CHAPTER I

INTRODUCTION

The principal purposes of the present study are to analyse the effectiveness of regimes in international relations and to describe the international regime in the issue area of refugees, with a special focus on the operation of the refugee regime in the context of South Asia. The endeavour is to improve the common understanding of international order and international cooperation through an interpretation of international regime-formation that heavily relies on rational-choice approach. The study also tries to find why, under certain circumstances, self-interested actors in world politics seek to establish international regimes through mutual agreement. It attempts to account for fluctuations, over time, in the number, extent and strength of international regimes, on the basis of rational calculations under varying circumstances.

The study makes an effort to critically review the working of regimes in international relations, along with discussing and analysing the various theories of regime. It specifically examines the status and development of refugee regimes in South Asia, while simultaneously describing the refugee problem in the region, and explores the feasibility of a common framework for refugees in South Asia. The attempt is to understand how the management of the refugee problem in South Asia has been affected by the absence of national refugee law and non-accession to international refugee law.

Some related questions that have been attempted to answer subsumes the following: what is an international regime?; is the concept of an international regime precise enough to guide potentially cumulative empirical research?; do regimes really work?; do they work in all issue-areas?; how do regimes affect the behaviour of state and non-state actors in the issue-areas for which they have been created?; which factors, be they located within or without the institutions, determine the success and the stability of international regimes?; are regimes custom-made to suit the interests of the powerful?; what has been the progress on refugee regime?; what are the
implications of refugee problem for international relations?; is a refugee regime in South Asia emerging?; how severe is the refugee problem in South Asia?; can a common refugee regime for South Asia help the better management of the refugee problem in South Asia?; can cooperation on refugees lead to functional cooperation in other issue-areas of importance to the region?; and finally, what should be a model refugee regime for South Asia?

International relations have witnessed a proliferation of regimes in recent times. As the world sees more liberalization of national economies and consequent globalization, nations are increasingly coming together to interact in diverse issue areas, resulting in the multiplicity of regimes as facilitatory instruments for cooperation. In its terminological avatar, 'regimes' might seem to be new, but they have been an indispensable part of international politics since the dawn of the Westphalian nation-state system. As sets of implicit or explicit 'principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations', regimes have a long history.

The concept of international regime can be perceived as relatively narrow and precise, or quite elastic. In the narrow sense, regimes are defined by explicit rules, usually agreed to by governments at international conferences, and often associated with formal international organizations (Keohane 1980: 132-133). While Keohane and Nye define regimes as “sets of governing arrangements that include networks of rules, norms and procedures that regularize behaviour and control its effects” (Keohane and Nye 1977: 19), Ernst Haas believes that “a regime encompasses a mutually coherent set of procedures, rules and norms” (Haas 1980: 553). Yet another view posits that the concept of regime “implies not only norms and expectations that facilitate cooperation, but a form of cooperation that is more than the following of short-run self-interests” (Jervis 1982: 173)

Therefore, regime-governed behaviour cannot be based solely on short-term calculation of interests. Since regimes encompass principles and norms, the utility function that is being maximized must embody some sense of general obligation. Arguably, it is the infusion of behaviour with principles and norms that distinguishes
regime-governed activity, in the international system, from more conventional activity that is guided exclusively by narrow calculations of interests.

Though the concept of regime has been caught up in definitional disputes, Stephen Krasner’s definition of ‘international regime’ is a widely accepted one. According to him, “regimes are implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given issue area of international relations” (Krasner 1983: 185) Principles are beliefs of fact, causation, and rectitude. Norms are standards of behaviour defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.

A basic distinction, however, must be made between principles and norms, on the one hand, and rules and procedures, on the other. While principles and norms provide the basic defining features of a regime, there may be many rules and decision-making procedures consistent with the same principles and norms. Changes in rules and decision-making procedures mean changes within regimes, provided that principles and norms remain unaffected. But alterations in principles and norms are alterations of the regime itself. When norms and principles are abandoned, there is either a change to a new regime, or fading of regimes from a given issue area. It is believed that if principles, norms, rules and decision-making procedures of a regime become less coherent, or if actual practice is increasingly inconsistent with principles, norms, rules and procedures, then a regime, for all practical purposes, has become weak.

In fine, change within a regime involves transformations of rules and decision-making procedures, but definitely not of norms or principles. However, change of a regime necessarily involves alteration of norms and principles, while weakening of a regime involves incoherence among the constituents of the regime or inconsistency of the regime with the related behaviour.
Donald Puchala and Raymond Hopkins (1983: 86) argue that “a regime exists in every substantive issue area in international relations... wherever there is regularity in behaviour, some kinds of principles, norms or rules must exist to account for it”. However, the existence of patterned behaviour alone does not signify that a regime lurks below the surface. A broad definition runs the risk of conflating regularized patterns of behaviour, making it difficult to decide how regimes mediate, constrain or influence behaviour. The term ‘regime’ is sometimes used purely descriptively to define a range of state behaviours in a particular issue area, but since the probability for tautology is high, this approach has mostly been discarded.

Various theories have been proposed to explain the concept and elaborate on various aspects relating to regimes in international relations. According to the explanatory variables highlighted by these theories, Andreas Hasenclever, Peter Mayer and Volker Rittenberg classify them as power-based, interest-based and knowledge-based approaches (1987: 1). They identify three schools of thought within the study of international regimes as: realists, who focus on power relationships; neo-liberals, who base their analyses on constellation of interests; and cognitivists, who emphasise knowledge dynamics, communication, and identities. The use of the term ‘schools’, however, does not imply that there are no significant differences among the positions taken by members of the same school with respect to international regimes.

One major distinction separating the three schools of thought is the degree of ‘institutionalism’ that they tend to advocate. ‘Institutionalism’ refers to the view that international institutions matter. Such a view may be, and actually is, held in minimalist and maximalist versions. A basic distinction is helpful to exactly understand what is meant by this view. Analytically, institutions can be important in two respects: they may be more or less effective, and they may be more or less robust or resilient. While effectiveness involves a static perspective, in the sense that it can be determined at and for any given point of time, resilience or robustness is essentially a dynamic measure of the significance of regimes, the application of which presupposes a relevant alteration in the regime’s environment.
Regime effectiveness subsumes two overlapping ideas. First, a regime is effective to the extent that its members comply with its norms and rules, also referred to as ‘regime strength.’ Second, a regime is effective to the extent that it realizes some definite objectives or fulfils certain purposes. The most fundamental and extensively discussed of these purposes is the augmentation of the capability of states to operate in the issue-area. In contrast, regime robustness or resilience refers to the ‘staying power’ of international institutions in the face of challenges and to the extent to which prior institutional choices constrain collective decisions and cooperative behaviour in later periods, i.e., to the extent to which ‘institutional history matters.’ In other words, institutions, which change with every shift of power among their members, or with the most powerful participants, who find that their interests are no more optimally served by the extant regime, lack resilience.

Change in this context may mean either a fundamental transformation of the regime’s normative content or a radical change (usually a decline), to the extent that the regime’s prescriptions are actually abided by its members (or both). At least, in principle, therefore, a regime may turn out to be fragile, even though it continues to display a high degree of effectiveness; compliance with the new norms and rules may be just as high as it was with the prior ones. The two dimensions of regime significance are conceptually autonomous (although they may be related empirically), i.e., a regime’s robustness can not be inferred from its effectiveness or vice versa.

None of the theories deny international regimes a degree of impact on world politics, but the degree of ‘institutionalism’, implicit in these theories, vary considerably. This variance can, to a large measure, be ascribed to the ‘behavioural models’ upon which realists, neo-liberals, and cognitivists tend to base their analyses, i.e., the assumptions they make about the nature of state actors and their motivation. Power-based theories of regimes, which assume that states care, not only for absolute but, for relative gains as well, are least inclined to attribute a considerable degree of causal significance to international institutions, although they concede that regime-based inter-state cooperation is a reality that is in need of explanation. Power theorists of regimes face this need more than others because sustained international
cooperation, which is not readily reduced to a form of external balancing, represents a major 'conundrum' in the realist research programme.

Realists, who take international institutions seriously, believe that power is no less central in cooperation than in conflict between nations. According to them, the distribution of power resources among actors strongly affects both the prospects for emergence of effective regimes and their endurance in an issue-area. The same also affects the nature of regimes, especially as far as the allocation of the benefits from cooperation is concerned. Other realists have stressed on the way considerations of relative power, forced upon states by the anarchical environment in which they struggle for survival and independence, generate obstacles for international cooperation. Thus, calling into question the effectiveness of international regimes, at least, on the assumption that the leading school of thought in regime analysis, neo-liberalism, has stated the functions that regimes may perform correctly.

Neo-liberal or interest-based theories of regimes have been extremely powerful in the past decade and have come to represent the mainstream approach in analyzing international institutions (Hasenclever et al. 1987: 4). Though not completely impervious to the effects of power differentials, they emphasise the role of international regimes in helping states as rational egoists, who care only for their own absolute gains. Neo-liberals have relied heavily on economic theories of institutions that focus on information and transaction costs. Game-theory models have been applied to distinguish the constellation of interests that underlie different kinds of regimes and also affect the probability of a regime being created in the first place.

Deliberately appropriating essential elements of the realist approach to world politics, neo-liberals have challenged the rationality of orthodox realism's scepticism vis-à-vis international institutions. They attempt to show that the realist scepticism can not, in fact, be based on the assumptions made by realists about the nature of states and the international system. Whereas power-based theories may well be deemed as a borderline case of institutionalism, interest-based theories of regimes, unequivocally, adopt an institutionalist perspective by depicting regimes as both effective and resilient.
Regimes help self-interested states to synergize their behaviour such that they may, collectively, avoid sub-optimal outcomes. States can be shown to have an interest in obtaining and maintaining regimes even when the factors that brought them into being are no longer active. Nevertheless, the institutionalism of neo-liberals is circumscribed. This is implicit in the rational choice models upon which their theories are predicated. For these models treat actors' preferences and identities as exogenously given and, thus, essentially unaffected by rule-governed practices or institutions. Realists have taken up the neo-liberal challenge by pointing out that their opponents' arguments is flawed because it fails to fully appreciate the meaning of those realist assumptions that neo-liberals claim to have integrated into their theory, including assumptions about the basic motivation of states dwelling in anarchical society.

Members of the third school of thought in regime analysis, cognitivism, have subjected interest-based theorizing to a similarly comprehensive criticism. Yet, the thrust of this criticism is directly opposed to that of the former one. From the cognitivist point of view, the problem with neo-liberalism is not that it has misconstrued some of the realist assumptions about the nature of world politics. Rather, its limits as a theory of international institutions can be traced back directly to three realist heritages, still operative in interest-based theories: firstly, the conception of states as rational actors, who are atomistic in the sense that their identities, powers, and fundamental interests are prior to international society (the society of states) and its institutions; secondly, the static approach to the study of international relations, which is ill-equipped to account for learning at the unit level and history at the system level; and finally, the positivist methodology that prevents students of international institutions from understanding central aspects of the workings of social norms including norms at the inter-state level.

Hence, knowledge-based theories of regimes have concentrated on the origins of interests as perceived by states and in this connection have accentuated the role of causal as well as normative ideas. Part of their contribution may, thus, be seen as complementary to the rationalist neo-liberal mainstream in regime analysis,
attempting to fill a gap in interest-based theorizing by adding a theory of preference formation. This strand of knowledge-based theorizing can be regarded as 'weak cognitivism.'

But the criticism of some cognitivists runs deeper, suggesting that institutionalism that is informed by a sociological rather than a rational choice perspective is appropriate for the international system. Thus, 'strong cognitivists' have pointed out that interest-based theories have provided a truncated picture of the sources of regime robustness by failing to take adequate account of the repercussions of institutionalized practices on the identities of international actors. At least, in a number of situations, it is assumed that states are better understood as role-players than as utility-maximisers. Consequently, knowledge-based theories of regimes tend to embrace an institutionalism that is much more pronounced than the one found in either neo-liberalism or realism (Hasenclever et al. 1987: 6).

Again, conventional structural perspective believes that if basic causal variables change, regimes will also change. According to them, regimes have no independent impact on behaviour. However, modified structural theorists perceive regimes as mattering only when independent decision making leads to unwanted outcomes. The Groatian perspective seems closer to the reality. It accepts regimes as an essential part of all patterned human interaction, including behaviour in the international system. Certain patterns of behaviour are first adopted because they promote individual utility. Once established, such practices are reinforced by the development of regimes. A pattern of behaviour, initially established by economic coercion, may come to be regarded as legitimate by those on whom it has been imposed. Practice leads to shared expectations, which become suffused with principles and norms in course of time.

Intellectual traditions emphasising the 'societal' dimensions of international politics suffered, however, from a lingering idealism. Realism questioned the significance of international law as a constraint on state conduct and its positive study of regional integration spawned rich theoretical debates during the 1960s and 1970s. Yet, the field remained closely attached to the study of formal organisations, missing a
range of state behaviour that, nonetheless, appeared regulated or organised in a broader sense. Few strong theories started from the assumptions that 'international behaviour is institutionalized' (Ruggie 1982: 379).

Regime analysis endeavoured to eliminate this lacuna by defining a focus that was neither as broad as international structure, nor as narrow as the study of formal organisations. Regime analysts assumed that patterns of state action are influenced by norms and that such norm-governed behaviour was wholly consistent with the pursuit of national interests. Hence, the literature on regime can be viewed as an effort to reconcile the idealist and realist traditions.

A critical review of the debate over regime would be worthwhile. A number of contending theories have explained regime creation, maintenance and transformation, but the relationship among them is unclear and empirical research has yet to determine which is more plausible. While earlier work on regimes focused on interdependence, the widening variety of state goals, the importance of non-state actors and international organizations, recent work on regimes and international cooperation revert to an approach, which treats states as unified rational actors. In addition, little research has addressed whether and in what ways, 'regimes' matter. The concept of regime enables a coherent analysis of changes in world politics. Describing changes in regimes provides interpretive richness for the analysis of political behaviour and attempts to explain these changes may lead to insights about causal patterns.

Regimes define the range of permissible state action by delineating explicit injunctions. They often contain rules that govern or specify their own transformation. But to explain 'regime change' per se, is to explain why states would agree to vary the codified rights and rules that regulate their behaviour. This approach, therefore, risks the charge of formalism. However, it focuses attention on the growth of the texts that constitute international agreements and also clearly separates normative consensus from the definition of regimes, treating it rather as a causal or constitutive variable that may be helpful in explaining cooperation (Aggarwal 1985: 16).
 According to a parsimonious theory of international regime change, developed by Charles Kindleberger, Robert Gilpin and Stephen Krasner, “strong international economic regimes depend on hegemonic power. Fragmentation of power between competing countries leads to fragmentation of the international economic regime, but concentration of power contributes to stability [of the regime]” (Keohane 1980: 136).

Regimes, thus, are examples of cooperative behaviour, and facilitate cooperation, but cooperation can also take place in the absence of established regimes. A recent example is the package of measures adopted by the advanced industrial states at the 1978 Bonn Summit. Regimes must also be distinguished from the broader concept of ‘institutions’, the essential feature of which is the ‘conjunction’ of convergent expectations and patterns of behaviour or practice (Putnam and Bayne 1984: 35). Regimes aid the institutionalization of portions of international life by regularizing expectations, but some international institutions, such as the balance of power, are not bound to explicit rights and rules. ‘Convergent Expectations’ may or may not be tied to explicit agreements, they might, in fact, arise in a milieu characterized by substantial conflict.

This underlines the significance of explaining the evolution of regimes in the issue area of refugees in South Asia which, both as a refugee-generating and a refugee-receiving region, has been dealing with the problem at various levels. But, it has often been agreed that the approaches of South Asian governments towards the refugee problem in their respective countries has not been very systematic and organized, informed as they are by ad hocism and dilettantism.

Nevertheless, it could be agreed that a refugee regime has been slowly evolving in this part of the world, despite the fact that none of the South Asian countries has its own specific national legislation on refugees, nor has any of them acceded to the international instruments on refugees. But, their national laws in other related areas and their accession to many other international treaties and instruments have come in handy to fill in the gap to bolster and cushion the rights of refugees in their territories.
From a population displacement perspective, South Asian region has a unique history. Here, people have been pushed beyond their borders as a result of war, or they have left their country of origin on ethnic, racial, ideological or religious grounds. Subsequently, migrations have taken place for environmental or developmental reasons as well (Ghosh 1997: 11). India and Pakistan witnessed massive refugee movements since independence in 1947. After the 1947 partition, 7.5 million Hindu and Sikh refugees from Pakistan crossed over to India and 7.2 million Muslim refugees from India crossed to Pakistan. It was the largest recorded refugee movement in history, with little international assistance in this massive humanitarian crisis.

In 1971, 10 million Bengalis crossed to India, during the war of independence of Bangladesh. In 1979, 3.5 million Afghans, fleeing Soviet intervention in their country, sought and received asylum in Pakistan, of whom 1.2 million continue to live in the refugee villages. In 1992, Bangladesh was inundated, for a second time, with the influx of 250,000 Muslim refugees from Rakhine district in Myanmar, of whom nearly 30,000 refugees remain to be repatriated. Similarly, 90,000 Bhutanese of Nepali origin were expelled and a significant number of them are located in refugee camps in Jhapa district of Nepal, though many of them were resettled in third countries by the Office of the United Nations High Commissioner for Refugees (UNHCR).

Sri Lanka, despite her insular position, has often been described as an 'Island of Refugees' due to external displacement of Tamils and internal displacements of Sinhalese, Tamil and Muslims. Though not known as an asylum country, Sri Lanka is well known as a refugee-producing country. Since 1983, Sri Lanka has produced, apart from over 500,000 Sri Lankan Tamil 'jet refugees' to the Western world, three waves of Tamil refugees to India in 1983-87; in 1990-91 and after April 1995. Major portion of Sri Lankan refugees in Tamil Nadu were voluntarily repatriated, but still some 60,000 have remained behind due to the ongoing security crisis in North-East Sri Lanka. Since 1960s, India has been hosting over 100,000 Tibetan refugees and some 50,000 Buddhist Chakma refugees from Chittagong hill tracts in Bangladesh, some of whom were repatriated under a political settlement. India has also permitted the UNHCR to assist 12,000 Afghan refugees, on pure humanitarian grounds.
Maldives is the only country in the South Asia Association for Regional Cooperation (SAARC) that has neither produced nor hosted a significant refugee population.

Despite these past and existing refugee movements and deep rooted humanitarian traditions of asylum, none of the SAARC countries has acceded to the 1951 International Convention on Refugees or its 1967 Protocol, which has been ratified by 136 countries in the world. However, all the SAARC countries, except Bhutan and Nepal, have offices of the UNHCR - the UN agency responsible for the promotion of the Refugee Instruments and marshalling of international humanitarian assistance on behalf of the refugees. It also provided international protection and assistance to Afghan refugees in Pakistan.

In India, the UNHCR provides assistance to some 12,000 urban Afghan refugees and monitors the voluntary repatriation of the Sri Lankan Tamil refugees from Madras. The UNHCR also provides assistance to the Government of Nepal to look after the asylum seekers from Bhutan and monitors the repatriation of Rohingya refugees from Bangladesh to Myanmar. In view of the importance of the UNHCR's role in refugee matters, Bangladesh, India and Pakistan became members of its Executive Committee, the highest policy making body in the organisation. They have played an active role in the deliberations on refugee policy during the past few years.

The reasons advanced for the non-accession to the 1951 Convention or the 1967 Protocol by SAARC countries, other than the island states, are very similar in content. They argue that they have rich traditions of asylum comparable to international standards, sometimes even better than what is practiced by some of the signatory states to the International Refugee Instruments. Therefore, they would continue to deal with refugee issues on ad hoc bilateral policy basis, but welcome international humanitarian assistance based on burden-sharing (with the exception of India). SAARC countries further argue that the persecution-based 1951 Convention or 1967 Protocol is inadequate to comprehensively address the refugee issues in the region, which are mostly the result of internal conflicts and not due to fear of persecution by the states per se. In support of their contention of inadequacy of the International Refugee Instruments, they cite the regional refugee instruments of
Africa, the 1958 Organisation of African Unity Convention, and the one for refugees in Latin America, the 1984 Cartagena Declaration on Refugees.

In this context, a regional Convention or Declaration on refugees by the SAARC countries becomes timely and relevant. The SAARC Charter provides against discussion of bilateral and contentious issues. Summit retreats have somewhat overcome this limitation. Refugee issues, when discussed bilaterally, without regional or international commitment to a set of guiding principles, could become contentious. Refugee situation in South Asia has become chronic and has affected both national security and inter-state relations due to the reluctance of states to discuss them on pure humanitarian basis. A regional agreement on fundamental questions, such as the definition of a refugee, the granting of asylum and the exceptions thereto, the cardinal principle of non-refoulement, or the voluntary nature of eventual repatriation of refugees, would reduce the room for friction between the state interlocutors.

A SAARC Refugee Convention or Declaration would also mean a great step forward in developing a humanitarian regime in the region. The immediate beneficiaries would, of course, be the refugees themselves in different SAARC countries, over 70 per cent of whom are women and children. In the absence of a normative refugee standard, refugees in South Asia, continue to live in fear of capricious actions by refugee officials. Since all refugees are technically considered illegal aliens, they have no institutional protection or the protection of the principle of the Rule of Law.

In the case of India, the superior courts have addressed certain humanitarian concerns of the refugees on the basis of constitutionally guaranteed fundamental and human rights. But, no such developments have taken place in any other SAARC countries. The prevailing political and security preoccupations of each country determines the standards of treatment for the refugees. These standards may differ from time to time and from one country to another, subjected to the whims and fancies of the refugee officials. In short, Article 14 of the Universal Declaration of Human Rights (UDHR) stating that “Everyone has the right to seek and enjoy asylum from persecution” has been reduced to mere rhetoric.
By developing a regional Convention or Declaration on refugees, the SAARC countries would not only be recognizing and refining the existing traditional humanitarian policies, but will also be developing a set of non-contentious humanitarian principles, which will enhance the organisational solidarity and its commitment to respect human rights. It will further strengthen SAARC position in the international fora. Such a Convention or Declaration will not be a document borrowed from outside that is unsuitable for the specific needs of the refugee problem in the region, but a SAARC-developed piece of international law.

The purpose of the present study is not only to examine and explore the fungibility of regimes in international relations, but also to analyse their working in the issue area of refugee problem. In this regard, development and functioning of refugee regimes would be specially emphasized upon, detailing the steps taken and suggestions proffered towards the evolution of a common refugee framework in the region. It would be interesting to find out how regimes, in as important an issue area as refugees, have been evolving in South Asia.

Krasner's book (1983), including contributions from scholars like Susan Strange, Donald Puchala and Raymond Hopkins, is a landmark in the area of regime theory. The book tries to cover the debates over different perspectives on regimes and discusses their effectiveness in international relations. Haas (1978; 1980) has used the term 'regimes' in a purely descriptive way to group a range of state behaviours in a particular issue-area, but since the potential for tautology is high, this approach has largely been abandoned. Haas talks as to how international regimes facilitate cooperation through linkages between different issue-areas.

Stein (1983) conceptualises regimes as serving to circumscribe national behaviour and, thus, shape international interactions. Because it is theoretically rooted, the formulation can be used to delineate the nature and workings of regimes and to explain why and under what conditions they arise, how are they maintained and transformed, and when they may be expected to break down or dissolve. Further, it helps us understand why different regimes exist, rather than a single overarching one.
Hasenclever et al. (1987) review both earlier and recent contributions to the three schools of study of international regimes, namely realist, neo-liberal and cognitive. Since interest-based theories represent the mainstream approach to analyzing international regimes and, consequently, have attracted criticism from opposed perspectives, their arguments are addressed first. Subsequently, various power-based theories of regimes are looked at and some of the works on international institutions from the cognitivist perspective are also discussed. In each case, the authors pay special attention to the points of disagreement with neo-liberalism as the leading school of thought in regime analysis. The conclusion seeks to draw these threads together by focusing on the realization of syntheses between two or even all three of these schools of thought.

Keohane (1982) attempts to improve the understanding of international order and international cooperation by interpreting international regime-formation based on 'rational-choice analysis in the utilitarian social contract tradition'. He explores why self-interested actors in world politics should seek, under certain circumstances, to establish international regimes through mutual agreement, and how fluctuations, over time, in the number, extent, and strength of international regimes, on the basis of rational calculation under varying circumstances, can be accounted for.

Krasner (1982) defines the concept of 'international regimes' as principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area. As a starting point, regimes have been conceptualized as intervening variables, standing between basic causal factors, on the one hand, and outcomes and behaviour, on the other. This formulation raises two basic questions; first, what is the relationship between basic causal factors such as power, interest, and values, and regimes?; and second, what is the relationship between regimes and related outcomes and behaviour? The first question is related to many basic paradigmatic debates about the nature of international relations and raises the issue of whether regimes make any difference.
Young (1980), and Hopkins and Puchala (1983) see regimes as a pervasive characteristic of the international system. No patterned behaviour can sustain itself for any length of time without generating a congruent regime. Regimes and behaviour are inextricably linked. In contrast, Strange (1983) argues that regime is a misleading concept that obscures basic economic and power relationships. She, representing what is probably the modal position for international relations scholars, elaborates a conventional structural critique that rejects any significant role for principles, norms, rules and decision-making procedures.

Many authors adopt a third position, which can be labelled as 'modified structural'. They accept the basic analytic assumptions of structural realist approaches that point to an international system of functionally symmetrical, power-maximizing states acting in an anarchic environment. But they maintain that under certain restrictive conditions, involving the failure of individual action to secure Pareto-optimal outcomes, international regimes may have a significant impact even in an anarchic world. The orientation is most explicitly elaborated in the essays of Stein (1983), Keohane (1982) and Jervis (1982); it also informs the analyses presented by Ruggie (1982) and Lipson (1984).

Haggard and Simmons (1987) begin by surveying the contending definitions of international regime, which range from patterned behaviour, to convergent norms and expectations, to explicit injunctions. They then suggest a number of dimensions, along which regimes vary overtime or across cases, which have been or might be used to operationalise 'regime change'. The authors include strength, organizational form, scope and allocational mode. They also examine four theoretical approaches to regimes: structural, game-theoretic, functional, and cognitive, and attempt to clarify what each theory can and can not describe about regimes. They explore whether and how regimes matter. So far little research has addressed this aspect. Testing for the significance of regimes, even to verify international systemic theories, demands careful tracing of national level processes, structures, and values. They outline a research programme that focuses greater attention on issues raised by theories of complex interdependence, which have been neglected in the revival of game theory. They include the erasure of the boundaries between domestic and foreign policies, the
importance of transitional conditions, and, above all, the way in which domestic political forces determine patterns of international cooperation.

Jervis (1982) tries to find out whether the concept of regime can be fruitfully applied to issues of national security. By a security regime he means those principles, rules and norms that permit nations to be restrained in their behaviour in the belief that others will reciprocate. Ruggie's (1982) focus is on how the regimes for money and trade have reflected and affected the evolution of the international economic order since World War II. The majority of regime change studies by Lipson (1985), Keohane (1984), Krasner (1985) and Aggarwal (1985) try to explain why regimes eventually weaken or decay. Strength is measured by the degree of compliance with regime injunctions, particularly in instances where short-term or 'myopic' self-interests collide with regime rules.

Goodwin-Gill (1990) describes the existing international law on refugees and the status of refugees in international law. He also discusses related issues such as the definition of refugee, determination of refugee status, loss and denial of refugee status, problems relating to asylum, and international protection available to refugees. Goodwin-Gill (1989) locates both the migrant and the refugee community within the human rights context. He briefly examines the internationalization of human rights over the forty years, with its important implications for citizens and non-nationals alike. He recalls the basic universal and regional texts, and examines their authority and legal force vis-à-vis national, inter-governmental organizations and individuals.

Nanda (1989) discusses the nature and extent of the refugee problem. International refugee law and selected issues of the refugee problem have also been dealt with. The issues include, among others, problems of asylum and sanctuary, rights of refugees under international humanitarian law, refugee generating conduct, refugee protection mechanism, and probable solutions of the refugee problem. Vincent and Sorensen (2001) talk specifically about the problems of internally displaced persons in the world and the legal rights available to them in the international refugee regime. Dummett (2001), inter alia, talks about the duties of the State towards refugees under different international statutes and conventions.
Kratochwil (1989) examines the role of international norms. To the extent that the focus is on interactions in the international arena, his book is about international relations. To the extent that the investigation is interested in legal norms, the book is on legal theory. Insofar as issues of 'interpretation', 'precedent', and 'sources of law' have been discussed, it is a treatise on jurisprudence. To the extent that rules and norms are viewed as means to maintain social order, the book is on social theory. Finally, to the extent that the analysis is occasioned by the re-reading of some of the classics of international law and political theory, indirectly and without wanting to claim comprehensiveness or completeness, it is a study of political thought.

Hakovirta (1993) discusses the refugee problems in the world and the various factors underlying it. He also discusses the possible solution to the same. Similarly, Dowty and Loescher (1996) discuss the various aspects of the refugee problem. Keeley (2001) talks in detail about the various issues relating to international refugee problems, including different practices by various actors involved, along with the way international refugee regime has been evolving. Gallagher (1989) similarly discusses the development of international refugee regime and the various issues revolving around it. Foster (2007) discusses the various conceptual problems in the discourse of refugee studies and the difficulties in the current approach to the problem of refugees. She also talks about the various rights available to refugees and a proper way to deal with the refugee challenge.

Muni and Baral (1996) talk about the problems of different refugee groups in South Asia and the measures undertaken to alleviate them. Relating the refugee problem with the general problem of security, they recommend solutions and measures to resolve them. Lama (1998) also discusses the refugee problems in South Asia, detailing the issues surrounding the same. In a RMMRU (Refugee and Migratory Movements Research Unit) paper, Lama (2000b) discusses the politics revolving around the problem of refugees in the region, while also discussing state behaviour involving issues of refugee relief, protection and aid.
Bose (2000) discusses different aspects of refugee problem in the world and South Asia and talks about the need for a legal framework in the region. In the better interest of refugee relief and protection, he strongly recommends the accretion to global refugee regime by South Asian countries. Patil and Trivedi (2000) talk about the problem of statelessness, related legal complexities, issues relating to international assistance to refugees, role of the UNHCR, and different problems of refugees in South Asia. Chari et al. (2003) delineate the problems of refugees, migrants, stateless and internally displaced persons in the region. The various policy measures taken by the South Asian countries and the role of the UNHCR are also dealt with.

Samaddar’s (2003) edited volume contains write-ups by many scholars on different aspects of refugee care and protection in South Asia, while discussing various refugee crises in the region. It also talks about the various paradoxes of international refugee regime of care, the UNHCR’s involvement and legal status of refugees in South Asia. Mishra and Majumdar (2003) discuss the various refugee problems in South Asia in detail, the reasons for refugee generation and the various ways in which all these problems have been dealt with by respective governments in the region.

Chimni (1994; 2000) talks about the causes of refugee flows and the law of state responsibility, international refugee law, various problems of refugee relief and protection, legal conditions of refugees in South Asia, specifically India, and then goes on to discuss durable solutions to the refugee problems. Dhavan’s (2005) is a landmark work on refugee problem in India and the legal issues relating thereto. He attempts an overview of the refugee problem in the country and elaborates the legal framework under which refugees are treated. Different practices and responses of the government towards different refugee crises and the role of the UNHCR are also discussed.

The literature in the identified area talks about regime and refugees separately, without any serious attempt at relating the two, and discussing the problems of refugee regimes in the international context. This dichotomous gap needs to be bridged, and problems and constraints of regimes, in the area of refugees, need to be explored in a
more systematic manner. Also, the present study looks specifically into the development of refugee regimes in South Asia and explores the possibilities of emergence of a common framework on refugee regime in the region.

The study is historio-analytical, descriptive and explanatory in nature. A thematic approach has been adopted, instead of a chronological framework. For analytical convenience, the study deals separately with the theoretical aspects of regimes and the applied aspects of the feasibility of a refugee regime in South Asia. Both primary and secondary sources have been used. Primary data has been obtained by consulting official documents, press releases and records of the member countries of the SAARC, the UNHCR, national and international Non-Governmental Organisations (NGOs) and relevant institutions. Interview and questionnaire techniques have also been employed for data collection. Information has also been obtained from secondary sources like books, journals and newspapers reports.

The present study comprises of six chapters. The “Introduction” introduces the topic, defining and debating the different perspectives on regimes, relating the same with the refugee problem in South Asia. The second chapter, “Regimes in International Relations”, focuses on the role, functions and dysfunctions, which the regimes have been playing in international politics and their affect on international politics. It would also discuss different proposals for making regimes more helpful as a tool for furthering international cooperation in order to keep pace with changing international relations. The third chapter, “Refugee Problem in International Relations”, discusses and debates the refugee problem in international relations. The attempt is to find out the extent of involvement of the refugee issue that accords it the status of a ‘problem’ and its influence on international relations and international politics. The scale of refugee problem and the measures undertaken to resolve it would also be delineated.

The fourth chapter, “Refugee Problem in South Asia”, deals specifically with the refugee problem in South Asia, defining and delineating its contours and scale in the region. It also discusses how the refugee problem has been impacting bilateral and multilateral relations between and among the countries of South Asia. The fifth
chapter, “Refugee Regime in South Asia”, analyses the state of refugee regime in South Asia. It discusses the progress made towards a common refugee regime, specifically detailing the role played by different agencies in this regard. The final chapter, “Conclusion”, sums up the principal arguments and findings of the foregoing chapters.