/ loans and land allotment (Das, Samir in Samaddar 2000: 126). One of the remarkable points of intervention and legal measures that the state adopted was the West Bengal Land Development Act

1948, which upheld ‘the settlements of migrants to the state on account of circumstances beyond their control’ as one of its main provisions. Similarly the West Bengal Act XVI of 1951, a provision was created to mitigate the ongoing conflict between landowners and the migrants. According to this provision, if a person continuously remained in unauthorized occupation of land or premises for three months, no criminal proceedings could be drawn against him (ibid: 144-145).

These provisions and measures created a new era of “state” discourse of rights and care; of the Indian state in particular. The democratic Indian state with its new nationalist vigour and rigour adopted the policy of cooption and adoption of “displaced” as it did not use the term “refugee”. The Government of India defined “displaced” person as “...one who had entered India (who left or who was compelled to leave his home in East Pakistan on or after October 15, 1947) for disturbances or fear of such disturbances or on account of setting up of the two dominions of India and Pakistan”.<sup>8</sup> According to Anasua Basu Ray Chaudhury (2009), this definition failed to accommodate and ensure rights of the Hindus who had left East Pakistan before 1947 before the outbreak of communal frenzy. Secondly, “passport” system was yet to be launched and it was regarded as a special case since the refugees had citizenship rights in both the states. Thirdly though India became independent on 15 August 1947, the extended period of two months was given to the people for settling themselves in the country of their choice (ibid: 5).

The constitutional provisions of the Republic of India clearly outline the distinction between the *Indian citizen* and the *non-citizen* (alien)<sup>9</sup>. “While a citizen enjoys certain rights and performs duties that distinguish him/ her from an alien, the latter has certain rights of “personhood” that she/he possesses irrespective of the fact that she/he is not a citizen”. (Roy 2005: 196). The categories of persons who became citizens of India at the commencement of the constitution on 26 January 1950 were:

- a) those domiciled and born in India
- b) those domiciled, not born in India but either of whose parents was born in India
- c) those domiciled, not born in India, but ordinarily resident in India for more than five years
- d) those resident in India, who migrated to Pakistan after 1 March 1947 and returned later on resettlement permits
- e) those resident in Pakistan, who migrated to India before 19 July 1948 or those who came afterwards and stayed on for more than six months and got registered
- f) those whose parents and grandparents were born in India but were residing outside India. (ibid)

Thus the notion of “citizenship” as upheld by the Indian constitution was based on the idea of sameness derived from the Indian “nation”. “Nation” became the inspiration for the “liberating individual” whose rights were to be protected through ensuring “civil, political and

social” rights. “Citizenship” for T. H Marshall comprises of three elements. They are civil, political and social. The civil element for Marshall “is composed of the rights necessary for the individual freedom ... political meaning, the right to participate in the exercise of political power...social element implies economic welfare and security and right to lead a secured life (Marshall in Shafir (eds) 1998: 94). Thus the community feeling for the nascent “nation- state” evolved from a struggle for equality where the ‘past’ formed the basis and source of self- determination and also informed the commonality of the political purpose and destiny (Roy 2005: 180-81).

The “past” as we have seen informed the constitutional framework of the process of “becoming a citizen”, as the “citizen” was constructed as a liberating individual and enjoyed equal rights as guaranteed by the state. Roy (2005) argues that while “liberal citizenship” ensures legal rights of the citizen there is a certain set of presumption regarding “equality” and it fails to take into account the “principles of inequality deriving from gender, ethnic, class/ caste” relevance to the status of the citizenship (Roche 1987 in Chari 2009: 48). There was a consensus among the political leaders to “care” for the refugees from both the eastern and western side of the border. The cut off year of 1948 for a “refugee” to “become a citizen” shows the way the state managed to reproduce hierarchies between “citizens” as it failed to envision how the existing “inequalities” on the lines of caste, gender of a refugee will reproduce inequalities even in the egalitarian state’s refugee care policies. It is against this backdrop, we need to situate the refugee flows on the eastern side of the border to have a better understanding of the functioning of the camps. Most of the camps in West Bengal as we will see in the following section started functioning in 1950s which shows that state aided humanitarian assistance towards refugees was ad hoc in nature and implementation.

### **Partition and Population Flows in Perspective**

The migration of Hindus from East Bengal began with the communal violence that broke in Noakhali and Tipperah in October 1946. According to the West Bengal Government Relief and Rehabilitation Directorate Report 1957, “refugee flow” was seen as a constant feature on the eastern side of the border.

*“ Unlike in the Western Sector, i.e., in the Punjab-West Pakistan region, where the migration of population was practically complete in the course of a few months, the movement of displaced persons in the eastern sector has not ceased, although more than ten years have elapsed since it began.<sup>10</sup>”*

The average influx of refugees into West Bengal reportedly was 20,000 persons per month.

**Table 1: Refugee Flows to West Bengal (1952-1957)**

<i>Year</i>	<b>Population</b>
Number of refugees up to the end of 1952	2517504
Fresh Arrivals in	
1953	60647
1954	103850
1955	211573
1956	246840
1957 ( upto 30 September 1957)	7993
Total	3148407

*(Source: Relief and Rehabilitation of Displaced persons in West Bengal Report 1957)*

These figures do not take into account the 40000 persons who found their way into West Bengal on forced migration certificates, or the very considerable movement into other neighbouring states. In 1950-51 members of the minority community numbering 7 lakhs had left West Bengal but only 5 lakhs have returned. Initially when the influx started there was an impression that the movement from East Pakistan was a passing phase; and the migrants would return as soon as normal conditions prevail; initial focus was on “relief”. It was only in the earlier part of 1949 that it was agreed upon that migration was going to be a permanent feature and that migrants were not returning to East Pakistan. In 1956, Migration Certificate was introduced.

Nadia is one of the bordering districts that witnessed huge refugee influx post partition. In 1956, there were 8 camps in Nadia district with a population of 52, 068 people. If we compare and contrast the population of camps in Nadia with other camps in West Bengal we will see average population per camp was 7,500 (approx.) compared to other camps, which ranged from 1000 to 1500 (approx).

**Table 2: District Wise Distribution of Camps and the Population**

<b>District</b>	<b>No. Of Camps</b>	<b>Population</b>
Nadia	7	62797
24- Parganas	53	49,417
Burdwan	31	46646
Hooghly	18	23,323
Howrah	8	9636
Bankura	7	12,653
Birbhum	17	21,984
Murshidabad	11	14844
Midnapore	13	18,386

West Dinajpore	1	1,056
Cooch Behar	1	1,425
Calcutta	7	6144
<b>Total</b>	<b>174</b>	<b>2,68040</b>

(Source: *Relief and Rehabilitation of Displaced persons in West Bengal Report 1957*)

The influx of refugees from East Pakistan was constant during the following years, mostly marked by communal disturbances. The significant years are: 1947, 1948, 1950, 1960, 1962, 1964, 1970 whereas in the Western Region, influx of refugees was over by 1949<sup>11</sup>. According to the official estimates of the Government of West Bengal in 1953, 25 lakhs have been forcibly displaced. In 1953-61 there was no major influx but the figure swelled to 31-32 lakhs up to April 1958 and later in 1962 around 55000 persons migrated after the killing of minorities in Pabna and Rajshahi. Approximately 6 lakh people crossed border between 1964-March 1971 and following the disturbances after creation of Bangladesh there was a massive exodus of about 75 lakhs (R.R. Committee's Report Government of West Bengal, 1981). It was reported by the Minister of Supply and Rehabilitation, Shri Ramniwas Mirdha in a Lok Sabha debate in 1976 that 52.31 lakh persons migrated from East Bengal to India from 1948-1971.<sup>12</sup>

The West Bengal government Relief and Rehabilitation Directorate initiated a study on the relief and rehabilitation of displaced persons in West Bengal and the report was published in 1957. According to this report, the findings suggested that there were certain camps like coopers, which have a large number of refugees, and "an attempt is being made to convert them into townships". Various rehabilitation alternatives and schemes were laid down. The Government decided to shut down the transit camps by 1951. After the disbursal to rehabilitation centers in 1949, there was a sudden wave of migration in 1950-51 which swelled the number to 360769. At this time there was a decision to close down all the camps by March 1951 as a result of which camp families were dispersed to rehabilitation sites and the camp population came down to 80000 by the end of 1951. After 1954 when passports were introduced, there was huge influx of refugee population.

According to official estimates by Ministry of Labour and Rehabilitation, by December 1962 there were 20 homes and infirmaries in West Bengal with a population of 29000 inmates as against 54000 inmates in 27 homes and infirmaries in 1957. With the decision to wind up the Ministry of Rehabilitation by 1962, the work of homes and Infirmaries was finally transferred to the Ministry of Education in 1962<sup>13</sup>. Department of Social Welfare looked after the work of Permanent Liability Homes. With the decision to wind up the transit camps and parallel rehabilitation initiatives the Report (ibid) by the Ministry of labour states that there were five permanent liability homes (See Table 2) and four women's home.

One of the major concerns was rehabilitation and winding up of existing camps. After the rehabilitation of rehabilitable and border-line rehabilitable families the committee reported that there would be about 5000 families consisting of 10000 heads left in the homes and infirmaries of the state.

**Table 3: District Wise Distribution of Homes/Infirmaries in West Bengal as on June 1972**

Sl. No	Name of the institution/ District	No of Inmates	Date of Functioning
<u>A.</u>	P.L. Homes		
1.	Coopers PL Home (Nadia)	3404	Originally these institutions were
2	Dhubulia PL Home	6223	Transit Camps but they were
3	Chandmari PL Home I and II	2215	Converted to PL Homes/
4	Rupashreepalli PL Home	667	Infirmaries in 1960
5	Dudkundi PL Home( Midnapore)	797	
<u>B</u>	Women's Home		
1	Rupashreepalli Women's Home No I	748	1951
2	Rupashreepalli Women's Home No II	375	1951
3	Champta Women's Home	764	1955
4.	Ranaghat Women's Home	691	1950

(Source: *ibid*)

Thus two kinds of official “refugee” categories were created. First and foremost those families with able bodied men who had to be cared for a week and the state took on the role of the “able bodied men” in case of the second category – “permanent liability” as the state “saw itself as standing in for the male bread winner in relation to these unfortunates and therefore entitled to assert all the moral authority over them that a male bread winner enjoys over his dependants” (Chatterji in Kaul (eds) 2001: 89).

### **Principle of Rights/ Care and State - Ranaghat Women's Home**

Studies have pondered on the prevalent sense among the people that despite these “contending notions of right and charity, there is a fundamental agreement between all sections of the actors in that contentious scenario, namely, we/they are part of the nation, the nation must accept us/them”(Samaddar 2000: 27). To understand how the “refugee” is posited at the margins of citizenship, we need to understand the conflicts between

the two founding principles of modern society, the belief in the universal human rights and the sovereignty of the nation states (Bose 2000). According to Pradip Bose (2000), the international and national legal regimes address this inherent conflict. Thus, what is evident is that the legal conception of the refugee is closely associated with the state, state sovereignty and membership. This in a way also reinstates that the way “statecraft” defines and maintains the “the modern rituals of inclusion and exclusion” through their policies towards “refugee issues” produce, project, and privilege the hierarchy of the citizen/nation/state. How are these hierarchies created and produced? Are these hierarchies about us/ them? How are these hierarchies translated at the level of policy making?

According to the Relief and Rehabilitation of Displaced persons in West Bengal (Report 1957), permanent liability camps are defined as *“...Amongst the refugee families that are admitted to camps, there are those whose members are either infirm or aged or otherwise incapacitated or consist of women who have no able bodied men to look after them. These constitute what is known as “Permanent Liability” of Government. Total number of persons in this category in September 1957 was 54066”*.

After sixty years of independence, the permanent liability camps have been functioning on the state assistance, the central government has ceased to support after the mass rehabilitation/ resettlement of East Pakistan refugees in Dandakaranya, Orissa and Madhya Pradesh. The report also suggested that the following categories of refugees would be eligible for admission into P.L. Homes and Infirmaries:

Old: men above 60 years and women above 50 years with no able bodied member

Infirm: those who have been suffering from a permanent disability

Unattached women: those who have no adult able-bodied son

Orphans: unattached boys up to age of 16 years and girls till they are married or gainfully employed.

Dependents of above first three categories

Dependents of TB patients

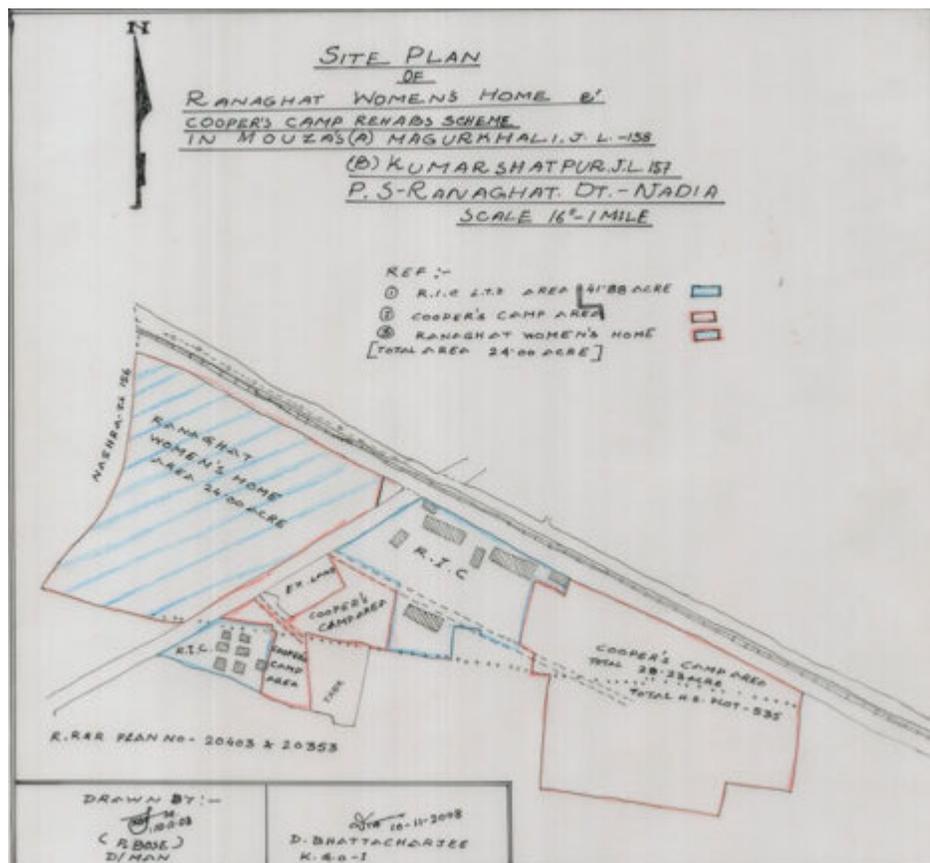
This very categorization reveals a paternalistic top- down approach towards groups with certain vulnerabilities. This was a replica of the colonial master-slave relationship where “the state’s relation to this dross of humankind was that of surrogate *pater familias* or benevolent despot. Because the refugees had placed themselves in its care, government could decide – indeed it had a duty to decide- what was best for them... In this same role, the state also accepted (albeit without much enthusiasm) responsibility for single unattached women, the elderly, the infirm, and their dependents. These categories of refugees were, it acknowledged, ‘more or less a permanent burden on the government because they had no able bodied men to support them. In the case of infirm, women and children, the state accepted ‘permanent liability’ (Chatterji in Kaul (eds) 2001: 89). The state at this juncture played the role of a “patriarch” and fountainhead of charity almost simultaneously and it continues to do so as the residents of the

permanent liability homes continue to negotiate with the state regarding the delay in doles, increase in cash “dole”. The location of the “women’s home” of Ranaghat is interesting and as one of the Government officials of the Cooper’s Camp Permanent Liability Home puts it “When I first visited Women’s Camp, I could not believe such a place existed in India”<sup>14</sup>. As Mr. Monimohan Mondal<sup>15</sup> shared his experience of working in the PL office pointed out that “Anatha”<sup>16</sup> camp; as it is popularly known in the area carries the stigma of victimhood.

The official of the Cooper’s Camp Permanent Liability Home introduced me to my informant and guide. Bimala Das<sup>17</sup> (name changed here) has been a spokesperson for the women here and has led innumerable protest movements when the camp residents received “doles” with prolonged gap. As the government official recounted his first encounter with the residents of the “Women’s Camp” I was taken by surprise. When he was transferred to Permanent Liability home of Cooper’s Camp in 1993, a higher official on supervision was *gheraod* by the residents of the women’s camp because it had been months that they did not receive their monthly cash dole of Rs. 41.60. Manimohan Mondal, assured them oblivious of the consequences that they will receive their cash dole in two days. Following day he collected money from his colleagues and distributed it among the people; Government money followed in later. As he recollected this incident, Bimala Das said that after this incident we realized we have found somebody from the “state” who did not treat the distribution of dole within the ambit of “refugee care”. “He went beyond that. He treated us like any other “citizens”.

What is entailed in the term “refugee care”? Is it the sense of being uprooted and being at the mercy of the host state that creates the notion of “care” which otherwise should be seen as state responsibility? Even after such a long time why did Bimala feel the need to distinguish between “refugee” and “citizen”. Is it because of her locale? The camp as a site of enclosed space has given her social security. As she recalled her childhood days, she remembered how she with her camp inmates ran to the gate on the western side of the camp as soon as she heard the siren at 6 O’clock. The guard opened the gates of the camp. Bimala recounted that the guard before letting them off took a head count and similarly on their way back around 10 O’clock similar process followed. She said as a child she hated to be under such strict surveillance. Still things were better then. She showed me the eight pillars that stood still at four corners unguarded but acting as the borderline. One of the critiques of refugee studies has been the demographic count and shifting patterns of growth. In this context, the importance of the role of the “subject” in the refugee care discourse needs to be addressed because it is “the subject who moves, who makes the movement” (Samaddar in Bose (ed) 2000: 201).

### Map 3: Site Plan of Ranaghat Women's Home and Cooper's Camp Rehabilitation Scheme



*(Source: Refugee Relief and Rehabilitation Department, Government of West Bengal)*

In this context, I want to draw attention to how “subject” has been addressed in the state discourse of “care” with respect to the existing permanent liability camps. Does the “subject” figure in the official records? The subject is reduced to a systematic categorization in the official records since the days of census. The system of classification is an integral component of colonial project which has its traces even today as the dusty, yellow pages of the official records of the Permanent Liability Camps show. These records have a tale to tell through the defined categories of “Ration Card Number”, “Date of Admission”, “Name”, “Family details” and “dry dole” and “cash dole”. The commodification of the “citizen” subject in the case of the recipients of the dole from the state government is a step beyond Risley’s census. The “state” through the quantification of right to care

creates “subjects” who unlike the Government official in this case fail to address the special needs of women.

When Bimala Das introduced me to Kanaka Das, another resident of the women’s camp she was getting ready to cook her lunch. She took a cup of rice infected with insects and stated that this is the condition. Her journey from Titagarh camp to Women’s Camp with her mother has been similar like Bimala. She tells me “*aamra dustbiner phela jinish*”. In other words our situation is like garbage, people want to do away with. We are the garbage of the state that had once lent a patient ear to our problems. To which Bimala adds, how she and other camp dwellers protested against the quality and length of the saree that they had received few years back. She showed me the white cotton cloth with green border of 4.5m and lamented whether I will ever wear such a saree to go to the town or not. Women in the permanent liability camps are entitled to receive cloth/ saree on three occasions; 15 August, 23 January and Kali Puja.

The claim making processes of the Women’s Home residents through petitions to substitute the coarse material with a better reflect the way the women are trying to articulate their “rights” which are usually seen as “care” rather “charity” by the state. These women are constantly challenging the paternalistic attitude of the statist discourse as they manage to cross every hurdle to draw special attention to the special needs of women. Both Bimala and Kanaka gives me a vivid account of their visits to the relief office in Ranaghat, followed by their brief meeting with the official at the Relief and Resettlement office in Kolkata which resulted in distribution of new sarees with an increase in breadth. These protest movements show that within their limitations, women have tried to find avenues of claim making processes, asserting that the “state” responsibility towards their “Rights” of “care”.

Chari (2009) argues that one of the central elements of “gendered citizenship” is the “strategy of negotiation and contestation”. Drawing from Kymlicka and Wayne (1994) who defined “citizenship” as “...not just certain status, defined by a set of rights and responsibilities, but also as an identity. It is thus an expression of one’s membership in a political community”. For Kymlicka and Wayne (1994) rights of citizenship cannot ensure a feeling of “commonality” among many groups such as blacks, women, and aboriginal people. In the case of Ranaghat Women’s Camp residents this feeling of commonality is not only driven by a shared history of “past, present and future” of partition but also by their caste, class and social position. These factors inform their strategies of negotiation and contestation with the state as they negotiate for their “gendered” spaces as they stand at the crossroad of development and statecraft.

In July 1968 at the instance of the Dept of Social Welfare, Government of India the terms of reference of the Committee of Review were extended to examine the functioning of homes and infirmaries in West Bengal with particular reference to the following:

1. Introduction of economically oriented schemes for speedy rehab of the rehabilitable home families
2. Existing pattern of expenditure on homes/ infirmaries
3. Measures for the education part beyond the middle standard
4. Arrangement for satisfactory accommodation of inmates of homes and infirmaries including repairs to existing structures

The report was finally published in 1974 and it was titled “15th Report on Educational and Medical Facilities for the inmates of PL Homes and Infirmaries in West Bengal”. In 1974, there were 644 inmates in Ranaghat Women’s Home. There was one outpatient department; one medical officer daily for two to three hours, one pharmacist and one general duty attendant. The report suggested that finally seven homes could be retained and maintained by the state. The Committee suggested three significant recommendations:-

- a) Existing practice of allotment of funds for educational and medical facilities for Home inmates on per capita basis and lumping it together with the overall per capita allotment should be abandoned.
- b) The per capita provision of Rs 3 per month (raised to Rs 4.50 per month with effect from 1.6.1973 for meeting the expenditure on minor repairs, water supply, electricity ,lighting, medicine and education has been grossly inadequate.
- c) There should be separate provision for meeting the expenditure on educational and medical facilities and in no circumstances it should be lumped with the overall per capita grant.

Currently twenty three members receive dole from the State Government. All the expenses are borne by the state. All these members are entitled to receive “dry dole” which constitutes of: 3 kg of rice for 14 days, 4kg of wheat for 14 days and 800gms of dal for 14 days. Monthly “cash dole” of Rs 400, clothing for three occasions 15 August, 23 January and Kalipuja/ Diwali and blanket in every alternate year are allocated to the recipients. One of the safeguards by the Refugee Relief and Rehabilitation Department in late 90s was the transfer of administrative control of Dhubulia Homes& Infirmary and Cooper’s P.L. Home to the District Magistrate, Nadia and Sub Divisional Officer Ranaghat. [Administrative Report (1998-99), of RR & R Department, Government of West Bengal].

The housing and sanitation condition of the women’s camp is far from satisfactory which opens up the question of social security and citizenship. The dichotomy of “right/ care” gets further complicated when it comes to the housing and sanitation condition of the camp residents; especially women. The camp structure of a thatched roof and walls to make it an enclosed space has rusted with time. Though there is a separate space for kitchen, there exists no public lavatory, a matter of extreme concern. All the tube wells from the Panchayat are functional. Almost half of the camp residents have no access to electricity. The housing conditions of the camp residents deserve special attention; specially the need for better sanitation and hygiene conditions. As Bimala reiterates, “we had everything. It’s true

that we grew amidst risk but it is equally true that the government did try to recreate a “home” in the camp structure” as she shows me the space where as children they got together to perform during festivals. This leaves us with another question what went wrong and also points to the fact that the “refugee” care is about monitoring, classifying populations rather than about rights.

Post independence, the nation-building project initiated various programmes and measures to ensure equal rights of men and women. The Indian state in its remarkable attempt declared that the widows of 1947 became responsibility of the state and measures were taken so to set up homes across the country and train them to make them economically self-sufficient. It is against this backdrop of nation building and democratic state formation that we need to understand the growing years of Bimala and Kanaka.

Bimala and Kanaka went to school and occasionally for singing classes in the camp. The Indian Government created various provisions for recruitment in developmental projects so that through employment, people could rehabilitate themselves. Another way of rehabilitation was to create separate colonies and one of the worst case and process of rehabilitation was the Dandakaranya settlement in Orissa and Madhya Pradesh. A person who opts for rehabilitation today is allotted land and a one-time security allowance of Rs 10,000 for single member. For the two-member family or more, a person who opts for rehabilitation receives allotment of land and an allowance of Rs 14000.

### **Many Perceptions of “Citizenship” Rights and “us/ them”**

On our way back to the railway station, Bimala promised me to show me the gate she used while going to school. She was brimming with excitement as she narrated to me about her school days. When we reached the gate she asked me to be careful with my belongings warning that in the recent years there has been infiltration of Bangladeshis and with local aid they have forcibly occupied certain areas. Dare they venture into our camps!!! She muttered to herself.

Bimala’s father died when she was one year old. He used to work in Kolkata. Following his death, Bimala’s mother decided to return to her “desh”/home in Barishal District of the then East Pakistan. In 1950, when the riots broke, her mother like many others migrated to West Bengal. They initially settled in Titagarh and then came to Women’s Camp around early ‘50s. She clearly announces that she is not a Bangladeshi.

To Bimala, “Bangladeshi” occupies the same popular perception that we heard in the public discourse; when there was a huge refugee influx. Though there are differences between the categories of “infiltration” and “migration” and one is fully aware of these, what is entailed in this kind of vehement protest is a notion of “nationality” based on “territoriality” and an “imagined nation” of Indian subcontinent of East Bengal and West Bengal.

This is why she cannot identify herself with the “Bangladeshi” and she cannot relate why “they” should attempt to share voting rights and other citizenship rights that “victims of a violent history” earned after a long struggle.

Hoffman (2004) argues, “Nationalism and state are barriers to citizenship”. The concept of a nation develops hand in hand with a notion of territory. What gives this territorial identity its overarching and “quasi-ontological significance” is the link between state and nation. In the case of the Indian subcontinent, the redrawing of borders in 1947 and again in 1971 based on two ideologies of “nationalism” produced states and citizens whose identification with the political community and negotiation with the state was shaped by two distinct historical events. The migration flows due to communal violence and fear of being uprooted after “desh-bhag”<sup>18</sup> was responsible for most of the migration; the feeling of “Bengaliness” of a shared common past based on language and religion run parallel to the opposition of popular voices against the refugee influx. In the case of the violence that followed prior to creation of Bangladesh people decided to migrate but were seen as members of a new nation-state.

The history of refugee movements in West Bengal recounted in various studies and memoirs (Chakraborty 1990, Singha 1999, Sinha 1995) are evidences of the various struggles of “becoming a citizen”. Bimala’s assertion shows how cartographic exercises create and produces hierarchies between people of the same geographical entity. The political past shaped by violence is responsible for creating different “community membership” which shows that processes of statecraft through these fissures continues to reproduce the figure of citizen and non-citizen.

### **Nation-State to Market State and the “Citizen”**

Post independence, the nation-building project initiated various programmes and measures to ensure equal rights of men and women. The Indian state in its remarkable attempt declared that the widows of 1947 became responsibility of the state and measures were taken so to set up homes across the country and train them to make them economically self-sufficient. It is against this backdrop of nation building and democratic state formation that we need to understand the growing years of Bimala and Kanaka.

Bimala and Kanaka went to school and occasionally for singing classes in the camp. The Indian Government created various provisions for recruitment in developmental projects so that through employment, people could rehabilitate themselves. Another way of rehabilitation was to create separate colonies and one of the worst case and process of rehabilitation was the Dandakaranya settlement in Orissa and Madhya Pradesh. It is against this backdrop that we need to understand the ongoing task of rehabilitation. A person who opts for rehabilitation today is allotted land and a one-time security allowance of Rs 10,000 for single member. For two-member family

or more, a person who opts for rehabilitation receives allotment of land and an allowance of Rs 14000.

Both Bimala and Kanaka told that they have heard and are aware that one day they might be forced to give up the land of the camp site for developmental purposes. They are very clear that they will give up land and make way for development when their basic demands are fulfilled which includes increases in cash and dry doles. There has been constant pressure from top officials to acquire land but Bimala tells firmly that they need to know how the land will be utilized, and their share in the project. Recently the local administration with the aid of the central government has proposed to set up a school in the vacant area of Women's Camp. The residents have agreed under the clause that the abled will be provided a job. Bimala pointed out they are scared how long they would be able to hold on to their "home" and land. She is determined to fight for her rights. In any case she argues, if the school project comes through she would demand that the local residents of the camps are part of the day to day decision making process. She repeatedly tells me that she is not afraid of state administration.

This instance further reiterates what Hoffman (2004) has argued that citizenship is a momentum concept. Momentum concepts are those that are infinitely progressive and egalitarian. Even those who seek only limited steps forward and are oblivious of a more wide-ranging agenda can develop struggle for citizenship. Citizenship involves a process that is evolutionary and revolutionary. It is an ongoing struggle with no stopping point as the narratives of Bimala and Kanaka tells us many experiences of citizens from the margins. While on one hand Bimala and Kanaka's narratives show that citizenship is not reaffirmation of political, social and civil rights by the "state" but also a feeling of "identity" of a "collective past" and challenges the exiting discourses does it fail somewhere to challenge the relational status with the "state". This reinstates Hoffman's thesis that the constant process of negotiation and contestation with the state reflects that the states are dissolving "statism". Thus citizenship can be seen as a governmental and not a statist concept.

There is a constant emphasis to wind up the Coopers and Rupashreepally camp. The Screening Committee Report 1989 on the problems of the refugee camps and homes in West Bengal insisted that the rehabilitable families in both these PL Camps should be rehabilitated in situ or at Ranaghat G.S. Scheme; while the PL inmates could be shifted to Chandmari PL Home. The report mentioned that the local MLA is not in favour of winding up of the camp as the camp inmates resisted any proposition of rehabilitation elsewhere though the condition of hutments here was worst of the lot.

According to Hoffman (2004) citizenship requires security not only in terms of protection but the state should also provide what Tickner (1995: 192) calls a people- centred notion of security in terms of securitization of livelihood. The transition of the nation state to the market state has been marked with securitization of GDP rather than addressing livelihood

questions. Drawing from Tickner, Hoffman argues that “security” as a concept should transcend state boundaries so that people feel at home in their locality, their nation and in the world at large (Hoffman 2004: 72).

Securitisation of livelihood in areas such as Cooper’s camp is essential where most of the female workforce is engaged with rolling bidi (local tobacco rolls). The women get paid Rs 30-35 for rolling 1000 tobacco sheets. This is a comparatively painful task when one gets old as Kanaka Das points out because you need good eyesight to see the thread... (“*bidi bandhte gele choker daker hoy... suto dekha jayna...*). Local residents of the Coopers Camp reported that women could hardly manage to make 500 bidis after doing their household chores; earning Rs 17 per day.

This shows that the nation state has been clearly divisive in its transition to market state and has invested in areas whose economic gains cannot be shared by everybody. The divisive politics that the state plays out creates factions of unrest and legitimizes the basis on which state could use force/ coercion to curb them. According to the Administrative Report 2004-2007, “There are 8 camps and homes run by the RR & R department. It was decided vide an order no3747-H&M/5H-17790, dated 5.10.1990 that all Rehabilitable group families living in the Camps will be given rehabilitation and those Permanent Liability group families will be shifted to three camps to be given permanent camp status”. It has been further decided that six camps, namely P.L. camps at Dhubulia and Cooper’s (Ranaghat) and Women’s homes at Champta, Ranaghat, Titagarh and Bhadrakali will be closed down and three camps namely, Habra Composite Home, Bansberia Women’s Home and Chandmari P.L. Camp will be retained. According to the Administrative Report 2004-2007, there are currently two schemes for rehabilitation of camp inmates: -

- a. Rehabilitation without land with financial assistance of Rs 10,000/- in lump.
- b. Rehabilitation with land either elsewhere or in-situ at Home area with the following rehabilitation assistance:
  - i. House-building grant @ Rs 9000/- per family
  - ii. Small trade loan @Rs 5000/- multi-unit family and @Rs 1000/- per single unit family
  - iii. Maintenance grant of Rs 135/- per head

These measures demonstrate the changing attitude of the Indian state towards the refugees. The constant emphasis to wind up homes and camps across the state speak about the fact that “refugee problem” is a thing of the past whereas the rehabilitation schemes merely encouraged a shelter and self-employment. The statecraft refuses to acknowledge that “partition” and its effects on population movements. The reconfiguration of the “citizen” as residents in Women’s Home of Ranaghat becomes a way of revisiting how “statecraft” through the margins of citizenship reproduces “citizen” and “refugee”.

## Notes

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<sup>1</sup> Andarmahal: private space

<sup>2</sup> Kirtans, panchalis, kathakathas are various forms of songs and recitals performed as part of rituals and religious ceremonies.

<sup>3</sup> Here Anupama Roy draws from Anees Qidwai as cited in Gyanendra Pandey 1994: 189

<sup>4</sup> The names of the respondents have been changed here to maintain their anonymity.

<sup>5</sup> Sardar Bhopinder Singh, (representative of the East Punjab: Sikh) argues that the definition of ‘citizenship’ is skewed “as a weak sort of secularism has crept in and an unfair partiality has been shown to those who least deserve it”. He further adds, “... I do not understand why the 19 July 1948 has been prescribed for the purpose of the citizenship. These unfortunate refugees would not have foreseen the date...it will be cruel to shut our borders to those who are victimized after the 19 July 1948 ... our demand is that any person who because of communal riots in Pakistan has come over to India and stays here at the commencement of this Constitution, should automatically be considered as a citizen of India and should be on no account be made to go to a registering authority and plead before him and establish a question of six months domicile to claim rights of citizenship.

Shri Rohini Kumar Choudhuri in the same session argues for the people who migrated to Assam because they found it impossible to live there. According to Mr Choudhuri, “... it may be argued in a limited way that every one who has come from East Bengal was not really actuated by fear or disturbance or actually living in a place where disturbance had taken place... condition of fear, of disturbance should not at all be insisted in the case of a person coming from Pakistan over to West Bengal or Assam or any other place in India” (Constituent Assembly Debates, Vol IX, 1949 30 July -18 Sept 1949.

<sup>6</sup> For details please refer, A Master Plan for Economic Rehabilitation of Displaced Persons in West Bengal, Refugee Relief and Rehabilitation Dept. July 1973.

<sup>7</sup> Administrative Report 2004-2007; Govt. of West Bengal, Refugee Relief and Rehabilitation Department

<sup>8</sup>Annual Report of the Department of Rehabilitation, 1965-66, (New Delhi: Department of Rehabilitation, Government of India), 1967,p 107

<sup>9</sup> (Italics) Emphasis added

<sup>10</sup> See Relief and Rehabilitation of Displaced persons in West Bengal (Report 1957), West Bengal Government Relief and Rehabilitation Directorate for further details

<sup>11</sup> For details please refer to 11th Report on Maintenance of inmates of Homes and Infirmaries for displaced persons from East Pakistan In West Bengal, Committee of Review of Rehabilitation Work In West Bengal, Ministry of Labour and Rehabilitation New Delhi -11, 1973

<sup>12</sup> Shri Ramniwas Mirdha in reponse to Shri Somnath Chatterji in a session in Lok Sabha dated 29 March 1964 stated that 52.31 persons or 10.46 lakh families have migrated between 1948-1971.

<sup>13</sup> For details please refer 11th Report on Maintenance of inmates of Homes and Infirmaries for Displaced persons from East Pakistan in West Bengal, Committee of Review of Rehabilitation Work In West Bengal , Ministry of Labour and Rehabilitation New Delhi, 1973

<sup>14</sup> See Map 3 for the location of Women’s Camp

<sup>15</sup> Interview with the author on 28 February 2008 and 3 April 2008.

<sup>16</sup> Anath means orphan.

<sup>17</sup> Interview with the author on 28 February 2008.

<sup>18</sup> Desh-bhag is the Bengali word for partition. It literally means “division of homeland” in 1947.

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Interviews with Bimala Das and Kanaka Das (names have been changed to maintain their anonymity) on 28 February 2008.

# Critical Climatic, Migration & Biopolitics: The Mexico-US Border and Beyond

By

**Arun G. Mukhopadhyay \***

## **Climate Refugees**

United Nations Secretary General has declared 2009 as the year of Climate Change along with a call for 'responsibility to protect' in the realm of human rights and 'responsibility to deliver' in larger sphere of common international action. Christian Aid Report, 2007 has predicted that around a billion people may be displaced by 2050 from their habitats for gradual worsening of climate and environment (Christian Aid 2007) this is awfully alarming in view of the fact that due to lack of resources and social contacts, a sizable portion of climate victims can not abandon their inhabitable environment. Perhaps the only option left to them is to pray for miracle International Law does not confer refugee status to such climate-enforced migrants crossing borders Neither the United Nations Framework Convention on Climate Change (UNFCCC) nor its Kyoto protocol has any provision of protection to numerous affected poor people of less developed world.

Ever since humans gradually left nomadic life to adopt agriculture, over the last 10,000 years, there were drought, erosion, and soil depletion to rapture the stability of agricultural societies. Modern agricultural methods, depending considerably on fewer crop varieties, have long term impact on ecosystems resulting in massive crop failure. Pollution of various origins had always been there, both from natural sources and from human garbage. Most pollution set slow degradation forcing migration of small number of people, rather than a mass exodus. But the nature and extent of concentration of greenhouse gases in the atmosphere engendered global climate change along with critical vulnerabilities threatening lives and livelihood of innumerable number of poor people of Southern countries.

Environmental, economic, social and political degradations are connected and can bring forth catastrophes collectively. Even the utmost scientific precision cannot segregate any mono-casualty behind peoples' becoming refugees. Apparently termed as economic migrants, many of the estimated one million people who illegally crossover into the United States

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annually from Mexico are, at least partly, driven by declining ecological conditions in the country where 60 percent of the land is classified as severely degraded (Gofman 2006). The possible consequences of climate change are many and varied, and some of them potentially very serious for human's survival. Adverse Impacts of climate change on biodiversity, agriculture, water supply, etc. will certainly hamper current patterns of consumption and production, as well as human settlement. Climate stresses are gradual and will lead to increasingly sustained 'human tide'.

The consequences of climate warming, as forecast by the Intergovernmental Panel on Climate Change (IPCC) for the end of the 21st century, that appear to be the most threatening potential causes of migrations are: 1) the increase in the strength of tropical hurricanes and the frequency of heavy rains and flooding, 2) the growing droughts, with evaporation contributing to a decrease in soil humidity, often associated with food shortages, and 3) the increase in sea levels resulting from water expansion as well as melting ice.

Ice sheet decay may be set in motion in this century reducing subtropical precipitation to cause the most severe hydrologic effects. Water stress may become particularly acute in the regions like, Southwest United States and Mexico as well as Mediterranean and Middle East, where rainfall decreases of 10-25% (regionally) and up to 40% (locally) are predicted (Shindel 2007). The consequences of climate change, including changes in the frequency and violence of extreme weather events have large impacts on people's livelihoods, especially in poor and vulnerable rural societies. Forced migration has already been a livelihood strategy for generations.

## Genesis

Mexico is a country subject to extreme climate variability in the form of droughts in the north and centre, while the coast of the Gulf of Mexico is frequently hit by hurricanes. Obviously Mexico has a long history of trans-border migration and is the second largest migrant sending country in the world. It is also a country subject to extreme climate variability in the form of droughts in the north and centre, while the coast of the Gulf of Mexico is frequently hit by hurricanes. About 85 per cent of the crops in Zacatecas were destroyed by droughts in 2005 and 2006 according to the Mexican media. In Veracruz, hurricane Stan destroyed large parts of the coffee crops in October 2005, and in August 2007 the state was hit by hurricane Dean that again caused extensive damage, mostly by devastating floods. The incidence of tropical cyclones is likely to decrease, their strength is predicted to increase with higher peak wind intensities and increased mean and peak rainfall intensities (Kniveton et.al. 2005). In terms of future climate change water stress is predicted to become particularly acute in the South-West US and Mexico with rainfall decreases of up to 40 per cent locally (Shindell, 2007).

The 'uncompromisable' life-style in neighbouring United States, with a per capita emission of 5.61tonnes, has forged a sharp declining tendency in rainfall and thus the prediction of water stress and other calamities in southwest United States. This has an adverse impact over a larger geo-climatic zone including the retarded ecology of Mexico. An estimation by World Resource Institution, endorsed by US Department of Energy, reveals that cumulative carbon-dioxide emission by United States and Mexico during 1900-2004 have been 3,14,772 and 11,458 metric tons respectively (US Department of Energy 2004). Mexico's per capita emissions of 1.11 metric tons of carbon in 2005 is slightly below the global average and is almost negligible vis-à-vis per capita US emission.

The deadly hemorrhagic form of dengue fever is increasing dramatically throughout Latin America primarily due to climate change and overall dengue cases in Mexico have increased by more than 600 percent since 2001 (China Post 2007). The March 2008 report by Good Neighbour Environmental Board, the United States presidential advisory committee, recommends ways for United States and Mexican authorities to improve their cooperation in coping with natural disasters that occur along their shared border. To cope with natural disasters like, hurricanes, mudslides, tornados, wildfires and earthquakes, etc. is a colossal challenge. Around the Mexico-US border region, roads and foot trails created by undocumented migrants, migrant smugglers, drug smugglers and the agencies that pursue them damage fragile ecosystems and harm wildlife. Trash and other solid waste left behind puts people and wildlife at risk for disease, and impenetrable Border-fences interfere with wildlife migration patterns and harm the environment .The Board says at least \$1 billion worth of water and wastewater infrastructure projects remain unfunded but are urgently needed to bring the border area up to the level prevalent in the rest of the United States (Environment News Service 2008)

The Mexico-U.S. border crossing process was coined "a game of cat and mouse" in the late 1980s.US border enforcement arrested migrants and voluntarily deported them back to Mexico, permitting them to enter again. On one side are business interests and advocacy groups seeking permission, direct or indirect, to hire cheap immigrant workers The Immigration Reform and Control Act (IRCA) was introduced in 1986 providing amnesty, and punishing employers who knowingly hire undocumented migrants. But in practice, there were ample opportunities for employers to find and exploit loopholes and continue their practice of hiring illegal workers (Calavita, 1992, cited in Donato 2008) Prior to September 11, 2001, immigration policy reforms centered on concerns to safeguard United States borders from foreigners crossing without legal documents. During the early 1990s, local border enforcement buildup efforts emerged east to west as many favoured the Immigration and Naturalization Service (INS) strategy of building walls and holding the line as the answer to the problem of undocumented crossings at the Mexico-US border. In 1993/4, the United States government initiated a strategy called 'prevention through deterrence'

which aimed to 'restore the rule of law' to the border by militarizing the border reciprocated by shifting location of undocumented flows and paved the rise of people smuggling through more physically challenging areas. The US Border Safety Initiative (BSI) and the Mexican Grupos Beta work together to combat the 'inhuman' smugglers who are responsible for deaths of numerous undocumented Mexican migrants in the desert who have to pay fabulous fees. When the crossing process is complete in the US, the migrant body becomes a commodity for cheap and disposable labour stimulating the economy on both sides of the border. The undocumented as a subaltern becomes border subjects, "whether they are apprehended or even in death" (Woodling 2006).

### **Post 9/11 Mexico-US Border**

In United States, Border security has emerged as an area of public concern after the September 11, 2001 terrorist attacks. As Congress passes legislation to enhance border security (e.g., P.L. 109-13) and the Administration puts into place procedures to tighten border enforcement, concerns over terrorists exploiting the porous southwest border continue to grow. The U.S. border with Mexico is some 2,000 miles long and the two countries are linked together through trade, investment, migration, tourism, environment, and familial relationships. To United States, the most pressing concern at its southwest border with Mexico has been the number of undocumented aliens who still manage to cross the border every day, the majority of which are Mexican nationals.

As the number of illegal aliens that are present in the United States continues to grow, attention is directed at the border patrol and the enforcement of immigration laws within the interior of the country. The Department of Homeland Security's Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) units have launched several initiatives aimed at apprehending illegal aliens and dismantling human and drug smuggling organizations. Despite these efforts, the flow of illegal migration continues. Issues such as enforcement of immigration laws and organizational issues such as inter- and intra-agency cooperation, coordination and information sharing continue to be debated. In the view of United States' interest, a more comprehensive approach that addresses the push factors of the sending countries and the pull factors of the United States, coupled with more effective enforcement of current laws in the interior of the country merit further examination (Seghetti, 2005) In this connection, the civilian border patrol groups' decision to patrol the Mexico-U.S border constitutes a decision as the participants perceive themselves as involved in a mission to combat an existential threat from the alleged 'human flood'. The Minuteman Project (MMP), a civilian border patrol group has been founded in October 2004 by retired California businessman Jim Gilchrist and Chris Simcox (owner and editor of the Tombstone Tumbleweed). The locality-specific precedence like the October 1977 Ku

Klux Klan's Border Watch at the San Ysidro, California Port of Entry has probably feed backed Border patrolling volunteers like the Minutemen that such local border vigil is inextricably linked to the global. Thus the 'local' groups problematize presumed boundaries that separate the local, national, and global as well as between the private realm of civilian action and the public realm of government action to usher in an era of "statecraft from below" (Doty 2001, Doty 2007).

Both sovereign states, Mexico and United States have abandoned those undocumented migrants – and it is this abandonment that grants the decisions of those dispersed actors greater consequences. The border patrol groups are acting politically, and acting as security actors, but they are not acting as sovereign (Salter 2008). But the phenomenon suggests that a normal situation is not fully controlled by the state or elites. The goal of border patrol activists is not to suspend the law, but rather to uphold it more vigorously and rectify neglect of the law to ensure the return to a 'normal' situation, as perceived by them. There are similarities to some extent between anti-immigrant movement and white nationalism in creating an atmosphere of intolerance that can and does encourage taking the law into one's own hands (Doty 2007). Ultimately this exceptional act tends to be routinized and perceived as normal.

A human rights group in Arizona collects the names of the victims of undocumented crossing deaths and have wooden crosses inscribed with the names of crossers who have died, or sometimes simply read as 'unknown' in Spanish. The crosser becomes the symbol of a human being's crossing, a cross 'lives' in the US and moves freely across the border in the hands human rights activists during protest rallies. This is some mode of arrival, yet also a resolution to forever. This same group, have a strict policy to refer to those who have died crossing as 'migrants'; not as illegals, nor as undocumented- just as migrants. They emphasize a common humanity and common migrant struggle is more important than legal status, rather to mention legal status in death would be inhumane.

In contrast, civilian border patrolling groups are engaged in spotting and reporting undocumented Mexican migrants along Mexico-US border in collaboration with law-enforcement. This refers to the politics and rule of exception when the normal border vigilance is not fully controlled by the State or elites. Dispersed decisions at borders construct hegemony of self-over retched bare-life of 'others'. The border-patrolling volunteers deny human security of climate migrants even by demanding foreclosure of the scope for amnesty advocacy (Doty 2007).

### **Strategic Securitization of just Exception**

The mainstream debates on climate change center round the rhetoric of mitigation and adaptation and by-pass, consciously or otherwise, the critical issues perpetuating climate disasters and the resultant human vulnerabilities. The reflections on links between climate change and

migration have been undermined by dominance of an 'Economic Paradigm' in migration studies, a dominant 'Political Paradigm' in refugee studies, and general skepticism about the concept of climate migration. The environmental motives in the definition of refugees seems politically unfeasible due to possible reservation of receiving countries, and would not achieve its objective of protection as the majority of displacements take place in the interior of the countries. Thus it is advocated that the international system should respond in sharing collective burden of assistance and prevention in countries confronted with disasters and the opening of emigration channels in subsidiary international instruments of protection, such as temporary pro schemes (Piguete, 2008). The critical reflections on climate-enforced vulnerabilities probe into historical roots and contemporary devastation potential of emission-intensive capitalist circulation and 'supply creates its own demand' led conspicuous life style of the industrialized countries. Climate disasters and displacements become a humanitarian issue where generous industrialized countries offer aid as acts of charity to assist affected developing countries. This may remind one the historic 'white men's burden'. The noble act to offer this assistance is framed by security concerns about undesirable and unsafe immigration rather than by human rights concerns (Oels 2008)

Climate changes raise critical concerns for long-term human security- the means to secure basic rights, needs, and livelihoods, and to pursue opportunities for human fulfillment and development. The increasing occurrence "complex extremes" and "complex emergencies" are pressing challenges for the climate (O'Brien et.al. 2008).

From the perspective of strategic securitization, however, the human vulnerabilities, including the climate-enforced ones, should not be addressed by humanitarianism as a long-term remedy. In stead, the victims' political voice needs proper recognition. This does imply the recognition of fundamental human rights like the right to reside, to work and to non-discrimination and above all, right to live as a political being. The emissions rights as property rights oppose the most directly relevant human security to each individual to an environment adequate for their health and wellbeing (Hayward 2008). This can only be achieved if the framework encompasses not only issues of climate change narrowly construed, but recognizes how the command of natural resources and environmental goods is relevant to wealth, vulnerability and welfare reinforced by the synergy of a host of historical, ecological, social and economic factors.

Strategic Securitization of climate is founded on the human security of each and all individuals supplemented by the desired inter-spatial equity between industrialized North and underdeveloped South. The metropolitan western countries have been the main source as well as main beneficiary of climatic deterioration since the days of colonial despotism. Their post-war recovery-boom-burst for the long four decades has emitted greenhouse gases to a colossal amount' to plunder the planetary ecosystem that, as a recent research document observes, "is largely irreversible for 1,000 years

after emission stop”(Solomon et.al.2009). The zero-sum game has its obvious tolls on teeming millions of ‘other’ world. The retarded societies become retarded ecologies too and the ‘development of underdevelopment’ diversifies with deadlier dimensions. Their retched populations have been deprived of critical minimum basic needs, including a habitable environment. The neo-liberal insights to overcome the post-burst saturation have literally looked towards greener pastures. The globalization of manufacturing has facilitated the same climate-polluting countries to offshore their emission-prone manufacturing in the underdeveloped South and thus to further the plunder of live and livelihood there.

The strategic securitization Framework can engender a comprehensive emancipatory agenda to reduce unequal ecological exchanges and spatial divide with a far-reaching policy-relevance in securing each and every human being against threats to human development and dignity.

The Westphalian states necessitate the rule of exception for their securitization of various perceived threats, which ultimately becomes inseparable from their normal politics. In such an arena of exception abandoned by the rule of law, bare-lives of refugees or undocumented migrants are recipients of brutality and explicit denial of right to live. The fate of such retched people depends on the whims of the state, its military and police and even the fanatic border patrol volunteers. The citizens of a bordered territory are entitled to human rights which their fellow human beings, the irregular migrants, can never be provided. Securitization of such non-citizens can be visualized by transcending the territorial confines by the Universal Declaration of Human Rights. Thus it has been demanded that the protection of humans, not citizens, must be the watchword in international refugee policy (Rajaram and Grundy-Warr 2004). The demand has definite resemblance with Derridan concepts of ‘new international’ and ‘democracy to come’. Derrida observes, ”If I feel in solidarity today with this particular Algerian who is caught between the F.I.S. and the Algerian state [...] – it is not a feeling of one citizen toward another, it is not a feeling peculiar to a citizen of the world, as if we are all potential or imaginary citizens of a great state [...]. What binds me to them – and this is the point; there is a bond but this bond cannot be contained within the traditional concepts of community, obligation or responsibility – is a protest against citizenship, a protest against membership in a political configuration as such. (Derrida, 1994 cited in Vaghan-Williams 2004)

There are emerging hopes, away from the Mexico-US borderzones, even in mainland United States where the homo sacers and their supporters have taken up strategies to securitize themselves by upholding their cause of ‘just exception’. Anthropologist De Genova’s research on ‘Mexican Chicago’ indicates an alternative political discourse. The Mexican migrants, the ‘cheap, compliant and expendable labour’ for over a century, are integrated into the economy, ecology and society in a typical global city like Chicago. The ambiguous identity of Mexicans outside of a racialized, homogenized

and imagined United States serves to critique this imagined community and aspire to forge an alternative imaginary of political belonging to substantiate their political claims (De Genova 1998). The emerging alternative politics of belonging in Chicago has its obvious impacts on relevant regional, national and transnational policies and scholastic deliberations (McNIVEN 2007). And the solidarity of socio-political activism world-wide would be stimulated.

It is only recent past that a coalition of immigrant workers, many of whom had irregular status, campaigned for Unpaid Wages Prohibition Act 1997 passed by the New York Legislature. It had been meant to address the frequent withholding of wages from migrants employed in and around New York and Long Island. The solidarity among working class had motivated a group of irregular migrants campaigning in their mother-tongue 'Spanish' for changing employment law. The movement had blurred the divide between legitimacy and illegitimacy by demanding the protection of wage levels for low-paid workers, irrespective of their being US citizens or irregular migrants. In a similar mobilization in dozens of cities across the United States during March to May 2006, 'hundreds of thousands' of irregular migrants and their supporters have demonstrated for legal recognition and against restrictive immigration legislation passed through the House of Representatives in December 2005. The demonstrations, organized by coalitions of church, community and labour organizations, deserve the credibility of continuing the democratic protest culture of 1997 activists' campaign for the Unpaid Wages Prohibition Act in New York. The broad participation in 1997 was made possible through campaigners' visualization of themselves as legitimate and effective political actors regardless of their formal status (Gordon 2005, cited in McNEVIN 2007). This shift in self-identification is also evident in the terms in which irregular migrants fought the case for immigration reform in 2006. They have self-identified their cause as a democratic struggle for political rights and the movement has been compared with American civil rights movement (McNEVIN 2007).

A landmark judgment in United States in February 2009 has ruled for compulsory carbon -audit of industrial projects, including overseas ones, promoted by American public financial organizations. It is in response to a suit to US Federal Court brought by the environmental NGOs Friends of Earth and Greenpeace, along with the city of Boulder, Colorado in 2002. They alleged that the Export-Import Bank and the Overseas Private Investment Corporation (OPIC) provided more than \$32 billion in public financing for overseas projects that cumulatively produced carbon-dioxide emissions in between 1990 and 2003, equivalent to over 7 per cent of the world's annual emissions in 2003. Three California cities—Arcata, Santa Monica, and Oakland—later joined the suit, arguing that the climate change caused by these overseas projects would harm them. Santa Monica became, for instance, involved in the law suit as there was evidence that Santa Monica would suffer in tourism within a number of decades due to climate

change and that changes in sea level would have an effect on Santa Monica's coastal infrastructure will have negative impacts on the Santa Monica local economy. A suit of almost seven years (*Friends of the Earth, Inc., et al. v. Spinelli, et al.*) that demanded two US government run financing agencies to take into account the effects of their overseas projects on climate change. The case had an important ruling long before final settlement back when the 9th Circuit Court of Appeals upheld the right of the 6 parties to sue under (US) National Environment Protection Act (NEPA) even though the projects took place over seas. This was the first court holding of its kind at the appellate level and set the precedent of the right to sue under NEPA an alleged unlawful act beyond the territorial boundary of United States (Berliant L 2009).

This is again a great leap towards securitizing the just exceptions. The judgment has recognized the indivisible root-cause and general indivisibility of climate crises that American south-west share with many a regions of the globe. Thus the jurisdiction of Federal Court has undermined the official US border to ensure sustainability of the cities in south-west United States. The areas along with Mexico belong to a trans-border geoclimatic zone which is again dialectically networked with planetary dynamics. The foundation for a sociology of cosmopolitan harm conventions like United Nations Framework Convention on Climate Change is to protect and securitize the vulnerabilities any where of the world. But to accomplish this, it needs to emphasize the multi-faced forms of harm that a particular group of countries inflict on others and the more diffuse types of harm caused by global capitalism. The emerging moral commitment to domestic as well as international political community lies at the heart of a sociology of cosmopolitan harm conventions with an emancipatory intent (Linklater 2001).

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# **Internal Displacement in India: Status, Condition & Prospects of Return**

By

**Monika Mandal\***

This paper examines the conflict-affected internal displacement in India. Insurgency and retaliatory operations by security forces are a major factor of displacement. In Kashmir, the Northeast and in several states of central India civilians have fled fighting zones and have sometimes been directly targeted by militant groups. Majorities of the internally displaced people (IDPs) have not been able to return for several years, either due to protracted conflicts or unresolved issues related to land and property.

The national response to people fleeing conflict is often ad-hoc and largely insufficient. A first important step to improve assistance to internally displaced would be to conduct surveys in conflict-affected areas in order to document the magnitude of the problem as well as the needs of the displaced.

## **Internal Displacement in Jammu and Kashmir**

India's largest situation of internal displacement stems from the conflict in the Northwestern state of Jammu and Kashmir between militants seeking either independence or accession to Pakistan, and Indian security forces and police. The status of Kashmir has been in challenge since the creation of independent India and Pakistan in 1947, and the two countries have twice gone to war over the issue. Although security has improved with the ceasefire concluded in November 2003, Islamic militant groups have continued to launch attacks against local authorities and civilians to sabotage the peace process. Since 1989, the insurgency in Indian-administered Kashmir has claimed at least 67,000 lives.<sup>1</sup>

More than 90 per cent of the Hindu population in the Kashmir Valley, the Kashmiri Pandits remain internally displaced as a result of this armed conflict. The government estimates that 250,000 fled from the Valley during the 1990s, while Pandit groups believe at least 350,000 people were displaced. Today, around 100,000 live in the capital New Delhi and some 240,000 in the city of Jammu.<sup>2</sup> Thousands of people uprooted from their

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\* Fellow MAKAIAS  
Refugee Watch, 33, June 2009

homes along the Akhnoor frontier in Jammu and Kashmir during the conflict continue to suffer. According to estimates, over 50,000 people along with their livestock migrated from the forward tehsils of this border area.

The migrants are still holed up in tents along the Jammu-Poonch National Highway and left to care for them. Several times they tried to return to their villages but could not, due to the frequent outbreak of tensions. In 2001, many of them came home but had to leave again after India-Pakistan tensions increased after the December 13, 2001, attack Parliament OF India

People living in villages in other places along the border returned after the war, but the Akhnoor migrants could not. For, most of their homes had been destroyed in the shelling and their fields rendered infertile due to the increased toxicity in the soil. Elections in Jammu and Kashmir in November 2002 led to the creation of a new coalition government and raised expectations for an end to the displacement of the Kashmiri Pandits. However, an ambitious return plan including cash assistance, interest-free loans and the building of 500 apartments in the Anantnag district where some of the displaced Pandits would be able to stay until they have repaired their own houses, has still not been implemented.<sup>3</sup> Protection of the remaining Pandit population has been far from adequate, leading to further displacement during 2004 when 160 of the estimated 700 Pandit families remaining in the Kashmir Valley fled an upsurge of violence and killings.<sup>4</sup> Minister for Housing and Urban Development said that as per the reports filed by screening committee constituted by Deputy Commissioner Doda, Udhampur, Rajouri and Poonch, 4017 families comprising 20,931 souls were displaced from the militancy effected areas during the past ten years and the cases of 1717 families of these districts are under investigation.

During the Kargil conflict nearly 1.57 lakh people were displaced from the border belt. Now, all of them have returned to their respective places except 1302 families of Niabat Khour in Akhnoor. Of the total, 1.07 lakh were migrated from Jammu, 17,692 from Kathua, 10,327 from Rajouri and 21,952 from Poonch. Besides this, in Kupwara district 16 families consisting of 97 souls were displaced.

Despite threats from separatist militant groups against any attempt to return the Kashmiri Pandits, the state government of Jammu and Kashmir for its part maintains that it is moving forward with return plans and that 1,600 families have signaled in writing that they want to return to the valley.<sup>5</sup> Another long-lasting situation of internal displacement exists along the Line of Control separating Indian- and Pakistani controlled Kashmir. Since the end of the 1990s, clashes between Indian and Pakistani forces and attacks by separatist militant groups led to several waves of displacement from villages along the Line of Control. The ceasefire has substantially improved the security situation, but more than 12,000 (some say 30,000) people, are still displaced on the Indian side because their villages have not been rehabilitated or their fields are mined. Administrative delays have also hindered their return. While the state government applied for support from the federal government almost four years ago, a relief

package was not approved until August 2005.<sup>6</sup> Only 20 per cent of the funds had been disbursed.

### **The North-East: Internal Displacement in Assam, Tripura and Manipur**

The eight states in the geographically isolated and economically underdeveloped North-East are home to 200 of the 430 tribal groups in India. 30 to 40 rebel groups are currently active in this region. An influx of migrants from the neighboring countries of Bangladesh, Nepal and Burma (Myanmar) has caused a massive population increase and subsequent competition for resources and jobs.<sup>8</sup> This has also spurred ethnic conflicts over land and fighting for political autonomy or secession.

During the past decades, the Northeast has been the scene of repeated ethnically-motivated conflicts in which the fight for a perceived homeland has sometimes resulted in ethnic cleansing. At least 50,000 people have been killed in such conflicts in the Northeast since India's independence in 1947.<sup>9</sup> Violence has broken out in the states of Assam, Manipur, Nagaland, Tripura and Arunachal Pradesh, involving at least ten different ethnic groups (Bodos, Nagas, Kukis, Karbis, Dimasas, Paites, Mizos, Reangs, Bengalis and Chakmas). The largest forced displacement movements have occurred in the states of Assam, Manipur and Tripura.<sup>10</sup> In Assam, ethnic clashes over territorial issues, insurgency against the Indian government for separate homelands and communal violence among the Assamese against "foreigners", mostly immigrants from Bangladesh, have led to widespread displacement. During 2005, thousands of Muslims of Bengali origin were driven out by angry mobs, accused of being illegal migrants from Bangladesh.<sup>11</sup> Major waves of displacement have also occurred due to violence against seasonal workers, mainly from Bengal. In November 2003, communal violence displaced at least 18,000 people who fled to about 40 camps in and outside Assam.<sup>12</sup> At least 10,000 people have been killed in separatist violence in Assam over the past 25 years.<sup>13</sup> The largest displacement situation in the state stems from the fighting between Bodos and Santhals, which erupted in the early 1990s and displaced an estimated 250,000 persons. As of December 2005, around 110,000 people remained in relief camps in Assam's Kokrajhar and Gossaigaon subdivisions – a decrease of 40,000 people since 2003. However, the displaced have not been able to return to their former villages, as they remain occupied, mainly by Bodo communities. Tribal leaders say they were forced out of the relief camps because the state authorities decided to stop all humanitarian assistance. Today, they are landless and destitute<sup>14</sup>

The Karbi Anglong and North Cachar Hills districts of Assam have been the main scenes of ethnic violence in recent years. Thousands of civilians have been displaced mainly due to fighting between Karbi, Kuki and Dimasa insurgent groups. In October 2005, there were clashes between the rival Karbi and Dimasa tribes, which continued until the end of the year.

Up to 50,000 people from both tribes were displaced and took shelter mainly in public buildings situated in safer areas.<sup>15</sup>

The Indian government has successfully come to an agreement with several major rebel groups active in Assam such as the Bodoland Liberation Tigers and the National Democratic Front of Bodoland. The creation of the Autonomous Territorial Council for the Bodos for example, led to a major improvement of the security situation in western Assam.<sup>16</sup> But at the same time, other long-lasting conflicts have re-emerged and threaten to destabilize Assam further. The outlawed United Liberation Front of Assam (ULFA) launched a series of Blasts in January 2006, at a time when it was supposed to be holding exploratory peace talks with New Delhi.<sup>17</sup>

*"The illegal migrants from Bangladesh are a major threat to our identity. We will become foreigners in our own land unless we keep these people out of Assam,"* says Sarbananda Sonowal, top leader of the regional party, Asom Gana Parishad (AGP).

Thousands of Hindi-speaking migrants are now fleeing in fear of the attacks. The Hindi-speaking people, predominantly from Bihar and Uttar Pradesh, fled Assam after ULFA launched a violent campaign, ordering them to leave Assam or be killed. The violence was triggered by a conflict over the allocation of jobs between Assamese and Hindi-speaking groups. Violence took place both urban and rural areas.

The settlers have been visited by Sriprakash Jaiswal, and the Railway Minister, Laloo Prasad Yadav. They have both tried to reassure the Hindi-speaking settlers and promised to crush ULFA rebels. But there do not seem to be many takers for their assurances. All across the violence-affected districts of Assam, railway stations crowded with thousands waiting to catch the next train out of the state.<sup>19</sup>

In Manipur, counter-insurgency operations by the Indian army against local groups along the border with Burma (Myanmar), as well as ethnic clashes, have resulted in the displacement of at least 6,000 people from the Hmar and Paite ethnic groups. Like IDPs elsewhere in the Northeast, they are also reported to live in deplorable conditions, lacking food, medicines, warm clothes and other essential commodities<sup>20</sup>

Another major conflict in the Northeast has been the Naga people's 60-year-long struggle for a homeland. In April 2001, a decision by the Indian government to extend a five-year-old ceasefire to all Naga areas in the North-East was met with violent protests in Manipur, Assam and Arunachal Pradesh. The ceasefire was seen as a step towards the establishment of a greater Naga state, which could infringe on the territory of the neighbouring states. Some 50,000 Nagas, fearing revenge attacks, fled the Imphal valley in Manipur to Naga-dominated districts in Manipur and Nagaland.<sup>21</sup>

A fact-finding team as 'Civil Society Team on Internally Displaced People from Tipaimukh Sub-Divisions' headed by Ms. Aram Pamei (NPMHR [The Naga Peoples Movement for Human Rights] and Rongmei Lu Phuum) as the Convenor and Babloo Loitongbam (Human Rights Alert) and Joseph R. Hmar as the Co-Convenors (Hmar Students' Association) with Wanhengbam Joy Kumar (Human Rights Law Network), and Elizabeth

Hrangchal (interpreter) from 5th - 10th March 2006 investigated the alleged incident and confirmed the facts. The team interviewed the displaced people, rape victims, village authorities and concerned local organizations and cross-sections of the community as well as organizations based in Aizawl, Mizoram. They also met the CO, PBS Lamba of 13 Dogra Regiment and Captain Viplove at the army camp office. While the report of the team is being stalled, the following facts are based on the report filed by Ms. Aram Pamei", said the NPMHR (South Sector) statement issued by its convenor Phamhring Sengul.

The Naga rights body also alleged that the underground groups (UGs) had planted landmines/IEDs in the surrounding jungles that had killed and maimed many lives adding that the extremely vulnerable situation has led people to flee their homes and villages resulting in hundreds of internally displaced people languishing in refugee camps who were supposedly repatriated but are yet to be adequately rehabilitated and restituted. NPMHR then strongly declares "the heinous crime perpetrated by the United Liberation Front (UNLF) and Kangleipak Communist Party (KCP) on the villagers of Parbung and Lungthulien in Tipaimukh area of Manipur.<sup>22</sup>

According to the Naga International Support Centre, most of those internally displaced by this incident and previous conflict have returned to their homes. The riots forced the Indian government to reverse their decision, and limit the ceasefire to Nagaland only. However, the parties have not succeeded in negotiating a peace agreement, and the NCSN has threatened to break the ceasefire unless the Indian government meets their demands.<sup>23</sup> The situation is destabilized further by feuding between two competing factions of NCSN. Both are involved in the formal peace process but have not stopped bloodshed and violence against each other. During the last months of 2005, the two factions clashed at least five times over territorial disagreements.<sup>24</sup> Indian and Burmese security forces have also launched a campaign against Naga militant camps on both sides of the border. There have been some reports about small-scale displacement of civilians fleeing the security operation, but no total figure is available.<sup>25</sup>

In northern Tripura, it is estimated that insurgent groups internally displace more than 100,000 people due to ethnic fighting and attacks. The main pattern of displacement is attack on villages inhabited by people of Bengali origin. Considered foreigners by the local tribal population, they have increasingly become the target of local armed groups<sup>26</sup> Some 31,000 Bru (also called Reang) from Mizoram remain displaced after fleeing ethnic fighting with the Mizos in 1997.

Another situation of displacement in Tripura has developed due to the building of a fence along the border with Bangladesh. Indian authorities are currently constructing a barbed-wire fence along "sensitive" stretches of the border. The fence now covers more than one third of the border. More than 10,000 families, or 70,000 people are reported to have been evicted from their land in Tripura alone. The Indian government has rejected all

claims for compensation to the evicted families, saying it is up to the state government to provide assistance to the displaced.<sup>27</sup> It is not known to what extent the construction of the fence has created displacement in the other states bordering Bangladesh. However, there has been anecdotal information about people fleeing security operations launched by Indian border forces against insurgent groups believed to be hiding on the Bangladeshi side of the border. This has in some cases also led to skirmishes between Indian and Bangladeshi border guard forces.<sup>28</sup>

In spite of recommendations from the National Human Rights Commission, the state government of Mizoram has refused to take back the displaced because they maintain that only half of them are citizens of the state. Although a memorandum of understanding was signed between the main Bru rebel group and the Mizoram government in April 2005 and the Indian government has endorsed a rehabilitation package for Bru IDPs, repatriation is yet to begin. The Mizoram government has only agreed to permit the return of some 270 people, consisting of former militant cadres and their families, while no timetable has been given for the repatriation of the large majority of the displaced. In the meantime, the Bru IDPs live in grim conditions in the camps where they face severe food shortages as well as a lack of medical and education facilities.<sup>29</sup>

Other populations at risk of displacement in the Northeast are the Chakmas who are regularly threatened with expulsion, in particular by an influential Arunachal student's organisation, which maintains that the Chakmas should be resettled elsewhere.<sup>30</sup> Migrants from Nepal living in northeastern India are also a particularly vulnerable group and have been targeted and displaced in Assam, Manipur and Meghalaya. It is unknown how many remain displaced today.<sup>31</sup>

Although conflicts regularly displace people in the Northeast, no official estimate exists. Most information is found in local newspapers, while objective research in terms of assessing the magnitude of conflict-induced displacement in the region has yet to be carried out by either governmental or non-governmental agencies.<sup>32</sup>

## **Displacement of Nepalis in Northeast India**

The process of migration of the Nepalis in Northeast India, Darjeeling, and Southern Bhutan began about two centuries ago with the recruitment of Gorkha soldiers into the British Indian Army after the treaty of Sugauli (1816). The British who wanted a hardy labour force for their tea plantations facilitated the Nepali migration to Darjeeling while in Sikkim, the Nepalis served as a wedge to contain the Bhutias.

Anti-Nepali feeling in Northeast India was first observed during the Assam Movement. While the targets were the illegal migrants from Bangladesh, the Nepalis were also included in the anti-foreigner discourse. Allegations of Nepalis from Northeast India crossing over to side with the Lhotshampas and of their leaders, fleeing to Assam, probably encouraged

the targeting of Nepalis in Northeast India in ethnic assertions and backlashes. They were largely caught in the crossfire between the Assamese anti-foreigner agitation and the Bodo Movement.

Although the government of India had clarified its position on the Nepalis early in February 1984 - that those in possession of the Restricted Area Permit would not come within the definition of 'illegal migrants' and stood protected - their position was soon threatened by the agitation for a separate Bodoland. The Nepali population in the Bodo Autonomous Council (BAC) areas in Western Assam was only 2.5 percent and in no way large enough to constitute a threat to the Bodos. However, the presence of the Nepalis along with the 63 per cent non-Bodos (Bodos make up 34 per cent) constituted a major threat according to the Bodos. During the ethnic cleansing of these areas a considerable number of Nepalis was displaced.

In Manipur, the sentiment took the form of a movement that in 1980 manifested itself in direct attacks on the Nepalis, compelling many of them to relocate and flee to safer areas. Meghalaya, saw similar sectarian violence in 1987. The violence primarily targeted the Nepali minority living in Shillong, Jowai and other parts of Meghalaya, which had over 150,000 Nepalis. Most of the Nepali people fled but the worst affected were the dairy farmers who had to give up their occupation and leave the state. Today, most of the displaced from Meghalaya and Manipur are settled in Rupandehi, Jhapa, Banke and other parts of Nepal's Terai region, besides Kathmandu and Pokhara. The anti-foreigner upsurge also spread to Mizoram and Nagaland where again Nepalis suffered violence and eviction.

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Anti-foreigner movements almost all over Northeast India, triggered by the 'son of the soil' agitation in Assam, the Assam Movement (1979-85), which sought out Nepali and Bangladeshi migrants to be deported to their respective countries of origin, have made these migrants vulnerable to growing instances of nativist backlash.

The issue of the Nepali IDPs has failed to draw much attention first, due to their small number and second, due to the apparently mobile nature of the community that makes it easy to ignore the many complexities that affect this community in recent times in Northeast India.

The Nepali population in the erstwhile Bodo Autonomous Council (BAC) areas in Western Assam, which the Bodos see constituting their own homeland was only 2.5% on an average and in no way large enough to constitute a threat to the Bodos. But the presence of the Nepalis along with the 63% non-Bodos (Bodos are 34%) constituted a major threat. In the ethnic cleansing of these areas a considerable number of Nepalis was displaced from the villages of Amteka (Betini), Patabari, Malivita, Koila etc. Besides, these in an attack on the Amteka Betini village in the Kokrajhar district, which had combined Nepali and Adivasi residents, along with the Adivasis, about 15 – 20 Nepali families also shifted to nearby villages. Similarly about 20 – 25 families from the Mangalchara forest village and about 20 – 25 families from the Khalasi forest villages were displaced in the

ethnic clashes. In all these cases it was apparent that the Nepalis were not directly hit but were caught in the crossfire.

The anti-foreigner sentiment was evident in the other states of Northeast India as well. In Manipur, the sentiment took the form of a movement, manifesting itself in direct attacks on the Nepalis in 1980 compelling many of them (who were made the domicile community in 1947) to shift houses and flee to safer areas. Meghalaya, another state in the Northeast, saw similar sectarian violence in 1987. Actually, in Meghalaya, tensions existed since 1931 between the Nepalis and the Khasis because of the damage done by the former's buffaloes and the indiscriminate cutting down of forests by them to make room for their increasing herds. In 1987, the violence primarily targeted the Nepali minority living in Shillong, Jowai and other parts of Meghalaya, which had over 150,000 Nepali population. The Nepali labourers in the coal mines in Jowai were the first targets, from where it spread to other parts of Meghalaya. A weekly magazine reported: 'Dozens of innocent children of Nepalese working in Jowai coal-mines died of hunger because their parents did not return to their home even weeks after the incident.' Violence involved killings, burning of Nepali villages and schools and finally their deportation by the state government in complicity with the police. Most of the Nepali people fled and the worst affected were the dairy farmers who had to give up their occupation and leave the state. Today, most of the displaced from Meghalaya and Manipur are settled in Rupandehi, Jhapa, and Banke and other parts of Nepal's *terai*, besides Kathmandu and Pokhara. The anti-foreigner upsurge also spread to Mizoram and Nagaland where the Nepalis who have been domiciled for years, suffered violence and eviction.<sup>34</sup>

### **Internal Displacement in Central India**

In central India, leftist extremist groups commonly referred to as Maoists or Naxalites, have significantly increased insurgent activities during the past few years, including in the states of Madhya Pradesh, West Bengal, Bihar, Chhattisgarh, Jharkhand, Orissa, Tamil Nadu, Maharashtra and Andhra Pradesh.<sup>35</sup>

Violence has been especially on the increase in Andhra Pradesh and Orissa.<sup>36</sup> Distinction against the tribal population, displacement by large development projects and government failure to ensure food security have been the main reasons for the rapid spread of the Naxalite movement, according to an independent study released in June 2005.<sup>37</sup> Estimates of the extent of the Naxalite groups differ widely. The last available government report states that 76 districts in nine states were affected by leftist rebels,<sup>38</sup> while the June 2005 study says Naxalite groups had extended their influence to 155 districts in 15 states, affecting close to 300 million people across 7,000 towns and villages as of February 2005. Furthermore, such groups were reported to control almost 20 percent of India's forests over an area two-and-a half times the size of Bangladesh.<sup>39</sup>

The government's response to the insurgency has been criticised of being ad-hoc and piecemeal. In addition to federal police and paramilitary troops, some states are also believed to use private armies in their hunt for insurgent groups and sympathisers. In Jharkhand state, for example, it is known that the state government has sponsored village "defense" groups for this purpose.<sup>40</sup> In Chhattisgarh, a state sponsored movement against Naxalite violence has gained momentum. While the movement, called Salwa Jodum, is gaining support among the local population, state authorities have been accused of using the campaign to justify a brutal search for supporters of Naxalite groups.<sup>41</sup>

No estimate of the number of people displaced as a result of the insurgency in central India is available, but anecdotal information suggests that thousands of villagers have been displaced either as a result of government mobilisation against the insurgent groups or because they flee Naxalite violence. In Chhattisgarh, approximately 15,000 people from 420 villages have fled to temporary camps. People have left behind their cattle and most of their household goods. Displacement is reportedly continuing while more police and para-military stations are being set up. 7,000– 10,000 people fled to camps protected by the police to avoid Naxalite retaliation because they had joined the Salwa Jodum movement. In Orissa, the state authorities have reportedly forcibly displaced local tribes because they were suspected of sympathizing with the Naxalites.<sup>42</sup>

The following issues mainstreamed the Naxalite conflict in 2006:<sup>43</sup> First, with 48.5% of the total killings being reported from Chhattisgarh, the Salwa Judum campaign with its disastrous consequences such as the violations of the right to life by the Naxalites and the security forces and Salwa Judum cadres, forcible displacement of 43,740 persons as of 31 December 2006 and abdication of the law and order to the lawless and unaccountable Salwa Judum cadres brought national and international spotlight on the Naxalite conflict in India.

Second, the Naxalite conflict has spread to new areas in 2006. According to the 2005-2006 Annual Report of the Ministry of Home Affairs, Naxal violence in 2005 was reported from 509 police stations across 11 states. In 2006, Naxal violence has been reported from 1,427 police stations in 13 States. Among the Naxalite affected States, Chhattisgarh, Andhra Pradesh and Jharkhand were most severely affected, followed by Maharashtra and Orissa.

Third, the attack on Jehanabad jail in Bihar on 13 November 2005 by the Naxalites was followed up by the simultaneous attacks on the State Armed Police camp, the local police station, sub-jail, treasury, tehsil office and a telecom tower in Udayagiri town of Gajapati district of Orissa on 24 March 2006 in which 40 prisoners were freed, three policeman were killed and arms were looted. Similarly, the killing of 13 Central Reserve Police Force personnel at Kanjkiro, 62 kilometers from Bokaro, Jharkhand on 2 December 2006 was followed up with the detention of the Tata-Kharagpur

passenger train near a deep forest between Gidni and Chakulia stations in Jharkhand on 10 December 2006. These incidents raised the spectre of the Maoists' increased striking capability reminiscent in neighboring Nepal.

Fourth, the easy access to small arms by the Naxalites, hitherto known only in the North East and Jammu and Kashmir, came to the fore.

Fifth, while the security forces continued to violate human rights, the chilling massacres of the unarmed civilians by the Naxalites in 2006 were unprecedented.

Across the Naxalite affected areas, the edifice of the State structure remains weak and the State governments have virtually failed to deliver to the citizens even the basic amenities. Consequently, the law and order approach in the areas where there is neither law nor order remained dominant. The Naxalites while frowning at the lack of development systematically targeted all such governmental buildings that could provide shelter to security personnel and virtually blocked all development initiatives.

Increasing conflicts as a result of the acquisition of lands either for Special Economic Zones (SEZs) or development of industrial projects without free, prior and informed consent and without proper and appropriate relief/rehabilitation of the displaced persons in more ways than one mainstreamed the Naxalites' worldview as never before."

The attack was one of the largest by the Maoists in the eastern Chhattisgarh state. Dantewada is the district worst-hit by violence in Chhattisgarh, the state worst-hit by Maoist violence in India. Maoist rebels are reportedly active in 10 of the state's 16 districts. Violence has increased in Chhattisgarh since the grassroots Salwa Judum (Campaign for Peace) was launched by the state government in June 2005 to galvanize civilians and tribal people against the Maoists. Since then, more than 700 people have died and over 60,000 displaced as the powerful Maoist rebels have retaliated against the movement. Tribal leaders have complained that many Salwa Judum cadres are poorly armed, some with only bows and arrows, against the well-armed Maoists. Official forces in the state also reportedly have limited resources. The rebels are active in at least 15 eastern, central, and southern states, and form what observers call a "Red Corridor" from Nepal down into southern India. In 2005, more than 669 people died in Maoist violence across the region, while 372 people, including 154 civilians, were killed in 2006. Half of the 2006 casualties occurred in Chhattisgarh. The New Delhi-based Institute for Conflict Management said that rebels spent much of last year collecting arms, and that Maoist violence is expected to increase in the upcoming months. The Maoist movement claims to fight for the rights of the poor and landless, and relies on local support for its operations. <sup>44</sup>

### **Internal Displacement in Gujarat**

More than 2,000 people were killed and as many as 100,000 Indian Muslims were forcibly displaced from their homes in a major outbreak of

communal violence in Gujarat in February 2002. The state's Muslim population was targeted in retaliation for an attack by a Muslim mob on a train carrying Hindu militants returning from the destruction of a celebrated mosque at Ayodhya. Women and girls were particularly targeted in the reprisal attacks; hundreds were raped, maimed and killed during the riots. The state government organised relief camps, where the internally displaced reportedly lacked the most basic necessities such as food, medical supplies and sanitation.<sup>45</sup> Despite strong international concern, the Indian government refused to solicit or accept international assistance. By October 2002, virtually all the camps had been closed, forcing many to return to their neighbourhoods where their security was continually threatened. In rural areas, incidents of killing and looting continued until April 2003. Many were forced to flee to relief camps again, where they remained generally unassisted.<sup>46</sup> Both the state authorities and officials of the formerly governing Bharatiya Janata Party, have been accused of planning and instigating the violence against the Muslim population. Furthermore, the failure of the police to intervene and stop the violence is believed to have been decreed at the highest level.<sup>47</sup> Reports by Human Rights Watch and Amnesty International conclude that both the Indian government and the state government of Gujarat have failed to provide sufficient protection, assistance and compensation to the displaced. Since the riots, there have been several clashes between Hindus and Muslims, but rarely lasting more than two days. The state government is still being accused of complicity in the on-going violence against the Muslim community in Gujarat. According to a local organization, an estimated 61,000 people are still internally displaced and in dire need of assistance and rehabilitation.<sup>48</sup>

### **Internal Displacement in West-Bengal**

Displacement is reported in the West-Bengal district of North Dinajpur due to clashes between border guard forces. A number of issues have plagued the bilateral relationship between India and Bangladesh in recent times. But India has been seriously concerned about two issues. First is use of Bangladeshi territory by the insurgent groups who are operating in northeastern India for anti-India activities. India is also concerned about illegal immigration, which has reached serious proportions in recent years. India sought Bangladesh cooperation to sort these issues, but its requests fell on deaf ears. Its result has been regular skirmishes between the border guards of two countries.

India shares its largest border with Bangladesh, which is also extremely porous. The border runs through jungles, hills, villages, paddy and jute fields, making it easy to cross. There is also a small riverine portion. Five Indian states border Bangladesh, including four in India's troubled northeast where dozens of militant groups are fighting for full statehood, more autonomy or independence. Dhaka denies the presence of rebel camps, calling the allegations baseless, but the issue remains a thorny one in ties

between India and Bangladesh. This border also faces problems like illegal immigration, smuggling, arms trafficking, drug trafficking and trafficking of women and children. To deal with some of this problem India had suggested joint patrolling of the border to which Bangladesh did not agree. However, Bangladesh agreed for coordinated patrolling, but that was not sufficient to solve problem of this magnitude.

As a result, India has been forced to take its own steps. To check problems like illegal immigration and arms trafficking, India decided to erect barb wired fences. It had seen its positive impact on the northwestern frontiers. It wants to replicate the same experience on its eastern border too. So far, it has managed to fence over a third of the 4,894 kilometers (3,034 mile) long border with Bangladesh.<sup>49</sup>

The Border Security Force (BSF) is on alert and ready for “any eventuality”, just like their counterparts on the other side of the Nagar River.

Bullet-ridden walls and roofs bear testimony to the exchange between the border forces, allegedly started by the Bangladesh Rifles (BDR) after the BSF objected to the construction of a stone embankment along the river.

BSF sources said the construction was being carried out despite an embargo on such work within 150 m of the border. The BDR apparently resumed construction late on Friday evening after halting it following early Indian objections.

*“When we objected to the violation of the agreement between the two countries, they opened fire,”* said Rakesh Chauhan, the commandant of the BSF’s 32 Battalion here, some 20 km from Islampur.

The men of two small settlements on the Indian side, Pakhargaj and Singatgaj, have moved the women and children to safety. Upset over the turn of events, they blamed the BSF for not warning them about tension along the border.<sup>50</sup>

## Conclusion

In the light of the preceding discussion, we can see there are various causes of internal displacement in India. It is not our conclusion that the process of development should be stopped in the state. But the serious fallout’s of the development process, which have so far been lost in the generalist socio-economic researches, have to be seen from the point of view of displacement. The government as well as the non-governmental agencies including of course the academics must reflect the views of the people. To changed the State to devise the necessary mechanism and strategies to allow a legitimate space for marginalized sections of the indigenous population with the development framework to prevent or reduce the process of emerging problem of the Internally Displaced People in the State. The postcolonial Indian state too failed miserably to resolve the issues raised by the identity

movements. The state has virtually abdicated its responsibility towards the victims of these movements.

The postcolonial Indian State, the colonial legacy of communalism and various exclusionist identity movements have been the major actors in the political threat of massive internal displacement of people in India. If the present situation continues without any effective intervention, India is likely to experience more conflict induced internal displacement of population, particularly the marginalized groups in near future.

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# Immigration and Globalisation

By

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## **Introduction**

If one defines globalisation as an extent of internationalisation at a level where boundaries are blurred or appear close, where networks and solidarities are communicating, where interdependencies are increasing, we can consider that migrations have entered this process today as well. It is a global phenomenon- one that is political, economic, social and cultural which challenges the Nation State and leads to the birth of multiple networks, trans national or transcontinental, but also regional or local, bringing migrations into the main world stakes.

Yesterday circumscribed to some welcome and departure countries, in a space often characterised by colonial past or by bilateral relations taking their roots in the past, globalisation of migration flows is recent. At the turning point of the eighties, a new migration feature has appeared. Several reasons explain this phenomenon:

- the existence of pull factors which have become stronger than push factors: to-day, in spite of the inequalities between North and South, it is less demographic pressure and poverty which create migration than the desire of Europe and, more widely, of the West. So migrants are less and less illiterate rural workers proposing their arms to industrialised societies than urban middle class individuals having a strong determination to endeavour their project abroad;
- the progressive generalisation of passports, occurred hardly twenty years ago, excepting for rare countries which still deliver them scarcely (China, South Korea, Cuba) has provoked a generalisation of exit right, while entrance in rich countries became more and more controlled by visa systems;
- the explosion of asylum, in proportions unknown until then, due to hard and various conflicts in several regions of the world (Africa of Great Lakes, South-East Asia, Balkans, Middle East, West Indies);
- the activity of trans national networks originating chain migrations (China, Romania, Balkans, West Africa). Limited by State controls,

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Refugee Watch, 33, June 2009

these migrations, often illegal, are challenging borders which are also a resource for them while building diasporas in several countries (alike Turkish and Moroccans in Europe) or continents (Chinese);

- the development of pendular migrations from Eastern to Western Europe, linked with the fall of the Berlin Wall and the opening of the borders in this region, but also South-North and South-South;
- the creation of large regional spaces of free trade (NAFTA, Mercosur, Euro-Mediterranean) and sometimes of circulation and settlement (European Union, Nordic European Labour Market) even if mobility of populations, except for European Union has not been institutionally recognised.

All these elements are revealing an international order upset by the end of the East-West struggle and by new regional and global conflicts but also characterised by new gaps which are so many ways of passage and traffics (Rio Grande between Mexico and the United States, Gibraltar, the Sicilian islands between Maghreb and Europe, Brindisi or Vlores between Italy, Greece and Albania, Sangatte and the Eurotunnel, the Oder Neisse border displaced at the East between Poland and Bielarus, Romania and Moldavia). They are in the same time demanded by a desire of Europe and Western countries. Geographic neighbouring is made easier by the generalised lower cost of transportation, namely by air, the image of the West is broadcast by TV and radios received in countries of departure (Wihtol de Wenden, 2002a), local markets are supplied by western products and migrants remittances are suggesting a visible consumption which also enters in the most traditional regions of origin.

## **I – The New Migration Trend**

### **1) The Migration Pressure**

150 millions of migrants and displaced persons all over the world, among them one third of family migration, one third migration for work and one third of refugees, 2.8% of the world population but around 15 millions illegal: it is not much but in a low but regular progress, in the spiral of globalisation. Although the overwhelming majority of the world population does not move, the number of departure and welcome countries always increases. More than 60% of migrants never leave the southern hemisphere and three thirds of refugees are settling in Third World countries, at their neighbours?. New networks are framing paths which have no more links with settlement countries: Iranians in Sweden, Romanians in Germany, Vietnamese in Canada and in Australia, Bangladeshis in Japan, Maghrebians and Egyptians in Gulf countries or in Libya.

We observe a reinforcement of migrations from Asia, namely in Japan, in Australia, in Canada, in Italy and in France (Chinese, Philipponos), to a continued mobility of populations coming from Russia and Ukraine

towards Western (Poland) and Southern Europe (Portugal, Greece). Permanent migrations for employment have most recently contributed to the rise of regular flows; among them the most qualified ones.

Asylum is characterised by a high progression of flows towards the United States, Germany, Austria, the Czech Republic, France. Five welcome countries have received 58% of the total of asylum seekers: the United Kingdom, Germany, the United States, the Netherlands and Belgium in 2000. The new comers are Afghans, Iraqis, former USSR nationals, former Yugoslavs, Sri-Lankans, Algerians, Somalis, Sierra Leoneans, Congolese, Colombians. But the number of statutory refugees is very stable. Refused asylum seekers often stay in immigration countries, forming an irregular population of neither legalizable nor expellable people, although some of them are coming back home once the conflict has ceased (alike in Bosnia and Kosovo).

## 2) **New Mobility, New Stakes**

The number of annual legal admissions in Europe is higher than those of traditional immigration countries such as the United States, Canada and Australia. Some features are distinguishing the new flows from the former ones. First, the migration “couples,” inherited from colonial past and privileged relations between countries of departure and of arrival (France/Algeria, Germany/Turkey, United Kingdom/Commonwealth) have lost a part of their strength. The diversifications of migration countries have no apparent link with the new comers. Second, new migrations, urban and trained, are profiling, rather far from mass migration of “birds of passage” (Piorre, 1977), male and manual workers of the years of growth. Third, it is the representation of western heaven, which inspires many mobility projects, attracted by economic and cultural global cities. Everywhere, the existence of trans national networks is a necessary condition for mobility. They develop through border closures and take advantage, legally or not, from control.

Globalisation contributes to a long-term settlement into mobility of more and more various people, turned towards a well being that is not only economic but also social, political, religious, cultural. An economy linked with travel prepares this mobility, alike these Romanian peasants who cross Europe to “make a season”. The legitimacy of national border closures is challenged by the diversity of forms of mobility. Human Rights are more and more imposing their rules as a supranational reference (political asylum, right to family reunification), as well as humanitarian concerns (temporary protection of displaced people), transgressing Nation States sovereignty.

Germany and the United States are the two first welcome countries in the world during these last years, followed in relative terms (proportion of legal entries in the foreign settled population) by Japan, Norway and United Kingdom. Migration for family reunification (including marriages) is the most frequent factor of settlement, in spite of the rise of asylum seeking and

migration for employment. There is a strong feminisation of migration from East and South-East Asia and the contribution of migration to demography and to labour force shortages is essential in Europe and Japan. In March 2000, a UN report on replacement migration stressed on these two points and proposed several scenarios requiring the pursuit of migration flows in these two regions. In Germany, Greece, Hungary, Italy, Sweden and the Czech Republic, the contribution of migration to demographic decrease has been the highest, although these last countries prefer temporary entries to permanent migration. All immigration countries try to limit illegal migration and employment of irregular workers (estimated at 8, 7 million in the United States in 2002), but they lack of the will and of the means to do it, due to permanent conflict between the logics of labour market, pushing to open the borders and to the logics of States, pushing to close them (Cornelius et. al, 1994).

Some basic data permit an evaluation of recent trends in global mobility. First, the increase of migrants during these last thirty years: 77 millions in 1965, 111 millions in 1990, 140 millions in 1997, 150 millions today; then, the unequal sharing of migrations in the world: 90% of migrants in the world are living in only 55 countries, namely in industrialised ones (according to UNESCO: Oceania 17.8%, North America 8.6%, Western Europe 6.1%, Asia 1.4%, Latin America and West Indies 1.7%, Africa 2.5%); then, punctual control policies facing with the rapid increase of Trans frontier flows.

These migrations have all an ambiguous relation with development, of which they are both a cause (remittances, modernisation of minds) and a consequence (rural exodus provoked by the clash of traditional societies upset with modernity, settlement of trans national networks of economic, cultural and matrimonial exchange) and do not depend only on under development. Although they remain weak compared with world disequilibria's, they are major stakes for the twenty first century.

### 3) Impact of Globalisation in Europe

In Europe (Wihtol de Wenden, 1999a and 2001), among 380 millions of people, foreigners represent 20 millions of them, including 5 millions Europeans and some mobile populations: asylum seekers, tourists, students, transit traders and businessmen, experts, illegal. These foreigners are unequally spread between European countries. Germany, with 7.3 million resident foreigners and 8.9% in its total population is by far the first immigration country in Europe, followed by France (3.3 millions foreigners, 5.6% of its total population and 4.3 immigrants, born abroad and having or not acquired French citizenship, 7.1% of its total population), then by the United Kingdom (2.2 millions, 3.8% of its total population), Switzerland (1.3 million foreigners, 19% of its total population), Italy (one million foreigners, 2.1% of its total population and Greece (one million foreigners, 10% of its total population). But the proportion of foreigners is not always linked with

their number: so Luxemburg has 30% foreigners, followed by Switzerland, while Spain and Italy, former emigration countries having become immigration ones, have hardly 2.2% foreigners. In spite of the globalisation of flows, each country has still “its” foreigners, resulting from colonial past, privileged links or geographic neighbouring with countries involved in migration, which often weakens the harmonisation of European policies of entry and asylum.

Definitely, intra-European mobility of Europeans is badly known. It is the highest in Luxemburg, followed by Ireland, Belgium, Portugal, Sweden, Spain and Greece. In Western Europe, however, for twenty years, the proportion of extra-Europeans has increased and some nationalities have gained importance (Eastern Europeans in Germany, Moroccans and Senegalese in France and Italy, former Yugoslavs in the Netherlands), while new nationalities are appearing in so many “niches” of employment characterised by a self recruitment of nationalities: Pakistanis, Vietnamese, Iranians, Sri-Lankan, Chinese.

As for eastern flows, the most important group is Polish. In Eastern Europe (Tinguy and Wihtol de Wenden, 1994, 1995 and 2001), since the fall of the Berlin wall, we can observe a disentanglement of nationalities and ethnic migrations of return, while new migration networks are appearing in countries, which are both departure settlements and transit ones (Poland, Russia, Ukraine). Among ethnic migration, 620000 Aussiedlers coming from former USSR, Romania, Poland, have settled in Germany in the recent years, representing two millions of people, families included. They have acquired German citizenship owing to the right of the blood. 300000 Bulgarians from Turkish origin have come back to Turkey. Finland has met Finnish returnees from Former USSR and Baltic States. Neighbouring migrations (Romanians in Hungary, Checks in Slovakia, Ukrainians in Poland) are compensating the weak impact of globalisation of migration in this area, except for that involved by trafficking (prostitution, illegal from Asia crossing to the West). During the 1980 and 1990's, Europe has so become explicitly a migration continent, with some reluctance in the minds: obsession of the migration risk lived like a stake (Badie and Wihtol de Wenden, 1994), questioning of national identities, idea that illegal are challenging the integration of those already settled. Europe is the only migration region to have stopped its migration flows of salaried labour force for more than 25 years (1974), and it lasts to recognise immigration as a part of its collective identity and goes on to hold border closure in spite of the demographic and labour force shortages. Borders are crossed by networks who perpetuate a modern slavery, because of the gap between national and European policies and the reality of global flows (Wihtol de Wenden, 1990b).

## II – New Challenges for Managing Immigration in France

### 1) Effects of Past Immigration

In France, the oldest immigration country in Europe, for more than one century, since the middle of the nineteenth century, migrants have been called for demographic, industrial and military reasons: the demographic decline began earlier than in other European countries, the industrial revolution needed more workers and the premises of military conflicts with Germany required more new comers and more future French. For these reasons, the nationality code, based since the civil code of 1804 on “jus sanguinis” (the right of the blood), was progressively opened to “jus soli” (the right of the soil), namely by the law of 1889 in order to “make French with foreigners” born in France. We count 300000 foreigners in first census of 1851 identifying French and foreigners, one million in 1900, three millions in 1932, four millions to-day: a relative stability of figures, hidden by the access to French citizenship (around 110000 per year by birth, marriage, naturalisation), as well as by the difficulty to appreciate the number of illegal except during legalisation procedures. The first one, in 1982 legalised 142000 illegal out of 150000 applicants and the last one, in 1997, 90000 out of 150000, which leads to roughly 13000 illegal new comers per year.

### We can Identify Several Periods Characterising Immigration in the Past

- 1820-1850: banished, expelled, political activists
- 1850-1914: pioneers of the industrial era
- 1914-1945: workers, soldiers and refugees
- 1945-1972: the labour force of the thirty glorious years
- 1974-2000: diversified migrants and actors of French diversity

The nationalities have changed: while Italians were the most numerous until the Second World War, Portuguese and Maghrebians have rapidly given the tune during the thirty glorious years. Today, after the Portuguese, the Algerians and Moroccans are the most numerous, followed smaller groups (Tunisians, Turkish, sub-Saharan Africans). But globalisation has introduced new comers who have no links with France, such as Pakistanis, Chinese and Afghans.

Except for political and economic crises, the main factor of mobility is due to family reasons structured in networks, which make permanent links between the migrant and its place of origin (remittances, “tontines” – collective contribution to investment – settlement of collective equipments). A female migration as well as a migration of qualified people and intellectuals, of young illegal, of traders is spread not only over the continent but also in Europe, the US or the Gulf countries. One can think that Sub-

Saharan migration will go on, due to the absence of short-term perspectives for most of them.

Everywhere in the world, globalisation of migrations (CIEMI, 2001; IOM, 2000; UNHCR 2000; UNESCO, 2000) is only lightly affected by border control and integration policies settled in arriving countries. During these last years, facing with a fear of invasion, which did not occur, some have considered that border closure was a general and permanent frame and not an exceptional measure, while Human Rights principles (namely the Universal Declaration of 1948) are reminding the right of everybody to leave his country including his. Are we going to more right for mobility?

We can notice the unwanted consequences and perverse effects of the stop of migration flows of salaried workers, which occurred in France in 1974 at the beginning of the economic crisis. The result was an unforeseen random settlement of workers who practiced before ways there and back with their countries of origin, and an acceleration of family reunifications in the fear of being unable to come back to France. Many workers were strongly penalised by the economic crisis and became unemployed with the de-industrialisation process that struck the car industry, steel industry, textile and mines (North of France, Lorraine, Ile de France). They gathered with their families in so called “banlieues” (inner cities) in the surroundings of big towns (Paris, Lyons, Marseilles), rapidly built in the 1960’s and 1970’s in the period of cleaning off the “bidonvilles” (shanty towns). The consequence is well known: integration problems, urban violence and emergence of collective identities mixing Islam, community belongings and forms of contest of the French model of citizenship.

## 2) Irregular Residents and their Regularisation

Another unwanted effect of the stop of immigration flows of workers was the development of illegal migration: in the early sixties, illegal migration was a mere management tool of the labour market, in order to maintain low salaried, to supply for the shortages of labour force and to postpone the modernisation of industry and agriculture. In 1968, when the borders were still open to foreign salaried workers, only 18% entered legally, 82% being legalised after their entrance in France and at work. Illegal migration went on to develop after the stop of migration flows in 1974, because the demand of such labour force remained high in some sectors: building industry, domestic services, food and restaurants, garment industry. This led to an ethnic the labour market and to a higher segmentation and stratification of it with some forms of slavery.

It is very difficult to give estimates of irregular residents, which gives place to fancy figures. The best evaluation can be found, according to demographers, in the legalisation process of illegal. In France, we have had two exceptional legalisations, in 1982-1983 and then in 1997-1998. In both of them, the building industry, food, domestic services and garment were the biggest employers and the nationalities involved: Moroccans and

Tunisians, sub-Saharan Africans, Chinese. The difficulty to control illegal migration lies in the fact that in France, most illegal have entered legally as asylum seekers, students, tourists with a Schengen visa. They become illegal as over-stayers or as refused refugees. The securitization of border controls, which is an increasing trend in European policies (Sevilla Summit of 2002, Thessaloniki Summit of 2003) and euro Mediterranean dialogues partly blocked around borders and immigration debates), has had no visible effect on dissuasion to illegal migration. At the borders of France (Sangatte), Spain (Gibraltar) Italy (Sicily islands), there are hundreds of deaths every year. Illegal migration and border trespassing has become an underground and very lucrative economy: all the more the borders are controlled, all the more the prices are rising, as illustrated by Chinese trans national networks proposing travel, false documents and employment as well. Some districts are becoming a delocalisation on the place of sweatshops transferred as such in France, in despise of all rules of social law.

### 3) New Admission Policy

While France had known no reform of admission policies between 1945 and 1980, the last twenty years have developed an exceptional productivity of legislation in this field: the ordinance of 1945 ruling entrance and stay of foreigners has been changed successively in 1980, 1981, 1983, 1984, 1986, 1989, 1993, 1997, 1998, 2003, according to government change of majorities. The last version emphasizes on sanctions to illegal stay, precariousness of short-term stay depending on a successful “integration contract” mainly focussed on French language learning, reinforced control on short-term visits. A ten years residence card is obtained now after five years of stay instead of the previous three years and two years of common life are required to those who have benefited from family reunification to obtain the residence card. No answer is given to the main debate: should we have to open the borders to extra European workers given the demographic and labour force shortages we are facing with? Some possibilities of legal entrance for salaried workers are opened to skilled newcomers and to students entering in the labour market but they do not fit into the requirements of unskilled workers.

The refugees are ruled by a new law of December 2003. Alike in the law on entrance and stay of October 2003, the entrance for asylum is more difficult: an asylum seeker cannot meet the asylum requirements that are appreciated by the criteria of the Geneva Convention of 1951 (territorial asylum, introduced in the former law of 1998 for those coming from countries where the State is not the actor of persecution, like Algeria, has disappeared). But hardly 20% of asylum requirements have chances to be accepted, including the appeal procedure. Many of these refused asylum seekers become illegal and increase the volume of the undocumented.

#### 4) **New Integration Policy**

Even if, in France, the question of “who belongs” is not central, the question of integration is crucial.

##### a) **The Limits of the Citizenship Model**

The ‘problematic’ of political belonging is particularly relevant in France, where the Nation State has been defined from a philosophical approach of republican and universalistic values without referring to cultural or ethnic belongings. The citizen is so the member of a State, considered from the point of view of his political rights and duties. His adhesion to the social contract is pre-defined as far as the new comers (foreigners) do not participate to an evolution of the definition of the Nation State, contrarily with immigrant countries such as the United States or Canada.

But citizenship is evolving and it has always included and excluded members according to some criteria defined as “capacities”. Citizenship has first been limited to male French who had economic resources (those who paid the tax, according to the “suffrage censitaire”) from 1791 to 1848. The universal suffrage was extended to all French men of over 21 years in 1848 (“suffrage universel”), but it excluded the condemned (“déchéance des droits civiques”), some professionals (the army was excluded from the polls during the third republic), the women (who acquired full citizenship in 1944) and the young (the political majority was brought from 21 to 18 years in 1974).

Even if political participation was limited to nationals, the definition of who belongs did not perfectly coincide between nationals and citizens: there were therefore nationals who were not citizens and citizens who were not nationals in special cases. Political belonging was also considered like a grant for those who shared the ideals of the French revolution, being elected at the Convention in 1791 (the German Anacharsis von Clootz, the British Thomas Paine) or having participated to the Commune in 1871.

But usually, foreigners have always been excluded from citizenship, until the definition of European citizenship led to a divorce between nationality and citizenship and to a new definition of national sovereignty after the Masstricht treaty in 1992, for local elections. It extended local political rights to Europeans residing on the French territory.

However, as for citizenship of the welfare state, the inclusion of foreigners has been reached earlier, founded on a legitimacy based on work: in 1975, legal foreigners acquired the equality of rights in the firm and in trade unions (voting rights and eligibility). In 1981, this definition of political inclusion was extended to associative rights in the same terms than French but denied for local elections. The border between foreigners and nationals is progressively replaced by a border between European and non European regarding political inclusion and mobility (visas). Citizenship

based on work is replaced by citizenship based on residence (a claim emerged from civic associations during the eighties).

But the inclusion in the welfare state is complex: all foreigners having a legal status have access to all social rights (health, schooling, public services, family allocations, appeal to tribunal, even at European level – the Court of Justice of the European Union, the right to appeal to the European mediator, the right of petition). Some social minima are also open to illegal, under some conditions (parents of French children) or not (emergency health care, schooling for children).

But the problem lies in the access to belonging, the feasible access to rights: some citizens are less equal than others. Many French citizens of foreign origin (Maghrebians, Muslims, poor people living in urban ghettos) are excluded from the effective equality of treatment: difficulties to be proposed as candidates by political parties, discrimination by the “guichets” of administrations, discrimination at work, for housing, by the police – identity controls.

The debates of the eighties have extended the field of politics and so of citizenship: a citizenship dissociated from nationality, based on active participation in the city. It has also stressed on citizenship of those who are on the margins of citizenship: the “sans papiers”, the undocumented, all those who claim for “the right to have rights”. A citizenship of residence (collective movements called “j’y suis, j’y vote”) has progressively imposed itself, with its own forms of expression.

We can wonder if the universalistic French ideology of equality of rights has not delayed the consciousness of the social and unsaid cultural preconditions for political inclusion in spite of the French values of secularism and social contract, and hidden the discriminative practices towards citizens of colonial origin and coloured foreigners in France. The debate on integration and allegiances illustrates the permanence of political exclusion.

#### **b) The so called “Second Generation”**

We count around one million to 1.5 million second or third generations of French from Maghrebian origin. All of them are belonging to Muslim culture (we evaluate Muslims in France at four millions, the first European country for the presence of Muslims in Europe). Some of them are French if they were born in France, other are foreigners if they have arrived during their youth and the overwhelming majority are double nationals because Muslim countries are ruled by the right of the blood. Since the census of 1968, it is no more possible to take into account religion which makes difficult the statistics on Muslims and of second generations as well. The generation, in spite of many difficulties (unemployment, urban segregation, failure at school, delinquency, male/female conflicts, discrimination) are fully integrated in French popular culture. Most field studies, such as the survey conducted by INED in 1992 among 12000

interviewed show that Algerians and people from Algerian descent are better “integrated” according to several criteria than Portuguese or Turkish: French language is usually spoken at home, mix marriages are more frequent, they have a low practice of Islam, many are living outside immigrant concentrations and have access to qualified jobs. The “beur” culture has also asserted their negotiation of a collective belonging within French society.

The children of North African origin are neither a homogeneous group, nor a cultural community. They are more and more diversified with new comers, elites, middle class, refugees. A part of them are claiming for invisibility, while others are mixing republican values with community belongings. Some expressions of dissent, linked with exclusion such as radical Islamism or refusal of allegiance to French symbols (scarf affairs at school, denial of the French flag) give weight to Jacobian arguments, even if they remain at the margins.

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# Franco-European Policy and Migration

By

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Two years after Ceuta and Melilla, some European countries that wanted to regulate their migration problem found themselves confronted with the same demand of men and women escaping either warfare and its violence, or misery and impossibility of living with dignity in their own country.

Without forgetting all those living in a precarious way in an unstable ecological environment and which, with climate warming, are or will be forced to migrate - nearly 200 million men, women and children will be pushed to exile throughout the world from the end of this century.

They pass thus from poverty to misery and from uprooting to exile. These victims of excess liberal globalisation constitute a pool of cheap manual labour.

But who still thinks of these young people whose lives ended against the barbed wire of the Spanish enclaves?

The questions put by these young people searching for somewhere return more concretely to migration that constitutes, today, a more and more massive phenomenon, a strategy of survival.

At the international level, it touches more than 175 million people, which means 30% of the world population. The reporter of the UN Commission of International Law, Maurice Kamto, noted that the majority of Western countries do not cease to implement twisted policies and thus face the inflow of the poor, the developed countries are transformed into impossible fortresses. They are closed more and more to certain categories of foreigners by tightening the control of migration and making the conditions of entry and stay on their territories increasingly more difficult".

In his turn, the former UN Secretary General, Kofi Annan, in his report (September, 2005) entitled *In larger freedom: development, safety and human rights for all* noted that migration creates a multitude of complex problems

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Refugee Watch, 33, June 2009

contributing to the causes of unemployment in an area or a given sector and brain drain in others.

He also added that, “if they are not carefully managed, they can cause social and politically acute strains”. Thus linking his voice with that of the Western countries who justify more security measures against the migrants.

The two positions clash, but for the moment the one that regards the foreigner as the intruder, the terrorist, dominates. The consequences must be fought.

With the repressive immigration policy that violates fundamental human rights, one supports legal institutionalisation of xenophobia and turns away from the fundamental causes of migration such as global economic inequalities and extreme poverty, - in other words, underdevelopment.

Migration is a phenomenon that dramatically reveals the socio-economic imbalances worsened by the globalisation and imposed by the neo-liberal economy that causes impoverishment of the underdeveloped countries. Migration has become one of the most delicate social, economic questions in the last ten years.

This speech is keeping in mind the fact that “any person has the right to leave any country, including his own, and to return to his country” from the Article 13 of the Universal Declaration of Human Rights.

Plunged involuntarily in the precarisation of their existence, the individuals, driven by the instinct of survival, resort to the old type of migration; the phenomenon that began in 1840s when 300,000 migrants annually crossed the Atlantic to settle in America.

Let us mention that the migratory movement does not only go in the direction of the North: 60% of the migrants are staying in the South. In Africa, for example, there are 17 million migrants who left one African country for another, while there are only 3 million Africans in Europe.

In January 2003, according to the Indian government, India had 20 million Asian migrants considered to be in “irregular situation” - almost as much as the foreign population in the European Union (of 25 member states).

One witnesses “a migration of misery”, according to the formula used in Mexico to speak about the rural migration, and more particularly about the “Indians”.

It means very cheap labour, especially since the only status it can claim is illegality. It is as overexploited as if it were the labour of a Northern company that relocated to the South. This “financial advantage” explains why some employers are hostile to the regularization of irregular migrants, the ideal form of labour force for neo-liberalism, such as the one envisaged by the Multilateral agreement on investments, discreetly replaced by the treaties of protection of the investments.

What is the link between migration and globalisation?

One can without being mistaken say that globalisation is a product of the combination of three factors, which are expansion of space exchanges by integration of new countries (new players), globalisation of big companies operating their research, marketing and production activities at global level (new games) and the growth of the exchanges thanks to liberalization or deregulation (new rules of the game).

It was thought that globalisation could cause a fall in the need to migrate. However, in spite of the opening of the markets, the developing countries are increasingly the recipients of foreign consumer goods rather than the stable places that are able to retain the workers, potential emigrants.

In addition, the logic of globalisation would like to see freedom of movement of the people accompanying the freedom of movement of capital and goods, but the people are reduced to the condition of labour, it means goods like anything else, subjected to the only rules of the market.

With a certain globalisation of wealth, whose benefit the social layers dominant from the poor countries corresponds a globalisation of the poverty which reaches vast sectors of the population from rich states, in particular the people with foreign origin and, more particularly, those which are in irregular situation?

Globalisation does not have only affect the flow of capital and goods, it also modifies the character of international migration and manual labour: flexibilisation, mass unemployment, generalised impoverishment of the countries in the process of development.

As such migration became an answer to the consequences of the economic neo-liberalisation induced by the debt crisis, not only for the communities and individuals, but also for the states.

Migration is one of the forms taken by neo-liberal globalization, and with it, the social and economic deregulations are many. It represents almost everywhere an offence continued at the same time by the starting countries and the countries of destination. This is the first fact of criminalisation of the migration thus transforming the migratory policies of the European countries into a kind of militaro-police panoply rather than a real possibility of regular insertion.

In France, this panoply materializes in the law on "immigration and integration", reinforced by many decrees and circulars, without speaking about those former which are hardened. They restrict at the same time the right to the marriage, to love, to freedom of circulation, but also the right to work, the right of the children to live with one or the other of his/her parents, right to health, the right to asylum for the refugees. The percentage of the immigrants is the same today as it was in 1963 that is to say 7% of the population.

In spite of this evocative number, the law, found that the « chosen» immigration multiplies the difficulties: conditions of obtaining and of

attribution of the resident or residence permit, administrative courses which are true obstacles, arbitrary treatments.

This law involves much discrimination in the conditions of acquisition of French nationality and even in the various treatments between the metropolis and the DOM and the territorial collectivities. But non-glad to make the administrative life impossible, the French government made choice for a policy resting on the quotas of expulsion, which induce not only overall interpellations, but also of the scandalous drifts on behalf of the services of the prefectures and the police forces, on the generalization of the raids concerning foreigners, with the installation of files, named Eloi for the foreigners and Edvige for their support, but also with an increase in the number of places in retention centres in which the living conditions are such they are regularly denounced as well by retained themselves, associations and the members of Parliament as by European or international organisations.

But the government continues and makes fun of criticisms made on his immigration policy, even if it has as a result to destroy families, to expel children, even babies or to push with the despair of the people.

Today, it tries to make dumb and flexible associations which intervene in the retention centres by dividing into "batches", for better reigning, the various sites of intervention; by drawing aside the regroupings of associations of the invitation to tender, which will make very difficult the development of national assessments on the situation in the places of retention; by obliging these associations to distribute the furnished documents by the administration; while imposing on these speakers - under the financial threat of a rupture without allowance - a duty of neutrality and confidentiality; all these obligations are incompatible with the effective defence of the rights of foreign migrants placed in retention.

In short, the Minister of immigration wants associations to his orders, so that the retention centres, far from any critical glance, become again spaces without control.

Non satisfied with these policies, the government sets up laws which erodes the rights of foreign people to the contempt of the outstanding commitments - European Convention of human rights, international instruments that France signed and ratified - (right to life in family or to circulate freely, international), International Pact from 1966.

This policy is framed in the locking of identity, which translates into rejection of diversity. In France, for example, the enfermement identity (the creation of the Ministry for immigration and national identity is not a matter of chance!) appears on two levels; that of the system of the values and that of the expressions and cultural signs.

With regard to the system of values, the stake of identity is revealed by a dominant approach of the integration-assimilation which, by conditioning integration of the immigrant exclusively to the acceptance and the respect of the values of the host country, postulates the inexistence of cultural human values or nuns of the immigrant or request asylum.

Let us stop for a few moments on the camps abroad. They are the epicentres of multiple infringements of basic rights. Contrary to the advertisement of Nicolas Sarkozy, the then Minister of the Interior, the closing of the Sangatte camp and its destruction in December 2002 are far from having resolved the problem of transit for England.

The town of Calais indeed continues to see migrants who are seeking refuge arriving each day, while going always a little closer towards North after passage through other European states. Moreover, Calais is no longer the only stopover in the North-West of France: the migrants are present today in various ports ensuring sea links, near various service stations or surfaces of highways attended by the trucks which go in England.

The multiplication of the informal campings on the whole of the littoral areas of the English Channel and the North Sea constitutes one of the principal consequences of the closing of the camp of Sangatte and the hardening of migratory controls, which followed. Exiled which lives there are confronted with various forms of setting to the variation, deplorable material conditions and the controls repeated by the police forces.

The invisibility of the migrants has several regrettable effects. Initially, it relegates to the poverty of unlimited duration of the thousands of women and men - young people for the majority - who are thus confined in a dead end. The negation of their total existence leads the public authorities not to protect them, not to deal with them whereas national laws and international conventions guarantee rights to them.

Lastly, it has as a political consequence to prevent any assessment relating to the effects of a European regulation, which creates the wandering without end of thousands of human beings. It exonerates the European States to have to wonder on the relevance of this regulation and opportunity of reforming it. It does not matter that request asylums are returned in their country of origin where they could risk their life, or to be exposed with torture or inhuman treatments, cruel and degrading.

This approach denying the humanity of the migrant, of the foreigner or of the people claiming asylum, takes part in the old ideology of the hierarchisation of the cultures, the races and civilizations, on which were all the dominations of people and the legitimation of the culture and racist mentalities were historically based, thus forming a fertile compost for all the old and the new forms of racism and xenophobia.

It is what Frantz Fanon called the return of the old Europe.

This same Europe which, to reinforce the national legislations, in a few months will make serious legislative decisions. It will impose, in a power struggle that is not without pointing out that founded under colonization, to the Sub-Saharan Africa the obligation to respect the various articles contained in the European Pact on immigration and asylum.

Less than three months after its adoption by the European Parliament, the "return" directive known as the directive of shame,

institutionalises the generalized detainment of foreigners for at least 18 months period and the banishment for 5 years from the European territory, these measures are taken by the European States fall under this same logic of enfermement and criminalisation of foreigners.

Thus in Italy, where since years one issues on each occasion the “state of emergency” with the pretext of a threat of invasion, the Council of Ministers comes to decide to double the number of detention centres. Since July, the soldiers joined the police forces and the gendarmerie in the centres of identification and expulsion.

The Minister of Interior Department, Maroni, also expressed the intention of the government to create closed centres to intern people claiming for asylum and to increase to 18 months the duration of the detention, now limited to 60 days.

The lengthening of the deadlines is also with the day order in Spain, where testimonies denouncing police violence are recurring, whereas associations see themselves refusing the right of access to the closed centres for foreigners whom they claim for a long time.

In the name of the fight against irregular immigration and under pretext of answer waiting of the public opinion, detention is being set up in system, within the framework of a frightening European harmonization of detention of the migrants.

For still better protecting itself, in October 2004 the EU created FRONTEX, the agency for the external European borders. It is about a police operational institution since October 2005; it is equipped with planes, helicopters, ships organized in “network of the European patrols” designed like units of fast reaction anti-migrants. These patrols and the cooperation agreements that Frontex passes with the police forces Algerian, Moroccan, Mauritanian, Libyan and Senegalese, associated to the tracking of without-papers in the majority of the European countries, are criminal practices incompatible with the opening of Europe to relations balanced and interdependent with the people of the South.

The creation and the reinforcement of this police force are contrary to the fundamental human rights of migrant, as with the history of Europe, product of multiple mixings and migrations during the history and massive migratory power source towards all the continents.

With this legislative arsenal, hunting is open against the migrants because they would be responsible for all the social and economic deregulations. And ultimate cynicism, to give clear conscience, the French government introduced, during the go and back between the National Assembly and the Senate, an article entitled “account co-development”.

It seems well that it found only this answer to the questions from structural order related to the migration. In logic of profitability and liberalization, this article proves, once again, that the French government thrusts its official responsibilities on the individuals.

According the recommendations of UNO, the States developed should give 0,7% of their GDP in order to take part in the Co-development.

France is far and supports the choices guided by the ideology of the profit, without care that the countries of the south continue to undergo the plundering of their natural resources, the escape of their capital and even that of the brains.

However, France preaches the Co-development but seen from the point of view of North, the South having to answer her injunctions just like he must answer those of the IMF and the World Bank.

Europe is not in remainder, at the time of the last Euro-African conference that took place in Paris on November 25, several objectives related to the remittances of the migrants, and their use. Benefiting from this top, the French government has put pressure on Mali to obtain the signature of a bilateral agreement in negotiation for two years.

At the end of the African social forum that took place in Niamey (Niger), it was official that Mali had resisted the pressures of the French and the agreement was not signed. But until when? It was not the case with Ivory Coast. Her government signed this agreement; it's not a good sign.

An inventory, limited to the standard agreements of readmission concluded by each Member State of the European Union (EU), would not be enough to give a complete image of all the mechanisms and instruments of bilateral cooperation set up, during the ten last years, aiming at expelling the peoples of third countries in irregular situation.

These mechanisms can be formal, as that is often the case, because they are based on the concluding of standard agreements of readmission, and because the contracting parties consider that this option is an advantage serving their respective interests.

These agreements are dangerous. They fall under the comprehensive policy followed by the EU and its Member States to subcontract the management of the migratory flux. Thus, any development assistance, even all "economic cooperation or commercial" is now subordinated to their negotiation. These agreements threaten the basic rights of the people and violate Article 3 of the European Convention on human rights, as well as the principle of non-repression posed by the Geneva Convention on the refugees.

It is in particular the case with the bilateral agreements of "management concerted of the migratory flux" made by France and Spain with countries of West Africa or the "partnerships of mobility" under consideration by the EU.

Spain took lead, through its "Africa plan" launched in 2006. Morocco, which already concluded the bilateral agreements of admission again with several Member States should sign an global agreement with the EU in the current of the year 2009.

Europe, not knowing any longer how to maintain Africa under its yoke and in its vice, inaugurated in Bamako at the beginning of October, the Centre of Information and of management of the Migrations - CIGEM. With the objective "to assist Mali in the definition of a Malian migratory policy answering to the needs of the migrants" and "to support the Malian

government by making recommendations on the transfers of funds of the Malian Diaspora”.

Not only the institutions of Bretton Woods imposed Structural adjustment Programs on the indebted states, involving the deregulation of public services, the privatisation of the state companies....and increasing still more impoverishment of the population, but 48 years after the end of colonization, Europe comes officially to install himself in Malian territory for better imposing his management of the migration and to thus assume a right to watch on money sent by the migrants to their families, to the pretext of “make recommendations on the transfers of funds of the Diaspora”; a true interference.

Let us not forget that it is a colossal supply of money, which for certain parts of the leading classes of North, escape to the companies from North!

Europe considers important, “at ends of development, to study the opportunities offered by new technologies (refillable credit cards, mobile telephony...) to facilitate the transfers of money and to encourage the opening in the countries of origin, to the market of the transfers of funds by supporting the signature of cooperation agreements between banks”.

Thus, while taking into account the transfers of migrants, one succeeds to transform them into messengers of the neo-liberalism.

And it does not matter to the European Union that Africa is composed of sovereign countries, one of which is Mali. Far is the right of the people on their natural resources. This sovereignty must disappear with the profit from the trans-national companies and the countries from the North, which impose their liberal regulation, their democracy, their economic system. This economic model de-structures international social relationships, political relationships between people; it destroys the international law, mainly the right of the people to self-determination and tries to erase, by all the means, the right of the people on their natural resources.

The relation of the dominant and the dominated is thus consolidated whereas it would have to be thought regarding a transformation into acts of the situations where both dominated and dominant have to lose perpetuation of the orders and disorders existing.

One of the first transformations rests on the refusal to see confiscated by powerful people the « universalism”, the democracy and its values, the responsibility and over all the fundamental human rights, like the right to the development, the right of the people, the right to resist....

Today, the domination exerted on the “weak ones” lights in connection with the fundamental articulation between on the one hand, the right to the rebellion in front of a social system, policy and economic which plunges the world in the disorder and on the other hand, a colonization of a new type. Thus it required there creation, release, refusal of a historical determinism which is traced, each time, in front of colonized from yesterday and “globalized” from today, obliged to subject himself to the requirements

of the market, to the determinism imposed by the laws of the market and the dominant ones. Laws be it French or European, for perverse that they are, do not attack the questions of structural order related to the migration, but not more than all those of the other countries which think of regulating the problem of the migration by repressing liberties.

The governments from the countries of North should stop forgetting that in fact the countries of the South help them. Thus, according to the report of the United Nations World Economic and Social Survey, in 2005, the net transfers of capital from South to North rose to 354 billion dollars. The refund of the debt represents a puncture of more than 300 billion dollars, each year, on the budgets of these countries. Moreover, the rich countries – such as France- required, in the name of the over-indebtedness, the opening to the trade and to the foreign assets, which generated the impoverishment of the countries of the South, the exhaustion of their natural resources and the massive escape of the capital.

Policies followed by the international financial institutions and WTO are in direct contradiction with the right of self-determination, with their right to freely use their natural resources and their right to choose their own political system. If we want to make precede the basic rights, immigration must be thought in term of construction articulated around the concept of sharing, of solidarity, and the Co-development and the concerns concerning all the humanity, that it is in the South or North, namely the distribution of wealth, the environmental risks, the terrorism and of the weapons of mass destruction and the alternative between war or dialogue of civilizations.

Humanity needs peace, co-operation and collective intelligence to face these challenges. Consequently, it is imperative, in a context of generalized globalization, to find the means of setting up a policy of improvement, of the reinforcement and the respect of the framework of protection of human rights which guarantee equal treatment as well as same legal conditions for all.

It is also necessary, in term of development and of co-operation, to deconstruct the discourse of dominant and especially the relation between the dominating and dominated, because today the migrants are at the same time actors and recipients of the social transformation and the global transformation, both in their host country as well as in their countries of origin. Let us not forget that the young people in search of passage to the European countries are brothers of the children driven out from the French schools because their parents are in irregular situation, brothers of the women and men demanding regularisation and decent housing, brothers of the populations weakened by the years of blind, unworthy policies and undignified public and individual freedoms. They must face the violence of the neo-liberal policies and the will of the Northern countries to reduce whole populations to their labour force in their denial of the individual rights of the person.

# Iraq's Displaced: Where to Turn?

By

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## Introduction

Refugees and IDPs are hardly a new phenomenon for Iraq. Under Saddam Hussein's long and brutal rule forced displacement was a deliberate state policy.<sup>1</sup> The government used expulsions as a tool to subdue recalcitrant populations and punish political opponents, mainly the Kurds and the Shi'as. Expulsions were also used to take over fertile and oil-rich land. From the Kirkuk region, Saddam Hussein uprooted more than 100,000 Kurds and also members of the smaller Turkmen and Assyrian (Christian) minorities in an effort to 'Arabize' the area. In all, when the United States invaded in 2003 close to one million people were internally displaced in Iraq. Another one to two million Iraqis lived abroad.

The U.S. invasion and the toppling of Saddam Hussein, far from resolving the problem made it worse. It catapulted the country into a near civil war between Shi'a, who had largely been excluded by Saddam Hussein's regime, and Sunnis who until then had dominated the government. The combination of intense and bloody sectarian violence, coalition military action, fighting among Shi'a militias and between the government and the Mahdi army, and generalized violence and criminality caused massive uprooting. In 2007, some 60,000 Iraqis were reported to be fleeing their homes each month.<sup>2</sup> New displacement diminished sharply in 2008 as overall security improved in Iraq. But together with those who had been displaced earlier, some fifteen to twenty percent of the Iraqi population—or 4.7 million people out of a total population of 27 million—remained

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displaced. Of this total, 2.7 million (ten percent of Iraq's population) are inside the country while some 2 million more are abroad, mostly in neighboring countries.<sup>3</sup>

Today's displaced Iraqis are not viewed as sympathetically around the world as those persecuted and uprooted by Saddam Hussein. One reason is that they are seen as a problem largely of the United States' making and one that the United States should therefore "fix." America's failure to establish security in the country after its invasion or to prepare effectively for the country's reconstruction is considered a major reason for the chaos and violence that caused the mass displacement. As a result, many donor governments have been reluctant to fully share the burden of Iraq's displaced, believing the United States should foot most of the bill together with the government of Iraq.<sup>4</sup>

The Iraqi government's attitude toward its displaced population has contributed to this international unwillingness to extend needed support. Even though Iraq's budget surplus from oil revenues is projected to be \$79 billion by the end of 2008, the Shi'a-dominated government of Nuri Kamal al-Maliki has delivered only minimal amounts of funding to neighboring states for the refugees.<sup>5</sup> Some believe it is because many of the refugees are Sunni and Christian or because the refugees humiliated the government by departing. Nor has the government been forthcoming with support for its internally displaced population, again dampening other countries' willingness to contribute.

The U.S. government's fear of terrorism after September 11 has also cast a shadow of suspicion over Iraq's displaced. Alarm bells are constantly raised that some Iraqi refugees could be associated with terror cells and others could become potential terrorists if they remain displaced for long periods without assistance.<sup>6</sup> Although UNHCR has identified up to 100,000 vulnerable Iraqis for resettlement, they are subjected to such intense screening in the U.S. that resettlement has been excruciatingly slow and the number admitted small—some 12,000 who fled since 2003, with most admitted in 2008.<sup>7</sup> By contrast, the victims of Saddam Hussein fared much better in gaining admission; roughly 37,000 Iraqi refugees fleeing that regime resettled in the United States.<sup>8</sup>

Neighboring states, which to their credit have taken in up to two million Iraqis, also share fears that the refugees could bring their homegrown ethnic and religious struggles to their countries of asylum. In November 2005, three Iraqi nationals recruited by al-Qaeda entered Jordan and blew themselves up at Amman hotels killing sixty people.<sup>9</sup> Although this violent incident did not involve the "refugees" *per se*, Jordan subsequently began barring entry of Iraqi men from the ages of eighteen to thirty-five.<sup>10</sup>

The Palestinian refugee problem has further affected how Iraqi refugees are viewed and at times has undermined a willingness to help them. For sixty years, Arab countries have borne the brunt of the Palestinian refugee crisis and are therefore mindful of the consequences of accepting large numbers of refugees for long periods. Although both Jordan and Syria

have been widely commended for admitting large numbers of Iraqis, both countries in 2006-7 began restricting their entry.<sup>11</sup>

Particularly unacceptable to them has been the entry of Iraqi Palestinians. Jordan, already seventy percent Palestinian because of the Palestinian influxes of 1948 and 1967, has refused entry to Iraqi Palestinians, while Syria since 2006 has sought to bar their entry as well.<sup>12</sup>

Taking into account the unique situation in which Iraq's refugees and IDPs find themselves, this article examines the problems facing the displaced, the different solutions being proposed and possible ways forward.

### **The Refugee Crisis**

The flight across borders of some two million Iraqis, especially in 2006-07 is the largest in the Middle East since the Palestinian exodus. It is estimated that there are about 1 million Iraqi refugees in Syria, 500,000 to 700,000 in Jordan and more than 400,000 in other neighboring countries.<sup>13</sup>

Yet neither Syria nor Jordan is party to the 1951 Convention Relating to the Status of Refugees. While both initially welcomed the refugees, their non-recognition of the Refugee Convention is now putting many of these same people in jeopardy. In Syria, the refugees are considered tourists or guests and are not officially allowed to work. Although some specialized professionals, such as teachers and doctors, have been issued work permits, many work illegally or are unemployed as a result of Syrian policies.<sup>14</sup> In Jordan, the refugees are treated as guests or sometimes as illegal immigrants and most have been denied the right to work.<sup>15</sup> Only one-fifth of school-age refugee children were in public schools and their access to health care was also limited.<sup>16</sup>

While Iraqi refugees have provided some benefits to their host countries, rising inflation and deteriorating economic conditions have provided fertile ground for economic resentments. It is unlikely therefore that Jordan or Syria will accommodate a long-term presence of Iraqis. Neither country has developed a plan to integrate the refugees. This makes return to Iraq the only serious option, even though most do not want to return<sup>17</sup> and the likelihood of their finding resettlement in the industrialized countries is small.<sup>18</sup> Of the tens of thousands who have returned since mid-2007, many cannot reclaim their homes for security reasons or because they find them damaged beyond repair. Nor can they easily find jobs or basic services. Iraqi government authorities have acknowledged that they do not have sufficient capacity for handling returning refugees and UNHCR has not revised its request to Jordan and Syria not to forcibly deport refugees back to Iraq.<sup>19</sup> Among the groups unlikely to return are religious minorities, in particular Christians (representing some 15-20 percent of the registered refugees) who have been persecuted.

## Terrorists or Victims?

Frequently, fears are expressed that without adequate assistance the refugees in Syria and Jordan could become a source of terrorism and violence, destabilizing an already volatile Middle East.<sup>20</sup> Humanitarian advocates regularly bolster their arguments for providing aid to the refugees by pointing out the security consequences of not providing aid.

However, it bears emphasizing that most refugees in Syria and Jordan have been the *victims* of violence and threats, not the perpetrators.<sup>21</sup> Further, it is not clear that those who had radical ties in Iraq will remain part of those organizations once out of the country. What might have been essential for survival in Iraq need not be continued in Jordan or Syria, so the argument that the refugees are potential security risks to their host countries must be carefully weighed against other factors:

- The refugees are not in camps, but dispersed in urban areas, mixed in with the general population where it would be far more difficult to militarize and manipulate their members.
- The police apparatus in Syria is tremendously controlling and in Jordan, King Abdullah II has publicly warned that, “we will never allow Jordan to become a staging ground for initiating problems within Iraq.”<sup>22</sup>
- The profile of the refugees is markedly different from that of refugee populations where violence and jihad became a serious issue. The *mujahadeen* from Afghanistan and the Hutu *genocidaires* from Rwanda, often cited as precedents, were imbued with the desire to overthrow or undermine the governments left behind (e.g., the Soviet dominated regime in Kabul and the Tutsi dominated government in Kigali).<sup>23</sup> The Iraqi refugees, by contrast, are mostly middle class and urban professionals who fled sectarian and generalized violence.<sup>24</sup> They do not fit the profile of people seeking to overthrow their government. In fact the profile of the refugees points more to a serious brain drain than an insurgent threat. Since 2003, 40 percent of Iraq's professional class, including 50 percent of its 34,000 medical doctors, left the country.<sup>25</sup>

## The U.S. Role

Many have looked to the United States to play the principal role in resolving the Iraq refugee problem. However, the Bush Administration refused to acknowledge any special responsibility in this case or any urgency about expediting refugee resettlement. In the view of former U.S. Ambassador to the U.N. John Bolton, sectarian violence, not American actions, created the refugee problem so it was therefore not the United States' responsibility: “I don't think we have an obligation to compensate for the hardships of war.”<sup>26</sup>

However, pressure from members of Congress, NGOs and the public produced pledges by the Administration to speed up resettlement. Although in fiscal year (FY) 2006 (October 1, 2005 to September 30, 2006), 202 Iraqis were admitted, and in FY 2007 (October 1, 2006 to September 30, 2007), 1,608, in FY 2008 (October 1, 2007 to September 30, 2008) the United States admitted 12,000 Iraqis, largely in response to the adoption by Congress of the "Refugee Crisis in Iraq Act," which seeks to expedite the entry into the U.S. of Iraqi refugees.<sup>27</sup>

The resources made available have also been limited. In FY 2006, the U.S. contributed \$43 million for Iraqi refugees and IDPs, increasing this to \$171 million in FY 2007, while the needs in Jordan and Syria were estimated at more than \$2.6 billion.<sup>28</sup> After pressure from Congress and NGOs, the U.S. increased its share of UNHCR's January 2008 appeal (for \$261 million) to \$95.4 million and added to its contributions to other international organizations, making for an overall total of \$208 million by April 2008.<sup>29</sup> But this starkly contrasted with the \$70 billion the U.S. appropriated for the military effort in Iraq in FY2008 and led members of Congress to call for more than \$1 billion for Iraq's refugees and IDPs in FY2009.<sup>30</sup>

At present, the United States can best help promote a solution to Iraq's displacement crisis by taking the following steps:

- Insist that the government of Iraq devote the resources and develop the plans for the safe and sustainable returns of the bulk of the refugees, and provide the training and guidance for it to do so. Although the government of Iraq has set aside funds to give free transportation and start-up money to returning families, there appears to be no long-term planning or capacity to support those returning. Yet some face threats and violence upon return, encounter problems in gaining access to basic services, and have to struggle to revive their livelihoods.<sup>31</sup>
- Press the government of Iraq to adequately compensate neighboring states for sheltering Iraqi refugees beyond the \$25 million given in 2008.
- Mobilize U.S. and international resources to ensure that Jordan, Syria, and other neighboring states receive adequate assistance.
- Press Saudi Arabia, Kuwait, and the other Gulf States to admit refugees and to provide financial aid to Jordan and Syria.
- Work with Syria and Jordan to develop plans for the integration of those who cannot, or choose not to, return home.
- Take in greater numbers of refugees to the U.S., ensure their resettlement support is adequate<sup>32</sup> and urge other states to increase the numbers they admit.

## The IDP Problem

The 2.7 million people internally displaced in Iraq serve as a constant reminder that the country, in some respects, is a dysfunctional state. The Iraqi government proved unable to prevent forced displacement in Baghdad, its own capital, as well as in other urban centers. In fact, radical Sunni and Shi'a militias who drove the 2006-07 sectarian violence were tied to political parties, police and army units. The Ministry of the Interior is still widely reported to have been infiltrated by Shi'a militias, who expelled people from their homes, sometimes in police uniforms.<sup>33</sup> In such a political environment, it is not surprising that the government has failed to exhibit the will, resources or skills to deal with the needs of IDPs. In the Ministry of Displacement and Migration, it is not unusual to find staff that sees the displaced only from the perspective of their own ethnic or religious group.

More than 1.5 million of Iraq's IDPs were uprooted as a result of sectarian violence, mostly following the February 2006 bombing of the al-Aksari Shi'a shrine in Samarra.<sup>34</sup> Shi'a and Sunni militias systematically and purposefully began to intimidate, harass, kill and expel people of the opposite ethnicity from their neighborhoods in order to gain control over those areas and expand their power base. The result has been an Iraq increasingly fragmented along religious and ethnic lines, with segregated areas in Baghdad and other urban centers. Sunnis and Shi'a pushed from their homes have mostly gone to areas where their group is in the majority while Christians have fled to parts of Ninewah province and Kurds to the northern Kurdish areas.<sup>35</sup>

At least 40 percent of those who fled do not expect to return<sup>36</sup> since their displacement reflects deep-seated political divisions within the country. Indeed, the brutality used in uprooting them was intended to ensure that they would not return to their home areas. Many, in fact, sold their homes or abandoned their property when they fled, indicating that they do not plan to return. The more prolonged the displacement becomes, the less likely substantial returns will occur.

Sizeable numbers of minority groups—Kurds, Christians, Sabeans, Turkmen, and Roma—as well as foreign nationals—Palestinians and Sudanese—are among those displaced. From Kirkuk and its surrounding areas, which contain 10-20 percent of Iraq's oil reserves) some 100,000 Kurds as well as Turkmen and Assyrians had been expelled by Saddam Hussein. Since 2003, displaced Kurds have returned to the region while some 100,000 Arabs have fled or were pushed out by the Pesh Merga. Meanwhile, Kirkuk's Turkmen look to Turkey to protect their interests there. Because of the intensity of competing claims, Kirkuk has become a tinderbox of potential conflict and displacement.<sup>37</sup>

Most of Iraq's internally displaced persons, whether in the north, center or south, face extreme hardship with urgent needs for shelter, food, medicine, clean water, employment and basic security. The decrease in sectarian violence since the summer of 2007 has reduced displacement but

has not significantly improved conditions for the displaced.<sup>38</sup> In fact, in August 2008, the International Organization for Migration (IOM) reported a “worsening” in the situation, estimating that more than 70 percent of IDPs do not have regular access to food rations from the Public Distribution System; 14 percent have no access to health care; 33 percent cannot obtain the medications they need; and 31 percent have found their property occupied by others.<sup>39</sup> While the vast majority of IDPs stay with families and friends or rent homes, their situation has become precarious as rents increase, jobs grow scarce, and their hosts begin to run out of resources. At least 20 percent of the displaced can now be found in abandoned buildings, military bases, schools, parks, cemeteries, and soccer fields. One to two percent are in tented camps, which tend to be in remote areas.<sup>40</sup> Although most of Iraq's eighteen governorates set up camp areas for IDPs, by the beginning of 2008 they began to restrict the number coming into their areas. According to an UNHCR official, the displaced have been “left largely to fend for themselves.”<sup>41</sup>

### **National and International Response**

Thus far, the national government has not demonstrated that it has the skills, resources, or political will to take care of its displaced population or provide the security, access to basic services, and livelihoods needed for the return of large numbers to their homes.

Local authorities, neighborhoods and mosques have sometimes proven more effective in aid distribution although they can also be ‘partisan’ and do not usually provide housing and jobs. Assisting these efforts at the community level have been local NGOs, like the Iraqi Red Crescent, which have provided assistance to large numbers of IDPs, but most have limited capacity.

Filling the void left by the government have been radical sectarian Sunni and Shi'a groups (the largest being the movement affiliated with Moqtada al-Sadr). Indeed, a study found that, increasingly, “Iraqis are looking to militias and ad hoc neighborhood organizations as their option of first resort when seeking protection and assistance.”<sup>42</sup>

In July 2008, the government introduced, in collaboration with the UN, a National Policy to Address Displacement.<sup>43</sup> It commits the government to assist and protect IDPs, as well as refugees who return, without discrimination and promises to mobilize the resources to improve the national response. It promises to improve the access of the displaced to basic services, help them find employment, protect them from evictions and violence, assist them reclaim their property and encourage reconciliation. Much of the policy, however, is in the form of recommendations that will need to be carried out. While it marks an important first step toward addressing displacement, the capacity and will of the government to implement its provisions, needs to be demonstrated.

The international community has also been slow to recognize the humanitarian and security crisis inside Iraq. For years, the U.S. assumed that the domestic situation would stabilize and that IDPs would return home. As a result, billions of dollars in international aid focused on recovery and development programs that couldn't be implemented because of the violence. More recently, a reassessment of donor priorities and U.N. programs has begun to take place.

Greater international humanitarian presence is one of the priorities. Unlike in most other crises, international humanitarian organizations do not operate directly on the ground in Iraq except in parts of the north. Since the 2003 bombing of U.N. headquarters, most organizations moved their international staff out of Baghdad to Amman where they have operated by "remote management."<sup>44</sup> In August 2007, the U.N. Security Council voted to expand the U.N.'s mandate and presence in the country, and the U.N. Assistance Mission for Iraq is expected to work with the government in support of the delivery of humanitarian aid and to promote the safe and voluntary return of IDPs and refugees.<sup>45</sup>

The extent, however, to which the U.N. will be able to increase its humanitarian presence throughout Iraq is not yet known. The decrease in violence since the summer of 2007 has not ended security threats against humanitarian staff, especially U.N. staff, often perceived as being allied with coalition forces. Iraq remains "one of the most dangerous places in the world for humanitarian agencies to work."<sup>46</sup> Between March 2003 and late 2006, some 81 local and international humanitarian and human rights workers were killed there.<sup>47</sup> At the same time, international agencies have begun to expand their staff on the ground.<sup>48</sup>

## Proposed Solutions

Several solutions have been proposed to help Iraq deal with the IDP problem.

**Camps or Safe Havens.** A solution put forward during the height of the sectarian violence was the creation of IDP camps or safe havens to enhance access to the displaced, take the strain off host families and contain refugee flows.<sup>49</sup> But many compelling reasons dictated against setting up camps. In today's Iraq, they could easily be taken over by one ethnic group or another and become targets of sectarian attack. They could be an easy source of recruitment for militias. And they also could become detention centers surrounded by troops or police that are hard to trust given their association with opposing militias. Iraqis, moreover, strongly prefer to stay with extended families and friends. The Representative of the U.N. Secretary-General on the Human Rights of IDPs, Walter Kälin, has therefore called for camps to be used in Iraq as "a last resort."<sup>50</sup> He has recommended alternative measures such as providing resources to families to allow them to construct additional rooms in their homes for the displaced

or supporting communities to enable them to build housing for the displaced and expand public services for them.

Special safe areas for Iraqi Christians have also been proposed. However, many of the attacks against them have taken place within the area where Christians predominantly live (Ninveh province) and to where they fled to escape attacks in other parts of the country.<sup>51</sup> Clearly needed instead is responsible governmental protection of minorities.

**Population Transfers.** Another solution put forward at the height of the violence was organized population transfers so that Sunni, Shi'a and Kurds, with the help of the international community, could relocate, albeit voluntarily, to areas of the country where their ethnic group was in the majority.<sup>52</sup> Not surprisingly, this solution proved distasteful to many because it was intended to accompany "a soft partition" of the country into Kurdish, Shi'a and Sunni areas and would put the international community into the position of facilitating ethnic cleansing and promoting mass displacement.

Although historically, population transfers were viewed positively, they came with "tremendous costs."<sup>53</sup> Millions of people in Europe after the two world wars and on the Indian subcontinent were uprooted and became "dispossessed, and sent penniless and homeless on what, for many, were death marches."<sup>54</sup> Although billed as voluntary, they were not in fact because "[t]here was no individual buy-in, or consent, to the exchanges, and little in the way of compensation or restitution of property."<sup>55</sup>

Advocates of the idea have nonetheless argued that population transfers might be the only way to protect Iraqis from sectarian violence; if they asked to be relocated for protection, they should be helped.<sup>56</sup> Others have countered that population transfers overlook the right of IDPs to return to their homes.<sup>57</sup>

In deciding the future status of Kirkuk, however, it is reported that population transfers could become a part of the solution.<sup>58</sup> The liabilities of the approach should therefore be carefully studied so that steps will be taken to mitigate the effects.

**Property and Compensation Mechanisms.** To encourage the return of IDPs and refugees to their homes as well as enhance their ability to resettle elsewhere, it is crucial that effective property restitution or compensation mechanisms be established for those forced from their homes since 2003.

For Iraqis who lost their land and property as a result of the policies of Saddam Hussein, mechanisms were created.<sup>59</sup> These procedures need to be extended to those more recently displaced and improvements made in how they work. The processing of claims for the victims of Saddam Hussein has taken far too long. By the end of 2007, the Commission for the Resolution of Real Property Disputes was able to decide only one-fourth of the claims submitted (some 37,000 out of 135,000).<sup>60</sup> There was also a low rate of enforcement. Other problems arose as well—people with informal or collective land claims (such as the Marsh Arabs) found little or no help in

retrieving property; there was little legal clarity over whether *damages* to property were covered; and the requirement of formal documentation to prove ownership excluded too many claims, pointing to the need for more flexible interpretations and applications of the law.<sup>61</sup>

Property specialists recommend that the Iraqi authorities announce that the appropriation and destruction of property since 2003 will be reversed through the use of legal remedies. Iraq, they say, should stand behind the provisions in its Civil Code, which specify that “true title does not pass with property acquired unlawfully; that transfers of property made under duress are invalid; and that those wrongfully dispossessed are entitled to the return of their property as well as compensation.”<sup>62</sup> Some warn that the absence of a meaningful process of restitution in which hundreds of thousands are dispossessed could threaten long-term national and regional stability.

International organizations should be tapped to help set up such mechanisms in Iraq, as called for in the National Policy on Displacement. The international community's long experience with property claims in the Balkans and other areas, and the lack of capacity and frequent politicizing of state institutions in Iraq, make this essential.

**A Viable Political System.** The way Iraq evolves politically will heavily affect how displacement is addressed. The U.S. has by and large supported a unitary state as the best way of preventing Iraq from falling into chaos. The development of a “loose federalism,” it is argued, would be an effective means of preserving a unified Iraq.<sup>63</sup> Others, however, have argued in favor of partition. The existence of an autonomous Kurdish north, a Shi'a region in the south, a Sunni enclave in the center and west, with a weak national government in Baghdad would be “a better outcome than a Sunni-Shiite civil war.”<sup>64</sup> The different groups would work out the borders of the three areas, the sharing of oil revenues, and the division of Baghdad. Opponents of partition, however, consider the reality on the ground more complex. Local militia leaders and sheiks have begun to control areas with shifting boundaries in which “Shi'a are often at odds with other Shi'a and Sunni at odds with other Sunni.”<sup>65</sup> Any move to partition the country, these experts contend, will not only have little bearing on what now exists but will meet with substantial resistance.

As of this writing, the Shi'a dominated al-Maliki government has been consolidating its strength over the center and south of the country. But whatever political system emerges, it should be in the interest of both the central and local authorities to initiate and carry forward programs to address the needs of internally displaced populations. Reintegrating IDPs is not only a humanitarian imperative but a strategic one. Large masses of people without the basic necessities of life are a threat to national as well as local security.

**Implementation of the National Policy to Address Displacement.** As noted above, the policy sets forth the rights of the

displaced and the government's obligations toward these populations. To promote its implementation, it should be reinforced by:

- A comprehensive database to provide information about the needs of the displaced in all governorates, updated by regular countrywide assessments.
- The setting up of consultation mechanisms to achieve a close working relationship with IDPs, local communities and NGOs.
- The active involvement and coordination of all relevant central and local government offices (e.g., displacement and migration, housing, health, education, finance, human rights and the judicial system) in implementing the policy.
- The assignment to government offices of sufficient trained staff to carry out the policy.
- The training of police and military to protect displaced persons and humanitarian staff and to hold accountable those involved in sectarian violence, forced displacement, the destruction of houses, the expropriation of land, and attacks on aid workers and their supplies.
- The allocation of adequate resources, in particular a fixed percentage of oil revenues, to address the needs of the displaced. A substantial portion should be given directly to displaced families, with resources also assigned to governorates, local communities and families hosting the displaced. Local NGOs should be apportioned funds as well to build up their capacity in helping IDPs.
- The setting up, in collaboration with the U.N., of property restitution and compensation mechanisms for those uprooted since 2003, with special attention paid to Kirkuk where property claims are becoming explosive and where mechanisms instituted now could prevent violence and more displacement later on. In addition, there should be more rigorous application of existing compensation laws applicable to claims prior to 2003.
- Evaluations of conditions for return throughout the country, and the setting up of special programs to help with return or resettlement once conditions are deemed safe and sustainable.

## Conclusion

Absent a political accommodation among Shi'a, Sunnis and Kurds, the return and reintegration of most of Iraq's displaced will be difficult to achieve. Although some steps have been taken on the political front, progress has been limited on the major issues—the sharing of oil revenues; the development of an effective national police able to deal with sectarian and tribal violence (there appears to be progress with respect to the army); the disbanding of local militias; the implementation of a more decentralized

form of government; and a decision on the future status of Kirkuk. Without movement on these issues, large scale violence could potentially resume in different parts of the country with substantial deaths and the increased displacement of people.

One clear test of whether Iraq will emerge as a functioning state is, how it addresses the needs of the more than four million persons displaced inside the country and throughout the region. Government action too often has been marred by sectarian preferences, a lack of urgency, and incompetence. The International Medical Corps has called for a “civilian surge” to develop the technical capacity and efficiency of the Iraqi government to deal with the humanitarian emergency.<sup>66</sup> The government’s new National Policy to Address Displacement constitutes an important framework for addressing the needs of the displaced but it will require a great deal of national and international effort to implement its provisions, reinforced by greater portions of Iraq’s growing oil revenues. To date, the government has set aside only meager amounts of its \$70 billion budget for 2008 for refugees and IDPs. Unless it is willing to tackle the humanitarian crisis inside the country and the refugee crisis and brain drain that it has caused, Iraq will not be able to work out effective responses to the larger issues of its internal stability and political future.

The United States must fully acknowledge the special obligation it has toward Iraq’s displaced, since its actions have spawned the overall crisis in Iraq. Assuming this responsibility will mean working with the government of Iraq to support its development of programs for the safe and sustainable returns of most refugees and IDPs. It will also mean sharp increases in its own financial support for refugees and IDPs as well as a willingness to bring into the United States larger numbers of Iraqis and to mobilize a more generous international response. America will also have to pay greater attention to how security will be provided for civilians once the United States draws down its troop levels. It remains unclear how effectively Iraqi national police and army will be able to provide security for IDPs and returning refugees and contain radical militias should they resume propagating sectarian violence. This makes the option of an international or regional police force worth considering.

U.N. envoy Sergio Vieira de Mello, while dying in the rubble of the Canal Hotel bombing in 2003, urged that the United Nations not leave Iraq. It is time for the world community to heed his appeal and play a more engaged role in the reconstruction and development of Iraq, the return and reintegration of its displaced populations and its movement toward a more politically sound future.

## Notes

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<sup>1</sup> See JOHN FAWCETT AND VICTOR TANNER, BROOKINGS INST., *THE INTERNALLY DISPLACED PEOPLE OF IRAQ 1* (2002), available at [http://www.brookings.edu/papers/2002/10/iraq\\_fawcett.aspx](http://www.brookings.edu/papers/2002/10/iraq_fawcett.aspx).

<sup>2</sup> Andrew Harper, *Where to Now? Decreasing Options for Displaced Iraqis*, MIGRATION INFORMATION SOURCE, Sept. 2007,

<http://www.migrationinformation.org/Feature/display.cfm?id=644>.

<sup>3</sup> See *IOM Emergency Needs Assessments*, IOM BI-WEEKLY REPORT, Mar. 15, 2008, at 1, available at

[http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/LS-GZ-7J4BDV-full\\_report.pdf/\\$File/full\\_report.PDF](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/LS-GZ-7J4BDV-full_report.pdf/$File/full_report.PDF); Statistics on Displaced Iraqis Around the World, U.N. High Commissioner for Refugees, Sept. 2007, available at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=470387fc2>;

and Kenneth H. Bacon & Kristele Younes, *Outside and Inside Iraq's Border, a Forgotten Exodus*, WASH. POST, Jan. 20, 2008.

<sup>4</sup> Sweden has been an exception and plans to take in more than 25,000. See KELLY O'DONNELL & KATHLEEN NEWLAND, MIGRATION POLICY INST., *THE IRAQI REFUGEE CRISIS: THE NEED FOR ACTION 22* (2008), available at

[http://www.migrationpolicy.org/pubs/MPI-The\\_Iraqi\\_Refugee\\_Crisis\\_The\\_Need\\_for\\_Action\\_011808.pdf](http://www.migrationpolicy.org/pubs/MPI-The_Iraqi_Refugee_Crisis_The_Need_for_Action_011808.pdf).

<sup>5</sup> Walter Pincus, *Iraq's Slow Refugee Funding has Ripple Effect*, WASH. POST, May 17, 2008, at A12.

<sup>6</sup> See DANIEL L. BYMAN & KENNETH M. POLLACK, BROOKINGS INST., ANALYSIS PAPER NO 11: THINGS FALL APART: CONTAINING THE SPILLOVER FROM AN IRAQI CIVIL WAR 5 (2007), available at

[http://www.brookings.edu/~media/Files/rc/papers/2007/01iraq\\_byman.pdf](http://www.brookings.edu/~media/Files/rc/papers/2007/01iraq_byman.pdf).

<sup>7</sup> Walter Pincus, *U.S. to Admit 17,000 Iraqi Exiles*, WASH. POST, Sept. 14, 2008, at A12.

<sup>8</sup> Lawrence E. Bartlett, U.S. Dep't of State, Bureau of Population, Refugees, and Migration, Statement at Georgetown University Panel Discussion on Iraq: The Human Cost of War (Mar. 21, 2007).

<sup>9</sup> Nir Rosen, *Iraq's Jordanian Jihadis*, N.Y. TIMES, Feb. 19, 2006 (magazine), at 54.

<sup>10</sup> Thanassis Cambanis, *Exodus from Iraq Unsettles Mideast*, THE BOSTON GLOBE, Dec. 3, 2006, at A1.

<sup>11</sup> See *id.*; and PATRICIA WEISS FAGEN, IRAQI REFUGEES: SEEKING STABILITY IN SYRIA AND JORDAN 21 (2007), available at

<http://isim.georgetown.edu/Publications/atPubs/Iraqi%20Refugees.pdf>.

<sup>12</sup> See Eric Londoño, *Iceland Takes Palestinians Leaving Iraq*, WASH. POST, Sept. 9, 2008, at A15 and ASHRAF AL-KHALIDI, SOPHIA HOFFMANN & VICTOR TANNER, BROOKINGS INST., IRAQI REFUGEES IN THE SYRIAN ARAB REPUBLIC: A FIELD-BASED SNAPSHOT 14-15 (2007), available at

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<sup>13</sup> See Bacon & Younes, *supra* note 2.

<sup>14</sup> See O'DONNELL & NEWLAND, *supra* note 4, at 13.

<sup>15</sup> See O'DONNELL & NEWLAND, *supra* note 4, at 15.

<sup>16</sup> See Presbyterian Church in Canada, *Iraq: Assistance Needed for Internally Displaced People and Refugees*, PWS&D NEWSWIRE, Jan. 23, 2008,

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<sup>17</sup> See *Iraq: UNHCR Concerned About Funding for Refugees, IDPs*, IRIN, Apr. 30, 2008, <http://www.irinnews.org/report.aspx?ReportID=77990>.

- <sup>18</sup> See O'DONNELL & NEWLAND, *supra* note 4, at 22-23.
- <sup>19</sup> See Abed Al-Samad Rahman Sultan, *An Unenviable Task*, FORCED MIGRATION REV., June 2007, at 16; *Iraq: Parliament Committee Demands Fixed Budget to Aid the Displaced*, IRIN, Feb. 10, 2008, <http://www.irinnews.org/report.aspx?ReportId=76662>; *Iraq: More Government Money for IDP's, Refugees*, IRIN, Feb. 14, 2008, <http://www.irinnews.org/report.aspx?ReportId=76734>.
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- <sup>25</sup> See Elizabeth Ferris, Address: Iraq's Displacement Crisis and International Response (Dec. 6, 2007), available at [http://www.brookings.edu/speeches/2007/1206\\_iraq\\_ferris.aspx?p=1](http://www.brookings.edu/speeches/2007/1206_iraq_ferris.aspx?p=1); see also Elizabeth Ferris, Address: Humanitarian Issues and Politics in Iraq (Feb. 14, 2007), available at [http://www.brookings.edu/speeches/2007/0214humanrights\\_ferris.aspx](http://www.brookings.edu/speeches/2007/0214humanrights_ferris.aspx); News Release, World Health Organization, Violence Threatens Health in Iraq (Apr. 17, 2007), available at <http://www.who.int/mediacentre/news/releases/2007/pr15/en/index.html>.
- <sup>26</sup> Nir Rosen, *The Flight from Iraq*, N.Y. TIMES, May 13, 2007, at 74, 78.
- <sup>27</sup> See O'Donnell & Newland, *supra* note 4, at 2, 19-20.
- <sup>28</sup> See Fact Sheet, U.S. Dep't of State, Office of the Spokesman, U.S. Humanitarian Assistance for Refugees and Internally Displaced Iraqis (Apr.15, 2008), <http://www.state.gov/t/pa/prs/ps/2008/apr/103623.htm>; *supra* note 14; Bacon & Younes, *supra* note 2; see also *US Contributes More Than \$125 Million to International Organizations to Aid Displaced Iraqis*, STATES NEWS SERVICE, Feb. 14, 2008.
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<sup>38</sup> See IRAQ DISPLACEMENT 2007 YEAR IN REVIEW, *supra* note 36, at 4; THE INTERNALLY DISPLACED PEOPLE IN IRAQ, IRAQI RED CRESCENT ORGANIZATION UPDATE 28 3 (2007), available at [http://www.iraqredcrescent.org/IDP\\_28\\_update\\_EN.pdf](http://www.iraqredcrescent.org/IDP_28_update_EN.pdf).

<sup>39</sup> See IRAQ DISPLACEMENT 2007 YEAR IN REVIEW, *supra* note 36, at 6; see also IOM Press Release, *supra* note 31.

<sup>40</sup> See Andrew Harper, *Iraq: Growing Needs Amid Continuing Displacement*, FORCED MIGRATION REV., Dec. 2007, at 51-52.

<sup>41</sup> See *id.* at 53.

<sup>42</sup> GREG HANSEN, FEINSTEIN INT'L CENTER, COMING TO TERMS WITH THE HUMANITARIAN IMPERATIVE IN IRAQ 8 (2007), available at [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/A070E41CF0D611D1C1257292005AB87F/\\$file/pdf\\_HA2015\\_Iraq\\_Briefing\\_Paper.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/A070E41CF0D611D1C1257292005AB87F/$file/pdf_HA2015_Iraq_Briefing_Paper.pdf); see also KRISTELE YOUNES & NIR ROSEN, REFUGEES INTERNATIONAL, UPROOTED AND UNSTABLE: MEETING URGENT HUMANITARIAN NEEDS IN IRAQ, 3,6 (2008), <http://www.refugeesinternational.org/content/publication/detail/10570>.

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<sup>45</sup> See S.C. Res. 1770, U.N. Doc. S/RES/1770 (Aug. 10, 2007).

<sup>46</sup> IRAQ DISPLACEMENT 2007 YEAR IN REVIEW, *supra* note 36, at 6; see Press Release, Office for the Coordination of Humanitarian Affairs, UN Officials Call for Improved Security and Access to Reach Iraqis in Need (Apr. 4, 2008), available at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/LSGZ-7DDH6Y?OpenDocument>.

<sup>47</sup> See HANSEN, *supra* note 42, at 7.

<sup>48</sup> See Tim Cocks, *Foreign Aid Workers Start to Return Home*, REUTERS, July 31, 2008; Guterres Visits Iraq; Announces Strengthened UNHCR Presence, UNHCR, July 5, 2008, <http://www.unhcr.org/cgi-bin/texis/vtx/iraq?page=news&id=47b99cd54>; Press Release, United Nations Security Council, United Nations "Doing its Best" in Iraq in Midst of Painful National Transition (Apr. 28, 2008), available at <http://www.un.org/News/Press/docs/2008/sc9311.doc.htm>.

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<sup>50</sup> See Walter Kälin, *A Tragedy of Increasing Proportions: Internal Displacement in Iraq*, FORCED MIGRATION REV., June 2007, at 15.

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<sup>51</sup> Erica Goode & Suadad Al-Salhy, *A Spate of Violence in Mosul Forces Iraqi Christians to Flee Their Former Homes*, N.Y. TIMES, Oct. 11, 2008, at A10.

<sup>52</sup> See EDWARD P. JOSEPH & MICHAEL E. O'HANLON, BROOKINGS INST., THE CASE FOR SOFT PARTITION IN IRAQ 3 (2007), available at [http://www.brookings.edu/~/media/Files/rc/papers/2007/06iraq\\_joseph/06iraq\\_joseph.pdf](http://www.brookings.edu/~/media/Files/rc/papers/2007/06iraq_joseph/06iraq_joseph.pdf); and Chaim Kaufmann, *Separating Iraqis, Saving Iraq*, 85 FOREIGN AFF. 4, July/Aug. 2006, at 156-60.

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<sup>55</sup> Gaer, *supra* note 53.

<sup>56</sup> Samantha Power, *Beating Genocide in Iraq*, L.A. TIMES, Mar. 5, 2007, at A15.

<sup>57</sup> See RHODRI C. WILLIAMS, BROOKINGS INST., APPLYING THE LESSONS OF BOSNIA IN IRAQ: WHATEVER THE SOLUTION, PROPERTY RIGHTS SHOULD BE SECURED (2008), available at [http://www.brookings.edu/papers/2008/0108\\_iraq\\_williams.aspx](http://www.brookings.edu/papers/2008/0108_iraq_williams.aspx).

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<sup>59</sup> See Peter Van der Auweraert, Presentation at U.S. Dep't of State Symposium on Post Conflict Restitution (Sept. 6-7, 2007), available at [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/48FF3C144E17CBBCC12573DB00500C96/\\$file/Property+Restitution+in+Iraq+-+Peter+Van+der+Auweraert.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/48FF3C144E17CBBCC12573DB00500C96/$file/Property+Restitution+in+Iraq+-+Peter+Van+der+Auweraert.pdf).

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<sup>61</sup> See *id.*; and Norbert Wuehler, Presentation at Conference on Internally Displaced Persons – An Ongoing Dialogue, The Amar International Charitable Foundation, London (Mar. 1-2, 2006).

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# Discussion Paper-I

## Internally Displaced People in Sri Lanka

For those who are wondering what ever happened to the people who lived in side the Vanni here is some information on where they are and how they live. This is not a status update but a presentation of the facts compiled from various sources. The names, places and sources of the information have been concealed in order to protect the identity of the people. The information contained in the article are factual. However, the data is as per the beginning of June and may have undergone changes without notice.

### Introduction

The Rajapakse government was determined to fight it out with the LTTE as soon as it came to power in November 2005. The Cease Fire Agreements that was signed in February 2002 was falling apart. Both parties to the agreement; the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) could not see eye to eye on the issues of peace after the third round of peace talks. The agreements reached in the peace talks mostly remained on paper. With the cease fire was in place there was a proxy war that was steadily progressing. It could be called as a shadow war as paramilitary groups on both the sides carried out random killings.

The onslaught of the Sri Lankan army started whole heartedly in January 2008 with the abrogation of the cease fire agreement. By now both the SLA and the LTTE had built their arsenals and were ready for war.

Starting from the Eastern parts of Sri Lanka the LTTE was slowly being flushed from the area. Once the Eastern part was cleared of the LTTE the GOSL set its eyes on the north, the LTTE stronghold. For over a year there has been intense fighting in the northern parts of Sri Lanka pushing the LTTE to the brink of defeat.

### Background

Kilinochchi, the capital of the LTTE, which was considered unwinnable fell to the army in early January 2009. With this hundreds of thousands of people retreated to the jungles. Reports from the media claim that the people moved alongside the LTTE in search of protection. There are other reports that claim that the LTTE held the people as hostages and used them as a protection cover against the army's attack.

The progressing army pushed the LTTE and the civilians to a small strip of land in the north eastern part of the country. At this point the army claimed that there were about 70,000 people in the LTTE controlled areas. Other unverifiable, but reliable sources said that there were about 300,000 people trapped.

There seemed to be a severe shortage of food, water and medicines. People had now walked for many days without food and were taking cover under the trees. The rains and the aerial bombs continue to pour down. There is still no exact account of how many were killed.

The army in the meantime announced a no fire zone. It was a safety passage that was given to the civilians to get out of the fighting. As soon as this was announced, contrary to the expectation of Government very few came out. Previously when the GOSL had provided a safe passage some people came out. They were kept in camps and were interrogated continuously and were denied freedom of movement. This was because almost all the civilians left in the Vanni were trained by the LTTE. The government wanted to arrest/interrogate those who were trained. Secondly, they had members of their family in the LTTE. They had been conscripted. So the army wanted to get the people who had any connection with the LTTE.

One side of the story is that people inside the Vanni heard about the news of the treatment of those who fled the war zone and refused to seek safety. They feared that the same treatment would be meted out to them. While the other side of the story is that the LTTE was holding the hostage by not letting them go. They were being used as human shields. Some people claimed that those who decided to leave were shot below the knee.

The fighting peaked with unthinkable amounts of destruction and death. Yet the people kept taking shelter under the LTTE. While the LTTE was campaigning for mass support all over the world, the Army was justifying its war on terror. Both the parties refused to give up the fight.

Some people who came from the area had reported that the LTTE would launch a rocket from behind the civilian lines and the Army would pound that area with aerial bombs. Then the appeals for peace continued.

While the army called for an unconditional laying down of arms, the LTTE called for a cease fire. But it seemed that they were determined to fight till the finish.

By now the army had breached the LTTE lines in a place called Puthukudirippu (translated as new colony or new settlement). This opened the human barrage. About 150000 people crossed over to the government controlled areas seeking safety. They were screened for membership of the LTTE. If found so they would be sent to prison. If the person is not found guilty they were left in the camps.

The number of people who had come out of the war zone proved the government wrong. The government was consistently saying that there were not more than 70,000 people left in the area. Double the number had

come out. At that point there were about 200,000 people who come out including those were in the hospital seeking treatment.

### The Current Situation

At the moment the people who fled the war zone are kept in three districts; Kalimoddai camp in Mannar district, Pulmoddai in Trincomalee District and the majority of them are in Vavuniya District. Though relief is distributed in all the camps Vavuniya is the scene of most of the action.

There are 22 camps in Vavuniya. 16 schools and 6 open areas with a total population of 2,57,760 people. The camps are divided into four zones; Anandakumaraswamy housing a total of 45758 people, plus a model village in the same zone called Kadirgramam housing 18,948 people, This was set up to look like a model village. Zone 2 is called Ramanathan with a population of 73,306. Zone 4 called Arunachalam consisting of 42,944 people and Zone 4 (yet to be named) has 40721 people. The total camp population 221717 this does not include people in the hospitals, detention centers and some of those who have left the camps to live with their relatives.

#### Age Wise Population<sup>1</sup>

No	Age Group	Male	Female	Total
1	0 to 6	1587	1651	3238
2	6 to 1	2984	3106	6900
3	1 to 3	5880	6119	11999
4	3 to 5	5187	5399	10586
5	5 to 10	14129	14703	28832
6	10- 18	22927	23863	46790
7	18-60	65533	68208	133741
8	60-65	3003	3215	6218
9	Above 65	4633	4823	9456
	<b>Total</b>	<b>125863</b>	<b>131087</b>	<b>257760</b>

### The Organization of the Camps

When the fighting gained momentum Vavuniya expected about 100,000 people. The available schools and a large forest area was cleared to prepare for the people. As people started to trickle in they were filling up the schools. All the class rooms were first occupied. Tents were later set up on the open grounds. The schools may have been chosen due to their facilities and existent fencing. There could be ten families living in a class room. The space for each family is not demarcated. They keep the little that they have

as their boundary and imagine it to be their place of safety. Since it gets too crowded in the night the men take shelter under the open sky. When it rains they have to find a spot to stand on the corridor of the school buildings. Some people are also given tents to stay in the school grounds.

In the camps that are located in the open space, people have been given tents to live. There are a variety of tents ranging from the Bedouin tents to the Round tents. The average size tents could be about 10x 10 sq ft. These camps are heavily guarded.

When the camps were set up, they had only a fence. But over the days and months two layers have been added to the fence. It is claimed that, people moved out of the camp using the thin fencing and hence a layered fencing was adopted.

There only one entry to the camp. At the entrance there is an army post. People who want to meet relatives have to give in a petition and wait. The relatives are located and called for to a meeting place. There is a barricade that separates people when they meet. Items that are given to the camp inmates are screened. Electronic gadgets such as radios, cd players and other communication equipment are strictly forbidden. Food items, clothes and a few other items are allowed.

For the past two months there were no sourced to communicate with the outside world. Currently public phones have been placed in some camps to enable the people to stay in touch with the relatives.

## **Enumeration**

After the initial mayhem in the camps, the enumeration process started. As people came into the camps they were housed randomly. Many were separated from their families during the journey. It was almost impossible to locate their family members, relatives or friends. Many had lost family members. In order to keep track of the members and locate their families an enumeration process was started. Though it is only in its nascent stages, it was found that in a camp, 85 families had atleast one person killed in the conflict. The enumeration is currently underway in the camps.

## **Health**

People came to the camps devastated by the war. They barely managed to stay alive during their long walk. Many had not eaten for days. Exhausted as they were, there was a need for immediate medical attention. The injured were taken to the Vavuniya hospitals and were given treatment. The situation of the elderly and children was dire. Due to walking the elderly became vulnerable to diseases and were hospitalized. Those who remain in the camps are fragile. The situation of the pregnant women was pathetic. In some cases women who were full term pregnant reached the camps just in time for delivery. Once they had delivered they did not even have rags to

wipe their new born. In the worst case those who delivered did not have and extra set of clothes to change into.

Some who had sustained internal injuries were afraid even to report them. They feared that they would be branded along with the militants and kept the wounds to themselves. It was reported that a young woman who had injured in her private parts was unable to move. Unable to ask for help she was left to suffer. By chance some volunteers located her and nursed her. Several such cases have been reported on a regular basis.

In the camps diseases such as malaria, viral fever, flu, chicken pox and headaches are common. With a highly compromised immune system the people often fall prey to the communicable diseases. The elderly are especially vulnerable. Some reports claim that people have died out of exhaustion.

### **Sanitation**

The sanitation needs of the camps are far from adequate. But people feel much better off than when they were on the run. Water tanks are being filled in by the tankers on a daily basis. In the schools the existing toilets are being used. In the camps the temporary toilets have been built. People claim that they are being cleaned regularly as well.

Despite the many toilets, they are far from enough. The inadequacy has led people to defecate in the open air. This has caused a series of sanitation problems.

The mosquitoes and other pests are a continuous cause for concern. Many organizations have distributed nets. Despite the fact, the mosquitoes find their way. In some camps people have to remain inside the mosquito nets when they eat to prevent the attack of the mosquitos.

Some steps are being taken to contain them but the sheer number of people concentrated in areas makes it impossible to contain the vectors.

### **Food**

In the initial days, many paramilitary groups were permitted to operate in the camps. It was impossible to deal with the overwhelming needs of the people. Cooked food was taken to the camps but could not be distributed due to the chaotic conditions. There were times when people brought a plastic bag to collect food. Rice, two side dishes and a curry were all put into one bag and were shared by the family. This changed with some organizations being permitted to work in the camps. They gave the non food relief items and the basic amenities such as plates and mats.

The organizations working in with the IDPS found it impossible to provide cooked food for prolonged periods of time. Hence community canteens were promoted. A number of households are grouped together and are given food items. They have to take responsibility to cook.

This seems to have restored minimal dignity among the people. Now they don't have to rush to a spot at a given time to collect food. But the misery is far from over, they continue to live ever dependent.

Baby food, nutritious food for pregnant women, and food for those with special needs is a serious concern. Some welfare agencies have distributed milk powder. Since it is not available on a regular basis and the people cannot afford to buy it, they give it up. They continue to beg for additional rations.

## **Education**

Many camps are located in schools. This has affected the education of the local children. The classes are conducted under the trees. The newly arrived children have lost almost a year of education. Some of them are taken into the regular schools while others stay in the camps. The teachers who were displaced along with them organize some classes for them in a few camps. Recently UNICEF has donated books to the children and is also creating child friendly spaces in some camps.

Vocational education is being planned for the youth. In some places the training has started. Youth from the camps are trained in language and job skills. They are given two identity cards. One is kept at home and the other is kept with them. While they are away the card is used to prove that they live in the camp and the second identity card is given to them as a proof of undergoing vocational education. They use the card when they get by check points.

## **Movement**

The movement of the refugees is strictly restricted. They can't leave the camp. The senior citizens, that is people above 60 years were allowed to leave the camps. They try and find some relatives and leave the camp at the earliest. In some camps where the people moved out trusting their relatives to take care of them find themselves wanting for food. They approach the NGOs privately express their plight and get some food.

Having covered most of the basic areas it is time to look at the popular questions and the justifications. The questions are asked by the media, human rights groups and others concerned with the welfare of the people being kept in the camps.

1. What about people who are kept in the internment camps? They have multi-layer barbed wire fencing.
2. Why are the international agencies not allowed to work inside the camps?
3. What the agencies working in the camps. What are they involved in?
4. All the camp inmates are looked upon with suspicion as if they belong to the LTTE?

5. How long are these camps going to last? Is there a possibility of resettlement?
6. Now who will bargain for the rights of the tamils? LTTE was the face of the struggle!
7. Government will exploit the Tamils further and give them nothing!

### **Justifications**

1. The people have to be guarded and kept in safety. In order to prevent them from escaping and others from entering illegally there is a fence. During the early part of April a few people escaped from the camps and hence there is a high security. People are much better off here than in the forests running to save their lives. There is safety and security. They have food to eat, a roof to live under and some basic needs are met.
2. When the camps were being prepared in Vavuniya in November 2008 there was an invitation given to the International Humanitarian agencies to help in preparing the camps. They showed a cold shoulder. The plan was to prepare for about 100,000 people. The first group of people nearly 30,000 arrived by the end of November – beginning of December. But the INGOs continued their stand. So there is little choice, they had to do good with what they had.
3. There are many local NGOs working in the camps. The UNHCR has provided the tents, the World Food Programme provides food, the UNICEF provides water tanks and takes care of Children's needs. Many local NGOs (about 20) and some INGOs are allowed to work with their local staff.
4. Screening needs to be done. All the inmates have been involved with the LTTE in some way. Some out of choice, some without a choice. So there is a need to take care of the situation. Not let the people suffer any more. Therefore there is a lot of screening and checking that goes on. But not all are looked upon with suspicion.
5. 180 days is the minimum time period that has been given. Resettlement will start. But it will be a long process. It may go on for about two years. Actually, if the people are segregated according to their places of origin it is manageable. Once those from Mannar and Vavuniya are separated there will be very few who are from the Vanni. It becomes easy to handle them. Additionally as soon as the infrastructure is ready people will be able to move freely. The same happened in the East.
6. LTTE claimed to be the sole representative of the Tamil cause. Now that it is dissipated. The image of a sole representative was self-made and did not have the blessing of all the Tamil Speaking people of the Island. Though it was the nominal face that brought the issue to the front it also did a lot of damage in the bargain by not

allowing other democratic forces to grow alongside. They were often considered traitors. That successfully dealt with the emergent leaders. Despite the fact, now there are groups that are coming together to look at a more positive future.

7. The Tamil Politicians have always had trouble in seeing eye to eye even on crucial issues. After the Vaddukottai declaration in 1977, there have been few times that the Tamil Politicians have acted together. This is an opportunity for them to come together and bargain for a common minimum program. The point is that there are leaders. They need to show some sincerity to the cause. Now there is a common ground to fight for the rights.

## Notes

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<sup>1</sup> This represents only the population in Vavuniya and not Mannar and Trincomalee

## Discussion Paper-II

# Anti-Christian Riots in Orissa – Large Scale Destruction and Displacement

### Background

The anti-Christian violence in the eastern Indian province of Orissa for the last couple of years has left hundreds of Christians dead and thousands displaced. For more than two decades the Hindu fundamentalist groups have been targeting the Christian population of the tribal district of Kandhamal in Orissa. The Viswa Hindu Parishad (VHP) a militant Hindu revivalist organization and Bajarang Dal, its more militant youth wing and the Rastriya Swyam Seva Sangh (RSS) are in the forefront of a virulent campaign against the evangelical activity in the district. The missionaries since a long time as elsewhere embarked upon the twin tasks of serving the dispossessed and proselytizing resulting in the burgeoning of the Christian population in the district. An overwhelming majority of the Christians are *panas* a Scheduled caste (untouchable caste placed in the lowest rung of the Hindu social order). The Church not only baptized them into new faith but also initiated them into a new world of empowerment. Their educational attainment and the consequent assertion could not be tolerated by the caste Hindus who for centuries denied them social, political and spiritual space within the rubric of Hinduism<sup>1</sup>. The orthodox elements among the Hindus saw the recalcitrant *panas* as a threat to their hegemony and hence directed their ire against the Church which made the *panas* conscious of their citizenship and rights. The entrepreneurial aspirations of the *panas* were also unpalatable to the business class among the caste Hindus. The Hindus in general are annoyed over the activities of some over enthusiastic missionaries, but it was the Hindutva groups that instigated the Hindu chauvinists.

The assortment of militant Hindu groups led by Lakshamananda Saraswati set themselves on a reconversion mission. They found the tribes, the major social block in the district, to be acquiescing to their ideology and started indoctrinating them. Meanwhile some Christian *pana* leaders urged the government to make them eligible for the reservation facility (positive discrimination policy) enjoyed by the local Tribes as both the groups speak the same *Kui* language. This demand enraged the tribes as they found in it an evil design to usurp their privilege. Since then the animosity between the Tribes and the Christian *panas* grew. The Hindu groups fuelled the fire and ensured that the differences are transformed into strong anti-Christian

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<sup>1</sup> Refugee Watch, 33, June 2009

sentiments. Thus communalization of the peaceful and picturesque Khandamal district was complete.

### **The Pogrom**

The murder of Lakshmananda, in August 2008, allegedly by the Maoists (a Communist guerilla group) sparked off unprecedented violence against the Christians- both tribes and *panas*. The VHP called it the handiwork of the Church. In the ensuing riots nearly two hundred people were killed and more than fifty thousand were rendered homeless. The Hindu mobs mostly comprising the tribes led the attacks against the unsuspecting Christians who were outnumbered and defenseless. Fearing for their lives hundreds of families hid in the dense forests for days together. According to conservative estimates at least 200 churches were razed to ground. Houses belonging to Christians were blasted by lighting off the cooking gas cylinders and the valuables were looted. Scores of fleeing people were killed and burnt or thrown into the ponds and rivulets. The district that was never known for organized violence witnessed new killing methods and hate campaign that reflected meticulous planning and supervision. Guns, crude bombs along with the conventional swords and bows and arrows were used in a big way and vehicles carrying liquor barrels followed the perpetrators.

The ill trained state police and the inept the local administration could do little to contain the violence as the Bharatiya Janata Party (BJP) the political face of the Hindu revivalist movement was a partner in the coalition government ruling the state of Orissa. The Central Reserve Police Force (CRPF) had to be rushed in to salvage the situation. It thwarted an attempt by thousands of aggressive women cadres of the Hindu groups to attack a relief camp at Raikia. The rioters at several places publicly ordered the Christians either to accept Hindu faith or leave the place. Even those benefited by the church joined the killing hordes. The VHP and the Bajrang Dal activists succeeded in creating an ethnic divide which almost resulted in ethnic cleansing as well as a full-scale war against church.

### **The Relief Camps in Andhra Pradesh**

The riot victims fled Orissa to far-flung places. A group of 132 people comprising 44 women including girls, belonging to Balliguda, Tikabali and Raikia blocks of the district walked for three days and hundred miles through thick forests to reach a tribal hamlet 'Savara Koligaon' in Srikakulam district in the neighbouring state of Andhra Pradesh. The authors visited the camp to get first hand information about their travails. The local pastor who was an acquaintance of these people accommodated them in a small church hall. These IDPs who arrived at the village in October 2008 were apprehensive of fresh outbreak of violence and hence gave up the idea to return. Ranjit Nayak lamented that the coexistence of the

*panas* and the *Kbandas* and *Kuis* (Tribes) was destroyed in no time by the obscurantist forces. Though the relief camp has given the victims some succor, the situation is unlikely to be encouraging as neither the local administration nor NGOS were extending their help.

A few miles away in another camp at Kudumasingi tribal village 104 people including 37 women took shelter in a church. The local pastor who was organizing the camp was skeptic about running it in view of resource crunch. Jisai Digal, a pastor from Barakhama village from where the trouble started, foresaw a grim future for the Christians in Kandhamal and a protracted displacement.

The most horrifying tales were told by children accommodated in another local church at *Palasa*. The parents of some children at a relief camp in Kandhamal requested a humanitarian worker to take away their children to a safer place. He brought 45 children, all aged 8 to 13 years to the church at Chinabadam. Eleven year old Titus Digal who saw his uncle slain did not want to return. The uncle of Akshaya Nayak was also killed. Their family hiding in a hillock watched their house being burnt. Nine year old Roshlina Nayak too was unwilling to return to her native village. The young children bore the scars of worst kind of violence.

A total of 278 people including women and children are living in three relief camps in Srikakulam district of Andhra Pradesh. The organizers of these camps were awaiting help from the local authorities. The well-meaning pastors were not trained in relief work. Since the camps are located in remote places the government agencies as well as civil society organizations were unable to know about them.

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3. N. Babavali is Research Assistant in the Centre for Study of Social Exclusion and Inclusive Policy, Andhra University, Visakhapatnam, Andhra Pradesh, India.

# Discussion Paper-III

## Chair's Summary: GP 10 Conference in Oslo, 16 - 17 October 2008

The purpose of this high level conference was to assess the accomplishments and shortcomings of the Guiding Principles on Internal Displacement over the last 10 years, and to chart a way forward for national and international decision makers, including relevant states, UN bodies, regional organizations and civil society actors. Specifically, the conference sought to generate increased political will to incorporate the GPs into national, regional and global frameworks and to encourage progress towards their practical implementation.

The conference reaffirmed the Guiding Principles as an important framework for upholding the rights of IDPs and was encouraged by reports from a number of states that the Principles had been incorporated into national laws and policies and that a variety of actors have found them useful in promoting IDP rights.

However, the conference emphasized that increased political and financial commitment is needed to ensure the full protection of IDPs. States are encouraged to develop or strengthen their policies to include: (1) preventive measures to avert displacement, (2) crisis mitigation procedures, to be activated once displacement has occurred, and (3) durable solution frameworks.

There is an urgent need for humanitarian and development actors, governments and financial institutions need to work together to ensure durable solutions to displacement. Joint approaches are also required to address the challenges resulting from the increasing scale and complexity of forced displacement, and to ensure that the standards set by the Guiding Principles are met.

### Achievements of the Guiding Principles

*"The day I met Roberta Cohen, Dr. Francis Deng and Christophe Beau turned my life - we received the leverage that we could use to empower men and women and promote respect of IDP views and opinions."*

Julia Kharashvili, Consent IDP Women Association, Georgia

Participants in the conference emphasized that the Guiding Principles have become a key point of reference for the development of normative frameworks for the protection of IDPs in domestic laws and

policies. For example, the government of Uganda's IDP policy is based on the Guiding Principles, on International Humanitarian Law and on its national Constitution to serve as a guide for government institutions, humanitarian and development agencies while providing assistance and protection to internally displaced persons. In Georgia, the Ministry of Refugees and Accommodation has consulted international representatives to ensure that the actions of the Government are in compliance with the standards of the Guiding Principles, as outlined in the IDP State Strategy Plan of Action. In Turkey, the government has incorporated the Guiding Principles in its Strategy document and used them as a basis for its Compensation Law. With the help of the UN, the model used to develop the Van Province Plan of action for IDPs is now being expanded to cover other provinces. Examples from Mozambique and The Maldives were also given, confirming the relevance of incorporating the Guiding Principles into national legislation in situations of displacement resulting from natural disasters.

At the regional level, the Organization of American States and the Council of Europe have recommended the adoption of the Guiding Principles through national legislation to their Member States. In Africa, the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons includes a legal obligation for signatories to incorporate the Guiding Principles into domestic law.

*"We didn't know where to start [in addressing issues related to forced displacement] but the Guiding Principles gave us a basis from which to commit states to come up with a legally binding instrument."*

Liberata Mulamula, International Conference on the Great Lakes Region, Burundi

The essential role of the judicial system and civil society organizations in promoting the Guiding Principles and monitoring commitments and obligations of national authorities was highlighted in the context of Colombia.

The conference provided an occasion for the UNRSG on the Human Rights of IDPs, Mr. Walter Kälin, to launch a new resource: *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*. This publication, developed by an international group of legal experts, provides practical guidance for bringing relevant domestic laws in line with the Guiding Principles. Furthermore, this accessible guide promotes ownership of the Principles by the governments of states affected by displacement.

During the discussion, it became apparent that the Guiding Principles are operationally valuable for actors engaged in providing protection and assistance to IDPs. From the point of view of humanitarian agencies, the Guiding Principles have shaped humanitarian and protection operations. They also provide the primary reference from which humanitarian and protection standards and practices are developed. UNHCR affirmed that the Guiding Principles have become an extremely relevant protection instrument, in the absence of binding instruments, and

that UNHCR's operational responsibilities in relation to displaced persons have been developed based on the Guiding Principles. The Emergency Relief Coordinator highlighted the role of the Guiding Principles in helping to develop partnerships, and therefore, better preparedness and responses. ICRC expressed its conviction of the relevance of the Guiding Principles, stating that the Guiding Principles are as pertinent during and after an armed conflict as they are in situations of internal strife, complex emergencies, or natural disasters; in certain instances they provide more specific guidance than International Humanitarian Law. OHCHR noted that the Guiding Principles had proven to be useful in a variety of situations and that they had been shared with all its offices.

With respect to displacement resulting from natural disasters, the conference affirmed that the Guiding Principles provide a useful framework for disaster risk reduction, the mitigation of displacement, and ending displacement after disasters. In situations of disaster-induced displacement, protection risks are often under-estimated. In disaster prone countries, the Guiding Principles should be used to build closer partnerships between governments, aid providers and civil society, as part of the disaster prevention framework. At the onset of a disaster, IOM noted the role of the Guiding Principles in serving as a checklist to develop a response strategy which ensures that all proper planning and response are carried out.

### Challenges Ahead

Despite the considerable achievements outlined above, major challenges to the realization of rights of IDPs remain. The number of people who have been forcibly displaced from their homes is estimated at one percent of the world's population. Moreover the number of IDPs continues to increase, primarily as a result of the growth in disasters-induced displacement related to climate change, but also because of protracted situations of displacement. Protracted displacement usually occurs as a result of unresolved conflicts, lack of political will amongst national governments, as well as insufficient support by international actors. In many countries, significant gaps between policies and practice are observed, especially in relation to durable solutions.

*"[A failure to consult with IDPs led to the] supply of non-germinating seeds and brittle farm implements to the impoverished IDP community."*

James Otto, Human Rights Focus, Uganda

The conference noted that a majority of states affected by internal displacement remain unable or unwilling to take on their responsibilities for protecting IDPs. In the worse cases, the humanitarian space required to prevent displacement or to provide protection to IDPs is limited as a result of obstruction by governments or non-state actors. In reality, the Responsibility to Protect concept has been of limited value in the protection of human rights of IDPs, as a number of states remain more committed to

the doctrine of national sovereignty when it comes to dealing with internal displacement.

It was felt that the current legal and normative protection framework needed to be re-examined in the light of the new categories of forced migrants as a result of climate change-related disasters or long-term environment degradation.

With an increasing number of IDPs residing in urban areas, states and protection agencies must seek new, appropriate means of providing them with adequate protection and assistance, as their requirements are different from those of people in camp settings or in rural areas. The appropriate durable solutions also need to be considered, as urbanization affects choices and opportunities. For example, after IDPs have adapted to urban livelihoods, return to rural homes is often no longer an option.

With respect to international protection, humanitarian reform has contributed to better predictability in humanitarian responses. The fact that UNHCR now takes the lead for protecting IDPs in situations of armed conflict has significantly improved leadership of coordination of protection. Nevertheless, as stressed by the ERC, humanitarian actors risk having their credibility undermined if greater care is not given to ensure equality of attention to different IDP populations in protracted crises.

In situations of disaster-induced displacement, protection leadership remains inadequate at the institutional level, as the responsibility for international coordination is divided between UNHCR, UNICEF and OHCHR, all of which have concerns about their capacity to take on this additional responsibility.

## **Recommendations**

The Guiding Principles should be incorporated into national legislation so as to promote their implementation and accountability for the protection of IDPs. The publication of the Manual for Law and Policymakers on Protecting Internally Displaced Persons will be a useful resource to governments as it provides a guide for policy makers to bring relevant domestic laws in line with the Guiding Principles in a practical way. National authorities not only have a responsibility to develop legislative frameworks, but also to ensure that laws and policies are implemented.

Effective partnerships are required to meet the twin challenges of preventing displacement and of ending displacement. These partnerships should be developed amongst states; between states and civil society; between states and financial institutions; between states, civil society and international protection and assistance agencies; and between international humanitarian agencies and development agencies.

More efforts need to be made to prevent displacement, through effective disaster risk reduction and emergency preparedness, and through conflict prevention. In parallel, sustained efforts need to be made to end displacement. Both areas of action should be accompanied by coordinated

political commitment of all influential actors, as well as adequate and predictable resourcing.

Planning for durable solutions must start soon after displacement occurs so as to facilitate the transition from humanitarian assistance to development through effective early recovery strategies. Following the ongoing field-testing of the framework for durable solutions, the focus should be on implementing the framework, from an early stage in the humanitarian response.

Political dialogue, including peace negotiations, needs to ensure that IDPs' voices are represented and heard on all issues that affect them. Experience shows that early and sustained dialogue on issues relating to access to land, housing and property is essential to the identification of durable solutions.

In disaster prone countries, the Guiding Principles should be used to build closer partnerships between governments, aid providers and civil society, as part of the disaster prevention framework. At the onset of a disaster, the Guiding Principles should be used as a checklist to develop a response strategy to ensure that all proper planning and response are carried out.

With an increasing number of IDPs residing in urban centers, states and protection agencies must seek new, appropriate means of providing them with adequate protection and assistance, as their requirements are different from those of people in camp settings or in rural areas.

Finally, it is important to develop mechanisms to ensure the participation of IDPs in political processes, in decisions affecting their lives during displacement, and in developing and implementing solutions to bring an end to their displacement. Their participation is a precondition to the implementation of the Guiding Principles.

## Book Review

*The Wasted Vigil, Author: Nadeem Aslam, Publisher: Faber and Faber, 2008/ Penguin India pp 372*

Nadeem Aslam's 'The Wasted Vigil' is a book that is a literary dedication to the people of Afghanistan. No pretensions on that here. The smallest episode, the biggest incident, tragic statistics, cruel objectives, the minutest detail on Afghanistan and the Afghan people find a way into the book. And that is Aslam's strength here – a passion to tell Afghanistan's contemporary, war-riddled history backed by extensive research. The lives and experiences of his characters are just pretexts to talk about the country and its war history of daily brutality. A motley mix of men, women and children, it really is the critical dialogue from the female characters that makes this Afghan story at once poignant and disquieting, set as it is against a tapestry of savagery where love, compassion and humanity negotiate their space amidst violence and even more violence.

In this never-ending war the Soviets, the Americans, Pakistanis and the Afghan Mujahideen are all equal villains with the ordinary Afghan caught in the crossfire. But Aslam's ordinary Afghan is as much Marcus Caldwell, an Islam convert married to an Afghan woman and living in the shadow of the Tora Bora mountains for half a decade as is Casa, a Talib who grew up across the eastern border of Afghanistan in womenless, sadistic Taliban-run refugee camps. Zameen's narrative encompasses accounts of innumerable Afghan women – of repeated displacement and seemingly interminable mental, physical and sexual violence both in the public and personal spheres as each man carries forward his personal cycle of cruelty.

The lone survivor in that mansion of memories Marcus, opens his home — quite literally a metaphor for Afghanistan and a beautifully haunting monument to his own colossal losses - to the rest of the narrative threads. So there is the Russian woman Lara looking for her soldier brother who disappeared during the Soviet invasion after defecting; David, the American and a former spy whose ideals swing as wildly as the fortunes of Afghanistan during his twenty-five years in the country; Dunia, the primary school teacher and the martyr's promised virgin; James, a Special Forces soldier, the disconcerting symbol of the war against terror and...to Casa. United in suffering – each personal though - yet still divided by ideology their fates and lives are entwined but never joined. Each searching for the elusive - Marcus for his grandson, Lara for her brother, Casa for the virgin promised on the eve of his martyrdom, Dunia for a life of dignity and respect and David for his son.

The brutality evident in the deaths of characters and the memory of it for the living whether it is Lara's husband's torture or her own beating at the hands of a boy not even half her age, Marcus' amputation and Qatrina's

insanity and subsequent stoning, of life and death in a single frame when Zameen gives birth even as butterfly mines kill the two boys she is protecting. The violence is evidenced in not just the characters but in the books nailed to the ceiling, the abandoned perfume factory in the garden, the partially excavated head of a Gandhara Buddha, the mud-masked paintings, all gathered together in one house and all buried away from the Taliban's Vices and Virtues ministry. Marcus' home, like Afghanistan, is the graveyard of a great, distinctive, violated, moth-eaten culture protected within the shambled remains of shell-shocked walls.

As the novel unfolds, Aslam meticulously peels off layers of documented savagery witnessed by the country over centuries from vicious rapes to the conniving and feuding warlords, ghastly methods of torture and its common employment, misguided Americans and their mulish meddling, friendly fire and civilian casualties, of local political tussles settled by missiles and international forces. The brutality of the violence is heightened by its absurdity as Katrina is stoned for her 'illegitimate' relationship with Marcus. A marriage of several decades is annulled and termed adultery as the ceremony was performed by a woman.

The *Wasted Vigil* as a narrative nonfiction gives greater coherence to the widespread experience of terror and trauma, distrust and dread, cynicism and hatred and ultimately the human cost of the war. Aslam's own subtle rage at the callous complicity of men and nations in the devastation of Afghanistan is unmistakable throughout the book. The *Wasted Vigil* is an ode to not just one immigrant community or one war-wrecked village but the psyche of a people mutilated by war and oppression. So from the Afghan refugees in Pakistan, to the Sikh and Hindu community in the country, the orphaned Afghan boys-turned-Talibs programmed for revenge in the Taliban refugee camps all find themselves woven into the book.

Aslam's political acumen is evident in the dispelling of the western discourse that converges on Taliban and Al-Qaeda sponsored terrorism as all that haunts Afghanistan today, replacing it with the more compelling argument that there actually is a multiplicity of factors at work. And in doing so there is an unmistakable analogous fanatical thread between a Muslim fundamentalist's zeal and an American CIA operative's righteous view of his job.

And even as Usha, the village is silenced into fear by the proximity of the continuing war it has its quiet broken by the falling thud of the books nailed to the mortared ceilings. And it is this stunning contiguity of brutality and love, moths and butterfly mines, precious stones and cluster mines, birdsong and booby-traps, love and desperation, madness and clarity that is at once beautiful and harrowing.

And yet there is an unquenchable vein of hope in this seemingly hopeless situation swathed in the closing images of Marcus' unending optimism as he continues his search for his grandson against the backdrop of the Buddha head slung from a military helicopter swinging high above the Hindu Kush as it is transported to the Kabul Museum. Also the author of

the much-admired *Maps for Lost Lovers*, Nadeem Aslam's third novel, *The Wasted Vigil*, is a literary recognition of, and tribute to, the anguish and tenacity of the Afghans both inside and out of Afghanistan.

By **Deepali Gaur**

***The Great Immigration: Russian Jews in Israel, Author: Dina Siegel, Publisher: Berghahn Books, 1998***

More than 750,000 Russian Jews arrived in Israel between 1988 and 1996. The major wave of Russian Jewish immigration began in 1987 and reached its peak in 1992 but even today there is a steady flow of immigrants from Russia to Israel. There are around 700,000 Russian Jews in Israel who constitute the second largest ethnic category after the Israeli Arabs who make up for around twenty-five percent of the population. Siegel is of the opinion that the scale and nature of the recent Russian Jewish immigration to Israeli society have been such as to contradict most of the known theories of immigration, integration and absorption. However, this Great Immigration, as it has been called, has gone largely unnoticed in Israeli public life. Information about this important event has been sketchy and largely characterized by stereotypes and simplistic generalizations.

The Great Immigration describes the impact of the immigration of the Russian Jews from the former Soviet Union to Israel. The sheer number of the immigrants, their diverse occupational qualifications and rich intellectual resources, their rapid integration into every sphere of social activity and their surprisingly successful political mobilization brought about a major transformation in Israeli society. The author refers to this immigration as having changed Israel, on the one hand, and the Russian Jews changed themselves, forging a new identity, on the other. For instance, the Israeli society of the 1990s expected the new immigrants to be enthusiastic Zionists, similar to the previous waves of immigrants but the scenario had changed considerably as on the one hand, the new immigrants came from a different Russia while on the other, Israeli society was not the same as twenty or thirty years ago, when the earlier waves of immigration had taken place. As a result, for the first time Israel moved towards greater cultural and ethnic pluralism. Based on a number of case studies, this book offers the first in-depth analysis of the life of the new Russian-Jewish immigrants and the interaction between them and other Israeli citizens. The author explores the peculiar set of problems facing the immigrants from the former Soviet Union and shows how the newcomers, by sheer number, were able to exploit their skills and capacity for political mobilization, to resist bureaucratic control and cultural assimilation. Adaptation did take place but resulted in new institutions and formations of class, hierarchy and leadership. The integration of such vast numbers of immigrants over a relatively short period is a

significant challenge for a society by any standards, but must certainly be considered an exceptional experience for a relatively small country such as Israel.

The focus of Dina Siegel's work is to analyze the process of adaptation of the immigrants in terms of the formation of their ethnic and personal identities with particular emphasis on how they took advantage of their public categorization as Russians to their advantage and furthermore how the preservation of Russian 'traits' was in fact an aspect in the cultural adaptation of the immigrants. A short time after their arrival in Israel, the Russian Jews realized that their interest could only be served by claiming their ethnic rights. The Russian immigrants were unable to escape stigmatization and avoid economic difficulties in the very diverse, ethnically and religiously unequal Israeli society. In such circumstances the symbolic significance of their Russian identity as well as their status as new immigrants became central to their existence and subsequently their ethnic-political identification in Israel became organizationally and characteristically relevant.

The distinctiveness of the book lies in the fact that the study is replete with detailed ethnographic descriptions and provides some rather fascinating insights while attempting to portray the process of identity formation and self empowerment of the new entrants in all its intricacy and diversity through its various stages but all this is subjugated to the voices and opinions of the immigrants themselves.

By **Priya Singh**\*

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