Chapter – VI

Conclusion: Prospects and Future Development

Population movements in the South Asia region from the colonial period to the present era have always influenced evolution of historical and cultural relation of post-colonial phase of the regions history, but in the such movement have frequently been of forced or involuntarily nature. This has contributed and still contributed to tensions among their neighbours. There is a growing significant of refugee’s flows as an area of concern in the South Asia affairs. The problems of refugees and their movements are going to stay in South Asia. This is because the State in South Asia has not yet been stabilized and the nation-building processes continue to generate turmoil and displacement. And also the conflicts that produced the refugee movements in the recent years have not only been resolved, but have been persisting and even reintensified.¹

The voluntary demographic movements in South Asia could be divided into two chronologically distinct categories; some go back to the colonial times and others are post-independence. During the colonial period a large number of people were move out in the form of labours from South Asian region to colonies as far away as Guyana in the Caribbean, Fiji in the Pacific, Natal in South African, and to Mauritius in the Indian Ocean region, closer home, to Sri Lanka, Myanmar and Malay, wherever there was a shortage of labour. This was the form of voluntary movement or trans-national transfer of population in
the early time. These population transferred in this voluntary migrations have remained behind in the receiving colonies. Questions relating to their political status have led to prolonged and acrimonious disputes between the host territories, with Sri Lanka and Mynmar (Burma) being the most prominent examples in South Asia. 2

Another voluntary population movement within India which are far more significant, for the tensions they generate, than issue relating to the political status of the Indian community in neighboring States/Country. In the North-East of India for instance, the massive immigration of Bangladeshis, and earlier of East Pakistan, from the densely populated area to the relatively under-populated Assam and neighboring regions. These movements have continued after independence in the form of illicit or illegal migration and have contributed to an upsurge of separatist agitation in Assam and in the North-East India. And we have also seen some of the comparatively under-populated parts of South Asia have acted as a magnet for illegal migrants. Bhutan which host a large number of migrant population from Nepal is one example, and the other was the illicit immigration to Sri Lanka from the coasts of Tamil Nadu and Andra Pradesh.

We have mentioned another form, that is, involuntary movements of population in the region. This has contributed and still contributes to the tensions among and within the States of South Asia, and among their neighbour. These involuntary movements of population- refugees or displaced persons are associated with political events and conflicts in the region. The important movements due to political events such as the partition of India in 1947; the creation of Bangladesh in 1971; refugee movements from outside the

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2 The Burmese took a much tougher stand against their Indian minority than Sri Lanka where a settlement was reached after long drawn out negotiation.
region such as the Chinese government clamping down on Tibet autonomy and Buddhist culture in 1959; and the civil war in Afghanistan in 1978. Another refugee movement due to ethnic conflicts as in the case of Chakmas of CHT, Bangladesh and Tamils from Sri Lanka after 1983. There are various consequences at different levels between the host and countries of origins.

The major differences between the voluntary and involuntary movements of population are that the former, that is, the voluntary movement, the migrants want to stay permanently in the host countries, whereas, the involuntary migrants- the refugees, unlike the voluntary migrants, regard themselves as temporary sojourners who have every intention of going back to do so.

In the foregoing chapters, we study the Chakmas and Tibetan refugee movements from the geographical perspective. The Tibetan people led by their God-King, the Dalai Lama flight to India and other South Asian States in 1959. The reasons and causes of their flight are difficult to point out. The International Commission of Jurists in its two reports documented the cases of genocide in Tibet that led to the mass exodus in 1959. The evidences established by the reports brought out for principal facts in relation to genocides, that the Chinese will not permit adherence to and practice of Buddhism in Tibet; that they have systematically set out to eradicate this religious belief in Tibet; that in pursuit of this design they have killed religious figures because their religious belief and practices was encouragement and example to others; and that they have forcibly transferred large numbers of Tibet children to Chinese materialist environment in order to prevent them from being having a religious upbringing. It emerged out that one of the principals caused might be traced to the Chines policy toward Tibet.
Thus the annexation of Tibet with China and consequent rapid inroad of the aggressive ideology into body-politics brought in a streams of Tibetans fleeing their country.

The Tibetan refugees who come along with the Dalai Lama in 1959 and after resettled and rehabilitated in various parts of India; In agriculture resettlements and some in monastic, agro-industrial area, Handicraft centres etc. About 50% of them are resettled and rehabilitated in this way. And others are living in scattered resettlement in urban areas and some in remote villages. In India the Chakmas who inhibited in the Chitagong Hill Tracts in Bangladesh come first to India as refugees in 1964 after Pakistani government constructed Kapsai Dam in the Karmarfuli River. Where their lands were submerged and no proper rehabilitation schemes was implemented. And after Bangladesh independent in 1971, especially in the 1980’s due to government policy on lands, resettlement of Bengalis in Chitagong Hill Tracts, and the formation of Shanti Bahini to defend themselves. In the process of attacks and counter attacked the Chakmas and other hill people left Chitagong Hill Tracts and come to India as refugees in different period of time.

The Chakmas were living in 6 (six)-refugee camps in Tripura border, and some Chakmas and other tribal Hajongs are also living in Arunachal Pradesh.

The presence of Tibean and Chakma refugees brought in not only domestic problem for the host government. As discussed in Chapter II and III, the burden of resettlement heavily falls on India, there are also problem of local people and the refugees.

The most important, as we discussed in the Chapter IV, the presence of refugees in India affected the formulation of foreign policy, and the emerging political conflicts between the host and the country of origin. For many years, in the interest of harmonious foreign relations and smooth internal development of India has handled the refugees issues cautiously, which is discussed in detailed in Chapter IV.
And in Chapter V, we are discussing and suggesting conflict management and peaceful solution of Tibetan and Chakma problems. The return of the Dalai Lama hundreds of Tibetan refugees from India and other countries to Tibet linked with the solution of the problem of Tibet. An attempt find a peaceful solution for Tibetan problem was in the hands of the Chinese government and the Dalai Lama. But till date no peaceful solution was possible due to absence of meeting ground between the Dalai Lama demands and the Chinese response to it.

In the case of Chakma, an attempt to repatriate and peaceful return to CHT was held between the Chakma leaders and the Bangladesh government. The repatriation packages was worked out. On the basis of this rehabilitation and financial incentives was given by the Bangladesh government. After many failed attempt to repatriated the JSS and the government has signed an accord for the political settlement of CHT. It was agreed of granting of Regional Council for CHT. And finally the Chakma refugees from Tripura State of India were repatriated in January 1998.

India as a host country experienced problem of varying degrees and at various times, with almost, all its neighbours. Our discussion of refugees in South Asia, in the context of Tibetan and Chakma refugees may be the microsm of South Asian experiences. While the refugees generating factors and sources of refugees flows have emerged, repatriation of refugees has also gone on simultaneously in South Asia.

South Asia continues to play a host to millions of refugees, both from within as well as outside the region. In addition, there is large numbers of internally displaced persons. An important question one has to answered are, What has been the cause of such movements, and how can displacements of this kind be anticipated and averted in the future?, or How does one resolve these conflicts, distill and develop proposals that could help to ameliorated them, and promote political, economic and social conditions that enhance the prospects of regional and global stability?.
Before going further, let us see some of the problem that South Asia region had faced, which are of very unique. No region in any part of developing world is dominated by a single state, in population, in armed might and in the size of the economy, as India dominates South Asia. Thus, the vastness of India is a central feature of any study of refugee movements, conflict situations and conflict resolution in the region.

Another important aspect which complicate the situation in the South Asian region are that, each of India’s neighbours has minority groups with linguistics, religious or cultural ties with groups in India, or aspires to established such ties with them. India has been, and is, in a position to exploit these link to its advantage or the disadvantage of its neighbour have been able to exploit such ethnic or religious ties to her (India’s) this comfiture, Pakistan in the case of Kashmir.

Besides, the overwhelming geographical dominance of India, there is the vertical impossibility of demarcating a distinct boundary on two of the four sides of these large sub-continental landmass. To the north lies the Himalayas frontiers and beyond it China and, up to very recently, the Soviet Union, but now the various ‘istans’, the Islamic states of Central Asia. To the north and North-West lies the Islamic world. To the North-East and East Myanmar (Burma) a link between south and south-east Asia. And in the south the sub-continental landmass tapers down into a triangular form, which we do not find a distinct and undisputed boundary- the sea around south-Asia.

As the region riches 50th year of independence from colonial rule, unfortunately those five decades have witnessed considerable human suffering and displacement. The origins of many political conflicts which causes population movements in South Asia – international, national and sub-national – either go back to the regions colonial past or lie in the manner in which independence was attained, as for instance, the problems between India and Pakistan flowing from the partition of the Sub-Continent, India, Pakistan and Bangladesh were all parts of the British empire. In the exoduses of 1947-48 and
1971, the cause can clearly be identified as violent communal conflict, associated in both cases with process of State formation.

All the South Asian states, which receive independence from the British Raj, have inherited border problems, which bring them into conflict with neighbouring states. For instance India and China, to lesser extent in terms of violent it has generate, Pakistan and Afghanistan, or with each other India and Pakistan, and Bangladesh and Myanmar.

There is another important aspect, that is, internal conflict/domestic tensions are in fact, more significant as threats to the political stability of many countries in the region. All too often this domestic tensions spill-over to borders and in to neighbouring states trigger inter-state conflicts; the conflicts between India and Pakistan which led to the creation of Bangladesh; the Kashmir imbroglio which has resulted in three wars between Pakistan and India; and the problems of Sri Lanka North and East which attracted Indian intervention.

The post-independence states of the region bear the marks of their colonial origin through the processes of pre-colonial consolidation and expansion, and state building which they have inherited. The new government often disregard and unconcern the indigenous forces such as language, culture, religion and ethnicity the same with the colonial ruler. As a result conflicts over identity are a major, if not the principal, source of internal tensions in India, Sri Lanka, Pakistan and Bangladesh.

The current reality in South Asia is that language, culture, religion and ethnicity stemming from pre-colonial times, and acting separately or in combination, have assumed the proportion of explosive forces threatening the stability of the post-independence political settlement. The minority ethnic resistance takes in the form more often than not, of separatist movements seeking the creation of new states in which the minority could convert itself into a majority.
However, while separatism appears to be endemic in south Asia and could be and is a powerful destabilizing force, it has generally been held at bay by uneven more powerful force: Asian nationalism embodied in the post-colonial state system. In other word, the great obstacles that separatist movements in third world face was a general hostility to disturbing the Status Quo.

The above mentioned current political reality in the region, along with, as mentioned in the earlier Chapters, the geographical characters of South Asia, where porous, continuous, undemarcated, easily accessibility and ethnic group across the border are the common geographical characteristics. Many or all of these have had or had potentials for cross-border movements and tensions.

There seems to be no immediate solution to the refugee intrigue in South Asia in the foreseeable future. Among other reasons these could be attributed to, i) the intricacies complexities involve in the situations under which they were force to leave their place of birth, ii) the law priority given by the host governments to the refugee issue and the withdrawal syndrome shown by the international agencies, and iii) protracted political instabilities in both the country of origin and host country. ³

Though most of the South Asia countries have acceded to the major international humanitarian and human rights instruments, none of them ratify the 1951 U.N Convention and 1967 Protocol. However, at least three of them (Bangladesh, India and Pakistan) are member of the governing body of the UNHCR. These along with the absent of permanent institutional structure to oversee issues of refugees, the granting of refugees status has been at the discretion of the political authorities. Some of these countries have rejected refugees in narrow political grounds. In the process, they have reduced the status of fleeing humanities to political arbitrariness.

The South Asians countries do not have effective systems for identifying their own citizens, birth registrations is not compulsory, only in recent years.

several countries in the region have initiated a system of registration of citizen and in no cases is the system yet universal and land owners and urban employers are not required to check on legal status of those they employ.

The South Asian Association for Regional Cooperation, (SAARC) which was launch on December 8, 1985 as an organization for promoting co-operation among each seven members, with the objective of acceleration of economic growth, promoting and strengthening of collective self-reliance, collaboration and mutual assistance in various fields and cooperation with one another and taking collective stand in the international forum. However, the SAARC has conveniently sidetracked the sensitive issue of population movements both as a part of Integrated Programme of Action and in the likely future Agenda, for fear that it would disrupt the organization. Again, no South Asian countries have any constitutional provisions and formal legal framework to deal with the refugees. In the absence of specific normative and policies framework, most of them deal with on an ad hoc basis. And in many cases refugees have been use as pawns in regional geo-politics.

The governments in South Asia have concluded that unwanted migration, including refugees, are a matter of bilateral not multilateral relations that international agreements could constrict their freedom of action. And also each country has different arguments to offer for not acceding to the international refugee instruments. It varies from the bureaucratic sensitivities towards UN interventions, perceptions of the Convention being abuse and disregarded by developed nations for their political ends to the question of ability to meet the various obligations under the convention due to economic constraints.

Unless there are determine efforts to address the causes of mass displacement, South Asia could well be the scene of further refugee exoduses in the year to come. Another important suggestive measures is that meaningful political reforms are needed to ensure that violence, both by the state and by non-state actor is uncompromisingly subordinated to the rule of law. Impartial
and effective law enforcement must be ensured. National police and internal security forces must be debrutalised so that they can function as the protectors and not as the violator of human rights.

Regional co-operation is also needed to promote democracy and sustainable human development. Unresolved tensions as well as ethnic and sectarians conflicts must be resolve, giving their role in nurturing a climate intolerance and contributing to the growth of unacceptable military expenditures. The revival of religious fundamentalism in different parts of the region also represents a threat to political stability, both within and between states, and must be therefore be addressed.

Given the sensitivity and resistance of adopting the 1951 refugee convention, a regional legal framework base on “regional specificilities” has also been important. At regional level, the SAARC can play an instrumental role in formulating in regional convention on refugee. Mentioned may be made here, that, a group of Eminent Persons,(EGP) under the guidance of former Chief Justice of India P.N Bhagwati drafted the Model National Law on Refugee in November 1996. Working under the umbrella of the Informal Regional Consultations on Refugee and Migratory Movement in South Asia, the group focuses on the establishment of the regulatory process of refugee status. The draft Model Law was presented SAARCLAW Seminar in 1997, which was attended by delegates from the SAARC nations. Following consultations and incorporation of suggestions, the Model Law was formally adopted by the Regional Consultations at their annual meeting on 11 November, 1997. And the next annual meeting of the Regional Consultations held in Kathmandu on 9 and 10 November, 1998 unanimously decided that the Model Law should be harmonized with country-specific legislative and judicial requirements with a view to formally proposing it to the respective governments of the region. (Text in the appendix)

In the context of Regional Consultations group’s decision, the Model Law, the office of the UNHCR, New Delhi, in collaboration with the Indian
chapter of SAARCLAW, hosted a Roundtable Workshop titled “National Legislation on Refugees” on 30\textsuperscript{th} April, 1999. The Workshop proceedings and findings are of a particular relevance given the absence of refugee-specific national and regional framework in South Asia, couple with the history and scale of refugee movements within and from outside the region.

This effort and development shows a positive signal for solving the refugees and other force migration. However, it is too early to give a judgment how it contributed to the refugee management in the region.