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## Forced Migration: A Study on Refugees and Internally Displaced Persons from South Asia.

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**Abstract**

*Among the most conflict zones in the world, South Asian countries like Afghanistan, Pakistan form the list of regions that witness huge migration flows. The regions experience different form of migrations which is not only confined to its region but extend beyond its borders and add to the rise in number Global refugees, statelessness and internally displaced persons. Millions of refugees and IDP's are produced in the region due to various challenges faced by the sates which is identical to each other. The issues of state repression, ethnic conflicts, the issue of minority and the religious fundamentalism etc. challenge the stability of a region.*

This paper is an attempt to study forced migration in South Asia by examining the forced external migration i.e. the refugees and the forced internal migration i.e. the internally displaced persons. The paper argues that forced migration studies should shift its attention from the war centric refugee focus studies to a careful examination of the severity of the case of the internally displace persons.

Internally displace person's area recent trend in forced migrations, is on the rise and also beyond the control of nation states. Since refugees has its international protection mechanism, the internally displace populations should be effectively addressed by the state concerned. This will control the rise of the forced migration in the South Asian region.

### **Conceptual understanding of Refugees and Internally Displaced Persons**

The widely accepted definition of 'refugees' is the 1951 Convention, that broadly define 'a refugee' as—

“Someone who has a well founded fear of being persecuted for the reason of race, religion , nationality, membership of a particular social group or political opinion; is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself the protection of that country or, who not having a

nationality and being outside the country of his former habitual residence as a results of such events, is unable or owing to such fear, is unwilling to return to it.” (UNHCR 2010)

But this convention has its own limitation, as it confines its definition to the events occurring before 1<sup>st</sup> January 1951 which confine its statement to Europe. Therefore, the Convention lacks its scope which led to the introduction of the 1967 Protocol relating to the Status of Refugees. The protocol broadens the definition of refugees and includes the refugees irrespective of the year and geographical limitations. The world refugee is determine through the Conventions in which out of the 195 states , 145 states signed the Convention, 146 states signed the Protocol and 142 states signed both the Convention and the Protocol, while 148 states signed one or both (UNHCR Document) . Among the South Asian Countries, in 2005 Afghanistan signed the both the Convention as well as the Protocol, while the rest of the states adopted to follow its own ad hoc policy while dealing with refugees.

Internally displace persons (IDPs) were defined by the UN Guiding Principles on ‘Internal Displacement’, which states that Internally displaced persons are—

“Persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border.” (Guiding Principles on Internal Displacement 1998).

The main difference between IDPs and refugees is that the first remain within the borders of their own country while the refugees remain outside the borders. This is the only basic fact that differentiates the refugees and the IPDs. Refugees are entitled to international protection while an IDP is not a legal status since they are still under the jurisdiction of their own government. There is a debate on the same rights of protection given to the refugees and the IDP’s in which Barutciski argued that—

“Refugee protection involves issues that are distinct to the IDPs and that such an extension of rights will be counter-productive. The extension of the rights to the IDPs will be detrimental to the traditional asylum option that is centred to refugee hood.” (Barutski 1998:11).

In the cases of some displacement caused due to conflicts in which the life of the individual is in danger, the IDPs too are in need of special protection. Sometimes, the government who are entitled of protecting them is unwilling or unable to do so for the fact that they are the cause of such displacement.

Looking closely at the causes of displacement and the experience of refugees and conflict displaced persons both of them are often similar in both the experiences. Both the refugees and the IDPs have the reason of fear and persecution and their life is in threat which needs urgent protection. But no matter how severity is the case, the IDPs are bound to remain under the hope of the state protection through the right of sovereignty which calls for the responsibility to protect. The IDP's cannot be given international protection since they do not leave their own country and remain

under the jurisdiction of their government in cases where the government is responsible for their displacement. (Kalin 2014: 165) Due to this fact, though the internally displaced persons, were forcefully uprooted their life is, left at the mercy of the state.

### **Absence of Legal frameworks in South Asia**

Among the eight South Asian States, seven states are both the refugee receiving and the sending countries while the only exception is Maldives. In spite of its massive experience of refugees in the region, no South Asian countries (except Afghanistan) have signed neither the 1951 UN Refugee Convention nor the protocol. The guiding principles of the internally displaced persons are also not legally binding which the states can get away from its responsibilities. But, with law or no law, some South Asian states have never been unwilling to provide shelter and relief to the refugees. However, with the absence of the legal regimes, the categories get mixed up and sometimes even change the nomenclature (Ghosh 2016). The South Asian countries have ratified a number of international human rights Convention which serve as a driving force for the humanitarian approach

towards the refugees and the displaced people.

### **Migration scenario in South Asia**

Majority of the refugees and forcibly displaced people are found in the developing countries in Africa, Middle East and South Asia. According to the World Bank report, globally there are an estimate of 60 million people who have fled their homes, either as refugees (19.5 million), as internally displaced persons (38.2 million), or as asylum seekers as a result of conflict and persecution (World Bank:2016). Among the South Asian states, Pakistan ranks the highest in the internally displaced population and host the largest refugee population in the world after Turkey. According to the report of the UNHCR (2015), Pakistan and India is the largest host of refugee population in the region. Pakistan has 1, 561, 162 refugees and 1, 561,162 of UNHCR concern while the total population of concern accounts to 3,390,353 while India hosts 201,381 of which 27,078 are concern of the UNHCR and the total concern of 207,861. The Majority of the refugees in Pakistan are concentrated with Afghan refugees while India is home to diverse communities from within the region as well as outside.

South Asian states experience refugee and displacement at a very high rate with the experience of partition which is still very central in the region. The decolonization process through the 1947 partition compelled fourteen million people to move either seeking immediate safety or hoping for a better Pakistan or the dismembered India. The region witness major shift in 1971 with the creation of Bangladesh which generated in the outflow of nine million people who were given temporary refugee assistance in India (Zolberg, et.al, 1992:126-127). In the last six decades, South Asia has witnessed massive interstate migrations and refugee movement which accounts for 50 million people involving in the process (Ghosh 2016:1). The region experience of migration is also very vibrant due to the close geographical proximity and shared historical and cultural links. .

History accounts of the free flow of people without any restrictions of movement. However, the present day witnesses the restrictions of movement of people across borders. This phase of restriction is seen since the birth of the nation states where there rises the question of an 'insider' versus an 'outsider' which is wholly determined by the state institutions. In the process of inclusion and

exclusion through citizenship, a group of people have been included in a nation on the basis of language, religion, ethnicity and religion and exclude the others living in the same territorial space. Thus, the nation state constructs the legal and ideological parameters of inclusion and exclusion through its link with citizenship (Chaudhury 2004: 244). The formation of the state itself is the dividing force which is narrowed down to the level of 'we' versus 'them'. Borders thus have become a zone of restriction where the state has the full legal right.

### **Major drivers of forced Migration in South Asia**

#### 1) The decolonisation process

After the Second World War, new systems arose in internal politics which give rise to newly independent states. Self determination is a cardinal principle in international law in which nation states were given the right to choose their sovereignty and political status. Self determination was the driving force which pushed forward the decolonisation process throughout the world. In the process of self determination, nations broke away from state as people started seeking greater rights for themselves. The right to self

determination serves as a tool for decolonisation and gives the people the right to freely determine their political and social rights from colonial powers. In South Asia, when colonial rulers transferred political powers to the native elites, nationalism took a new turn and it soon become an instruments of inclusion and exclusion in a situation of competing identities (Chaudhury:2004).

Decolonisation thus led to the creation of new states based on religious and ethnic lines. Thus, the post- colonial South Asia was marked by the forced movement of people which in the process led to the turning of millions of people into a refugee and as displace persons.

#### 2) Failure in the Nation building

One of the main causes of the forced migration in South Asia is the failure in the Nation building process. The South Asian countries were faced with wide spread forced migration after the decolonisation process where nation states were newly created based on different ethnic and religious lines. The Partition of India in (year) on the basis of religion, a Hindu country and a Muslim country set an example of the scenario of forced migration studies in South Asia. During the partition, millions of people were

forced to move on both the sides which is still an unforgettable excruciating experience in many families. The partition history still haunts millions of homes and is very much seen in the present South Asia. Thus, partition remains the focal point while studying forced migration in South Asia.

a) The Partition

In South Asia, partition created a complex history of movement of people and their struggle for identity in their new homes. The carving of South Asia into a modern nation state through partition and then through their independence has made the problem of population displacement and population movement even more acute (Samaddar 1997:74). The creation of Pakistan, based on the religious lines of a 'Muslim state' while India a 'Hindu State' calls for people claiming their identity based on the religious lines. In South Asia, Partition establishes the utmost migration in the history of the region. The creation of Pakistan in 1947 as a Muslim state did not succeed in uniting the nations based on religious lines as the 1960's marked the Autonomy movement in East Pakistan by the majority of Bengalis. The movement

finally led to the creation of Bangladesh in 1971. This creation of a new state also created massive forced migration from East Pakistan to West Pakistan. Thus, after the creation of Bangladesh, an estimate of around 462,000 fled to Pakistan while the rest 258,029 who remained in Bangladesh, scattered to different parts of the country. They still call themselves 'Stranded Pakistanis' (Ghosh 2004:115)

b) Ethnic Conflicts

Ethnic conflicts with territorial implication which demands for autonomy and separatism is common in the South Asian region. The major ethnic conflict in the regions was between the Hindu-Tamils minority and the Buddhist-Sinhalese majority. In 1948, when Sri Lanka became Independent, the minority Tamils of Indian origin were denied citizenship. This led to a civil war in Sri Lanka resulting in the division of Sinhalese in majority and Tamil population in minority. When the Sri Lankan Freedom Party (SLFP) came to power in 1956, they imposed Sinhala language as the official language of the country. This was done mainly to counter the Tamils in Sri Lanka, with Sinhala as the official language of the country. The Tamils were forced to fight for their own identity which leads to the creation of

Liberation Tigers of Tamil Ealam (LTTE) in 1976. The LTTE was set up to fight for Tamil identity in Sri Lanka. The civil war occurred between the Sinhalese and the Tamils which led to the forced migration of thousands for Tamils to India (Banerjee 2014:615). The Tamils were given protection by the Indian state and were given settlement as well as employment opportunities. Though there is a repatriation process, thousands of them still remain in India.

The major ethnic wave can also be witnessed in Bhutan, similarly on the lines with the Sri Lanka based issue of citizenship. The majority--Drukpas (Ngalongs and Sarchops) denied the citizenship to the minority-- the Lhotsampas, who are of Nepali origin. In the 1958 Citizenship Act of Bhutan, the Lhotsampas were given full citizenship but later were denied the citizenship as they were seen as a security threat by the Bhutanese government. According to the 1985 Citizenship Act, those who were unable to show the evidence of their stay in Bhutan in 1958 will be denied citizenship. Due to this order, from the 1990's the Lhotsampas witness expulsion from Bhutan. Hence, they have taken refuge in the neighbouring countries of India and Nepal.

### **Internal displacement in South Asia**

In South Asia, internally displaced people can be categorized under three broad categories—the development induced displacement; Conflict induced displacement and the displacement due to the natural calamities (Banerjee 2014:618).

It is also common that an individual might have faced multiple displacements and thus is caught between the ideas of which displacement status the individual should claim.

- i) Development Induced displacement:

Among the South Asian states, the largest numbers of displacements occur due to development projects operated mostly by the government in various forms such as building of dams, mining projects and the expansion of the urban centres etc. In India during last 50 years, more than 50 million people have been uprooted from their homes and are sacrificed at the altar of the 'National Interest' (Ray 2000:33). According to the IDMC 2007 report on India, there are 21.3 million development-induced IDPs that include those displaced by dams that numbered to 16.4 million, mines, numbering 2.55 million, industrial development (1.25

million) and wild life sanctuaries and national parks (0.6 million).

The studies in development induced displacement give more attention in the rural areas while the present age witness a new development induced displacement centre around the urban centres. The expansion of the urban centres like national highways and airport, the establishment of power stations, industrial projects and Special Economic Zones (SEZ) have now emergence as a significant drivers of large scale displacement taking over dams (Mathur, 2013). Urban projects such as beautification of a city, expansion of roads and the constructions of city malls and shopping complex serve as a good example. Thus, one can witness development induced migration expanding in the urban centres at a very fast rate. A study conducted by Mohan and Dasgupta (2005) record rapid urban growth with an estimate of 30 percent of India's population of one billion, who now live in urban India (cited in Mathur, 2013:16). The massive shift of population to urban centres not only adds in population growth but also effects in the crisis of space. Different industrial and business projects require land which is very scarce in the urban areas. The majority of those

displaced are the victims of the government plans or development programmes. About ninety percent of the people uprooted through the development policies have not been rehabilitated or cannot be rehabilitated (Das, Chaudhury & Bose 2000: 48)

#### ii) The Conflict Induced displacement

The instability in the region, the politics of majority and minority often cause conflict among South Asian states. The ethnic and communal conflicts are very rampant in the region due to its diversity in religion, race, clans, language etc. The region faced constant political violence which often caused major displacement of population and in the worst scenario escalated into full scale war. Political violence is the largest cause of conflict induced displacement. Schmedidl (1997), in his work, 'While looking Global trends on Conflict induced displacement', identified different causes of displacement in terms of 'root cause and the proximate cause'. The root causes of conflict induce displacement like political oppression and inequality often lead to ethnic conflicts and riots among different communities. In most cases 'the root cause generally combines with the proximate



cause' (cited in Lischer 2014: 319). The lack of resources and the wide gap in power and resources can also cause riots which often result in forced displacement.

The conflict induced displacement has been evident in all the South Asian states. The major conflict in the region like Gujarat riots and Muzaffarnagar riots in India; the Tamil and the Sinhala conflict in Sri Lanka; fight against the Taliban forces in the Federal Administered Tribal Areas (FATA); the insurgency in Balochistan; conflicts in the Chittagong Hill Tract etc. Conflict induced displacement has been on the rise due to the demand for identity and recognition; the struggle for minority rights and the violation of human rights.

### iii) Disaster induced displacement

Displacement due to disaster includes all forms of forced population movement resulting from the immediate threat of, or an actual, disaster situation. This is regardless of the length of time displaced, distance moved from one origin and subsequent patterns of movement, including back to the place of origin or resettlement elsewhere. Based on the existing information, majority of the disaster induced displaced persons remain within the territory or in the country of

their residence (IDMC 2015: 8). While looking at the major disaster induced displacement reports, only a limited number of people crossed the internationally recognised borders to find refuge.

According to the IDMC GRID report (2016), 19.2 million people were displaced in 113 countries globally, due to disasters such as earthquakes, floods and landslides etc. The worst hit of disaster were in East Asia and the Pacific record of 8.4 million i.e. 44% and the South Asia 41% with 7.9 million were displaced. India faced the most disaster displacement of people with 3.7 million, Nepal with 2.6 million and Pakistan with 1 million people (IDMC 2016:15). The risk displacement is distributed unevenly within the region. The absolute displacement is concentrated in Bangladesh, India and Pakistan, which is due to the presence of large numbers of relatively vulnerable people who are exposed to multiple hazards. The population size among these countries are high and therefore created more impact and high risk as compared to countries like Bhutan, Maldives and Nepal (IDMC 2015: 18). All the South Asian states are prone to disaster and it needs attention from the government to address such

disaster causes to bring down the high risk casualty.

## **Conclusion**

In the South Asian states, the maximum number of refugees in the region is recorded during partition which turns millions into refugees and internally displaces persons. The partition history followed by the decolonisation process and the nation building process caused anarchy in the south Asian states. So far, much of the work on forced migration has extensively addressed the crisis of refugees in the region. While the displaced persons have come into the limelight at a very much later stage for the fact that they remain under the state jurisdiction which is taken for granted to be protected. The present age witnesses the implementation of different development plans which cause large scale displacement. The development induced displacement is more evident in the urban centres due to the large number of population shift to urban centres which require space for different institutions. The development induced displacement along with the disaster and a natural calamity also adds the maximum of crisis.

Both the refugees and the IDPs go through the same process of displacement

which is only demarcated by the national and international boundary. A refugee is at a certain point of time an internally displaced person; the refugee status is accorded only when he seeks protection outside the state in a foreign land. The internally displaced population who choose to remain within the border of their own country become the interest of the national government. While looking at some of the cases of the IDPs in South Asia, it presents a complex scenario where state in the name of development uprooted the citizens and acquired lands which caused displacement of millions of people. In the name of development, it is the poor and the marginalised sections that bear the impact of it. South Asia has different experience of internally displaced as it cannot be specifically categorized under one term of displacement. They face multiple displacements of various forms from conflicts, ecological disasters to development projects etc. In the South Asian states witness a situation in which the IDPs are not properly rehabilitated by the state.

In South Asian countries, the situation of the IDPs has been more acute as compared to the refugees as there is an absence of protection from the international agencies. There is lack of

protection measures from the states concerned too. Therefore, if the issue of refugee crisis has to be addressed, the most effective means of addressing the issue would be giving maximum care and protection to the IDPs. The IDPs once crossed the international border becomes the subject of international protection as that increase in the burden of refugees in the region. The IDPs in broad-spectrum are under the state responsibilities and therefore state should adopt a pro-active measure to address the internally displaced persons. There is a need for effective mechanism to consult the population before displacing them and make them aware of their rights for compensation and the assurance of sustainable livelihood. The government should frame a strategy to address internally displaced population in their own region and formulate effective policies for rehabilitation. Once states successfully address the problem of Internally Displaced Population, the number of refugees will certainly come down. It will be easier for states to manage the lesser population of refugees and states can now adopt a mechanism to address the refugee crisis through proper legal procedures. This will end the practice of ad-hoc measures while addressing the refugee crisis and identify the refugees in

the midst of illegal migrants. Therefore, the South Asian nations need to adopt a regional framework in order to address these issues as it reach a critical point due to the rising instability in the region.

#### References:

- [1] Banerjee, P. (2014), 'Forced Migration in South Asia' in Displacement' in Qasmiyeh, E.F. et.al (eds.) in Qasmiyeh, E.F. et.al (Eds.) *The Oxford Handbook of Refugees and Forced Migration Studies*, Oxford: Oxford University Press.
- [2] Barutciski, M. (1998), 'Tension between the Refugees Concept and the IDP Debate', *Migration Review*, (3): 11-14.
- [3] Chaudhury, B.R. (2004), 'Citizenship, Exclusion and Forced Migration in South Asia' in Mishra.O (Eds) *Forced Migration in the South Asian Region: Displacement, Human Rights and Conflict Resolution*. Delhi: Manak Publisher.
- [4] Das, S.K. et.al. (2000), 'Forced Migration in South Asia: A critical Review', *Refugee Survey Quarterly*, 19(2): 48-57
- [5] Ghosh, P. S. (2016), *Migrants, Refugees and the Stateless in South Asia*. New Delhi: Sage Publications.
- [6] Ghosh, Papiya (2004), 'Partition and the South Asian Diaspora' in Mishra.O (eds) *Forced Migration in the South Asian region: Displacement, Human Rights and Conflict Resolution*. Delhi: Manak publisher.
- [7] IDMC (2015), *The Risk of Disaster-Induced Displacement in South Asia*, IDMC

Technical Paper: Geneva. [Online Web] Accessed on 20<sup>th</sup> April 2017, URL: [http://www.internal-](http://www.internal-displacement.org/library/publications/2015/th)

[displacement.org/library/publications/2015/th](http://www.internal-displacement.org/library/publications/2015/th)  
[e-risk-of-disaster-induced-displacement-in-](http://www.internal-displacement.org/library/publications/2015/th)  
[south-asia/](http://www.internal-displacement.org/library/publications/2015/th)

[8] IDMC (2016), *Global Report on Internal displacement*, [online web] accessed on 23<sup>rd</sup> April 2017, URL: [http://www.internal-](http://www.internal-displacement.org/globalreport2016/)

[displacement.org/globalreport2016/](http://www.internal-displacement.org/globalreport2016/)

[9] Kalin, W. (2014) 'Internal Displacement' Qasmiyeh, E.F. et.al (eds.) in Qasmiyeh, E.F. et.al (Eds.) *The oxford Handbook of Refugees and Forced Migration Studies*, Oxford: Oxford University Press.

[10] Lischer, S.K. (2014), "Conflict and Crisis Induced Displacement", in Qasmiyeh, E.F. et.al (eds.) *The oxford Handbook of Refugees and Forced Migration Studies*, Oxford: Oxford University Press.

[11] Mathur, H.M. (2013), *Displacement and Resettlement in India: The Human Cost of Development*, New York: Routledge.

[12] OCHA (2004), *Guiding Principles on Internal Displacement* [Online web] Accessed on 20<sup>th</sup> April 2017, URL: <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>

[13] Ray, P. (2000), "Development Induced Displacement in India", *South Asian refugee watch*, 2(1): 33-40.

[14] Samaddar, R. (1997), 'Understanding Migratory Flows in South Asia', in Bose and Manchanda (eds.) *States, Citizens and*

*Outsiders: The Uprooted Peoples of South Asia*. Kathmandu: South Asia Forum for Human Rights.

[15] UNHCR (2010), *Convention & Protocol relating to the Status of Refugees* [Online web] Accessed on 20<sup>th</sup> April 2017, URL:<http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>

[16] UNHCR Document, *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*. [Online web] Accessed 20<sup>th</sup> April 2017, URL <http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>>

[17] World Bank (2016), *Brief Forced Displacement*, [Online web] Accessed 19<sup>th</sup> April 2017, URL:

<http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/forced-displacement>

[18] Zolberg, A.R.et.al. (1992), *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*, Oxford: Oxford University Press.s