Displacement is a fact of life for many people in modern times, and the refugee problem is a tragic phenomenon, a by product, of our age. So much so, that it has become a matter of acute international concern. It is a product, not only of the First World War and the Second World War, modern dictatorial regimes and ethnic strife, but also of the general socio-economic inequalities that rule the world. The twentieth century has been described as the “century of the homeless” and the “century of the uprooted” as a result of the tremendous increase in the number of refugees, homeless, and displaced people around the world, particularly in the third world nations.

Modern refugee movements originally started with all the displaced people in Europe after World War II, and subsequently spread to the rest of the world, especially to the third world countries. The various refugee movements of which are a result of the strife of modern times have given rise to a whole new class of people. These are people who are homeless and stateless, who live in conditions of penury and constant insecurity, and have often caused grave political and socio-economic problems for the host countries, where they have sought shelter. Furthermore, while in its earlier stages the refugee problem was seen as a temporary and limited phenomenon, it has now been acknowledged as universal, continuing and recurring. As a result, the international community has been driven to develop a complex mechanism of worldwide cooperation to deal with it, involving national governments, private agencies and international organizations, for the protection of said refugees. The convention relating to the status of refugees was adopted by a Conference of Plenipotentiaries of United Nations on 28th July 1951.
“As a result of events occurring before 1 January 1951 and owing to the well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, a person who is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country: or who, not having a nationality and being outside the country of his/her former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.”

In simpler terms, and uncomplicated language, it says that a refugee is a person taking shelter, especially in a foreign country, from war or persecution or natural disaster. However the refugee status as recognised by the United Nations High Commissioner for Refugees (UNHCR) depends on many factors, and not everyone can be termed a refugee. The person claiming to be a refugee before the UNHCR must demonstrate that he is outside his country of nationality and is unable or unwilling to return for reasons of race, religion, nationality, membership in a particular social group or political opinion.

**TO BE REFUGEE THE PERSON MUST DEMONSTRATE**

That he is outside his country of nationality and has a well founded fear of persecution for any one or more of five reasons (Race, Religion, Nationality, Membership of a particular social group, or political opinion) and because of that fear he feels that he cannot return to his own country.

Fear, of course, is a subjective feeling of apprehension regarding the safety of a person’s life and/or freedom. An absence of freedom, by itself, is not sufficient to make you a refugee. In a refugee context, the legitimate fear must be supported by the objective realities and the socio-economic and political conditions prevailing in your country of origin; conditions which cause you and your family to flee your native land in search of safety and refuge. If your fear is
based on these realities, if you have a reasonable or likely possibility of being persecuted for them, this fear will be treated as a well founded fear.

Persecution, in general terms, means a serious threat to one's life and freedom, alongside serious violations of fundamental human rights which result in harm to the individual, which are linked to one or more of the five grounds in the refugee definition. Though discrimination alone is not persecution, however serious it might be, systemic discrimination based on the five grounds, which may lead to serious negative consequences or harm to an individual, may amount to persecution.

The five grounds are:

1. Race: In the present connection race has to be understood in the widest sense of the term, to include all kinds of ethnic groups that are referred to as “races” in common usage. Frequently it will also entail membership of a specific social group of common descent that forms a minority within a larger population. Discrimination for reasons of race has found world-wide condemnation as one of the most striking violations of human rights. Racial discrimination, therefore, represents an important element in determining the existence of persecution.

Discrimination on racial grounds frequently amounts to persecution in the sense of the 1951 Convention. This is often the case if, for example, as a result discrimination, a person’s human dignity is affected to such an extent as to be incompatible with the most elementary and inalienable human rights, or where the disregard of racial barriers is subject to serious consequences.

The very fact of a person belonging to a certain racial group will normally not be enough to substantiate a claim to refugee status. There may, however, be situations where due to particular circumstances affecting the group, such membership will in itself be sufficient ground to fear persecution.
2. **Religion:** The universal declaration of human rights and the human rights convention proclaim the right to freedom of thought, conscience and religion, which right includes the freedom of a person to change his religion and his freedom to manifest it in public or private in teaching, practice, worship and observance.

Persecution for “reasons of religion” may assume various forms such as prohibition of membership of a religious community, of worship in private or in public, of religious instruction, or serious measures of discrimination imposed on persons because they practice their religion or belong to a particular religious community.

Mere membership of a particular religious community will normally not be enough to substantiate a claim to refugee status. There may, however, be special circumstances where mere membership can be a reason for persecution.

3. **Nationality:** It refers to the membership of an ethnic or linguistic group and occasionally overlaps with the term “race”. Persecution for reasons of nationality may consist of adverse attitudes and measures directed against a national, ethnic, or linguistic minority and in certain circumstances the fact of belonging to such a minority may in itself give rise to the well founded fear of persecution. It may not always be easy to distinguish between persecution for reasons of nationality and persecution for reasons of political opinion, when a conflict between national groups is combined with political movements, particularly where a political movement is identified with a specific “nationality”.

Whereas in most causes persecution for reason of nationality is feared by persons belonging to a national minority, there have been many cases in various continents where a person belonging to a majority group may fear persecution by a dominant minority.

4. **Membership of a particular social group:** Persons of similar background, habits or social status may comprise the type of group that is referred to as a social
group. These persons may be defined by innate and unchangeable characteristics – such as linguistic background, gender or sexual orientation. They may also be persons who associate for reasons so fundamental to their dignity that they cannot be forced to give up the association.

5. Political opinion: this applies to people who either hold political opinions not tolerated by the authorities or are assumed by them to hold such opinions.

Overall, whatever their reasons for having become displaced and being driven out of their home countries, refugees are a group of people not well received anywhere at all. The very creation of the group called refugees is the result of hostile attitudes and strife against them in their native lands, which in turn is the basis for the well founded fear they feel, because of which the refugees are reluctant to return home.

The 1951 UN definition of the term refugee was expressly designed to identify the refugees created in the Post World War II Period, in Europe, but it soon became obvious that it needed to be extended in order to deal with the many and continuing refugee movements around the world. This new need led to the addition of the later 1967 protocol, which defines a refugee as person:

“...who owing to [a] well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable, or owing to such fear or for reasons other than personal convenience, is unwilling to return to it.”

A few years after the 1967 protocol, in 1969, the organisation of African Unity’s Convention on Refugee Problems in Africa accepted the U.N. criteria, but also recognized as a refugee a person who has had to flee his or her country
‘owing to external aggression, occupation, foreign domination or events seriously disturbing public order...’

In 1984, the Central American nations, along with Mexico and Panama, adopted a declaration that builds upon the Organization of African Unity (OAU) definition, adding to it the additional criteria of ‘massive violation of human rights’. Although not a legally binding instrument, the Cartagena Declaration has become the basis for refugee policy in that region. The United Nations too respects the OAU and Cartagena definitions when working in these regions, and some go so far as to argue that the enlarged definitions have now achieved status in customary international law as well.

The issue of arriving at a competent and all inclusive definition for the term “refugee” is important because, as Political Scientists Aristide Zolberg, Astri Suhrke and Sergio Aguayo have written, ‘Refugee status is a privilege or entitlement, giving those who qualify access to certain scarce resources or services outside their own country, such as admission into another country ahead of a long line of claimants, legal protection abroad, and often some material assistance from public or private agencies’. They identify three groups who are likely to become refugees: dissidents, target minorities and victims of violence. A fourth category, the victims of massive human rights abuses, can be added to the three. Between then, the declarations cover all of the categories. The first two are covered by the 1951 Convention as victims of persecution; the third was codified in the OAU Convention, and the fourth was identified in the Cartagena declaration.

At the conceptual level, it is possible to make a distinction between the involuntary and forced displacement of people and the voluntary movements of people arising from their own volition. This conceptual difference sets apart the ‘refugees’ from the ‘migrants’. The state, and powerful communities within a state, is generally responsible for creating conditions which compel people to seek
refuge across their borders. These conditions include internal conflicts arising from a variety of reasons generically reflecting the failure of governance by state. These conditions need to be distinguished from the various population movements caused by natural calamities and environmental degradation, or those arising as the result of developmental policies pursued by the state, or those motivated by the understandably human desire of people to pursue a better quality of life. Such involuntary and voluntary movements may both take place within states as well as between states.

A major part of the migration from rural to urban areas within developing countries and from the developing world to the developed world is driven by the search for gainful employment and a better quality of life. It is not feasible to describe such migrants as refugees or to classify them as internally displaced persons who are in need of state or societal support. States have an understandable desire to distinguish between the involuntary and voluntary population movements in forming their national policies. The various developed countries of the world are increasingly making this distinction in order to prevent the unmanageable entry of persons seeking gainful employment, or other advantages, in the guise of seeking asylum.

Over time, worldwide practical experience has demonstrated that these distinctions are eroding rapidly, and it is becoming more and more difficult for states to distinguish between legitimate immigrants seeking asylum due to well-founded fear of persecution in their home countries and people motivated by much simpler economic reasons. Ideally, ‘the emphasis in the matter needs to shift from a focus on the factors that created the refugees to focus on the definition of a refugee by the circumstances that they are currently living in, such as a a constant condition of statelessness and vulnerability to abuse’. This more humane formulation has to be weighed against the basic principles guiding the international refugee regime, which envisages the temporary protection of the immigrants, although the issue of
their permanent residence could also be addressed with reference to their original homes. The immensity of the problem can be gauged by the fact that the UNHCR estimates that ‘at the end of 20th century some 150 million people were living outside the country of their birth, amounting to about 2.5 percent of the world’s population, or one out of every 70 people.4

**Refugee movements in South Asia**

South Asia is generally recognized as comprising the seven SAARC nations which are in the process of attempting to establish economic cooperation. It is hoped that this regional cooperation would, in time, ameliorate the various political and security concerns of all the member nations. In the period after the end of the cold war, the impact of transnational threats to the national security of most of the South Asian nations has greatly increased. These now constitute the more important and significant dangers to the national security of South Asian SAARC nations. It would be difficult, and unfair, to exclude either Afghanistan or Myanmar from consideration in this perspective. Instability in these countries spills over into the larger South Asian Region and leads to the exacerbation of threats posed by drugs, the smuggling of firearms, and terrorism. It is likewise difficult to exclude the effect of the spillover of the problems of Afghanistan and Myanmar into Pakistan, India and Bangladesh, which adds a significant dimension to the national security concerns of these countries.

Since 1997, most of the population movements across boundaries in South Asia have consisted largely of rejected peoples or unwanted migrants. By rejected peoples, this document means the citizens or legal residents of a country who are forced to leave as a result of persecution, violence or threats to their lives or property. These are the people, moreover, whose departure is actively sought and welcomed by their governments or by those among whom they live. By unwanted migrants this document means the people crossing an international boundary, legally or illegally, who are unwelcome in their new homes and are often forced
to leave. This feature of population movements in South Asia has generated immense conflicts both within and among the countries of the region.

South Asia demands international attention in this matter since it hosts some 17 percent of the total population of refugees who are the direct concern of the mandate of the UNHCR. Except for Maldives, all the countries of the region are either a source of refugees or have become their hosts. Migration within South Asia has generally been either provoked or initiated by a sense of persecution or by the lack of economic opportunities in the countries of origin. Often the host country has exacerbated its own problems by creating situations conducive to emigration from outside its borders. Two such instances that come readily to mind are Pakistan’s support to the Afghan mujahidin during their struggle against the Soviet occupation of Afghanistan, and India’s covert assistance to the Tamil militants in Sri Lanka in the 1980’s. These situations, in turn, produced a climate enabling the Afghans and the Joyyna Tamils to migrate into Pakistan and India respectively in search of sanctuary, local support, hospitality and further funding for their activities.

Another phenomenon which merits attention is the close association of migration with violence in South Asia, both in the originating country and in the host country. This is evident from a review of twelve important population movements in the region since the partition of sub-continent in 1947. These twelve movements are:

(i) India-Pakistan refugee flows, 1947-48, involving nearly 15,000,000 Hindus and Muslims; (ii) exodus of Burmese Indians numbering about 1,000,000 during 1948-65; (iii) exodus of Sri Lankan Indians and Tamils to the tune of about 10,000,000 from 1954 which is still continuing; (iv) flight of about 10,000,000 people from Bangladesh to India in 1971; (v) ‘Stranded Pakistanis’ in Bangladesh numbering nearly 300,000; (vi) flight of some 200,000 Burmese Muslims to Bangladesh in 1978; (vii) flight of about 100,000 Chakmas to India in 1981; (viii)
the flight of nearly 3,000,000 Afghans from Afghanistan to Pakistan during 1978-93, of whom some 2,000,000 have since returned; (ix) flight of Tibetans to India from 1958 to 1963 numbering about 100,000; (x) exodus of nearly 60,000 Bhutanese of Nepali origin to Nepal in 1990-91; and the two controversial and unwanted population flows; (xi) from Bangladesh to Assam in India and (xii) the two way flow between Nepal and China. Certainly these cases are different and distinct but violence remains their common denominator.6

In addition, the inter-state tensions arising from these population movements have led to numerous conflicts in the past between the host country and the country of origin. The best known example here is the Indo-Pakistan war in 1971, triggered by the eviction of some 10 million East Bengalis by Pakistan’s military regime, which resulted in the creation of Bangladesh. This conflict raised numerous delicate issues pertaining to the ethics of humanitarian intervention and the basis of waging just wars.7 Similar situations are likely to arise in the future as well.

Refugee Generating Factors in South Asia

In the theoretical studies of the refugee phenomenon, six broad causal factors have been identified as being responsible for creating refugees. They are:

(i) anti-colonial wars and self-determination movements
(ii) international conflicts
(iii) revolutions, coups and regime changes
(iv) ethnic, communal and religious conflicts
(v) creation and restructuring of state boundaries
(vi) population transfers.8

Three broad categories of refugee generating factors in South Asia may be identified. In the first place, there is the breakdown of colonial rule in the region and the nationalization of some of the colonial legacies which has created huge refugee flows. The largest of such flows was the exchange of populations between
India and Pakistan, resulting from the partition of British India giving birth to the new states of India and Pakistan divided along the lines of religion. As a result, the Muslims of north India migrated to the newly created state, and the resultant communal frenzy pushed the Hindu residents of the newly created Pakistan to migrate to the truncated India. This process of back and forth migration continued for nearly a decade, though the largest exchange of population took place in the first two years, 1947 and 1948. No precise estimate of the numbers of people involved in these flows is possible, but the combined flows from both direction, could not have been much less than some 20 million people. The problems thrown up by the attempts to resettle and rehabilitate them were predictably enormous, but both India and Pakistan sorted them out administratively, within their own respective jurisdictions, and also through bilateral negotiations.

There was yet another way in which the end of the colonial era in South Asia generated multiple flows of refugees in the region. Burma and Sri Lanka (then known as Ceylon) were granted Independence from British rule in 1948. Soon after independence, Burma started a vigorous process of nationalising its administration and public sector institutions. These were institutions where a large number of persons of Indian origin, who had migrated to Burma under the British Patronage, were employed. All these Indians were removed from their jobs, and since most of them were not granted citizenship, they had to move to India as refugees. Burma was the origin of a second wave of refugees to India after the dismissal of U.N.’s democratic regime and the establishment of military rule by General Ne Win in 1962. The military rule nationalised various economic establishments, depriving many persons of Indian origin of their livelihood. These were people who were working as middlemen and moneylenders since the British times. The Indian government’s disapproval of the military rule in Burma had made the Rangoon rulers harsh towards these Indians whose position made them further vulnerable and they had to seek refuge in India. An estimated 150,000 of such refugees, at this time, returned to South India where they had their roots.
Like Burma, Sri Lanka also had a large population of persons of Indian origin, employed in the estate sector since the British days. The nationalist government of Sri Lanka, through newly introduced Citizenship Acts in 1948 and 1949, deprived these estate workers of their voting rights. As a result, a new category of stateless Indians emerged in Sri Lanka, which neither India, nor Sri Lanka wanted to own. Several attempts to resolve the problem of persons of Indian origin in Sri Lanka, failed to yield results. The two countries signed their first major agreement on the question of the “stateless” persons in 1964, which has been revised and improved upon since then due to more recent problems of implementation. Under these various agreements, India has repatriated some 338,000 persons of Indian origin from Sri Lanka for resettlement and rehabilitation between 1964 and 1987. The last agreement to deal with the residual problem was concluded between the two countries in 1988 and it is hoped that sincere and complete implementation of this agreement will finally eliminate this irritant between the two neighbours.

The second category of factors responsible for generating refugees in South Asia is related to the state and nation building processes which precipitated not only political, ethnic and religious conflicts but created economic and environmental conditions forcing people to migrate within or outside their respective countries. The first and also the largest refugee flow generated by factors under this category was in 1971, from the then East Pakistan to India. Pakistan could not resolve the problem of the alienation of its Bengali population because the Punjabi and West Pakistani dominated state was not willing to accommodate the Bengali majority for its due share in the national power structure; not even after the first democratically held election of 1970, in which the East Pakistan based Awami league of Sheikh Mujib-ur-Rehman secured a majority of the seats. Pakistan’s internal conflict resulted from the military’s refusal to hand over power to the elected parliament and, their letting loose of repression on the Awami league and the Bengali masses. This made the creation
of Bangladesh inevitable. Some 10 million refugees from the eastern wing of Pakistan took asylum in India. They returned only when Bangladesh emerged as a new independent nation in December 1971.12

As a consequence of the emergence of Bangladesh, yet another category of refugees in the South Asia region was created, that of ‘Stranded Pakistanis’ who had refused to support the struggle for Bangladesh, and even after the victory of this struggle, continue to proclaim their allegiance to Pakistan while residing in the newly created nation. Under an agreement concluded in 1974 Pakistan accepted about 170,000 of these people, popularly known as “Bihar Muslims”. But more than 300,000 remain stranded in Bangladesh awaiting their repatriation to Pakistan. Pakistan is not willing to accept and rehabilitate them.13

An important aspect of the state and nation-building process in South Asia has been the changing identity of the state and its consequent precipitation of religious ethnic and sectarian conflicts.14 In the beginning, all the South Asian states started with liberal, democratic and secular ideals, but gradually, they drifted into acquiring the identities of their dominant and governing social groups. This process and its culmination in the emergence of a majoritarian and domineering state which was also generally undemocratic, has inflicted discrimination, deprivation and marginalisation on the minority, ethnic and religious groups. The dominant community or the social group in control of the state generally uses undemocratic political structures and takes advantage of the state’s coercive apparatus to appropriate a disproportionate share of the state’s resources for itself, denying the same to their minorities. This has precipitated ethnic and other conflicts and generated more refugees.15 This distorted state building process has been reinforced by, and has in turn contributed to, the challenge of a lack of, or unequal, development.

Obviously, the Bangladesh crisis for Pakistan was a direct and exemplary example of the results of this process. Such is also the case of the Tamils in Sri
Lanka. The state, through a gradual process beginning in 1956, has acquired a Sinhala-Buddhist identity. The simmering ethnic conflict that exploded in July 1983 sent more than 220,000 refugees to India and nearly 75,000 additional refugees outside the region, to Europe, America, Canada and Australia.

The newly created state of Bangladesh had imbibed the ideals of democracy and secularism but after the coup against the first representative government in 1995, a drift towards authoritarian political order and assertive Islamic identity became evident. This strengthened the traditional flow of Hindu refugees from Bangladesh to India.

The state in Bhutan has been a monarchy and dominated by the Buddhist Drukpas. The Southern Bhutanese, mostly of Nepali origin who migrated from India and Nepal over the years not only lived under restrictions of movement and residence, but also were denied their share in the political and economic decision making process of the kingdom. This was mainly due to the fears of the dominant Drukpa community that the demographic expansion of the Nepalese population would eventually lead to the marginalisation of the Drukpas within the kingdom. The conditions of the Southern Bhutanese of Nepali origin further deteriorated when the rigorous policies of Bhutanisation, through the imposition of cultural and dress codes (Driglam-namza), as well as citizenship qualifications, were implemented in 1988. The repressive implementation of these policies precipitated violent reactions and conflict and created refugees. 16 Ethnic conflict in Southern Bhutan also carries larger political overtones, where the Nepali resistance, besides demanding protection of their human rights, also claims to be struggling for the establishments of democracy in Bhutan. 17 More than 100,000 refugees have left Bhutan to seek asylum outside as a result of this conflict.

The only South Asian states that have not generated major refugee flows to their neighbouring countries as a result of ethnic conflicts are India, Nepal and Maldives. In the case of India, its democratic polity, secular statehood and federal
constitutional structure, in spite of their respective limitations and imperfect practices, have given it a considerable resilience to help it deal with ethnic conflicts internally. The examples of Tamil, Assamese, Punjabi and North-Eastern ethnic conflicts are worth mentioning in this respect. These conflicts have not been fully resolved, but the capacities of the state system and the large size and diversity of India has enabled it to moderate these conflicts and keep them localized. The recent years have, however, witnessed many signs of serious erosion in India’s democratic polity and its secular thrust. The impact of this erosion is clearly evident in the rise of ethnic conflicts, communal tensions and caste conflicts within the nation.18

As for Nepal, the Hindu identity of the state has been far less assertive when compared to the rise of sectarianism within the state in other South Asian countries. In addition, the religious and cultural alienation of minorities in Nepal has produced only a very limited and local ethnic conflict, partly because there were other cushions and buffers available, such as the selective co-option of minority representatives by the Monarchical state; and partly due to the undemocratic character of the Panchayat political order, which did not allow any political mobilisation at the grass-root level or along divisive caste/class identities. The establishment of parliamentary democracy under constitutional monarchy in 1990 has stimulated such mobilisation including those arising as a result of ethnic, regional and religious-minority grievances, which unless attended to properly may become major problems in the coming years, since democratization and the articulation of social and economic grievances often go hand in hand.19

Maldives is a very small island state with considerable socio-cultural, homogeneity and has, therefore, remained free of ethnic conflicts. Internal political conflict, such as the coup attempt on President Gayoom’s regime neither involved the ordinary Maldivian, nor forced him to become a refugee.
The South Asian states’ incapacity to deal with the challenge of economic development has generated economic and environmental migration in this region. Bangladesh is identified as one of the largest and continuous sources of economic migrants, going mostly to India but also spilling over into Nepal. The Bangladeshi government has neither formally accepted the fact of economic migration nor does it recognise that it has any responsibility in the matter. The Indian government continues to resent this but seems unable to do anything in the matter. India’s inability is also due to the weakness of its own political and administrative system where the border guards (The Border Security Force) let the migrants go for small gratifications and the local politicians in Assam and West Bengal have connived to maintain the presence of migrants, using them as additional vote banks in the areas where they settle.20

Economic migrants have also frequently crossed the Indo-Nepal border in large numbers, from both the sides. Not only is this border contiguous and long, but it permits free movements of the nationals of one country into the other under the provisions of the treaty of peace and friendship of 1950, between them. The treaty also ensures ‘national treatment’ or ‘reciprocal basis’ for Indians and Nepalese in each others’ territories. Such provisions have encouraged and facilitated economic migration.21

The third category of refugee generating factors relate to the development outside the region and flow of extra-regional refugees. So far, such refugees have come from Tibet, Afghanistan and Burma. The flow of Tibetan refugees into neighbouring nations of South Asia has been a result of communist China’s military action in Tibet during the 1950s. The Tibetan struggle for autonomy and the Chinese actions to suppress the movement have continued since then, as has the flow of refugees. The intensity and volume of this flow has varied, depending upon the intensity of the conflict in Tibet. The conflict was at its most serious in 1959, when the Dalai Lama, the religious and political leader of the Tibetans, with
thousands of his followers, came to India for asylum. Tibetan refugees initially came to India, Nepal and Bhutan, mainly because of geographical proximity and a shared Buddhist Cultural Identity.\textsuperscript{22} Subsequently, Tibetan refugees have migrated to South Asian nations during the second half of the sixties when the Cultural Revolution in China caused extensive disturbances. After 1988-89, Tibet’s struggle for autonomy has picked up momentum again, generating more refugees. There is no doubt that the question of Tibetan refugees in South Asia will increasingly come under sharp focus as the issue of Tibetan autonomy gains momentum in view of renewed international support.

Another group of refugees, the Afghans started migrating to other South Asian nations following the Saur revolution of Afghanistan in 1978 and the far-reaching socio-economic changes introduced by the Taraki regime. Within a year and a half, the Taraki regime was overthrown by Hajizullah Amin in September 1979, who in turn was removed from power by the Soviet military intervention in December 1979. Between April 1978 and December 1979, an estimated 193,000 Afghan refugees had arrived in Pakistan to seek asylum. The flow of refugees became quite large following the Soviet intervention and the Afghan resistance to it. By the beginning of the eighties there were about 4700 Afghan refugee entering Pakistan everyday, contributing to a total of 3.15 million registered refugees at the peak of the influx, in October 1987.\textsuperscript{23} The flow of refugees was “linked to the intensity of fighting and economic disruption” in the home state.\textsuperscript{24}

Burma has been the third extra regional source of refugees to South Asia. The flight of persons of Indian origin from Burma, during 1948-49, and during the early sixties has been a large part of this movement. Burma has also sent Rohingya Muslim refugees to Bangladesh. The first flow of such refugees occurred in 1978, in the wake of the Burmese army’s operations in the Arakan region to check illegal migrants and fight insurgency. As many as 200,000 Rohingyas sought asylum in Bangladesh at the time as they did not have valid
citizenship documents and were fearful of the Burmese army. An agreement was worked out between Bangladesh and Burma, with the mediation of UNHCR to repatriate these refugees, many of whom also left for Muslim countries in West Asia. The next flow of Rohingyas to Bangladesh started during 1989-90, when in their efforts to suppress the pro-democracy movement and control the ethnic insurgencies, the Burmese military regime confronted Rohingyas, cleared them from their villages to establish military bases and forced them to provide ‘unpaid labour’ to the troops. Eventually the governments’ in Rangoon and Dhaka concluded an agreement for the repatriation of these refugees. The continuing fear of army excesses has deterred the Rohingyas from returning voluntarily.

There is one other factor that determines and causes population movements in South Asia. It is the ongoing environmental degradation resulting from desertification, salinisation of soil, and dwindling water resources. Extensive deforestation leading to floods and famines has added to the causes of forced migration. These environmental factors, such as the deforestation of the Himalayas in Nepal and the land erosion caused by recurring floods or the loss of the coastline in Bangladesh, have forced people out of these countries into neighbouring states like India.

If we look at the factors generating refugees in South Asia in a comparative context, we find that formation and restructuring of state boundaries (Partition of British India, and the emergence of Bangladesh) as also the explosion of internal ethnic and secessionist wars, where massive military operations are involved affecting ordinary people (emergence of Bangladesh, struggle for a separate Tamil Eelam in Sri Lanka and Soviet military intervention in Afghanistan), create mass exodus of refugees in the shortest possible span of time. In contrast, economic and environmental migration is generally a slow-process spread over a larger time span, though the total number of people involved may be just as large over time, as the movements into India, Nepal and Bangladesh suggest.
Two factors that facilitate the movement of refugees are the easy accessibility of borders to be crossed and the socio-cultural identification of the asylum seekers with the host population. In either case, if the people and the government of the host country support the political cause of the refugees, as was evident in all these cases, then the refugees spread out into the host country fast and deep. The repatriation of any group of refugees has diverse and complex aspects, but what seems to be borne out by the South Asian experience is that the sooner the cause of refugee creation is removed, the faster and easier is their repatriation and resettlement. The dissociation of the host country from the political cause of the refugee also helps in their early repatriation, and sometimes, international agencies like the UNHCR and different NGO’s dealing with the refugees may help instill a sense of confidence and security among the returning refugees to facilitate their repatriation.

SECURITY DIMENSIONS OF POPULATION DISPLACEMENT IN SOUTH ASIA

Population movements need not always be negative in their impact. It is universally acknowledged that migrants can often provide a source of cheap labour to the host country, for example, and often offer useful skills to invigorate the local developmental process. Migrants were the plantation labour that led to the development of the tea industry in Assam and the opening up of the Terai region in the Himalayan foothills. Besides, migrants can easily integrate into the host population, especially if they belong to common cross-border ethnic and linguistic groups.

However, the negative aspects of population movements in South Asia are also well recognized. Refugees today are regarded as a source of non-military threat to national security in South Asia. It has been argued that the presence of refugees also poses threats to the social, economic and political institutions in the host state.
Refugees are considered as security threats for the following reasons:

- The inherent tensions among the various refugee groups – each with its own class, regional, religious and ethnic loyalties – have security implications for the host country.

- Refugees are involved in petty crimes and become a part of the local underworld, thus increasing the law and order problem in the host country.

- The struggle for scarce economic resources results in competition between the local population and the refugees.

- The presence of refugees exerts its own influence over local politics.

- Refugees pursue their armed struggle against their home state, thus affecting the relations between the host country and the country of origin.²⁵

These issues need to be probed in slightly more detail. At the outset, when discussing the security threats posed by the refugees, a distinction needs to be made among them. In almost all the cases in South Asia, the movement of refugee populations has been based on ongoing violent armed conflicts in the country of origin. Secondly, in most cases, whether in Afghanistan, Sri Lanka or Myanmar, a number of groups were involved in the conflict against the state, on the one hand, and with each other, on the other hand. To sustain their two pronged armed conflicts, these groups at times take refuge in other countries with or without the knowledge of the host country. This group comprises the militant refugees, who must be clearly differentiated from the civilian refugees, who form another group. So these divisions need to be kept in mind when examining the threats posed by the refugees to the security of the host nation.

**Refugees and Social Security**

Threats to social security from refugees, according to the experts, assumes the following forms: drug addiction and drug trafficking, increasing law and order
problems, trafficking in arms and women, etc. These assertions need to be further investigated.

First, let us examine the problem of drug addiction and drug trafficking by the refugees. The most quoted figures regarding the connection between refugees and drug addiction comes from Pakistan. In 1979, there were no heroin addicts in Pakistan, but the number jumped to four million in just two Decades. The rise in heroin addiction in Pakistan can be directly linked to the presence of the Afghan refugees in Pakistan. Al Asif, a major Afghan refugee area near Karachi, was considered to be a ‘den of vice’ where it was claimed ‘arms and drugs were freely available and the area was frequented by a majority of the criminal elements’.

In addition, refugees are often accused of gun running and arms smuggling. In the case of Sri Lankan Tamil refugees, for example, they possessed weapons without valid licenses and took the law into their own hands, especially with the lack of direct control over their activities by the state authorities. Some of the refugee camps seem to have an independent existence, despite being arranged for and settled by the government. For example, all the Sri Lankan groups ‘had their own camps, which were, virtually, prohibited zones for outsiders. One could do almost anything in these secluded fortresses, and no questions were likely to be asked. Even when someone was tortured to death, the screams would reach nowhere. The jobless youth in the coastal areas of Tamil Nadu found smuggling an attractive means to earn a little extra cash and, even worse, the local population was often unwilling to share information regarding these illegal activities with the authorities. The Afghan refugees living around Karachi too are well known for their ‘guns-for-hire service’, whereby they rent weapons on a daily or an hourly basis.

Thirdly, there are often inherent conflicts among the refugees themselves based on their different and competitive religious, ideological, and group loyalties. These loyalties can sometimes result in open fighting among the various groups living in the host state. For example, the various factions of the Sri Lankan
refugees in Tamil Nadu were openly involved in armed fights. In June 1990, the LTTE, carried out an attack in Madras (now Chennai), killing 13 members of the Eelam People’s Revolutionary Front (EPRLF), including its leader K. Padmanabha.33

Finally, refugees sometimes get involved in criminal acts too, ranging petty crimes to major robberies to murder, which adds to the law and order problems faced by the host state. M.S. Jayalalitha, the erstwhile Chief Minister of Tamil Nadu, blamed the Sri Lankan refugees during her regime for armed robberies and the rising crime rate in Tamil Nadu.34 Refugees begin by getting involved in petty crimes and graduate to becoming an important part of the local underworld and criminal groups in the host country. Trafficking in drugs, arms and women has been found to be common among the poorer section of South Asian refugees, such as the Southern Bhutanese refugees in India.35

The above-mentioned threats posed to the social security of the host nation need to be examined against the background of the distinction made, first, between civilian refugees and militant refugees, and second, between camp refugees and non-camp refugees.

Refugees and Economic Security

The belief that refugees constitute an economic threat is directly linked to two factors. The first factor is the numerical size of the refugee population, and the second factor is the ability of the host state, especially in economic terms, to provide the refugees with basic living conditions.

The receipt of assistance in the form of doles and goods by the refugees, which is unavailable to the local population, is a further cause of discontent among the people of the host country; inadvertently this creates an unintended gap between the living conditions of the refugees and the living standards of the indigenous population. This dissatisfaction can worsen with the passage of time.
and descend into open hostility. This can be seen in the case of Tibetan refugees in some parts of India, where they have successfully established themselves in business and other avocations, making them easy targets of jealousy and frustration on part of the poorer local population.

All the countries in South Asia are in various stages of economic development; none of them has the ability to provide adequate infrastructure to its own citizens, causing more internal problems when they are required to provide for hundreds of thousands of refugees.

**South Asia in The Global Framework**

<table>
<thead>
<tr>
<th></th>
<th>Population (millions)</th>
<th>Real GDP (PPP dollars millions)</th>
<th>Absolute poverty (millions)</th>
<th>Illiterate adults (millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>World</td>
<td>2,996</td>
<td>5,508</td>
<td>5,303</td>
<td>30,542</td>
</tr>
<tr>
<td>South Asia</td>
<td>564</td>
<td>1,191</td>
<td>365</td>
<td>1,632</td>
</tr>
<tr>
<td>Share of South Asia in the World (%)</td>
<td>19</td>
<td>22</td>
<td>6.9</td>
<td>5.3</td>
</tr>
</tbody>
</table>


Here are some relevant facts pertaining to South Asia. It is the most populous region in the world. Its share in the absolute poverty at the global level is 40 percent, whereas its share in the global income is a mere 5.3 percent. In terms of per capita income South Asia, at $ 309, is the poorest region in the world.
### Per Capita Income of Various Regions

<table>
<thead>
<tr>
<th>Region</th>
<th>Per capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Asia</td>
<td>309</td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td>555</td>
</tr>
<tr>
<td>East Asia (including China)</td>
<td>825</td>
</tr>
<tr>
<td>All developing countries</td>
<td>970</td>
</tr>
<tr>
<td>Arab States</td>
<td>1,725</td>
</tr>
<tr>
<td>Latin America and the Caribbean</td>
<td>2,966</td>
</tr>
</tbody>
</table>


Given these human development indications in South Asia, refugees are sure to pose an economic burden on the host society. Despite various economic limitations, South Asian countries do accommodate refugees on their soil and provide for them even at a very high cost, and this achievement deserves to be commended. Before and during the Indo-Pak war of 1971, India did support the refugees from East Pakistani at a fairly high cost. According to *Time* magazine:

The cost of feeding and attempting to house the refugees in currently $1,330,000 a day – an expense that Mrs. Gandhi’s government can ill afford if it is going to fulfill the campaign promise of garibi hatao (eradicate poverty). The food required by the refugees is rapidly depleting existing food stockpiles and threatens to create a famine for the Indians themselves. The refugees are also taking work away from the Indians; in West Bengal, the refugee peasants are hiring out as agricultural labourers for a quarter of the wages (that the) local labourer is paid.36

During the 1980s, Pakistan spent more than a million dollars a day to house and feed refugees. There were around 2.4 million registered refugees whose
maintenance cost around a million dollars, and when the unregistered refugees are included, the number would be much higher than the official estimate figures.\textsuperscript{37}

A major reason for Pakistan, and especially some of its provinces, refusing to build any extra camps for the Afghan refugees was based on economic considerations. In an interview, Lieutenant General (retd) Iytikhar Hussain Shah, the governor of the North West Frontier Province, claimed that the large number of Afghan refugees had devastated the provincial economy. He said, ‘We have made it clear to the UNHCR and also conveyed to the federal government that no more land would be provided for new refugee camps... It is a matter of our economy.’ The economic factor has been the main reason for Pakistan to continue to reject the UNHCR demands to have more camps built for Afghan refugees. According to Pakistani authorities, around 280 camps have been setup in various parts of the country since 1979. It costs 30 million rupees to setup a new camp, and an additional 5 million rupees is needed every month to feed the refugees in a camp.\textsuperscript{38}

According to Pakistani officials, ‘The UNHCR is just interested in registering them, who would take care of their logistics and food afterwards is not the UNHCR’s concern. This is why the visit of Rwid Lubbers, UN High Commissioner of Refugees, in May 2001 to Pakistan failed to engender an agreement regarding the registration of the thousands of refugees living in the make shift camp in Jalozai. Pakistan prefers that the UNHCR setup camps to rehabilitate the displaced Afghans inside Afghanistan, which the UNHCR dismisses as a ‘silly idea’ and ‘not the solution’.\textsuperscript{39}

A second factor which also contributed to Pakistan’s changed policy towards the Afghan refugees in the period before 11 September 2001 was that the international community was unwilling to contribute to the maintenance of these refugees. After the 11 September terrorist attacks in the United States, however, the international community started pouring huge amounts of aid to solve the problems of the Afghan refugees.
Refugees and Political Security

The contention that refugees constitute a substantial threat to the political security of the host state is a factor that needs to be further examined. Does the mere presence of refugees in a host state result in the creation of political instability and insecurity? To what extent did the Afghan refugees in Pakistan and the Sri Lankan refugees in Tamil Nadu contribute to the political instability in these two countries?

Refugees are considered a threat to national security on three different levels: strategic, regime, and structural. When the refugees are armed and when the state loses control over the refugees, it affects the strategic security of the state. When there is a conflict over scarce resources, it affects the structural security of the state. And when the refugees get involved in domestic politics, it affects the regime security of the state. It is even said that in South Asia ‘there are “dramatic examples” not of the familiar story of wars producing refugees, but rather of refugees producing wars.’ These are serious contentions which need to be probed further. Once again, these assertions need to be investigated keeping in mind the differences in the categorization between militant refugees and civilian refugees.

The two most frequently quoted instances of refugees being a security threat to the state are the Afghan refugees in Pakistan and the assassination of Rajiv Gandhi by Sri Lankan Tamils.

The perception of a threat emanating from the refugees to the political security of the host state is based on the following three assumptions:

First the growth of organized terrorism in the host country; Second, the impact of refugees on democratic politics; and Third, the transformation of local people into a minority in their own land.
These three dimensions of the security threat supposedly posed by refugees to the political security of the host country need to be probed further. We will examine the role of refugees in the growth of organized terrorism with respect to three specific issues:

(a) terrorism in Pakistan  
(b) the assassination of Rajiv Gandhi  
(c) ethnic conflict in the north-east of India

There is no denying the fact that Pakistani society is facing a serious threat from what they call ‘organized terrorism’. Pakistan had actively supported the various mujahideen groups in the 1980’s by providing them with weapons and training, and in the 1990s, Pakistan contributed to the extension of this jihad by creating, supporting and sustaining the Taliban.

Long before the terrorist attacks of 11 September 2001 occurred, there was a realization in Pakistan and elsewhere that Pakistan was becoming a major hub for the activities of the Islamic extremist groups involved in terrorist activities both inside and outside the country. These extremists groups comprised mainly the former mujahideen who had fought against the soviet union and most were Pakistanis and not Afghan refugees. These groups along with the Taliban had close links with the ISI, which had been using the former to achieve its security objectives. Besides these extremist organizations, there was also the Pakistani underworld, with its headquarters in Karachi, which was engaged in trafficking in drugs, arms and women. The Karachi underworld is even suspected of having links with the 11 September terrorist attacks.

Besides the Jihadi factor, another security threat posed by refugees in the arena of domestic politics is seen in the case of Afghan refugees in Pakistan, whose presence has been used by the local political parties in the country to further their own political purposes and to serve their political objectives, the refugees in the process becoming their vote banks.
Another instance which highlights the role of refugees in disrupting national security was the assassination of Rajiv Gandhi in 1991, a crime for which the Sri Lankan refugees were blamed to a great extent. However, an in depth analysis of the events leading up to Rajiv Gandhi’s assassination will prove that the Sri Lankan refugees were only one party of the conspiracy. Many groups were involved in the conspiracy to carry out the assassination and the subsequent sheltering of those who actually carried out the assassination. Broadly speaking, the people behind the assassination of the erstwhile Indian Prime Minister may be classified into three groups. The first would be the core group, comprising the LTTE leadership and selected cadres, like Sivarasan, Dhanu, Subha the human bomb, Murugan, and others who entered India illegally. The second group comprising LTTE cadres like Vijayan, Selvalaxmi and Baskaran, entered India long before the arrival of the assassination team and registered themselves as refugees in Rameswaram. The objective of this second group was to provide the necessary logistical support to the assassination team. For various reasons, the LTTE did not want to use or involve its then existing political support groups within India. The third group consisted of some Sri Lankan refugees and Indian citizens who were sympathetic to the LTTE cause. Except for a few people in this third group, the others were unaware of the conspiracy, but they did help the conspirators after the assassination took place.44

Another convention is that the local population in India’s northeast felt ‘threatened by an increasing sense of being marginalised in their home land by a culturally and ethnically different group.’ In Arunachal Pradesh, the presence of Chakma refugees led the Arunachal Pradesh Students Union (APSU) to demand the removal of the Chakmas from the country. This development has two further implications. First, state politics are exploited in terms of the issue of ‘sons of the soil versus aliens’. The other political parties in the state, whether willingly or unwillingly, have also had to focus on this issue for their own political survival. Second, the assertion and articulation of such demands by the local population in
the host state upsets the refugees, and the fear of being expelled leads the refugees, in turn, to assert themselves against their hosts. In Arunachal Pradesh, for example, ‘in a bid to protect themselves from being ousted the Chakma have built links... with militant organisations causing the balance of force to change and posing problems for internal security.45

Conclusion

This chapter examined the official worldwide definitions of the term “refugee” and the various conventions and resolutions adopted worldwide to address the refugee issue. Given the fact that one in 70 people, globally, are living in displacement outside the country of their origin, it has become a matter of grave international importance to properly deal with the myriad issues surrounding the creation, accommodation, and repatriation of the many refugee populations around the world. Specifically with regard to South Asia, this chapter examines the various movements of population within the region and the many reasons behind it. From restructuring of political systems, and nation forming, to external aggression, internal strife, and the age old search for a better life, South Asia has seen every possible cause of refugee movements imaginable. Given the various reasons for the creation of mass movements of population in the region, it makes sense to closely examine and categorise the various groups of refugees on the basis of the “why” among other things.

In addition, it can be seen that many of the intra, and inter, national problems in the South Asia region can be traced to the presence of large groups of refugees in most of the countries here. The excessive social, economic and political burdens generated for the host state by the presence of large refugee populations is a matter of concern for the entire region, not less for the rest of the world. Not only is the internal balance of the host state threatened, its local populace deprived of resources and inconvenienced as to mode of life, but the cross border mass migration of refugee populations also creates tensions between
states, especially when the country of origin is reluctant to accept repatriation of the refugees it has driven out. Add to this the often serious security and law and order threats that the presence of refugees poses for the host state, and the situation becomes graver. Not only is internal security and economic balance threatened by the need to house, feed, provide work to, and look after sizeable groups of refugees, but the very rootless nature of the refugees themselves often draws them into illegal and criminal activities ranging from petty theft to organized crime, and trafficking in drugs, arms, and women.

Law and order, and external national security are further threatened when strife begins among various refugee factions, which often escalates into open war. Militant refugee groups also tend to use their host countries, and its political machinery, as a springboard for launching and waging wars and resistance movements “back home” which further de-stabilises the security of the host country, and can have serious backlash related problems for the local population and political scene.
REFERENCES


