CHAPTER IV

REFUGEE PROBLEM IN SOUTH ASIA

The main objective of this chapter is to study and analyse the refugee problem in South Asia. The various related dimensions of the problem and their implications for the intra-regional and international politics have been explored. An attempt has also been made to delineate the varied response of the different South Asian countries to the many refugee crises in the region, notwithstanding their non-accession to the 1951 Refugee Convention and the 1967 Protocol.

In 1999, the refugee population in South Asia was about 14 per cent of the world’s total refugees (Lama 2000b: 3). The factors responsible for creation of refugee in this region are worth discussion. From a theoretical perspective, six broad causal factors are responsible for refugee generation namely, anti-colonial wars and self-determination movements; international conflicts; revolutions, coups and regime changes; ethnic, communal and religious conflicts; creation and restructuring of state boundaries; and population transfers (Noilot 1987: 109-121).

Muni and Baral, however, identify three broad categories of refugee-generating factors in South Asia (Muni and Baral 1996: 9-18), which, more or less, applies to India as well. First, the breakdown of colonial rule and the rationalisation of some of the colonial legacies created refugee flows. The largest of such flows was between India and Pakistan, resulting from the partition of British India, when about seven million Muslims migrated from India to Pakistan and about eight million Hindus and Sikhs migrated from Pakistan to India in a matter of months (Patel 1995: 29). Similar exodus resulted after the independence of Burma and Sri Lanka.

Second, factors related to state and nation-building processes, which precipitated not only political, ethnic and religious conflicts, but also created economic and environmental conditions, forced people to migrate within or outside their respective countries. The first and also the largest refugee flow generated by such factors was in 1971, from the then East Pakistan to India. Similar is the case of Sri Lanka, where the state, through a gradual process beginning in 1956, acquired a
Sinhala-Buddhist identity. The simmering ethnic conflict that exploded in July 1983 sent more than 220,000 refugees to India and 75,000 outside the region. Later, Bangladesh’s drift towards authoritarian political order and assertive Islamic identity strengthened the flow of Hindus and Buddhist Chakmas to India. A vigorous policy of Bhutanisation in Bhutan led to massive outflow of Southern Bhutanese of Nepali origin. Approximately, 25,000 to 30,000 Nepalese of Bhutan have taken refuge in India’s West Bengal and Assam. Further, there have been economic migrants from the neighbouring countries to India. Finally, refugee-generating factors in the sub-continent also relate to developments outside the region. Such extra-regional refugees have come from Tibet, Afghanistan and Myanmar.

Gil Loescher and Myron Weiner, however, identify three broad categories of forced migration in South Asia. Firstly, the state has been the main actor in forcing emigration as means of achieving cultural homogeneity or asserting the dominance of one ethnic community over another in socio-economic and political arenas. This is apolitically adopted as popular policy, in other words, “they stem from officially instigated or organised state actions” (Loescher 1985: 19). Secondly, governments force emigration as a means of dealing with political dissidents particularly hostile to the regime and class enemies. And thirdly, forced migration has been invariably used as a part of a strategy to achieve a foreign policy objective (Weiner 1993: 6-7).

Migration is South Asia is accompanied by violence, both in the originating and in the host country. This is evident from a review of twelve important population movements in the region since the partition of the sub-continent in 1947. These include: India-Pakistan refugee flows, 1947-48, involving 15,000,000 Hindus and Muslims; exodus of Burmese Indians numbering about 1,000,000 during 1948-65; exodus of Sri Lankan Indians and Tamils to the tune of about 1,000,000 from 1954 which is still continuing; flight of about 10,000,000 Bangladeshis to India in 1971; ‘stranded Pakistanis’ in Bangladesh numbering nearly 300,000; flight of some 200,000 Burmese Muslims to Bangladesh in 1978; flight of about 100,000 Chakmas to India in 1981; nearly 3,000,000 Afghans fled from Afghanistan to Pakistan during 1978-93, of whom a substantial number has returned; flight of Tibetans to India from 1958 to 1963 numbering about 100,000; exodus of nearly 60,000 Bhutanese of Nepali origin to Nepal in 1990-91; and the two controversial and unwanted population flows
from Bangladesh to Assam in India and the two-way flow between Nepal and India. Even though these cases are different and distinct from each other, violence remains their common denominator (Chari et al. 2003: 24).

Notwithstanding the fact that none of the South Asian countries have signed the 1951 Convention and 1967 Protocol on Refugees, this region has shown remarkable resilience in handling and managing refugee movements across its length and breadth. For example in India and Nepal over 150,000 Tibetan refugees have been smoothly accepted and integrated. The management of East Pakistanis (read Bangladeshis) in India in early 1970s is another instance, when over 10 million refugees came to Eastern and North Eastern India on the eve of Liberation War in Bangladesh. After a massive relief operation, most of them were voluntarily repatriated within a year of their arrival (UNHCR 1972: 79). Given the magnitude of the exodus of Afghan refugees to Pakistan, the refugee situation in this country can be said to have been successfully managed by both the host and the participating humanitarian and other international agencies. Despite many constraints, the fact remains that repatriation did take place in a well-designed and coordinated manner.

Constituting 20 per cent of the world population, the refugee population in South Asia constitutes roughly about 12 per cent of the world’s total refugees (Lama 1998: 88). Some South Asian States, like Bangladesh, Bhutan and Sri Lanka, have gradually come under the category of principal sources of world’s refugees and asylum seekers. Countries like Afghanistan (1.2 million), Sri Lanka (0.9 million) and India (0.25 million) have substantial number of people displaced within their homeland (popularly known as internally displaced people) as a result of persecution, war, human conflict or forced relocation. Although they share many characteristics with refugees, who cross international borders, they are not eligible for protection under international refugee law as they remain inside their own country (The United States Committee for Refugees 1997: 6). Equally alarming has been the case of more than half a million people in Pakistan, Bangladesh, India and Nepal, who are considered to be in refugee-like situation. These include people who are in constant fear of persecution or harm if returned to their home countries and, thus, who may be refugees, but are not recognised by governments as such. While some are given
temporary refuge or allowed to remain on humanitarian grounds, others remain unrecorded.

Rose Varghese sums up the refugee situation in South Asia thus, “...approximately 35-40 million people have moved across national boundaries in India, Pakistan, Bangladesh, Sri Lanka and Nepal since 1947, some as economic migrants and more as refugees”. The largest single bilateral flow in South Asia and perhaps the largest international in the world history was the Indo-Pakistan refugee flow in 1947-48. In the past, there has also been exodus of Burmese (read Myanmarese) Indians to India, the exodus of Sri Lankan Indians and Sri Lankan Tamils, the issue of ‘stranded Pakistanis’ (Biharis), when Bangladesh became independent in 1972, the flight of Burmese Muslims to Bangladesh, and the flight of Bangladeshi Chakmas to India.

Apart from these, the political flights from repressive regimes include the flight of Bangladeshis to India, which numbered nine million in 1971, the flight of Afghans to Pakistan in 1978 and Tibetans to India. Towards the end of the 19th century, East Bengalis began migrating to Assam in search of land or employment. Again, the migration that occurred due to open borders, as a result of the 1950 Treaty of Peace and Friendship between Nepal and India and the ensuing resentment, are important factors in examining migration movements. Similarly, in the early 1970s, the Nepali migrants to Bhutan ultimately outnumbered the ethnic Sikkimese.

Refugees in Bangladesh

The movement of people into and from the territory comprising Bangladesh is not only a historical phenomenon, but a continuous process. Movements of people from Bangladesh to more affluent lands have been an important economic factor for the country as remittance by these people constitutes a large share of the foreign exchange earnings of Bangladesh. This is, however, replete with contradictory and dichotomous images of plenitude and hardship. According to 1996 figures, more than one million Bangladeshis were living and working in the Middle East and the Far East. By all counts, the number of Bangladeshis abroad, both legally and illegally, was around 3,000,000 in 1996 (Malik 1996: 30-31). Given the importance of these temporary migrants to the national exchequer and the limited prospect for
employment generation within the country, it is conceivable that the number of Bangladeshis working in various countries will only increase. This certainly calls for turning the issues and concerns of the Bangladeshis abroad, both in humanitarian and financial contexts, into one of the most important concerns of the Government.

In 1978, some 200,000 Rohingyas crossed the border into Bangladesh (Abrar 1995: 33). At that time, the Bangladeshi Government claimed that there were as many as 252,000 Rohingya refugees, while Myanmar acknowledged a number of 143,900 who, according to the Myanmarese authorities, ‘absconded to Bangladesh in order to escape the Nagmin Project’. Following negotiations between the two governments in June-July 1978, an agreement was reached on the repatriation of the refugees to Myanmar. The repatriation operation, from 1 August 1978 to 29 December 1978, involved repatriation of a total of 187,250 refugees (Malik 1996: 37).

The Rohingyas from Myanmar are mostly Muslim farmers and labourers from Rakhine (Arakan) region of Myanmar who had taken shelter in the adjoining towns, like Teknaf-Cox’s Bazar of Bangladesh, because of rampant human rights abuses both by the State and other communities in Myanmar (Lama 2000b: 8). In early 1992, some 265,000 Rohingyas fled Myanmar due to increased militarization of the government, destruction of their villages and confiscation of their land, forced labour, intimidation, and degrading and inhumane treatment (Muni and Baral 1996: 140). By 1994, there were over 116,000 Rohingya refugees in Bangladesh, fresh lot coming in 1996 (Lama 2000b: 8). They settled in 19 camps in Bangladesh. The Government of Bangladesh worked with the UNHCR to set up the camps, but intended from the start that they would only be temporary. By the autumn of 1992, the Bangladesh government started to force refugees to return to Myanmar, who, however, were increasingly reluctant to go back given the militant posture of the Myanmar regime.

In an agreement with the UNHCR, the Bangladesh government argued that the Rohingya refugees should not be treated as refugees any more and that they should be sent back as soon as possible. The Bangladesh government also pointed out that the willingness of the refugees to return should be weighed against Myanmar government’s sudden willingness to allow UN staff to assist the repatriation process and monitor the situation upon the return of the refugees. After a bilateral agreement
between Myanmar and Bangladesh Governments in April 1992 (Bose 2000: 19) and UNHCR's Memorandum of Understanding with Myanmar in 1993, the UNHCR was accorded a free access to ensure voluntary repatriation. The UNHCR Myanmar unit would have access to the camps of the returnees and oversee their rehabilitation in Arakan state of Myanmar. This paved the way for the repatriation of thousands of refugees in 1993 (Bose 2000: 19). By January 1998, some 230,000 persons were repatriated, thus, reducing the camp population to just over 21,000 (Lama 2000b: 17).

Strangely, in 1996, though the situation in Myanmar had not totally changed, the UNHCR believed that the refugees could return in safety and dignity. According to the UNHCR, the Rohingyas were no longer discriminated against, that their fears, once well founded, were no longer justified, and that it could effectively monitor their return. Other international human rights agencies, like UN Special Rapporteur on Myanmar, Amnesty International and Human Rights Watch, however, disagreed with this assessment. Their reports pointed to continued human rights abuses, including forced labour and restrictions on freedom of movement. The UN Rapporteur also confirmed the exceptional discrimination against the Rohingyas. In 2004, the number of Rohingya refugees in Bangladesh stood at 20,402 (UNHCR 2004e: 231).

While dealing with the refugees from Myanmar, Bangladesh, the host nation for the Rohingya refugees, fleeing political repression in their own country, has been guided mainly by three principles in granting refuge to them. These include non-grant of sanctuary to armed refugees, voluntary repatriation of the refugees, and non-grant of permanent residence to the refugees. In all this, Bangladesh's policy has been to avoid confrontation, reduce tension and defuse the crisis, concentrating its efforts on finding out a peaceful settlement to the Rohingya issue through quiet diplomacy (Mishra and Majumder 2003: 146-147).

Refugees in Nepal

Refugees of Nepali ethnic group from Bhutan were the creation of the ruler's paranoia about the possible repercussions on the future power equation in Drukpa-kingdom. The large numbers of Nepalis, either genuine citizens or illegal immigrants, are feared to be dominant in all spheres of national life. Like other South Asian states, Bhutan is
a multi-ethnic country. Yet, the Bhutanese state has been following a policy of marginalising minority ethnic, linguistic and cultural communities, such as the Lhotshampas and Sharchhops. But unlike other refugees in South Asia, the Bhutanese refugees are victims, not of civil war, but of homogenisation efforts by the state, which amounted to massive repression of ethnically and culturally different groups (Penjore 2004).

The present refugee condition originated from the Bhutanese state and society, because of violent frightening even innocent citizens fled their own country. The southern ethnic Nepalese of Bhutan faced discrimination due to the abrupt change of the Citizenship Law in 1985. The Nepali speaking Bhutanese, known as Lhotsampas, are mostly settled in the Southern belts, known as the granary of Bhutan (Lama 2000b: 11). Earlier laws, like the 1958 Nationality Law and the 1977 Citizenship Act, accepted these people as legitimate Bhutanese (RMMRU 1999: 7). It is alleged that the Lhotsampas were forced to leave following the Royal Bhutanese government’s decision to intensify the campaign of ‘one people, one nation’ in 1989 (RMMRU 1999: 7), imposing the language of Tibetan origin – Dzongkha and the Drukpas.

The immediate cause of conflict was the implementation of the 1985 Citizenship Act, which adopts 1958 as the cut off year (Lee 1998: 123), meaning those Nepalis residing in Bhutan thereafter, would be deprived of citizenship certificate. The Royal Bhutanese government has made this mandatory for every Bhutanese citizen, knowing that no villagers could preserve receipts for 30 years. The process of Drukpanisation seemed to have been precipitated by elite consternation at Lhotsampa’s penchant for Nepali language and culture which, in their perception, would, in course of time, see the extinction of the Driglam Namzha, a traditional dress and etiquette that dates from a very early time.

It could, thus, be summarised that the origins of the ethnic conflict within Bhutan and the refugee condition in Nepal are rooted in language and dress regulations, in addition to the numerous legal and political decisions made by the state to safeguard the interest of the indigenous community patronised by the ruler, and immigrants’ reluctance to “accept the mores of their host polity” (Shaw 1992: 186). The Bhutanese conflict has several parallels with varying kinds of manifestation. The
Bhutanese authorities seemed to be both assertive and determined to put up their case because of the remoteness of their country, manipulation of media, weaknesses of all outsiders for last remaining Shangri-La, and Indian neutrality, if not indifference or disdain (Dixit 1993: 7-30). Nepal became the obvious destination for the refugees, creating new problems in bilateral relations. The immediate causes for the refugee movements could be attributed to both state policies and psychology of some Bhutanese elites working as state functionaries or dissidents, following the implementation of 1985 Citizenship Act, retrospectively under the 1988 census.

With the imposition of a cultural code of conduct (Driglam Namzha), which made the traditional Bhutanese dress *Kira* and *Gho* and the Dzongkha language compulsory, other ethnic communities became hostile to the governments’ move (Lee 1998: 124). The ‘Green Belt’ policy, adopted by the regime in late 1988, disallowing human habitation for one kilometre along the Indian border due to environmental reasons (Aruni 2000: 1-32), was to displace about 30 per cent Nepalis from Southern Bhutan. Some Bhutanese leaders alleged India’s hand in clearing the southern region by evicting the Southern Bhutanese (Muni and Baral 1996: 158). Ethnic Nepali asylum-seekers from Southern Bhutan started leaving their country from 1991 and out of an estimated 120,000 refugees, about 104,915 (UNHCR 2004e: 411) are currently residing in eight camps in the districts of Jhapa and Morang in Eastern Nepal (Wijeratne 1998: 54). The rest are in West Bengal and Assam in India. Those in Nepal actually first moved to the Indian province of West Bengal from where they were literally forced out (Pattnaik 1999: 1611).

An Operation Management and Implementation Unit (OMIU) was established for registration and documentation of asylum seekers in Nepal. A post was set up to determine the status of a refugee at the border itself and those, who fail to show their identity or the evidences of being harassed in Bhutan, would not be accepted as refugees. They can come to Nepal as any other Indian or Nepali using the provision of free movement across the border. Thus, a more scientific approach has been adopted by the government and the UNHCR for screening the fresh asylum-seekers.

The right of the Llotshampa refugees to return to Bhutan is clouded by many issues, principally the survival of the Ngalong ruling ethnic community in the geo-
political context of a Nepali-speaking diaspora in the Himalayan kingdom. A pessimistic view is that politics will govern the solutions for Llotshampa refugees. A positive approach suggests that principles of municipal and international law could assist the political process for a genuine resolution to the situation of the Llotshampa refugees. The search is not for a perfect resolution, the quest is for a resolution that embodies the spirit of regional responsibility and resonates the refugees’ yearning for justice, equity and a place to call home.

The issue of Bhutanese refugees has political roots and, thus, needs to be addressed politically. Dialogues at the bilateral level were actually initiated between Nepal and Bhutan in a meeting between the King of Bhutan and G.P. Koirala, the then Prime Minister of Nepal, held during the Seventh SAARC Summit in Dhaka. Both leaders agreed to set up a joint committee to work out the modalities to resolve the refugee crisis (Baral 1999: 408). Therefore, without creating an environment that would guarantee safety, security and right to citizenship in Bhutan, repatriation like any other refugees would be against the interest of the people and in contravention of the internationally accepted norms of willingness to return in safety, security and dignity. However, over 5000 refugees from Bhutan left their camps in Nepal to resettle in third countries, like the US, Australia, New Zealand, Norway, Canada, Denmark and Netherlands, one of the largest resettlement programmes undertaken by the UNHCR. Over 50,000 of the 107,000 Nepali refugees from Bhutan have expressed their willingness to resettle in third countries. But that still leaves the rest in Nepal sans any rights and basic facilities.

Refugees in Pakistan

Throughout the decade-long Afghan crisis, the refugees kept pouring into Pakistan. By the time Geneva Accords were signed in 1988 (Wood 1989: 350), the number of Afghan refugees in Pakistan had already gone beyond 3.5 million (Muni and Baral 1996: 179). The military regime of Pakistan was actually happy welcoming these refugees from Afghanistan as it expected Western support vis-a-vis India because of


133
USSR’s presence in Afghanistan. It also expected economic aid and military supplies from the West, which could only shore up its fight against India (Roy 2003: 96).

Although the initial influx of the Afghan refugees started almost immediately after Sardar Daud’s coup in 1973 (Vincent and Sorensen 2001: 121), the large scale migration of the Afghans followed the Saur Revolution of April 1978 (Cheema 1983: 234). Subsequent events, like the introduction of Hafizullah Amin’s hurriedly contrived reforms and the Soviet invasion of Afghanistan in December 1979, accelerated the flow of refugees at an alarming pace (Wood 1989: 350). Approximately 20,000 to 100,000 Afghan refugees walked into Pakistan almost every month. During 1980-89, over five million Afghans fled to Pakistan or Iran, creating the largest refugee population in the world at that time (Vincent and Sorensen 2001: 121). According to the UNHCHR estimate, there were more than 3.3 million refugees in Pakistan in December 1990 (Helton 2002).

At the end of 2001, Pakistan hosted more than 2.2 million Afghan refugees, including some 200,000 refugees, who arrived during 2001 itself and about 18,000 refugees of other nationalities (The United States Committee for Refugees 2002). By any yardstick, this number was too large for Pakistan to provide for even the basic needs and requirements. Just as the figures were overwhelming, the nature and extent of problems emanating from refugee concentrations in bordering provinces of Pakistan were equally frightening. Although feeding and housing three to four million people presents difficulties of alarming magnitude, the government of Pakistan was able to cope with the problem rather admirably. Not only did it pay more than 50 per cent of the expenses incurred in the relief work, but it also made arrangements for the schooling of the Afghan children and provided for medical facilities. Many UN agencies, including UNHCR, WFP, UNICEF, WHO and FAO, along with many independent relief agencies and groups helped Pakistani authorities in their massive relief work, but the major burden was borne by Pakistan.

Undoubtedly, the most directly affected country by the intensity of the Afghan crisis was Pakistan; no other crisis had so profoundly affected Pakistan as had the continuing Afghan crisis. The refugee problem was pregnant with many complexities, which were perhaps less obvious, but quite disturbing. The presence of large number
of Afghan refugees on Pakistani soil led to a host of problems, like ethnic imbalances, terrorism, drug trafficking, smuggling and alarming increase in crime rates, some of these problems existing even before the advent of the Afghan crisis. Ethnic divisions have been a significant impediment to the desired stability since the creation of Pakistan. Smuggling is also well known to almost all developing societies. Similarly, the rapid increase in crime rate was too high to be brushed aside. The Afghan crisis only pushed these problems to dangerous levels, but periodically produced serious internal security situations. Terrorism and drug trafficking were the new entrants to Pakistan's long list of complex internal security problems. Each of these contributed their share towards the gradual weakening of Pakistan's unity, stability and security.

Pakistan feared claims on its North West Frontier Province, which was earlier part of Afghanistan (Lama 2000b: 67). The internal security situation was further exacerbated with the active role of external agencies geared to quickly destabilize Pakistan. Without repatriation of vast majority of Afghan refugees, these problems are likely to persist. Many of the Afghan refugees may be reluctant to go back because of the fierce power struggle and fluid political situation in Afghanistan. They are likely to continue waiting for the return of normalcy in Afghanistan. In consequence, the Pakistani authorities continue to experience undesired level of tension generated mostly by internal security situation, which in turn, are the direct product of the Afghan refugees' presence on Pakistani soil (UNHCR 2004e: 191).

The situation in Pakistan is far from being satisfactory. While some of the refugees have gone back to Afghanistan, a large number of them are still in Pakistan. In fact, with the increase in the intensity of the civil war, many Afghan refugees who had already been repatriated to their respective provinces began to once again leave their home and entered into Pakistan. There were, precisely, 1,290,408 Afghan refugees in Pakistan in 2004 (UNHCR 2004e: 429). Human Rights Watch has pointed to human rights abuses from time to time against these refugees and it has held the Pakistan Commissionarate for Afghan Refugees (CAR) responsible for them (Human Rights Watch 1999).

While they themselves are victims of a crisis, "Afghan refugees constitute a potentially destabilising nation within Pakistan" (Rogers 1992: 761). Historically,
great refugee movements have been destabilising to countries and regions, and at times, have formed new nations. In considering the Palestinian diaspora, it is possible to see parallels with the Afghan refugee migration. It is likely that these displaced Afghan refugees in Pakistan will cling to their ethnic and cultural character and increasingly assert themselves as a powerful political force. Added to this, are the pressures that millions of refugees place on the services and resources that are already scarce in a developing country like Pakistan.

**Bihari Refugees**

Biharis are the people of the Indian state of Bihar. In 1947, the population of Bihar numbered around 30,000,000, of whom about 4,000,000 were Muslims. Partition gave Bihar to India, with its four million Muslims. A year before partition, in October-November 1946, in the so-called ‘great Bihar killing’, some 30,000 Bihari Muslims were killed by Bihari Hindus in alleged retaliation for killings of Hindus in Noakhali. These killings precipitated large scale movement of Muslim Biharis into Pakistan; about 700,000 chose to settle in East Pakistan and the rest in West Pakistan (MRG 1982: 7-9; Sen 1998: 50).

The ethnic gap between the recently arrived Urdu-speaking Biharis and the Bengali-speaking Muslims of East Pakistan, for several political and economic reasons, never bridged. Biharis continued to live as a separate community and their role in support of the Pakistani army (Ghosh 2007: 33), during the war of Bangladesh liberation, precipitated retaliation against them, both during the liberation war and after the liberation. Since no reliable figures are available, several estimates put the number of Biharis killed during 1971 in the region to ten to fifteen thousands.

Many Biharis left for West Pakistan during 1971, and after the liberation war, 462,000 Biharis were left stranded in Bangladesh. These Biharis demanded to be repatriated to Pakistan. Initially the government of Pakistani agreed to take 83,000 Biharis, however, later it took some more. 108,000 Biharis had been transferred to

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17 The 1961 Census of Pakistan stated that 800,247 persons out of the total population of 50,840,235 of East Pakistan spoke in mother tongue other than Bengali. Of these, Urdu was the mother tongue for 310,628 and Hindi for another 140,845, both groups coming to East Pakistan from Bihar.
Pakistan, mainly by air, by 1974. Further negotiations led to the transfer of a total of about 163,000 Biharis and left between 250,000 and 300,000 Biharis in camps in Bangladesh\textsuperscript{18}. In 1992, about 238,000 Bihari refugees were still living in 66 camps in 22 districts of Bangladesh (Tajuddin 2003: 152).

After almost a quarter of a century, the Biharis still continue to live in refugee camps, in conditions of alienation, deprivation and unemployment, without any prospect of improvement. Conventional wisdom suggests that such a hopeless situation for a large group of alienated people is the breeding grounds for lawlessness, at the best, and violence and terrorism, at the worst. Moreover, the children born in these camps, many of whom are already in their late teens if not older, are paying the price for wrongs, if any, committed by their forefathers. Theirs is a plight which needs to be resolved, not within the narrow confines of refugee and citizenship laws but, by invoking human rights and humanitarian principles of humankind.

The Biharis were displaced for the first time in 1947 due to the partition of India. With the break-up of Pakistan and the formation of Bangladesh in 1971, the Biharis were displaced a second time, giving rise to their status as refugees. However, this status has seldom been recognised in international law. The process of disintegration of Pakistan in 1971 led to two simultaneous major refugee movements. The first was the escape of an estimated 10 million refugees into India in the aftermath of the brutal massacre of the Bengali populace and the second being the flight of the minority Biharis into refugee camps as a result of the extermination during the liberation fervour. It was estimated that 95.9 per cent of these refugees came from eastern Indian states of Bihar, West Bengal, Assam, Orissa, Nagaland, Manipur, Tripura and Sikkim. Although Pakistan was successful in gaining her independence as a theocratic state, it had an ethnically plural society. From the beginning, crises of national integration and assimilation of refugees from India created more complexities than solutions, an ‘insider-versus-outsider’ syndrome, while the existential problem of lack of acceptance and assimilation of the Bihari refugees in East Pakistan continued.

\textsuperscript{18} According to the Stranded Pakistanis General Repatriation Centre based in Dhaka, there are approximately 238,000 Biharis in Bangladesh, the majority of whom live in refugee camps in Dhaka and Syedpur.
Within international legal norms, while post-1971 Pakistan legislated categories of Biharis, who would qualify for repatriation, a majority of the Biharis were excluded due to restrictive acceptance practices by Pakistan. When Bangladesh emerged as an independent nation in December 1971, there were more than a million Bihari refugees. Although governmental figures state that 600,000 accepted the citizenship of Bangladesh, there were 539,669, who registered with the ICRC in order to return to their country of nationality. While the ICRC estimated that 60 per cent wished to go to Pakistan, Biharis themselves state that 95 per cent wanted to go to Pakistan, and five per cent to India. Since a majority had suffered widespread persecution or still perceived considerable threat, they had all chosen to repatriate out of Bangladesh, and essentially to Pakistan.

Pakistan agreed by the New Delhi Agreement of 28 August 1973 to transfer a substantial number of ‘non-Bengalis’ in Bangladesh, who had opted for repatriation, in exchange for Bengalis in Pakistan and the return of POWs. ICRC was engaged as the route for all applications for repatriation of Biharis to Pakistan. The Biharis renounced their homes in 1947 in order to make East Pakistan their country of nationality and residence. Bangladesh was not the country they had migrated to or opted for. Before the birth of Bangladesh, they stood for the integrity of Pakistan, were Pakistani nationals, and till date have not renounced their Pakistani nationality.

The right of return of Bihari refugees needs assessment within the ‘primary’ rule of international law, which forbids the abusive exercise of rights of control over movement of people, rights which would be violated if certain limits are exceeded in the course of the exercise, or if they are exercised with the intention of harming others. The practice of Pakistan has harmed the Bihari community, accentuating the inability of the refugees to return home by arbitrary deprivation of their nationality. The Bihari refugees have been denied nationality by the unilateral shirking of Pakistan in her duty to grant citizenship to her subjects persecuted in her territory.

According to a Bangladesh Supreme Court judgement, children of Urdu-speaking Bihari Muslims are to be granted Bangladeshi citizenship. The operative part of the ruling is that it will benefit those born after 1971 (The Statesman 2008: 8). Under international law, they are citizens by birth and it follows ipso facto that they
are citizens of Bangladesh. The crux of the matter, however, relates to the rest of the approximately 300,000 stateless people, specifically the previous generation, who migrated to East Pakistan after Partition and have been taking advantage of the porous border for an exit route to West Bengal and other Indian provinces.

**Refugees in India**

The story of refugees in independent India must begin with the partition of the country in 1947, which resulted in the displacement of millions of people on both sides of the newly delineated border. The partition related massacres and migrations represent an unfolding human tragedy of enormous proportions. Nevertheless, historical studies have focused on the causes of, rather than the impact of, partition; treatment of its consequences has largely been limited to accounts mainly apportioning blame for the related massacres (Talbot 1995: 37-56).

India’s democratic polity, large size, a soft-secular state, federal constitutional structure, a porous border, and better economic opportunities account for the flow of refugees to this country. There were a total of 163,001 people of concern to the UNHCR in 2004 (UNHCR 2004e: 344). However, according to Refugee International estimates, India hosts around 330,000 refugees, its refugee population including as many as 143,000 Sri Lankans; 110,000 Tibetans; an estimated 52,000 Chin and other minorities from Myanmar; 15,000 from Bhutan; about 11,400 from Afghanistan; an unspecified but massive number of Hindus from Bangladesh; a number of Nepalese, who fled the Maoist insurgency; and more than 400 from other countries (Bhattacharjee 2008: 71).

**Refugees from Tibet**

About 100,000 Tibetan refugees were granted asylum in India in the 1950s. In fact, in terms of numbers, the Tibetan refugee problem is not significant. On 31 August 1996, the total number of Tibetan refugees in India was 108,000 (Holborn 1975: 737), this figure came down to 94,349 in 2004 (UNHCR 2004e: 345). The US Committee for Refugees (USBCIS) reports that “the number of Tibetan refugees in India fluctuates
because of the arrival of more than 1,000 Tibetan refugees from Tibet each year and the return of unknown numbers to Tibet" (USBCIS 2007).

The flow of Tibetan refugees into South Asia has been the result of communist China’s military action in Tibet during the 1950s. The Tibetan struggle for autonomy and the Chinese actions to suppress that struggle have continued since then and so has the refugees. The flow of refugees depended upon the intensity of conflict in Tibet, which was most serious in 1959, when the Dalai Lama, Tibetan religious and political leader, with thousands of his followers, came to India as the Cultural Revolution in China caused wide disturbances. The Government of India drew up extensive plans for their resettlement and rehabilitation in coordination with the UNHCR. Since 1962, their systematic resettlement in various sectors including agriculture, handicrafts and small-scale industries was ensured (Kharat 2003: 289-292).

Tibet’s struggle for autonomy picked up again in 1988-89, generating more refugees. In 1967 and 1993, the Government of India gave further asylum to 1,500 and 3,500 refugees (Talwar 1996: 45). As the issue of autonomy gained momentum, it was hoped that the Tibetan question would increasingly come under sharp focus in view of renewed international support. At the end of 2004, there were nearly 94,349 Tibetan refugees in India according to the UNHCR (UNHCR 2004e: 345). Though India supported neither the independence nor autonomy of Tibet and recognised it as an integral part of China (Chimni 1994: 381), the continued presence of the Dalai Lama have been an irritant in Sino-Indian relations. Rajiv Gandhi, during his visit to China in December 1988, assured the Chinese leaders that the Dalai Lama and his associates would not be allowed to indulge in political activities against China. This assurance was greatly resented by the Tibetans.

Tibetan demonstrators against the Chinese Premier Li Peng, during his visit to India in December 1991, were treated harshly, with instances of clashes between the Tibetan refugees and local inhabitants in Himachal Pradesh. According to the Canadian Immigration and Refugee Board, “While there have been isolated anti-Tibetan incidents (usually in the form of attacks by Indian criminals), Tibetan refugees in India are generally able to lead productive, peaceful lives in India. The Govt of India does not harass or mistreat Tibetans, nor does it threaten to return
Tibetans to Tibet” (USBCIS 2007). The fate of Tibetan refugees and prospects of their repatriation are closely linked to the changing dynamics of the Tibetan question and Sino-Indian relations.

Each Tibetan refugee settlement in India is headed by a settlement officer appointed by the Central Tibetan Administration, which is the network of Tibetan-run agencies in Dharamshala, effectively functioning as a government-of-Tibet-in-exile. While the Government of India has the ultimate authority over the settlements and takes charge in any criminal matters, in practice the Tibetan administrators work to maintain good relations with local communities and generally are given a free hand to run daily affairs of the settlements (USBCIS-2007). According to the information provided by the US Department of State in August 1998, “Tibetans residing in India do not have the rights of Indian citizens such as voting or carrying an Indian passport, but they are free to work there or in the numerous Tibetan settlements established by the Indian Government” (USBCIS 2007).

As part of its rehabilitation strategies, the Government of India set up the Indo-Tibetan Border Police Force (ITBP), on 24 October 1962, for the protection of India’s frontiers along the Indo-Tibetan border covering 2,115 kilometres from the Karakoram Pass to Lipulekh Pass and the tri-junction of India, Nepal and China. To begin with, only four battalions were sanctioned to fill up the security vacuum that prevailed at that time on the Indo-Tibetan border. Most of these recruits were from the ranks of the Tibetan refugees. It was a planned strategy to rehabilitate the refugees and use them for a security purpose too, the logic being that these refugees were familiar with the Himalayan region and had the experience of fighting the Chinese Army when they were in Tibet (Kharat 2003: 293-294). Subsequently, the government began recruiting non-Tibetan into the Force. The main task of the ITBP is to keep vigil on the northern borders, detect and prevent border violations, and promote of a sense of security among the border populace. Surprisingly, China has had no objection to this, though this could have easily been one of the issues for the Chinese to have complained against India, on the grounds that the latter was using Tibetan refugees against the former.
Refugees from Bangladesh

Bangladesh is a frontier region of South Asia; history and geo-politics combining to make it a land of shifting frontier and fluid population movements (Guhathakurta 1997: 111-137). Bangladesh shares a 4,000 kilometre long border with West Bengal, Assam, Meghalaya and Tripura. The population in Bangladesh doubled from 55 million in 1961 to 111.4 million in 1991, further increasing to about 120 million. It is one of the most densely populated countries in the world, with over 800 persons per sq. kilometre. The increased pressure on land forces and encourages a substantial number to migrate to India (Hazarika 2002: 26).

In the wake of the brutal repression unleashed in East Pakistan during the freedom movement of 1971, about ten million refugees (Chimni 2000: 464), mostly Bengali Hindus, who were specially vulnerable, marched into India (Uprety 1995: 66). Nearly seven million among them were put up in camps, while the other three million stayed with friends and relatives. India did not turn away the refugees because it provided India with an opportunity to disprove Pakistan’s ‘two-nation’ theory based on religion. It was also a good opportunity for India to embarrass Pakistan on human rights’ issue of its own citizens. Furthermore, India could transform the geo-strategic scenario of the sub-continent in her favour by setting her eyes on division of Pakistan and, thus, ending the need to fight on two fronts in a war with Pakistan. It is argued that, ‘the refugees were an important part of the conflict’, concede that ‘India’s ability to derive political mileage from the refugee situation does not deny its objective reality’ (Zolberg et al. 1989: 144). The refugees quickly returned home after the liberation of Bangladesh (Mukherji 1974: 449).

The UNHCR was involved from the very beginning of the crisis. On 23 April 1971, the Government of India requested the UN Secretary General for international aid and it was decided that the UNHCR should act as the UN focal point, working in close liaison with the government. The government appraised the UNHCR on a regular basis regarding the influx of refugees. The UNHCR was very effective in mobilising international support and resources for the refugees. It, however, left operational matters to the Indian authorities and supplemented their efforts by mobilising resources with regard to the priorities indicated by the government. As a
result, there was no conflict at any stage and relief assistance proceeded smoothly. UNHCR's role in mobilisation of the resources was deeply appreciated by the government (Saha 2003: 239-240).

The Chakmas

The majority-minority number games in terms of religion, ethnic composition, political authority and psychological one-upmanship have conspicuously figured in almost all the refugee-producing countries in South Asia. One of the most striking examples has been the alleged attempt by the post-liberation Bangladeshi regimes to change the demographic composition of the Chittagong Hill Tracts (CHT), with an objective to blunt the demand of indigenous Chakmas for administrative autonomy. This, along with the 'massacres', resulted in the increase of Bengali population from 11.6 per cent in 1974 to 48.5 per cent in 1991 in CHT (Patil and Trivedi 2000: 259). The plight of the indigenous and tribal people of the CHT has been and continues to remain the darkest episodes in the national integration process of Bangladesh. They are the only significant group of people in Bangladesh who are ethnically different from the majority community. Their number, which is less than 800,000, is indeed relatively small in the context of 110 million people of Bangladesh (Malik 1996: 40).

Since the creation of Bangladesh, and even prior to that, the Chakma refugees have been seeking shelter in India from persecution at home (Ghose and Gillani 1993: 25-27). Actually, the relation between the hill dwellers from Chittagong and those from the plains had always been strained due to multifarious factors, including govt-initiated migration, development projects, militarisation and curtailment of their autonomy in terms of self administration (Burman 1983: 120). In 1964, thousands of Chakma families entered India, fleeing the then East Pakistan, because of religious persecution (Dutta 1996: 112). Communal violence and the construction of Kaptai Hydro-electric Dam displaced nearly 100,000 Chakmas, most of whom sought refuge in India (Limpert 1998: 41-48). They were initially sheltered in government camps in Assam and later shifted to camps in the state of Arunachal Pradesh, then known as the North Eastern Frontier Agency (NEFA). In the years 1966-68, the Government of Indian drew up the Chakma resettlement schemes and sanctioned the
resettlement of 3,100 families. According to an estimate, the refugees, presenting 1993, numbered more than 60,000 (The Statesman 1993b).

In September 1992, the then Union Minister of State for Home said in a letter to a local Member of Parliament that the refugees who came to India between 1964 and 1971 were eligible for the grant of citizenship and ruled out their deportation (The Times of India 1994). However, in 1993, the Indian Supreme Court held that the Chakmas are not entitled to citizenship under section 6-A of the Citizenship Act (Chimni 1994: 482) and the AAPSU, with the support of state Assembly, has been agitating for their repatriation to Bangladesh, notwithstanding Supreme Court’s directives against the anti-Chakma drive (Hazarika 1996: 43-45).

In so far as the flow of refugees is concerned, there were an estimated 56,000 refugees, primarily Buddhist Chakmas from the CHT area, once described by the Government of India Act 1935 as a ‘Totally Excluded Area’ (Dasgupta 1993: 8), living in camps in the Indian state of Tripura. In 1993, the year of indigenous peoples, there was considerable pressure on Bangladesh to bring home the Chakma refugees. But a parliamentary team from Bangladesh, which visited India in May 1993, failed to convince the refugees to return, despite promises of improved conditions in the CHT. Mr. Upendralal Chakma, the President of the Refugee Welfare Association and a former Bangladeshi Minister, has stated time and again that the refugees would not go back unless a 13-point Charter of Demands was accepted, including the withdrawal of the army, the eviction of Muslim settlers from tribal land, and giving more political autonomy for the tribals (The Statesman 1993a).

The Indian authorities ruled out any forcible repatriation of the refugees (Datta 1993: 1). Further, negotiation between the Bangladesh government, the refugees, and the Indian officials resulted in the planned repatriation of 400 families. Bangladesh had agreed to consider sympathetically the demands of the refugees and pay Rs. 1,600 (about $50) as subsistence allowance per family for the first six months (Datta 1994: 5). The repatriation went ahead on 15 February 1994, despite claims that the refugees were being pressurised to go back to Bangladesh (Chakma 1994: 4). On 2 December 1997, Bangladesh signed a peace agreement with the Shanti Bahini, the armed wing, following which, all the remaining Chakma refugees in India were to be repatriated.
Immediately, following the agreement, some 13,500 Chakma refugees returned home in December 1997 and within three months the remaining Chakma refugees were also repatriated to Bangladesh (Bose 2000: 27). According to a report, by 1997, almost all the Chakma refugees had returned to the CHT (Stromberg 1998: 24).

The People’s Union for Civil Liberties (PUCL) and the Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP) filed a writ petition before the Delhi High Court against the refusal of the Election Commission of India to register Chakmas as Indian voters as per a Supreme Court directive in 1996. In its judgement, on 28 September 2000, the Delhi High Court ordered the enrolment of all eligible Chakma and Hajong voters in the electoral rolls (Dhavan 2005: 125). Despite this order and the repeated directives of the Election Commission, the names of most of the Chakma or Hajong applicants were not included in the rolls on various pretexts. The few that were included were later deleted by a notification of the Cabinet of the State Government of Arunachal Pradesh on 26 June 2003.

A writ petition, filed before the Guwahati High Court, in the name of a former Chief Minister of Arunachal Pradesh, against an Election Commission order of 2 January 2004, suspended electoral activities in the Chakma and Hajong-inhabited constituencies on the ground of non-inclusion of Chakmas and Hajongs in the rolls (Dhavan 2005: 126). On 3 March 2004, the Election Commission of India ordered that 1497 Chakmas be enrolled as eligible voters, overriding the obduracy of the state election commission officials, who were resolute not to allow voting rights to the Chakmas. But, the Election Commission’s order was itself challenged before the Guwahati High Court. The Delhi High Court and the Supreme Court have held that the Chakmas born in India between 1950 and 1985 have a right to vote, supported by the National Human Rights Commission (NHRC) (Dhavan 2005: 126).

Like the Indo-Nepal border, the India-Bangladesh border is also very porous, with identically mixed population dwelling on both sides of the geographical divide. The radical nationalist parties of India claim that approximately 20 million Bangladeshis have illegally entered India after 1971. The ten districts of the Indian province of West Bengal (including Cochbehar, Jalpaiguri, Uttar Dinajpur, Dakshin Dinajpur, Darjeeling, Malda, Murshidabad, Nadia, North and South 24 Parganas),
bordering Bangladesh, actually have population growth rate much higher than rest of the provinces (Samaddar 1999: 17).

These illegal immigrants have not only settled in West Bengal’s border districts, but have also spread to interior areas. During 1981-91, the population growth rate of Hindus in West Bengal was 24.73 per cent, whereas that of Muslims stood at 36.89 per cent. Not to speak of border areas, even the interior districts of Midnapore and Bankura witnessed a huge disparity in the population growth rate of Hindus and Muslims during 1981-91. In Midnapur, the population growth rate of Hindus was 19.74 per cent, while that of Muslims was 53.80 per cent. For Bankura, the respective figures were 14.33 per cent and 38.71 per cent (Ray 2002: 40). This has been largely attributed to regular illegal immigration from Bangladesh that has increasingly become a drain on the local economy and a big security threat to the country.

With a view to further curb illegal migration into India, an amendment to the Foreigners Act was proposed in 1998, which was referred to the Parliamentary Standing Committee and ultimately the Law Commission for consideration. The Law Commission, in its One Hundred and Seventy-fifth Report on the Foreigners (Amendment) Bill, 2000, recommended the inclusion of a definition of ‘illegal entrant’ (who may well be a refugee) in the Act to mean a foreigner, who enters India without valid documents, or overstays the legally prescribed limit. It actually seeks to create new authorities to check illegal entrants coming into India (Dhavan 2005: 50).

Tamil Refugees from Sri Lanka

Tamil Nadu is home to India’s 55 million Tamils, who have linguistic, religious and political affinities with their Tamil neighbours in Sri Lanka. It is, therefore, not surprising that the Sri Lankan Tamils sought refuge, from persecution at home, in the state of Tamil Nadu. The Government of India allowed asylum and give aid to the refugees (Barber 1997: 10). The Sri Lankan refugees, who thus entered India, by their numbers alone, posed a formidable problem to Tamil Nadu and the government of India, which had to house, feed, care for them and provide security. It is estimated that since 1990, approximately 120,000 Sri Lankan Tamils have been living in
Southern India in refugee camps run by the government, while another 80,000 have been living outside (Muni and Baral 1996: 195).

The Sri Lankan Tamil refugees came to the Indian state of Tamil Nadu in two waves. The first exodus was triggered by the armed conflict between the Sri Lankan army and the LTTE in July 1983, when the LTTE killed 13 Sinhalese soldiers in an ambush. The incident incited organised violence against Tamil residents in the south, followed by island-wide communal violence between the Sinhalese majority, who represent 74 per cent of the population, and the Tamil minority, who represent 18 per cent. The fighting displaced some 200,000 Tamils, half of whom remained in the country, further polarising the two ethnic communities, and prompting a more militant mobilisation of the Tamil community to achieve its goal of a separate state, Tamil Ealam (Vincent and Sorensen 2001: 172).

The first exodus of refugees, which commenced on 24 July 1983, continued till 29 July, 1987. During that period, 134,053 refugees arrived in India. Following the India-Sri Lanka Accord of 1987, refugees began to return to Sri Lanka. Between 24 December 1987 and January 1989, around 43,000 camp and non-camp refugees returned to Sri Lanka through organised channels or spontaneously (Chimni 2000: 516). However, thousands continued to stay in Tamil Nadu, either with their relatives or on their own. The second Elam War triggered a fresh exodus of refugees. After 25 August 1989, 122,000 refugees came to Tamil Nadu. Of these, 116,000 were destitute and were accommodated in refugee camps. The Government of India soon started decreasing the number of refugee camps and by 1993, they were actually down from 237 to 132 (Hans 1997: 96-108). The return of the refugee commenced again on 22 January 1992. According to the UNHCR, between 20 January 1992 and 20 March 1995, 54,188 refugees returned to Sri Lanka.

Most of the refugees live in a vulnerable condition. Government’s restrictions on their movement prevent them from securing permanent productive employment that would allow them to properly integrate into the Indian society. They often have to act illegally in order to survive, but are subjected to government control. The Sri Lankan refugees continue to face problems from the central government and state government of Tamil Nadu, in clear violation of international human rights law.
Though most refugees are desirous of becoming self-supportive, they are hamstrung by the government's movement restriction policy (Arulanathan and Schaak 1998: 33). Consequently, the Sri Lankan Tamil refugees continue to endure hardships.

In 1999, India hosted some 66,000 Sri Lankan refugees who were located in 133 camps in Tamil Nadu. An estimated 40,000 Sri Lankans lived outside the camps (UNHCR 1998c). The UNHCR estimates that in 2000, approximately 800,000 people were displaced in the north and east of the country, of which close to 200,000 were living in about 400 welfare centres. An estimated 500,000 more persons were living outside Sri Lanka in India or in the West as refugees (Vincent and Sorensen 2001: 175). At the end of January 2002, there were 63,941 refugees, belonging to 16,955 families accommodated in 111 camps spread throughout Tamil Nadu (Suryanarayanan 2003: 46).

The problem of Tamil refugees can only be solved by ending the war in Sri Lanka, which would create a suitable atmosphere for the return of the refugees. The sooner peace is restored, the greater the chances of voluntary repatriation of refugees. The longer the conflict continues, the longer the duration of refugees' settlement in India, and the greater their tendency to seek permanent settlement. It will be difficult for the refugees, mainly in the non-camp category, who have built up a strong economic infrastructure and developed family ties with the host population, to forsake everything in India and repatriate to their home country (Sahadevan 2003: 77).

Afghan Refugees

Afghan refugees started coming into India following the Saur Revolution 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 Hafizullah Amin in September 1979, who, in turn, was removed by Soviet military intervention in December 1979. About 25,000 to 50,000 refugees are supposed to have come to India, whose number came down to 9,761 in 2004 (UNHCR 2004e: 345). According to a report, more than 60,000 Afghans came to India in the years following the 1979 Soviet invasion of Pakistan. The Government of Indian did not officially recognise them as refugees but allowed the UNHCR to operate a relief programme for them.
The conditions of the Afghans refugees worsened after the UNHCR slashed its aid programme. The refugees have been complaining that they can not work in India because they have no residence permits and no status as refugees, making daily survival difficult for them. The UNHCR has justified the slashing of financial allowances for the refugees because of the shift in the focus of its programme from direct aid to helping the refugees to attain self-sufficiency (Roy 2003: 196-197).

According to Muni and Baral, since these refugees do not belong to the erstwhile Afghan resistance groups, they are likely to continue until lasting peace and harmony return to Afghanistan (Muni and Baral 1996: 22). However, the fall of the Taliban and the establishment of a broad-based government in Afghanistan have offered hopes to the millions of displaced people for return and reintegration. It is, therefore, very necessary that the international community, along with the transitional government, work for stability and reconstruction in the country to facilitate proper settlement of the millions of refugees, displaced by longer years of war and conflict.

An old festering issue regarding Afghan refugees of Indian origin relates to their naturalisation. They satisfy the conditions regarding the period of stay and other criteria for citizenship under section 5 (1) (a) but, in view of heavy burden of proof regarding persons of Indian origin conforming to section 5 (1) (a), they can not get citizenship under this provision. More than, 1,500,000 Sri Lankans could be granted Indian citizenship easily under the same provision till an amendment was introduced in 1987. However, as the law stands today, it may be difficult for persons of Indian origin, whether living in the neighbouring countries, or other countries, to get citizenship by registration under this provision. The persons of Indian origin, who have been granted asylum in India as refugees, may also apply for citizenship under this provision as there is no legal bar. Though from policy consideration, the government may insist on their voluntary repatriation and may not grant citizenship, even if they satisfy all the conditions, and such decisions can not be questioned in any court of law as granting citizenship is an exercise of sovereign function. About 1000 persons in a year get citizenship by registration under section 5 (1) (a), including the cases of marriage to the Indian spouses.
Under such circumstances, some of the Afghan refugees of Indian origin had to apply for citizenship by naturalisation under section 6 of the Citizenship Act. Section 6 was not meant for persons of Indian origin, rather it was meant for foreigners other than that of Indian origin. The conditions for naturalisation under section 6 are stricter as the persons are required to stay for almost 10 years in India and satisfy other conditions. About 20 to 30 persons are granted citizenship by naturalisation under section 6 in a year. A limited number (about 50) of Afghan refugees could get citizenship under this provision many other applications are pending for consideration. Thus, naturalisation of Afghan refugees is likely take many years (Saha 2002: 51).

**Bhutanese Nepalese**

There are 25,000 to 30,000 Nepalese from Bhutan, who took refuge in India in the wake of the adoption of a vigorous policy of Bhutanisation, through the imposition of cultural and dress code as well as citizenship qualifications in 1988. Repressive implementation of these policies precipitated violent reactions and conflict, and generated refugees. Since the number of these refugees is not very significant, India is apathetic to the issue. But the conspicuous Indian indifference to the refugee issue seems to have encouraged Bhutan, thus, prompting some Nepalese to see a kind of Indian connivance with Bhutan (Muni and Baral 1996: 167).

Initially, these refugees, whether forcefully evicted or a victim of insecurity due to mass exodus, took refuge in India, but they were asked to leave West Bengal and, in fact, were carried in trucks and dumped near the Nepal border. The Indian decision reflects its strategic consideration regarding the implications these refugees could have on the volatile politics of the Gorkhas in West Bengal. Moreover, the decision to a certain extent was dictated by the cordial relations between India and Bhutan, and New Delhi’s reluctance to get entangled in a matter which it considered purely bilateral (Pattnaik 1999: 1611).

Stretching the definition of ‘refugee’, it is important to talk briefly about economic migrants also. The Treaty of Peace and Friendship between India and Nepal makes it possible for the two-way flow of people. Better economic opportunities in
India have regularly been attracting economic migrants from Nepal and a similar inflow has been noticed in case of migrants from Bangladesh as well. Thus, we find that India has been a major Third World region of concern in the context of refugee movements. Almost all the refugee generating factors have been active here and have impinged on the refugee situation in the country.

The Indian state has shown remarkable capacity and resilience in absorbing and dealing with refugees and this is perhaps one reason that the refugee situation here does not seem to be alarming. But, the fact remains that about two lakhs refugees, who are still in the country, do strain an already over-burdened economy, sometime even inviting hostility from the local population. Apart from straining a weak economy, it also has implications for the security of the country. The pressure of hundreds of thousands of refugees has often created and encouraged conditions for destabilisation and disruption of political, economic and social systems in the country. The extent and intensity of this threat naturally depends upon the number of refugees and their demands and expectations.

The state of refugees in India is indicative of a few things. It shows that the government hardly has any consistency policy on refugees. New Delhi has so far treated refugees on a case-by-case basis. Therefore, different groups of refugees, arriving from different parts of South Asia, have received different kinds of treatment and hospitality from the Indian administration. Since India has received the largest number of refugees since her decolonisation, this appears to be rather disturbing. In the absence of a clear-cut policy on refugees, the people seeking shelter often find themselves as strategic pawns in the geo-political and geo-economic games of India and the concerned refugee-generating neighbour (Chaudhury 2003: 278).

Internally Displaced Persons

The concept of IDPs has become a familiar feature of the humanitarian vocabulary. Indeed, the emergence of a new protection paradigm, focussing less exclusively on the situation of refugees in countries of asylum and more systematically on the plight of vulnerable populations in countries of origin, has pushed this issue to the top of the humanitarian agenda. Commenting on this trend, the UN High Commissioner for
Refugees observed that “the scale and scope of this problem, the human suffering which underlies it, as well as its impact on international peace and security, have rightly made internal displacement an issue of great international concern” (Ogata 1998).

Although the notion of IDPs is now widely used by humanitarian agencies and policymakers, there still remains a lack of clarity about its precise meaning. The international community has not yet established a formal and legal definition of the term, and while a number of efforts have been made to fill this conceptual gap, many of the definitions offered have tended to be either too broad or too narrow, and therefore, of limited value for either analytical or operational purposes. However, the term has been loosely used to denote those “persons who, as a result of persecution, armed conflict, violence or [development programmes], have been forced to abandon their homes and leave their usual place of residence, and who remain within the borders of their own country” (UNHCR 1997b: 99).

The World Refugee Survey puts the total number of IDPs in India at 0.25 million, the estimates of the Indian Social Institute in New Delhi places it at 21.3 million (mainly development induced displacement), and the Global Survey of IDPs places it at 3.9 million (conflict induced internal displacement) (Lama 2000b: 3). Internal displacement has most frequently been associated with highly visible and destructive armed conflicts, such as those in Bosnia, Chechnya, Rwanda and Sri Lanka, where large numbers of people have been forced to flee at short notice and have congregated in specific areas. There has been a growing awareness regarding the problems related to development-induced displacement and recognition of the human rights issues raised by this phenomenon. Some of the affected groups of people include the Kayapo people of Brazilian Amazonia, the Saami people of Norway and the people living in the vicinity of the Sardar Sarovar Dam in India (Lama 2000b: 101). About 33,014 and 4,000 families affected by Sardar Sarovar Dam Project in Madhya Pradesh and Maharashtra respectively in 1999 (Venkatesan 1999: 46).

Both the UNHCR and Refugee International estimated that about 800,000 Sri Lankans remained internally displaced at the end of 2001 (The United States Committee for Refugees 2002). The Sri Lankan experience helped to establish the
conceptual and practical basis for UNHCR intervention in situations of conflicts that were, actually or potentially, refugee generating within the same country (Chimni 2000: 461). There were .25 million IDPs in India in January 1999 (Lama 1999: 3), including economic migrants, who leave their homes for other states in search of jobs, often risking the ire of local population for encroaching on their meagre resources.

Prominent examples include Assam and Maharashtra. While in Assam, the ire against outsiders ‘arose out of the indigenous Assamese population feeling outnumbered and marginalised in its own home ground’ (Satyamurthy 1998: 266), in Maharashtra, the targets became ‘the community of non-Maharashtrians. While initially this ire was directed against the South Indians, whom the followers of Bal Thackeray contemptuously called ‘loongiwallahs’ (Johari 1990: 219), the favour has been extended to the North Indians, particularly against those from UP and Bihar. Raj Thackeray, taking the baton from Bal Thackeray, started a militant agitation against the North Indians in Bombay and elsewhere in Maharashtra, resulting in exodus of thousands of these people back to their respective home states. Kashmiri Pundits constitute yet another community of IDPs, who fled their state in the wake of terrorist attacks on them. According to an estimate, ‘nearly two lakh Hindus [Kashmiri Pundits] fled Jammu and Kashmir between 1988 and 1991 (Ahuja 1997: 433).

Despite the world’s growing interest in the situation of the IDPs and other war-affected populations, many of the humanitarian issues associated with their plight remain to be resolved. Although a number of different international organisations have contributed to the welfare of the IDPs, during the past few years, no single humanitarian agency has been given statutory responsibility for their protection.

The UNHCR and India

The protection function of the UNHCR in India is mainly based on its mandate under its Statute. Protection activities range from conducting status-determination interviews and issuing recognised refugees with certificates, to interacting with the government in protection matters and monitoring conditions of asylum. It also includes seeking durable solutions for refugees, securing clearance from the government for their departure, and promoting refugee protection and related training.
with various agencies, academic and research institutions and governmental bodies. One of the thrust areas of UNHCR’s advocacy efforts in India has, therefore, been to highlight the absence and the need for laws to protect the rights of refugees. In this endeavour, the UNHCR has, over the years, built an institutional relationship with the judicial community in India. In collaboration with well-known lawyers, the UNHCR has held several seminars and workshops on International Law relating to refugees.

Notwithstanding UNHCR’s laudable role in refugee relief and protection in India, it has also been subjected to refugees’ ire from time to time, including those from Afghan and Burmese refugees. One such protest also turned violent in the case of Burmese refugees, who, in 2003, intimidated and threatened the UNHCR staff with protests outside its office in Jorbagh, New Delhi. It resulted in trespass, nuisance and breach of peace, to a point that the police had to be called in and magisterial action taken. The Burmese protestors were bound over, to keep the peace, whilst the latter alleged indifference by the UNHCR and brutality by the police (Dhavan 2005: 13). That the issue was handled well by the UNHCR office in Delhi does not detract from the nature of the discontent and the deeper causes that occasion such discontent.

Such and many other similar instances prompted India’s representative, at the Fifty-fourth Session of the Executive Committee meeting of the UNHCR in 2003, to comment, “There is need for genuine international burden-sharing. Oftentimes, the unpredictability of the commitment to humanitarianism by the UNHCR itself has been a problem. For example, in some instances in the past, the UNHCR has closed its offices at the peak of crisis situations, leaving countries to single-handedly bear the burden of hosting millions of refugees” (Dhavan 2005: 29).

One of the key partners in this effort has been the South Asian Association for Regional Cooperation in Law (SAARCLAW) with whom the UNHCR has been carrying out its advocacy efforts. The UNHCR has also sought the services of THE Public Interest and Legal Support and Research Centre (PILSARC), an implementing partner, to provide legal assistance to refugees facing protection problems. The Indian Centre for Humanitarian Law and Research (ICHLR), another implementing partner of the UNHCR in India, has been conducting seminars, workshops and conferences on refugee issues throughout the country. ICHLR, in collaboration with the Informal...
Consultations on Refugees and Migratory Movements in South Asia, has also brought out a draft National Model Law on Refugees for countries in South Asia. The UNHCR also collaborates with the NHRC of India to strengthen the protection mechanism for refugees in India (Patil and Trivedi 2000: 113-114).

The treatment of refugees in India varies as per the government’s approach to a particular category of refugees. Government-recognised refugees usually enjoy a greater level of protection and freedom than the UNHCR recognised refugees do. For example, the former category are provided documents that give them residency right, but mandate refugees, in addition to refugee certificates issued by the UNHCR, still need to obtain residential permits, without which they can be arrested as illegal immigrants under the Foreigners Act. Refugees who do not have residential permits are usually issued administrative deportation orders, called ‘Leave India’ notices. It is not in all cases that a deportation notice is issued. Normally, ‘Leave India’ notices are issued when a refugee is arrested and is considered a threat to national security or believed to have engaged in especially offensive criminal activities. Though the authorities do not usually implement such notices, some are detained under such notices and risk deportation. The UNHCR, through its implementing partner PILSARC, intervenes through the judiciary, or directly through demarches, made to the immigration authorities or the Ministry of Home Affairs (Foreigners Division), and resettlement is taken up if needed (Sen 2003: 407). The total number of refugees under the UNHCR mandate was 11,750 in 2008 (UNHCR 2008a: 61).

**Why India does not produce refugees?**

India has always been a host to refugees coming from many corners of the world, including Vietnam, Ethiopia and Somalia. It has been at the centre-stage of South Asian refugee management. It has often been asked in the academic circles that why India does not generate the refugees. This question assumes more significance particularly because of the fact that India has been one of the most violence-prone states in South Asia (Lama 1998: 96). India continues to reel under a variety of violent movements, like the Naxalite movements through the Red Corridor of Bihar, Jharkhand, Chattisgarh, West Bengal, Andhra Pradesh and Karnataka, caste and
communal clashes, and separatist movements in Punjab, Kashmir, Assam and several other parts of the country (Lama 2000b: 15).

Despite the severity of the protracted violence, there has been no noticeable exodus of people to any of the neighbouring countries from India. One of the possible reasons could be the large size of the country, with accommodative federal structure, where the constituent states have more independence and political space. More than this, each state has pluralistic ethnic and communal composition, thereby, insulating them from the violence that occurs in the places of origin of the displaced/fleeing person. This enables them not to only accommodate the fleeing people, but also remain unaffected by the violence.

For example, the atrocities against the Kashmiri Pundits in Jammu and Kashmir by the militants have led to large scale exodus of this community from Kashmir (Lama 2000b: 15). Most of them have been accommodated and absorbed by neighbouring states, like Delhi, Punjab, Himachal Pradesh, and the unaffected regions of Jammu and Laddakh. Similarly, during the height of Assam agitation in the beginning of 1980s, most of the fleeing ‘illegal immigrants’ were given shelter in North Bengal, which remained relatively unaffected, despite its close physical proximity to Assam and noticeable presence of illegal immigrants. These indicate the high absorption capacity of shocks and tensions by the Indian societies, resulting in return of normalcy in no time.

For the displaced persons to enter into the neighbouring countries, the physical and political conditions should be congenial, at the basic minimum level, which has not been the case among potential hosts in India’s neighbourhood. In other words, the displaced people in India have always found the possibility of taking shelter in the neighbouring countries less attractive, both because of the politico-economic situations, and human acceptability and politico-social adaptability in the neighbouring countries. More than this, except Pakistan, most South Asian countries have remained aloof from India’s internal problems, despite a long and mostly porous physical border. Both, India’s ‘big brother’ image and their internal compulsions, keep them away from the internal bickering in India.
Internally Displaced People in Sri Lanka

Sri Lanka, never known as an asylum country, 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, 1990-91, and after April 1995. Major portion of Sri Lankan refugees to Tamil Nadu have voluntarily repatriated, but still some 60,000 have remained behind due to the ongoing security crisis in North-East Sri Lanka (Wijeratne 1998: 54).

The refugee problem in Sri Lanka emanate mainly on account of its civil war, which has led to massive surge of IDPs. The UNHCR is the lead agency for the protection and assistance of people displaced by conflict within Sri Lanka. Of the total 396,255 people of concern to the UNHCR, 352,374 alone were IDPs (UNHCR 2004e: 478). The UNHCR has two basic and closely related aims, namely, protecting the refugees and to seek ways to help them restart their lives in a normal environment. Official estimates, at the end of 2001, suggested that, at least, 800,000 persons remain internally displaced within the country. According to statistics available from the Commissioner General for Essential Services (CGES), in June 2001, there were 704,663 IDPs receiving food assistance from the government. Of this number, 528,736 persons were staying with friends and relatives, the remaining 175,897 were staying in 348 welfare centres, most of them located in the North and the East (Khan 2003: 202).

Presence of the UNHCR in Sri Lanka stems from the large-scale repatriation of refugees from India in the late 1980s. When the internal conflict abruptly resumed in 1990, the UNHCR was requested to respond to the changing needs by extending its mandate to protect and assist Sri Lanka’s IDPs. As the violence continues, under a troubled truce, the UNHCR assists towards creation of conditions conducive to voluntary return, while at the same time supporting the immediate needs and rights of IDPs through direct intervention, network development and capacity building. The UNHCR monitors the general welfare and human rights situation of IDPs through material support and presence in the field. To assist it in this task, the UNHCR has developed a national protection network consisting of its field offices, government institutions and NGOs, with the ultimate aim of ensuring that displaced people have,
at least, the same level of effective national protection as individuals who have never been forced to flee (UNHCR 2006).

As a result of an upsurge in violence in the North and East that led to new displacement, the UNHCR and its partners are responding to the immediate needs of the IDPs through coordination of protection activities and relief distribution. A core component of UNHCR’s national protection network is the IDP Working Group – an inter-agency forum established by it in 2002 to strengthen collaboration among agencies, identify needs and gaps, and advise the Government of Sri Lanka and the UN Country Team on conflict and IDP issues. However, it is felt that neither the UN agencies, nor the INGOs and the NGOs assisting the government, have been able to effectively respond to emergencies with contingency plans. The World Food Programme (WFP), in some instances, responded to the emergency needs of some of the displaced. However, they have been unable to deal uniformly with the IDPs and respond to all emergencies due to lack of consistent funding for their programmes. For instance, despite an agreement with the government to assist a certain number of the IDPs, the WFP has not provided them assistance since December 2001 due to a shortage of funding. Moreover, the WFP has not been allowed to assist IDPs in the LTTE-controlled areas (Senanayake 2003: 184).

Against this background, it would be advisable to abide by internationally accepted rules of war. In the context of ongoing conflict resolution, guarantees of basic human rights should be made part of the ongoing negotiation process. To improve service delivery of assistance to IDPs, a central body/authority, overseeing all aspects of protection and assistance, should be established. Such a body/authority must be suitably empowered to liaise with all levels of government. Moreover, there may also be the need to establish an accessible rights-based legal framework for the displaced; the review of state policies and practices applicable to the displaced, in accordance with internationally accepted guarantees of human rights; the guarantee of minimum standards/criteria such as informed consent; and participation in the decision-making processes as well as livelihood possibilities when resettling/relocating the displaced (Senanayake 2003: 191).
Internally Displaced People in Myanmar

Under the programme of Burmanisation in 1948, Burma (presently Myanmar) expelled approximately 500,000 persons of Indian origin, who had lived in Myanmar for generations. In the 1950s and 1960s, most of them returned to India in a penniless condition. In the 1970s and 1980s, Myanmar, similarly, expelled several thousand people of Nepali origin. The government of Nepal allowed these stateless persons to settle down in the south-eastern parts of Nepal (Bose 2000: 15). Evidently, Myanmar has been a refugee-generating country, rather than a refugee-receiving country. This trend further strengthened in the wake of military take-over of the government, following the brutal suppression of a pro-democracy uprising in 1988, resulting in government of the State Law and Order Restoration Council, later re-designated as the State Peace and Development Council.

The largest concentration of IDPs in Myanmar is found among ethnic groups in the east of the country, near the border with Thailand, Estimates in 2005 suggested that 540,000 IDPs were either in hiding or in relocation sites as a result of widespread human rights abuses, committed mostly by the Myanmarese army and its allies, and, to a lesser extent, by insurgent groups. These include 340,000 people in the temporary settlements of cease-fire areas administered by ethnic nationalities, 92,000 civilians hiding from the military-government in free-fire areas, and approximately 108,000 villagers in designated relocation sites after having been forcibly evicted from their homes. In addition, millions more have been displaced in schemes to resettle the urban poor and the building of large-scale infrastructure projects.

Hundreds of thousands of Myanmarese, belonging to ethnically minority groups, have fled to neighbouring countries in search of asylum. The flow of people out of Myanmar is South-East Asia’s largest migration movement. More than 160,000 Myanmarese have been living in nine refugee camps in Thailand. Majority of this population is from the Karen and Karenni ethnic groups. Most of the refugees in Thailand, however, are living outside the camps, without access to any formal assistance and protection programmes. The Shan people, despite fleeing from well-documented persecution by the Myanmarese military, are not regarded as refugees by the Thai Government and are denied protection.
Bangladesh is officially host to approximately 20,000 Myanmarese Rohingya refugees, living in two camps. However, up to 200,000 of them are estimated to be living, as illegal migrants, outside the camps. In India, more than 50,000 Myanmarese Chin and Kachin refugees are living in the North-eastern states, where the UNHCR is not allowed access. A much smaller number of Myanmarese urban refugees, around 1500, live in New Delhi, under the UNHCR mandate. About 12,000 Myanmarese Chin live in Malaysia, for the most part, in jungle settlements, where they are often at the risk of arrest and deportation. In November 2004, Malaysia granted legal migrant status to the Myanmarese Rohingya community, which numbers about 10,000. An unknown number of refugees, mostly Kachin, also live in China.

In 2005, the US initiated a large-scale programme to resettle Myanmarese refugees living in Thailand and Malaysia. But the resettlement programme virtually ground to a halt due to strict interpretation, by the Department of Homeland Security of Congressional prohibitions, on the entry into the US of individuals who have provided material support to armed groups. That this assistance may have been provided under duress, usually given in token amounts and provided to groups contesting a government deplored by the US, was all deemed immaterial in the name of homeland security. The US State Department recently granted a blanket waiver to Myanmarese in Tham Hin Refugee Camp in Thailand, allowing about 9,000 Myanmarese refugees to resettle in the US in 2006 (Refugee International 2006).

The problem of refugees has been enmeshed with the question of security threats that haunt the refugee receiving countries. At times, they have acquired the dimension of serious threat to both security and stability of the host countries. These situations set in when the refugees are seen as a political threat or security risk to the regime of host country; perceived as a threat to the cultural identity; are considered as a social and economic burden; and when the host society uses them as an instrument of threat against the country of origin (Lama 2000b: 20).

Many observers feel that the refugee issue needs to be disassociated from security perspective and other political considerations. The SAARC, committed to promoting economic and social cooperation in the region, is an ideal forum for creating such a regional mechanism. It has adopted an Integrated Programme of
Action (IPA) to supplant the bilateral efforts of the states to improve agriculture, communications, education, health services, tourism and environment. The SAARC has also set up regional institutions for dissemination of information on agriculture, tuberculosis and meteorological research. As a step towards promoting collective self-reliance among the countries of South Asia, a SAARC Food Security Reserve was established in 1988. It is time that the SAARC takes up the issue of forced migration from a humanitarian perspective. Sooner or later, the states of this region will have to collectively address this problem, which poses a serious threat to the stability and security of South Asia at the regional level (Bose 2000: 55).

Interestingly, in South Asia, there are dramatic examples, not of the familiar story of wars producing refugees, rather the other way round, of refugees producing wars. The refugees could actually turn out to be a serious political risk under various circumstances that have direct bearing on the foreign policy considerations of the host country. These circumstances could be both directly induced by the host government, and, in some cases, by the third parties. For example, the militant sections of the Sri Lankan Tamils, some of whom were allegedly trained in and supplied with arms from India, and the Afghan Mujahedeen in Pakistan, gradually became a strong force to reckon with within the host countries (Patil and Trivedi 2000: 262).

However, there seems to be no immediate solution to the refugee problem in South Asia. The major reasons for this despondency are attributed to the intricacies and complexities involved in the situations under which the refugees were forced to leave their birth places; the low priority attached by the host governments to the refugee issues and the withdrawal syndrome shown by the international agencies; and protracted political instability in both the country of origin and the host. Unless the South Asian governments seriously consider the various measures of dealing with refugee generating factors, the refugee problem threatens to become further complex. According to Mahendra P. Lama, these measures must reduce the level of violence against non-combatants, irrespective of the nature of the conflict; deal with potential and ongoing ethnic conflicts; minimise non-ethnic civil conflicts; and contain the repressive measures (Lama 2000b: 31).
Interventions by national human rights bodies, judiciary and NGOs could not rescue the refugees from their ‘state of statelessness’. Political calculations of local elites, coalition politics, strategic choices in security policies, and rising xenophobia have marginalised humanitarian considerations. The absence of a well-defined refugee protection regime in South Asia particularly makes the shelter-seeking people vulnerable. Massive refugee flow, forced repatriation, decline of liberal asylum practices, and creation of virtual non-entree regime in the region, following European examples, indicate that the ‘Fortress Europe’ mentality is engulfing South Asia as well, making refugee care arrangement in the region and the vision of 1951 Convention inadequate for negotiating the population flow. In any case, the 1951 Convention was intended for Europe, and did not consider the millions fleeing homes in the wake of de-colonization, partition, and the emergence of new states.

In the face of structural adjustment policies that produce, what the historian of indentured labour, Hugh Tinker called, ‘new slavery’, and with the entire sub-continent being populated by aliens leading a submerged existence, whom Eric Wolf called ‘people without history’, it is meaningless to stick to present citizenship policies. The controversy over citizenship in Nepal, India (particularly the North-East), Pakistan, and Sri Lanka reinforces the need to study the mixed phenomenon of forced migrants, unwanted migrants and migrants of the submerged world within and across the country, believes Ranabir Samaddar (Samaddar 2001: 67-68). Sanjoy Hazarika and Samaddar suggest innovative and democratic border management by easing labour inflow between countries marked by trans-border movement of illegal immigrants, primarily of working population, driven by insecurities of various kinds. As an example, Samaddar refers to the situation obtaining between India and Bangladesh, both of whom have proved woefully inadequate in dealing with the reality of the border between the two countries.

A system of identity cards, acceptable to local population, particularly those living on the border in the eastern and the north-eastern region, has been suggested. Visa system for nationals of either country may continue. However, for those, who can not or do not want to use visas for economic and quasi-economic reasons, a specific, time-bound legal system sanctioning their presence in the host area, for
mutual economic benefit of both sides, legal and acknowledged, may be devised (Samaddar 2001: 72-73).

Irrespective of the modality and mechanism of managing migrants and refugees in the region, it is imperative to sensitize the South Asia governments towards the need for a formalised comprehensive approach of managing migratory and refugee flows within the region. This would incorporate components of border control and refugee protection and must take into account humanitarian, political, legal, social, economic and security dimensions of the problem. Such an approach would require the goodwill and cooperation of all the governments in the region.

A comprehensive regional approach would also require a better understanding of the root causes of population movements and a clearer definition of each of the categories composing the mixed flow of people. Pro-active approach, such as economic development, encouraging democratization and rule of law, and addressing the human rights issues, through institutional capacity building, is imperative to counter these problems. A comprehensive regional approach would call for the strengthening of a regional forum for consultations on the subject, the regular and continuous sharing of information and statistical data, and the harmonisation of laws and practices concerning illegal migrants, traffickers and smugglers. Such an approach, taking into account global dimensions of the migration problem, would need to address a greater range of issues, including refugee protection, immigration, emigration and irregular movements from countries in the region.