

The Plight of the Stranded Pakistanis in Bangladesh

1971 – 2001

CHAPTER ONE

1.1 Introduction

We are at the dawn of the 21st century and this year Pakistan celebrated its 54th independence anniversary. Having gained its freedom from the British Raj and majority Hindu control, the new nation appeared on the map on 14 August 1947. This nation at its birth had two parts, an Eastern wing and a Western wing. The one unifying force was the religion of Islam. That was the only factor that had brought together two such distant peoples. Distant not only in terms of its literal distance of over 1,600 kilometres across Indian territory (Heitzman, 1989, p.20), but distant in terms of climate, language and diet of the countries and their peoples. This relationship only lasted 24 years, when in 1971, East Pakistan became Bangladesh, having gained its liberation from Pakistan after a bloody civil war, with the help of the Indian Armed Forces.

1.2 Indian State of Bihar

Biharis are the people of the Indian State of Bihar. In 1947, the population of Bihar was around 30 million, of which about 4 million were Muslim (Abrar, 2000, p.18), which was approximately 13 percent of the total population (Whitaker, 1982, p.7). At partition, Bihar became part of India. The characteristics of this group were that they were non-Bengali, Sunni Muslim and Urdu-speakers. Although the Muslims were a minority group, they formed an important part of the State of Bihar.

The first mass exodus "was precipitated by communal massacres of some thirty thousand Bihari Hindus between 30 October and 7 November 1946, in retaliation for the slaughter of Hindus by Muslims at Noakhali in East Bengal" (Collins & Lapierre, 1975, p.23). This incident was widely reported by the press and provoked the killing of Muslims in West Bengal and other parts of India. In turn, this led to a situation where many Urdu speaking Muslims from several other Indian states began a process of migration to East Bengal in order to save their lives (Whitaker, 1982, p.7). The largest of this community came from Bihar so collectively this refugee community came to be known as the "Biharis" (ibid, p.7). These killings precipitated the movement of Bihari Muslims into Pakistan, after the creation of the state. Of the 1.3 million Bihari Muslims who moved to Pakistan, about 700,000 chose to settle in East Pakistan and the rest in West Pakistan (Minority Rights Group, Cited in Abrar, 2000, p.)

1.3 Bihari

As I mentioned earlier the word 'Bihari' literally means a person who belongs to the northern Indian state of Bihar. But in East Pakistan now Bangladesh anyone who is an Urdu speaker, whether they are from Uttar Pradesh (UP), Madhya Pradesh (MP) or other eastern Indian States of Bihar, West Bengal, Assam, Orissa, Nagaland, Manipur, Tripura, Sikkim and Rajasthan or any other Urdu speaking region of India and migrated to East Pakistan were and are labelled as 'Biharis'.

During the British Raj a large number of Bihari Muslims were in the service of British India, posted in the Province of Bengal. The states of Bihar, Bengal and Orissa were three contiguous states of British India. Therefore, the Muslim civil servants employed in Bengal logically opted to serve the eastern province of Pakistan. The optees brought their families and close relatives from Bihar after the partition to settle down in East Pakistan. Many other Biharis were influenced by the relatives of the Bihari civil servants to choose East Pakistan for migration. (Ibid, pp.173-174)

The Bihari Muslim refugees along with the refugees who migrated to East Pakistan from UP, MP, Rajasthan and Chennai found their new homeland quite different in respect of climate, language and culture. These refugees, consequently, chose to interact and mingle with the fellow refugees who spoke Urdu. Unwittingly, a distance was created between refugees and the local people and over time the cleavage between the two communities became wider. (Ibid, p.174)

A survey conducted in the early 1960s, found that the number of Muslim refugees from India to East Pakistan was about 8 million, out of which 2 million were Urdu speakers. (Ibid, p.174) Among these refugees, a number of rich middle class Bihari migrants invested in small businesses after the departure of the Hindu business community that left for India. This created a vacuum that was filled by other middle class Muslim business tycoons from India who had also migrated to East Pakistan. These were the Ispahanis, Adamjis, Bawanis and the Aga Khanis (ibid, p.174). They were welcomed and respected in this part of Pakistan. Like all elites, this elite

community had no difficulty interacting with native Bengali power elites and local people.

1.4 Opportunities for the Biharis in East Pakistan

There were many opportunities for the newly arrived in East Pakistan. The Biharis found work in several fields, ranging from doctors, small traders, clerks, and civil service officials to skilled railway and mill workers. The majority were hard working and successful. Many were appointed by the Pakistani authorities to replace educated Hindus in administrative jobs, but more crucially, the Biharis set up the railway network in East Pakistan. But the vast majority of the Bihari community consisted of daily wage earners, labourers, petty businessmen, clerks and low paid government employees. However, the success of the Biharis, according to one author, “at the expense of the Bengali community, created a climate of hostility between the indigenous and migrant communities. The Urdu-speaking Biharis became increasingly unpopular, and, in a matter of years, came to be seen by Bengalis as symbols of Pakistani domination” (WDM, 1990, p.295) and led some of them to believe that the Biharis were responsible for economic exploitation of East Pakistan. (Nahar, 2000, p.174).

1.5 Urdu as the National Language of Pakistan East and West

In 1948, *Quaid-e-Azam* Mohamed Ali Jinnah, the first Governor-General of Pakistan came to Dhaka, to attend the convocation ceremony of Dhaka University. During his convocation speech, he declared that Urdu would be the state language of Pakistan.

The student forces of East Pakistan denounced this declaration immediately. After the death of *Quaid-e-Azam* Mohamed Ali Jinnah, Khawaja Nazimuddin, an Urdu-speaking settler of East Pakistan, succeeded Jinnah as the second Governor General of Pakistan. In February 1952, he also reiterated at a meeting in Dhaka that Urdu would be the state language of Pakistan. His declaration sparked off a violent opposition among the students and the intellectual elite of East Pakistan. There was also a reaction from the common Bengali people who voiced their support for the students' movement. This led to a police shoot out on an unarmed student procession that culminated in the death of several people on 21st February 1952. Sultana Nahar writes that, "very few Urdu speaking writers and intellectuals of East Pakistan condemned this barbarous act or supported the language movement" (Nahar, 2000, p.175). This further strengthened the Bengalis in thinking that the Biharis in East Pakistan did not want Bengali as one of the state languages of Pakistan.

In 1968 after dictatorial rule for a decade, General Ayub Khan was forced to hand over power following a vigorous movement in both wings of Pakistan. The movement against Ayub Khan in East Pakistan was spearheaded by the students of the Dhaka University and was actively supported by all opposition parties.

1.6 Six Point Movement

Alongside the Six Point Movement announced by Shaikh Mujibur Rahman the leader of the Awami League in 1966 was being whole-heartedly supported and sustained by the majority people of East Pakistan. The West Pakistani political leaders,

intellectuals and Generals thought that the Six Point Movement was aiming at separation of the country into two separate independent entities. The Biharis called a convention in 1969 with a view to taking a decision for their political and social future in East Pakistan. The convention was held in Rangpur from 30-31 October 1969. At the Convention it was decided to form a political party to contest the forthcoming general election. They failed to consolidate their strength as a political party in East Pakistan. Whereas the Awami League, the party of Sheikh Mujibur Rahman at the same time published their election manifesto in both Urdu and Bengali and promised that the *Mohajirs* (literally 'refugees' – term applied to the Biharis) would be rehabilitated permanently and be treated equally like the other citizens in every section of life.

1.7 1970 General Elections

In the November 1970 general elections in Pakistan, Sheikh Mujibur Rahman's party, the Awami League, swept all the seats in East Pakistan, giving the Awami League 167 seats out of a total of 300, an overall majority in Pakistan's parliament. This, however, ran contrary to the interests of the majority party from West Pakistan, the People's Party led by Zulfikar Ali Bhutto, which secured only 85 seats. Bhutto persuaded the military regime led by General Yahya Khan to postpone convening the National Assembly, which would have elected Mujib as Prime Minister of both East and West Pakistan. With Bengalis already disillusioned by their alleged exploitation by 'West Pakistan', the assembly postponement proved the final straw (Mirza, 1998).

Bengali hostility against the Biharis greatly increased as most Biharis backed the pro-West Pakistan Muslim League. Many young Biharis joined the Razakars, the supplementary wing of the Pakistani army, and this also aided a decline in social relationships between Biharis and Bengalis. The *Al-Shams* organisation was one wing of the Razakars, which was made-up almost entirely of Biharis (Whitaker, 1982, p.8). This group used their military position for revenge attacks on Bengalis when civil war broke out in 1971 (WDM, 1990, p.295).

In the name of reaching a consensus to end the political deadlock, General Yahya held a series of meetings with the Awami League leaders and Zulfikar Ali Bhutto at Dhaka. But Sultana Nahar says that, “the real purpose of these meetings was to buy time to transport armed troops from West Pakistan to East Pakistan. General Tikka Khan was appointed Governor of East Pakistan. (Nahar, 2000, p.177)

The situation was deteriorating and the Urdu speaking Biharis in East Pakistan were in a state of chaos and confusion as there was no one with political maturity to guide the community. Members of the Awami League attacked the houses and shops of the Biharis. Many hundred Biharis were killed at Shantahar in Bogra and Chittagong a few days before the crackdown of the Pakistan Army on 25th March 1971. This created a sense of panic among the Biharis and these incidents forced them to secure the support of the Pakistani Army to protect their life and property. The Pakistani Army quickly enlisted the able bodied Biharis in the East Pakistan Civil Armed Forces (EPCAF). Those Biharis who were supporters of the Jamat-e-Islami also enrolled as

Razakars. It is believed that three million Bengalis gave their lives for Bangladesh. However, although it is not known how many Biharis lost their lives to prevent Pakistan from being dismembered, it is likely that Bihari deaths have inflated Bengali estimates of their losses.

1.8 East Pakistan becomes Bangladesh: Civil war, atrocities and Independence

Pakistan lost the war on the eastern front and independent Bangladesh emerged after a war of nine months. With the surrender of the Pakistan Army, the Bihari community suffered reprisals from the *Mukhti Bahani* and as such they quickly left their houses and went into hiding to safe places or places where they were majority in number. The Indian Army was instructed to protect the Bihari minorities and they took control, but there were sporadic cases of killing, looting and rape. There were many known supporters of the Pakistan Army, who overnight became the ‘freedom fighters’ and joined the armed bands of miscreants in looting household valuables of the Biharis, raping their women and killing the men (Nahar, 2000, p.177).

The presence of the Indian army shielded the Biharis from reprisals to a great extent, but the Indian army's withdrawal in January 1972 triggered severe clashes between Biharis and Bangladeshi soldiers at Mirpur (about 6 miles to the north of the capital, Dhaka). Following this incident, most Biharis lost their properties and several thousands were imprisoned (Whitaker, 1982, p.8). Sheikh Mujib, the founder of Bangladesh and the first Prime Minister, initially pledged that Biharis were equal

under Bangladeshi law, but this pledge was ignored by the Biharis whose allegiance was still with Pakistan. Furthermore, most Biharis wanted to move to Pakistan because their cultural ties with Pakistanis were closer than those with Bengalis (Lee, Malik, Khosla, 1996: cited in "Biharis in Bangladesh").

On 10th January 1972, Shaikh Mujibur Rahman, the father of the new nation returned to Bangladesh after his release from a Pakistani prison. He addressed a mammoth gathering at the Race Course Ground and declared, “ I tell you, there are four lakh [four hundred thousand] of Bengalis living in Pakistan. We have to take care of them. These non-locals living here are to be Bengalis henceforth” (Nahar, 2000, p.178). Behind this, there was an awareness on both sides that the persecution of one minority would immediately spark a retaliation in kind.

Armed Awami League supporters, with their ranks swelled by students and deserters from the army and police went on a rampage in East Pakistan. This resulted in tens of thousands of non-Bengalis being butchered between January and March 1971 (Mirza, 1998). The victims included the Urdu-speaking Biharis as well as West Pakistani officials and their families. It was not until the end of March 1971 that three army divisions were sent to East Pakistan to put down the insurgency and restore law and order (ibid, 1998).

The army also made the mistake of antagonising western journalists by mishandling and expelling them from Dhaka. Already hostile to Pakistan, they descended on

Calcutta. It was a propaganda coup for India, Pakistan's archenemy that had never reconciled itself to the creation of Pakistan because it meant the division of India (Mirza, 1998). Western journalists were provided with stories from India about, "alleged atrocities perpetrated against the Bengalis" (Mirza, 1998). Mirza reports that, "they did not bother to verify the facts", and "the truth is that Awami League supporters perpetrated most of the atrocities, especially against the Urdu-speaking non-Bengalis" (Mirza, 1998).

1.9 Withdrawal of the Indian Army from the Refugee Camps

The Indian Army was withdrawn from some Bihari areas and refugee camps on 27 January 1972. Soon after the withdrawal trouble started in the Mirpur area of Dhaka City where a large number of Biharis lived since 1964. The Bengal Regiment started a search operation to capture hidden Pakistani Army personnel. A few days earlier, Zahir Raihan, a noted author and film maker went to that area in search of his missing elder brother, Shahidullah Kaiser who was reported to have been kept in confinement there. The collaborators of the Pakistan Army allegedly killed him and his killing ignited the fury of the Bengalis and the Biharis living there. Both sides suffered enormous casualties, but the scale on the side of the Biharis was heavier. To stop the recurrence of such incidents and to avoid unnecessary killings, almost all the male members of the Bihari community were taken to Dhaka Central Jail from Mirpur and the rest of the family members were taken to Murapara, on the outskirts of Dhaka City. In other places, the Biharis were told not to leave their houses. In Mohammadpur a curfew was imposed for long periods and was gradually relaxed.

The Indian army was withdrawn from Bihari colonies at Khulna on 10 March 1972. Immediately after withdrawal, hundreds of Biharis were killed and the rest were driven out from their houses. These incidents shattered all their hopes of survival in Bangladesh and eventual merger with the mainstream of Bengalis. Thousands of families disposed of their houses and valuables at a throwaway price to give the money to brokers who promised to help their young sons and daughters in crossing the border and safe passage to Pakistan. Thus, in the early days of Bangladesh, the despaired Bihari parents managed to send their future hope to Pakistan in the further hope of their own repatriation at a later stage.

Due to the uncertainty and ever increasing threat to the lives of Biharis a meeting was held in Dhaka by some Bihari intellectuals to decide on the future course of action. Well-known intellectuals such as S.G.M. Badruddin and Salahuddin Ahmed along with some retired Bihari officers met in a house in Mohammadpur, Dhaka to discuss their future in Bangladesh. The majority of them decided in favour of repatriation, but it was an isolated and half-hearted attempt, which did not materialise. Meanwhile sporadic attempts on the life of the Biharis elsewhere in the country continued unabated. This prompted Biharis living in other areas of Bangladesh to move to Dhaka-based Bihari camps, particularly at the camps of Mohammadpur that took the name of Geneva Camp. It was named Geneva Camp because during the state of disorder, the Geneva-based International Committee of Red Cross (ICRC) appeared at the scene much to the relief of the Bihari community.

1.10 Role of the International Committee of Red Cross

The ICRC without taking stock of the post-war turmoil started registration of the Bihari people for repatriation to Pakistan irrespective of their categories and without any legal sanction from the Government of Pakistan or the Government of Bangladesh. It appears that the ICRC was not aware of the complications of registration. At a later stage Pakistan refused to recognise all the categories of Bihari people as her bona fide citizens. Prime Minister Shaikh Mujibur Rahman told Ben Whitaker in 1972, "...but the 300,000 who chose Pakistan through ICRC are still in Bangladesh because Pakistan will not accept them. How can I keep people who are not my citizens"? (Nahar, 2000, p.179)

The Bihari community during the first year of post liberation period was quite confident that Pakistan would welcome and accept them as their loyal citizens. From their side all efforts were made through the good offices of the ICRC and through other sources to influence the world that their solution lay only in their repatriation to Pakistan. But to their utter dismay, the Prime Minister of Pakistan, Zulfikar Ali Bhutto told Peter Preston of the Guardian; "...we have so many problems of nationalities in West Pakistan now. So much need for tolerance. But this would create another problem absorbing further refugees". (Nahar, 2000, p.179) Bhutto was not prepared to accept all those Biharis who declared themselves 'Stranded Pakistanis' by registering themselves with the ICRC.

1.11 Repatriation

On 16 April 1973 India and Bangladesh agreed that the repatriation of all stranded people should be initiated forthwith by all concerned. This was the first initiative for repatriation. This agreement was followed by another agreement signed between India and Pakistan at Delhi on 28 August 1973 with concurrence of the Government of Bangladesh. After signing this agreement, repatriation of the POWs from India, stranded Bengalis from Pakistan and stranded Pakistanis from Bangladesh started on 19 September 1973. Pakistan gave clearance for the repatriation of 112,915 persons under three categories namely, (i) original Pakistanis, (ii) employees of the Central Government Services, and (iii) members of the divided families. After the signing of the Second Delhi Agreement between Bangladesh and Pakistan on 9 April 1974, Pakistan agreed to include another 25,000 persons for repatriation in the name of 'hardship cases'. But on the pretext of either paucity of funds or of appeasing the people of Sindh where the Biharis wanted to settle, Pakistan did not honour her commitment.

However, despite some promising developments in terms of repatriation, delays in the provision of finance or even outright postponement of the issue, successive Pakistani governments have prevented large-scale repatriation for particular reasons. In 1984, as Loraine Mirza narrates, President Zia-UL Haque had promised to take these people to Pakistan, "even if I have to carry them on my back" (Mirza, 1998). Pakistan's President Zia signed an agreement with the World Muslim League in mid-1988

providing for settlement for the Biharis but he was killed soon after in a plane crash, thus halting further repatriation.

The next government of Benazir Bhutto's Pakistani People's Party confirmed that it would also agree to Bihari repatriation; however, after intense pressure from Sindhi nationalists, these plans were shelved (WDM, 1990, p.296). Benazir Bhutto, the twice sacked Prime Minister of Pakistan, whilst visiting Los Angeles was asked by Loraine Mirza during a press conference why she had, “backed out of her pledge, made in 1986, to repatriate the stranded Pakistanis if she came to power. Benazir gave a long reply but the gist was that, “their return would affect the ‘ethnic’ balance of Sindh, her power-base” (Mirza, 1998).

During the eighties Pakistan faced many difficulties. Due to events outside of Pakistan's control, three million Afghan refugees, who needed a safe haven against the invading Russian army, most of whom have now become permanent residents of Pakistan, were given the right to enter the country through the north western passes. Then, between 1990-1991, 300,000 Pakistanis were forcibly evicted from the Middle East as a result of the Iraq-Kuwait crisis. But 238,000 Biharis in Bangladesh have been refused a fundamental right of citizenship.

Furthermore, those Biharis who managed to come to Pakistan by whatever means, such as those who have settled in Orangi Town in Karachi, have rebuilt their shattered lives without any government assistance (Mirza, 1998). There is a strong feeling that

Pakistan has a moral obligation to take in the remaining Biharis or at least those who had remained loyal to Pakistan during the war. Mirza makes the comparison with the Jews. Russian Jews by the hundreds of thousands have been airlifted to Israel, as were the Falashas, the Black Ethiopian Jews, during 1983 and 1985. “Why”, Mirza asks, “have the Biharis been given the cold shoulder by Pakistan”? (Ibid, 1998).

CHAPTER TWO

2.1 Legal, Political and Practical Pressures

This chapter will examine the legal, political and practical pressures that have trapped the Bihari people in this dreadful situation and have so far prevented any serious alleviation of their plight. The legal status of the Biharis is ambiguous, both in international and national terms. The late Lord David Ennals championed the cause of the stranded Pakistanis during the 1970s and 1980s. He had met Pakistani Prime Minister Zulfikar Ali Bhutto and Prime Minister Sheikh Mujibur Rahman. Later he organised an International Conference on the Biharis (Stranded Pakistanis) in 1988.

2.2 International Law - Assessment of Refugee Status

The existence of persecution in a country of origin forms the basis for the application of international refugee law for the determination of refugee status. The claim to Convention refugee status of the Biharis is assessed on the basis of the definition contained in the Convention Relating to the Status of Refugees and the 1967 Protocol (CSR51) (Sen, 1999, p.629). The definition of the term 'refugee' under the 1951 Convention/1967 Protocol applies to any person who,

...owing to well-founded fear of being persecuted for reasons 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 of the protection of that country; or who, not having a nationality and being outside the

country of his former habitual residence is unable or, owing to such fear, is unwilling to return to it (Sen, 1999, p.629).

2.3 International status of Biharis as *de facto* Stateless Refugees

According to Sumit Sen, the issue of statelessness received preliminary attention in 1947 when the Commission on Human Rights requested the UN to give consideration to the legal status of persons who did not enjoy the protection of any government, in particular pending the acquisition of nationality, as regards their legal and social protection. In response, the Secretary-General, on a request by the Economic and Social Council, undertook a study, 'A study on Statelessness', in consultation with the International Refugee Organisation (IRO), on refugees who were *de jure* or *de facto* stateless (Sen, 1999, p.642). In response to the Secretary-General's report, the Economic and Social Council appointed an *Ad hoc* Committee for both refugees and stateless persons; the position of stateless persons was said to be the same as that of refugees, as both were lacking the protection and assistance of a state (ibid, p.642).

The article 1A(2) enumerates four requisites for a person to be regarded as a refugee under the Convention; he or she (1) must have a well-founded fear of persecution; (2) the persecution in question must be based on his or her race, religion, nationality, membership of a particular social group or political opinion; (3) he or she must be outside his country of nationality, or if a stateless person, outside his or her country of former habitual residence; and (4) must be unable or, owing to fear of persecution, unwilling to avail him or herself of the protection of the country of nationality.

Alternatively, if he is a stateless person, he must be unable or unwilling to return to his country of former habitual residence (ibid, p.643).

Having fled East Pakistan as a result of persecution, Biharis were subjected to denationalization. Although having been deprived of *de jure* nationality, the formal link with Pakistan remains, a link which commenced after the partition of India in 1947, when the religious community of Bihari Muslims emigrated to the Eastern province of Pakistan. The Biharis' move to Pakistan was a direct result of their intention to make Pakistan their country of habitual residence. Between 1947 and 1971, the Bihari community became well established in Pakistan and small-scale industry, trade and commerce. Since then and for all purposes under international law, Pakistan constitutes their country of 'former habitual residence'. Therefore, Grahl-Madsen argues that the Biharis qualify as both refugees under the 1951 Convention and *de facto* stateless refugees as they are "unable ...to return to their State of former residence, as a result of their denationalization by Pakistan" (ibid, p.645).

The general failure of Pakistan to accord protection to Biharis between December 1970 and December 1971 evidences denial of protection for over a year and the process of denationalization over the last 30 years, upholds arguments in support of their status as *de facto* stateless refugees in international law (ibid, p.645). Soon after the establishment of statehood, Bangladesh was hostile to the Biharis because of their alleged political opinions and cultural, linguistic and ethnic affiliations with Pakistan. They were seen as patriotic Pakistani nationals by the Bangladeshis, with the result

that the Biharis were victims of persecution in Bangladesh and were not able to return to Pakistan their country of habitual residence.

Whether the stranded Pakistanis can claim refugee status is not a simple matter of legal categorisation, but also a matter of the circumstances in which they found themselves. The parliamentary elections in December 1970 stirred up Bengali nationalism, which translated itself throughout East Pakistan as attacks on Bihari establishments, since it was widely perceived that most Biharis supported the pro-Pakistan Muslim League. Bengali mobs carried out a reign of terror in both Dhaka and Chittagong, as well as in the peripheral districts beyond the control of the Pakistan Army, until Pakistan control was re-established in March-April 1971. For a period of three months, between December and March, the Biharis of East Pakistan were subject to systematic persecution (ibid, p.630). “There were thousands of Biharis brutally killed as a result of ethnic cleansing on the part of the Bengalis. In many parts, Biharis were burnt alive or hacked to death by Bengali marauders” (ibid, p.630).

When General Yahya Khan postponed the promised National Assembly, Bengalis turned on the Biharis as they were viewed as synonymous with and symbols of Pakistani domination. Over 300 Biharis were killed by mobs at Chittagong in early March 1971, with subsequent slaughters at Jessore, Khulna, Rangpur and Saidpur. A further slaughter in Mymensingh caused a mass movement of Biharis into the Mirpur suburb of Dhaka, still within Pakistani control (ibid, 630). The persecution which had commenced in the country of origin (Pakistan), carried on in Bangladesh. This

continuation of fear and persecution according to Goodwin-Gill in the *International Journal of Refugee Law* suggests that, “ what needs to be proved is that the provincial government in East Pakistan was directly implicated and responsible for organising and orchestrating the persecution, eventually leading to the flight of the Biharis and hence their claim to refugee status. Even after the independence of Bangladesh, the new government of Sheikh Mujibur Rahman failed to stop the violence against the minority community of Biharis” (ibid, p.633).

It could be argued that the orchestrated persecution against the Biharis continued because of reasons of race, nationality and membership of a particular social group. This persecution of the Biharis also continued because of their ethnic origin and their insistence on retaining their Pakistani nationality, thus constituting persecution for reasons of race and nationality. However, the persecution of the Biharis was aggravated due to their membership of a particular social group (ibid, pp.635-636).

In 1972 Bangladesh adopted the Presidential Order 149, which allowed for the temporary provision of citizenship. This order was part of Bangladesh’s adoption of the so called ‘zero option’ solution, whereby Shaikh Mujibur Rahman offered the Biharis Bangladeshi citizenship. Refusing to submit to the new sovereign through the acquisition of a new nationality, the Bihari community declined. Vaclav Mikulka summarises that the Biharis seemed to have exercised the older right of option (option of emigration) and thereby implicitly to have repudiated the nationality of the successor State soon after the independence of Bangladesh in 1971. However,

awaiting their return to Pakistan, they exercised their modern right of option (option of nationality), in making a declaration of refusal to acquire the nationality of Bangladesh. Their right to option, building on their right to self-determination, has been ignored by Pakistan (ibid, pp.47-48).

The rights of minorities and the issue of self-determination are two sides of the same coin. While issues of ethnic diversity and diverging political interests within Pakistan led to self-determination for Bengalis, the real function of the principles of human rights should allow all 'peoples' to have the right of self-determination. By virtue of that right, evidenced by the established norm of the right of option in international law, the Biharis wished to exercise their rights to have recognition of their status as Pakistanis. Interestingly, just before the independence of Bangladesh, 'the principle [became] a legally binding right', and was followed by another international legal declaration. That the Bihari refugees demonstrated 'quality of endurance' in the retention of their nationality as an issue of self-determination reaffirms their right of option, as exercised in 1971 (ibid, p.48)

This was the backdrop to the large-scale persecution of the Bihari community by loyalists of the Mukhti Bahini, as a result of the post-independence 'Bengalisation' of Bangladesh (Sen, 1999, p.638). According to section 2 of the Bangladesh Abandoned Property (Control Management and Disposal) Order 1972 which required the surrender of any abandoned property in possession of any person, the Biharis had to surrender their properties, since they were technically citizens of Pakistan, according

to the definition of abandoned properties were those held by, “citizen(s) of a state after the 25th day of March 1971 ...at war... against Bangladesh” (ibid, p.638). Even the properties of the Biharis who had not opted for repatriation to Pakistan were taken over by the advantaged political elite. The leaders of the ruling party and officers under patronage took full advantage of the government order to deprive the Biharis of their properties, and “the result was chaos, corruption, [looting] and plunder although Bangladeshi official sources tried to dismiss it” (ibid, pp.638-639).

The enactment and enforcement of all international law takes place in a political arena, and the possible application of the 1951 Convention on Refugees is no exception. As the next sections make plain, powerful political interests were at work, which prevented a simple or swift resolution to the legal status of the Biharis. Because the Biharis are without official refugee status, therefore they do not come under the protection of the UNHCR. The International legal arguments were no longer the main determinants of their plight.

2.4 Pakistan - Denationalisation of Biharis

It could be argued that, “Pakistan helped perpetrate the persecution of the Biharis under Bangladeshi rule by the denial of their effective nationality” (Sen, 1999, p.639). Weis declared in the *International Journal of Refugee Law* that, “deprivation of nationality, leading to denationalisation, is illegal ...(and) [i]f the deprivation is part and parcel of a breach of an international duty then the act of deprivation is illegal.

Further deprivation on the grounds of a policy of racial inequality or persecution is contrary to international law and elementary principles of human justice” (ibid, p.639).

Within international legal norms, post-1971 Pakistan legislated categories of Biharis who would qualify for repatriation. The majority of the Biharis were excluded due to the restrictive acceptance for return criteria set by Pakistan. The first political step in formulating categories of ‘non-Bengalis’ to be accepted in Pakistan began with the recognition of Bangladesh as an independent state. This was primarily because President Bhutto of Pakistan needed to negotiate the return of 93,000 POWs held captive in Bangladesh and India. However, Sen states that, “he was equally anxious to see that the one million Biharis did not move to Pakistan” (Sen, 1999, 640). Although Bhutto spoke against the alleged Bangladeshi war crimes of Pakistanis, he was unwilling to admit any sizeable number of Bihari refugees into Pakistan. Further, he was agreeable to admit some Biharis, but ruled out mass return to Pakistan (ibid, p.640). 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 to Pakistan, in exchange for Bengalis in Pakistan and the return of POWs. Using the ICRC as the route for all applications for repatriation from Biharis to the Government of Pakistan, the ICRC made it clear at the time that “[r]egistration with the ICRC does not give a right to repatriation. The final acceptance ...lies with (the) Pakistan and Bangladesh governments” (Sen, 1999, p.640).

Pakistan began issuing clearances in favour of those ‘non-Bengalis’ who were either (i) domiciled in former West Pakistan, (ii) were employees of the Central Government and their families or (iii) were members of divided families, irrespective of their original domicile. Pakistan reiterated that all those who fell under the first three categories would be received by Pakistan without any limit as to numbers (ibid, pp.640-641). In practice, what transpired was denationalisation through non-adherence to the established categories, since the majority remains in Bangladesh. Sumit Sen argues that, “the denationalisation of Biharis by Pakistan is an abuse of human rights under international law through denial of their duty to admit nationals, thereby imposing a burden on the State of residence” (Sen, 1999, p.642).

2.5 Bangladesh - Legal issue

The pertinent issue concerning the legal status of the Biharis revolves around their stated desire to migrate to Pakistan on the one hand, and the reluctance of both Pakistan and Bangladesh to grant them citizenship on the other hand. It seems that according to the laws of citizenship of Bangladesh, the Biharis, who resided in the territory of Bangladesh, are eligible to become citizens. Article 3(d) of the Bangladesh Citizenship Act, 1951 provides the following criteria (Abrar, 2000, p.19),

Who before the commencement of this Act migrated to the territories now included in Bangladesh from any territory in the Indo-Pakistan sub-continent outside those territories with the intention of residing permanently in those territories.

Furthermore, Article 2 of the Bangladesh Citizenship (Temporary Provisions) Order, 1972 (President's Order 149 of 1972) provides,

Who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of the territories now comprised in Bangladesh on the 25th day of March, 1971, and continues to be resident; or Who was a permanent resident of the territories now comprised in Bangladesh on the 25th day of March 1971, and continues to be so resident and is not otherwise disqualified for being a citizen by or under any law, for the time being in force...

As most of the Biharis came to territories comprising Bangladesh from the India-Pakistan sub-continent with the intention of residing permanently and virtually all of them were permanent residents before 25 March 1971, a plain reading of these two sections would confirm their entitlement to citizenship of Bangladesh. However, Article 2B of the Bangladesh Citizenship (Temporary Provisions) Amendment Ordinance 1978 (Ordinance No. VII of 1978) added that a person shall not qualify to be a citizen of Bangladesh if he:

2(B)(1)(i) owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state, or...

This rule may ostensibly seem to strip those Biharis who have applied for or expressed their desire to become citizens of Pakistan, the right to be citizens of Bangladesh.

After three decades, Biharis still continue to live in ‘refugee camps’, in conditions of alienation, deprivation, and unemployment without any prospect of improvement of in the short term. The children born in these camps, many of who are now parents themselves are paying the price for the wrongs committed by their forefathers. Theirs is a plight which needs to be resolved not only within the narrow confines of refugee and citizenship laws, but by invoking human rights and humanitarian principles of human kind.

There have been negotiations between Pakistan and Bangladesh that resulted in the transfer of 163,000 Biharis to Pakistan during the first decade after independence. Further negotiations regarding the rest of the Biharis seem to have come to a halt. The situation has become further complicated by the linkage of the issue of the Biharis with that of the allegedly illegal movements of hundreds of thousands of Bangladeshis to Pakistan. Consequently, Bangladesh may not be in a position to demand unilateral repatriation of these Biharis without invoking a counter-demand from Pakistan vis-à-vis the Bangladeshis in Pakistan. However, irrespective of the bargaining and negotiating stances, claims and counter claims of Pakistan and Bangladesh, all states are obliged to prevent statelessness, particularly when such statelessness is consequent upon state succession. The long standing residence issue of the Biharis in Bangladesh and their legal entitlement under the citizenship laws of the country, does not seem to offer much legal justification in denying the Biharis their citizenship status.

Furthermore, though Bangladesh has not acceded to the *Convention on the Reduction of Statelessness 1961*, it is important to note the desirability of reducing statelessness, as expressed by the Convention and the continued denial of nationality to Biharis is contrary to this Convention as well as Article 15 of the Universal Declaration of Human Rights to which Bangladesh is a signatory. (Abrar, 2000, pp.21-22).

2.6 Table 1: The Establishment and Growth of the Bihari Camps

A Million refugees migrated into east Bengal in 1947. It was estimated that 95.9 per cent of these refugees came from the eastern Indian States of Bihar, West Bengal, Assam, Orissa, Nagaland, Manipur, Tripura and Sikkim. *Table 1* indicates that the vast majority of the Bihari refugees originated from the Indian State of Bihar (Sen, 1999, p.626).

Table 1: Situation Report of Bihari Refugees from India in East Pakistan, 1951

<i>Districts of Bangladesh</i>	<i>Uttar Pradesh</i>	<i>Bihar</i>	<i>Punjab / Delhi</i>	<i>Total</i>
Chittagong	2,626	6,313	331	9,270
Dhaka	6,986	27,530	1,193	32,706
Mymensingh	752	2,624	42	3,418
Dinajpur	2,519	22,914	302	25,735
Bogra	332	4,285	12	4,629
Hesire	571	3,022	50	3,643
Kushtia	644	1,396	6	2,046
Pabna	650	3,078	2	3,730
Rajshahi	620	4,302	29	4,951
Rangpur	3,119	24,885	46	28,050
Total	18,819	97,349	2,002	118,170

Source: Sen, Stateless Refugees and the Right to Return-The Bihari Refugees of South Asia – Part I, (1999), International

Journal of Refugee Law, Vol. 11, No.4. p.626

2.7 Table 2: Situation Report of Bihari Refugee Camps in Bangladesh, 1972

<i>Districts of Bangladesh</i>	<i>Number of Biharis</i>
Dhaka – Outskirts	278,500
Dhaka – Mirpur	150,000
Dhaka – Mohammadpur	95,000
Dhaka – Adamjee	16,000
Dhaka – Isphani	3,000
Dhaka – Murapara	9,500
Saidpur	275,000
Rangpur	7,000
Chittagong	60,000
Khulna	60,000
Ishurdi	30,000
Bogra	14,000
Rajshahi	4,500
Mymensingh	3,100
Comilla	1,200
Sylhet	1,000
Jessore	700
Dinajpur	180
Total	1,008,680

Source: Sen, Stateless Refugees and the Right to Return-The Bihari Refugees of South Asia – Part I, (1999), International

Journal of Refugee Law, Vol. 11, No.4, p.635

It needs to be recalled that Sheikh Mujibur Rahman had pledged the safety and security of the Biharis as his personal responsibility. Even though food rations were reported inadequate, and further reports of the government preventing ICRC access to Bihari camps, the fear of renewed persecution forced Biharis to leave their homes, which were taken over by Bengalis at the point of a gun. This organised persecution resulted in a near total loss of the property of the Bihari refugees, and by the middle of 1972 they were completely domiciled in various camps as shown in *table 2*, (Sen, 1999, pp.634-635).

2.8 Table 3: Census of Stranded Pakistanis living in Camps in Bangladesh, 1992

After the independence of Bangladesh most of the Urdu speakers living in East Pakistan opted for Pakistan. Although around 200,000 were repatriated to Pakistan, tens of thousands were stranded in Bangladesh. They have been living in camps as well as outside camps in various parts of the country. More than 80 per cent of these people are concentrated in four areas, Dhaka, Chittagong, Khalispur and Saidpur. In 1986-87 Rabita Al-Alam Al-Islami and the Government of Pakistan carried out a survey. The survey showed that there were 1,94,457 stranded Pakistanis among 32,402 families living in 66 camps in Bangladesh. A total of 11,045 families with a population of 66,272 registered their names with the Stranded Pakistanis General Repatriation Committee (SPGRC). But since the survey of 1986-87 the number of Stranded Pakistanis has changed due to various reasons including migration to Pakistan and births and deaths. It was felt that for the purposes of repatriation it was

necessary to have an up-to-date and most reliable assessment of the situation of the population. This was seen as not only facilitating the smooth shifting of the population but also to assist in planning for the future settlement of persons to be repatriated to Pakistan. The objective was to conduct a survey showing the age, sex, marital status, profession and education of all the family members of the stranded Pakistanis living in Bangladesh and secondly to analyse socio-economic and demographic characteristics of the population for future planning. All efforts were made to include all the stranded Pakistanis living inside and outside the camps. Appropriate measures were also taken only to include stranded Pakistanis in the census. The census was undertaken under the direct guidance and supervision of the High Commission of Pakistan in Bangladesh. A photograph was also taken of each family with a plate showing the camp number and a family number. The results of the census are shown in table 3, indicating the camp code, name of the camp, number of families in each camp, population of each camp and the average per family.

<i>Table 3:</i>				
<i>Census of Stranded Pakistanis living in Camps in Bangladesh, 1992</i>				
<i>Camp Code</i>	<i>Name of Camp</i>	<i>No. Of Families</i>	<i>Population</i>	<i>Average</i>
01	<i>Geneva Camp, Muhammadpur</i>	3,156	16,592	5.3
02	<i>Community Centre, Muhammadpur</i>	159	756	4.8
03	<i>Market Camp, Muhammadpur</i>	394	2,102	5.3
04	<i>Govt. Staff Quarter, Muhammadpur</i>	174	902	5.2
05	<i>Shahjahan Road, Muhammadpur</i>	63	289	4.6
06	<i>Town Hall Camp, Muhammadpur</i>	325	1,527	4.7
07	<i>Tejgoan Camp, Mirpur-10</i>	403	2,120	5.3
08	<i>Huts Camp, Mirpur-10</i>	333	1,695	5.1
09	<i>Shaheed Millat Camp, Mirpur-10</i>	172	854	5.0
10	<i>Madrasha Camp, Mirpur-10</i>	173	890	5.1
11	<i>Muslim Camp, Mirpur-10</i>	613	3,135	5.1
12	<i>Heed / Society Camp, Mirpur-11</i>	223	1,250	5.6
13	<i>Millat Camp, Mirpur-11</i>	244	1,376	5.6
14	<i>Concerned / WAPDA Building, Mirpur-11</i>	580	3,130	5.4
15	<i>Rahmat Camp, Mirpur-11</i>	211	1,129	5.4
16	<i>Millat School Camp, Mirpur-11</i>	614	3,158	5.1
17	<i>Irani / Talab Camp, Mirpur-11</i>	263	1,530	5.8
18	<i>Mirpur Camp (Block B, C, D), Mirpur-11</i>	600	3,395	5.7
19	<i>Shahin School Camp, Mirpur-11</i>	365	2,392	6.6
20	<i>M.C.G. Camp, Mirpur-11</i>	203	1,140	5.6
21	<i>Football Ground Camp, Mirpur-11</i>	559	3,014	5.4
22	<i>Post Office Camp, Mirpur-11</i>	229	1,333	5.8

23	<i>Hut Relief Camp, Mirpur-11</i>	318	1,758	5.5
24	<i>Madrasha Camp, Mirpur-11</i>	290	1,562	5.4
25	<i>Rabita Camp, Mirpur-11</i>	43	178	4.1
26	<i>B.L.S. School, Mirpur-11</i>	84	453	5.4
27	<i>Adamji Nagar / Shimulpara, Narayanganj</i>	1,096	5,341	4.9
28	<i>Rali Bagan Camp, Narayanganj</i>	172	825	4.8
29	<i>Devid & K.W.T. Camp, Narayanganj</i>	186	1,136	6.1
30	<i>Mirpur Camp, Mirpur-12</i>	531	3,227	6.1
31	<i>Kurmitola Camp, Mirpur-12</i>	774	4,068	5.3
32	<i>School Camp, Mirpur-12</i>	115	651	5.7
33	<i>Medical Camp, Mirpur-12</i>	158	994	6.3
34	<i>Mirpur (Block C, D, E), Mirpur-12</i>	545	3,408	6.3
35	<i>Bogra</i>	899	5,381	6.0
36	<i>Gaibanda</i>	129	786	6.1
37	<i>Faridpur</i>	104	555	5.3
38	<i>Rajbari</i>	53	287	5.4
39	<i>New Town, Jessore</i>	142	827	5.8
40	<i>Burandipara, Jessore</i>	130	739	5.7
41	<i>Azimabad Colony, Begpara, Jessore</i>	238	1,372	5.8
42	<i>N. S. Town, Jessore</i>	98	567	5.8
43	<i>Railgate Bus Stand, Jessore</i>	79	381	4.8
44	<i>Ram Nagar, Jessore</i>	56	322	5.7
45	<i>Bak Char, Jessore</i>	51	269	5.3
46	<i>Outside Camp, Jessore</i>	142	737	5.2
47	<i>Bajpara / Noldanga / Azimabad Colony, Jessore</i>	56	322	5.7
48	<i>Dinajpur</i>	1,535	9,827	6.4
49	<i>Rangpur</i>	2,519	15,112	6.0

50	<i>Saidpur</i>	8,873	60,155	6.8
51	<i>Rail Colony, Rajshahi</i>	570	3,009	5.3
52	<i>Sagarpara, Rajshahi</i>	614	3,798	6.2
53	<i>Mymensingh</i>	435	2,576	5.9
54	<i>Halishahar, Chittagong</i>	430	2,583	6.0
55	<i>Raufabad, Chittagong</i>	342	2,245	6.6
56	<i>Firoz Shah Camp, Chittagong</i>	293	1,771	6.0
57	<i>Islamia School Camp/Sher Shah Colony, Chittago</i>	375	2,694	7.2
58	<i>S. B. Nagar, Chittagong</i>	1,219	7,996	6.6
59	<i>Fateh Muhammadpur, Ishurdi</i>	189	1,057	5.6
60	<i>Badha Nath, Ishurdi</i>	293	1,579	5.4
61	<i>Zone, C & D, Ishurdi</i>	216	1,193	5.5
62	<i>Loco Colony, Ishurdi</i>	684	3,729	5.5
63	<i>Khulna</i>	1,017	5,843	5.7
64	<i>Gilatola Camp, Khulna</i>	129	584	4.5
65	<i>Daulatpur Quarter, M. Line, Khalishpur, Khulna</i>	272	1,333	4.9
66	<i>Housing Estate, New & Old Colony, Khalishpur,</i>	1,604	8,197	5.1
67	<i>Camp No. 1, 3 & 7, Khalishpur</i>	452	2,313	3.1
68	<i>Outside Camp (Dhaka)</i>	1214	7,764	6.4
69	<i>Dewanganj, Jamalpur</i>	110	583	5.3
70	<i>Thakurgaon / Parbatipur / Nilphamari</i>	278	1,644	5.9
<i>Total</i>		40,208	2,37,440	

Source: Census of Stranded Pakistanis in Bangladesh, 1992, Authors, MD. Shahidullah, A.M.Zakir Hussain, A.T.M.Hanifuddin,

Rabita Al-Alam Al-Islami, Bangladesh.

2.9 Table 4: Situation Estimates of Bihari Refugees in 1996-97

Names / Locations of Refugee Camps	Number of Families	Number of Refugees
Mohammadpur & Dhaka City	4,863	33,174
Adamjee Nagar	1,071	7,216
Narayanganj	132	895
Mirpur Section X	1,206	8,739
Mirpur section XI	3,578	24,695
Mirpur Section XII (Moorapara Camp)	550	3,712
Mirpur Section XII (Kurmitola Camp)	506	3,166
Mirpur Section XII (Block C & D)	720	5,126
Mymensingh	318	2,227
Rangpur	936	8,526
Saidpur	912	38,045
Dinajpur	256	1,916
Bogra	503	3,757
Ishurdi	1,157	7,591
Rajshahi	453	3,470
Khalispur	2,406	14,769
Khulna	602	3,966
Jessore	442	3,336
Chittagong (S B Nagar)	1,467	8,904
Chittagong (Hali Shahar)	706	4,494

Chittagong (Firoz Shah Colony)	375	2,395
Chittagong (Raufabad Colony)	380	2,403
Gilatalla	326	1,934
Total	39,770	258,028

Source: Survey Report of ICRC, SPGRC, Geneva Camp, Mohammadpur, Dhaka.

Source: Sen, *Stateless Refugees and the Right to Return-The Bihari Refugees of South Asia – Part 2*, (2000), *International Journal of Refugee Law*, Vol. 12, No.1, p.67

2.10 Living Conditions in the Camps

Conditions in the camps are wretched. Most of the Biharis live in one-room houses built by the government in 1971, or in apartment buildings taken over by the government to house them. Some camp residents live rent-free, but others pay rent to people who moved out of the camps and rented out their former rooms. In many camps, the population has more than doubled since 1971, but available housing has remained fairly static, causing families to share already crowded rooms and preventing young families from moving into their own homes. One man said, “living conditions are very poor. We have no privacy. Unrelated men and women are having to live in the same room”. These arrangements are no doubt having adverse effects on the cultures and traditions of the Biharis. The conditions of the camps are squalid, cramped and inhuman, with poor sanitation. The Mohammadpur Camp in Dhaka city is the largest camp for Biharis in Bangladesh. Some 25,000 people are crowded into single rooms. The Bangladeshi government provides little more than three kilograms of wheat per head each month. Other basic facilities like water and electricity are also

there, but the government has said, it cannot improve the condition of the camp where epidemics of diarrhoea and dysentery have claimed many lives.

After the liberation war animosity between the Bangladeshis and Biharis became fierce, and most of the Biharis remaining in Bangladesh abandoned their homes and moved into all-Bihari refugee camps for their own security. The move into the camps was intended to be temporary because the Biharis assumed they would soon be able to enter Pakistan, but most never did. Although Pakistan repeatedly agreed to permit the Biharis to repatriate, it did nothing to facilitate the move. The Biharis have lived in their so-called “temporary” camps for three decades. Fifty years after leaving their homes in Bihar, they still remain in limbo. An entire generation of Biharis has known nothing but the camps. Only the elderly can remember Bihar. Virtually none has ever seen Pakistan, their supposed ‘home country’.

During my visit to the camps I witnessed people filling water jugs and washing their clothes and dishes in veritable cesspools. The conditions of the communal latrines were in appalling conditions with broken doors and basically too few for the number of residents in the camps. One camp resident said that, “the clinics do not have trained medical personnel, only health workers who distribute limited medical supplies”. According to one Bihari woman, “life in a camp is a day to day struggle and is mainly about survival”. “There is no happiness in this camp. We don't have our own property or our own house. If we don't work one day, we don't eat that day”.

2.11 Employment

Because of their position in society, most Biharis can find work only as daily wage labourers. The men do backbreaking jobs as cycle-rickshaw drivers, peddlers and brick breakers or work at barber's shops. Similarly, women find work where they can, either slogging in the city's garment factories or being poorly paid as domestics, vegetable vendors and anything else they can do, such as doing embroidery on decorative women's-wear (Chowdhury, 1999, p.16). Over the years, groups representing the Biharis have staged demonstrations, gone on hunger strikes and organised rallies to press for repatriation to Pakistan, but with little result.

2.12 Children/Education and Schooling

Most Bihari children do not attend school. One parent said that, "...scarcity of education is our main problem, without education the children won't be able to prosper". Sending children to school outside the camps is very expensive for most Biharis. Although some camps have schools, students' families must pay teacher salaries and buy all school materials that most families cannot afford. One man said, "none of his seven children, the eldest of whom is 18 had ever gone to school.

Some families have to send their children to work to help the family survive. In one camp that I visited I saw many children weaving sarees.

2.13 Conclusion

In conclusion, with regard to the Biharis it may be argued as a matter of international law, that Pakistan as the Predecessor State is under an obligation vis-à-vis Bangladesh, the Successor State, to extend Pakistani citizenship, at least to those in the Bihari community who desire it. However, since the displacement of the Biharis was not voluntary and the Biharis retained their Pakistani nationality, they did not qualify for Bangladeshi nationality. Therefore, denationalisation by Pakistan violated, however indirectly, international law (Sen, 2000, 46). Since provisions in the New Delhi Agreement provide for the option for 'non-Bengalis' to return, it can be argued that in the light of explicit treaty provisions, Biharis would not automatically acquire the nationality of Bangladesh.

CHAPTER THREE

3.1 What can be done to relieve Bihari suffering?

In chapter two I examined the legal and political dynamics that stranded the Biharis in Bangladesh, as well as a brief outline of the practical conditions in which they find themselves. Given the level of suffering and destitution involved the first and most obvious question to ask is how to relieve the suffering. This has immediate and long-term aspects. However, both are restricted in two ways, politically and practically. The first is the potential for embarrassment in the international community, in an era when countries are castigated for their human rights records, level of poverty and even the practice of the death penalty, the existence of 238,000 stateless and stranded Biharis, most of whom are living in poverty, is a very sore embarrassment. Moreover, it is not only an embarrassment for Bangladesh where they reside but also for historical, cultural and linguistic reasons that we examined in Chapter two, for Pakistan. The second restriction on initiatives to help the Biharis is the perceived danger of empowerment. The Biharis are caught up in a trap: the potential embarrassment of this trapped and deprived community is serious but not threatening; the possible danger is that various kinds of external assistance could deliver the Biharis to a situation of deprivation without despair – in other words political empowerment. The SPGRC has already embarked upon organising high profile politically charged demonstrations. The last thing that either government wants is a furtherance of this kind of political activity. On the ground, the Biharis lack educational opportunities, the fulfilment of which would enable them to demand their rights, so it suits the Bangladeshi (and in all probability Pakistani) authorities to keep

it that way. Politically they have no rights, as they are stateless and have no say in politics of Bangladesh. The poverty in which they are suffering in the camps affects their ability to not only feed and clothe their families but to seek health, clean drinking water and improvement in sanitation; it also prevents them from devoting their best energies to political organisation. These political and practical considerations overshadow every effort to give practical and political expression to the goodwill felt for the Bihari community.

3.2 Immediate Humanitarian Initiatives

Because of a combination of fear of international scrutiny and the perceived dangers of empowerment, neither Bangladesh nor Pakistan is keen to invite or accept high profile humanitarian assistance for the Biharis. This is not an absolute ban but a strong disposition. There are for example, restrictions placed on the activities of NGOs: if NGOs are seen to be crossing the line they are accused of anti-state activities. As a result the number and range of potential external actors capable of offering immediate or short-term assistance has been very restricted.

3.3 International

The three most pertinent international organisations are the United Nations (UN), the International Committee of the Red Cross (ICRC) and the Organisation of the Islamic Conference (OIC). From my research I have not been able to locate any evidence of any direct or indirect UN involvement or efforts to resolve the issue of the stranded Pakistanis. There does not seem to be any UN Resolution to this effect. Even the

United Nations High Commission for Refugees cannot give any help, as the stranded Pakistanis do not fit the UN definition of 'refugees', although they have been described as in a 'refugee like situation'. The UN could actually use its influence to put pressure on both Pakistan and Bangladesh to sort out this issue, as the two countries that could bring this situation to an end. However, neither country is obliged to accept the good offices of the UN.

I have discovered that the ICRC was one of the first international NGOs that went to the aid of the stranded Pakistanis. They set up the camps together with the Bangladeshi Government in different parts of Bangladesh and registered all those in the camps. This registration was done in good faith, asking the question whether the Stranded Pakistanis wanted to go to Pakistan or stay in Bangladesh, but this backfired when the ICRC approached the Government of Pakistan and Prime Minister Zulfikar Ali Bhutto. The ICRC was told that they had no sanction from either government of Pakistan or Bangladesh to register those in the camps. This became a problem for the stranded Pakistanis as many had been massacred and they felt insecure in Bangladesh, of course the majority wanted to go to Pakistan. But later when the atmosphere had calmed down and some had wanted to apply for Bangladeshi citizenship they were refused because of their initial desire to go to Pakistan. So when the ICRC went to help without considering the implications it made it difficult for the remaining stranded Pakistanis and gave the Government of Pakistan a loophole that Zulfikar Ali Bhutto used to his benefit.

The OIC is another one of those organisations where there does not seem to be any information available regarding the issue. Because the OIC is a state based religious community rather than a regional organization, the plight of the Biharis relative to other suffering Muslim communities, for example the Bosnian Muslims, remains a low priority. And the reluctance of Pakistan and Bangladesh to solicit assistance from the OIC does nothing to engage its interest. The same conditions apply to South Asian Area Regional Co-operation (SAARC) organisation.

3.4 Regional

The role of regional, national and sub-national actors who have relative involvement with regard to finding a solution to this issue are the Stranded Pakistanis General Repatriation Committee (SPGRC) based in Bangladesh, Awami League (AL) and Bangladesh National Party (BNP) and other Bangladeshi political parties. In Pakistan, the Muttahida Quami Movement '*National Unity Movement*' (MQM), Jiya Sindh '*Sindhi National Party*' (JS), the Pakistan Muslim League (PML) and Pakistan People's Party (PPP) along with other Pakistani political parties. The Jamat-e-Islami (JI) in Pakistan and Bangladesh also want to see a resolution to this issue.

According to the SPGRC, there are three parties involved, the Government of Pakistan (GOP), the Government of Bangladesh (GOB) and the Stranded Pakistanis General Repatriation Committee (SPGRC), who claim to be the sole representative of the stranded Pakistanis in Bangladesh.

The World Muslim League, with its head office in Makkah, Saudi Arabia, has tried its utmost to help relieve the suffering of the stranded Pakistanis in Bangladesh. The *Rabita Trust for the Rehabilitation of Stranded Pakistanis* was formed with the assistance of the Government of Pakistan and Rabita Al-Alam Al-Islami in July 1988. The objective was to bring the stranded Pakistanis from Bangladesh and to rehabilitate them in the Punjab Province. The fulfilment of this objective was facilitated in 1991-1992 under the administration of the Prime Minister Nawaz Sharif's government of Pakistan. Although there were many obstacles it was decided to launch this programme in pursuance of the Trust's Declaration. The Trust embarked upon constructing 41,500 housing units along with the necessary facilities in various districts of Punjab at an estimated cost of around \$250 million and other arrangements for transportation and settlement had also begun to be made. Accordingly, the Housing Committee, appointed by the Rabita Trust, met in Islamabad on the 27th February 1992 and received the first assignment of land measuring 96 acres in Mian Channu district of Punjab, where the Trust completed the construction of 1000 housing units in 1994. The Trust's Project Director was also responsible for the task of the entire rehabilitation scheme.

According to the Rabita Trust, a planeload of stranded Pakistanis were brought to Pakistan and rehabilitated in 68 of the housing units in Mian Channu. However, with the change of government in 1993, the repatriation came to a sudden halt, and there was no further repatriation to Pakistan. With new elections in 1997, which saw the return of Nawaz Sharif as Prime Minister, there was a renewed pledge that all would

be done to resolve the repatriation issue and that all of the stranded Pakistanis in Bangladesh would be repatriated to Pakistan. But since the one planeload that arrived in Pakistan on 10th January 1993, there has been no further development or movement on repatriation. The 932 housing units lie empty and rotting waiting to be occupied in Mian Channu and in Bangladesh the 238,000 stranded Pakistanis wait in hope that one day they will go to Pakistan.

Whether humanitarian interests and actors are international or local; religious or secular; political or charitable, the fear of embarrassment and the perceived danger of empowerment restrict both their entry into and their activities in the camps. As previously mentioned, we will examine the range of possible humanitarian initiatives that can and to some extent do alleviate their immediate plight; and in any event, such humanitarian assistance may prolong rather than alleviate the situation, even though these measures form part of the human rights of an individual for food, shelter and education. In the next section we will examine the views of key officials.

3.5 The views of key officials

During my two-week visit to Bangladesh I met with many representatives from various NGOs and international donors to look at their activities and the impact that this is having on the Bihari community living in the camps. I also had a very useful meeting with the Bangladeshi Minister of Law and Justice, who was very sympathetic but frank about the government's position on the issue. Another meeting was held

with an official of the Pakistan High Commission in Dhaka, focusing on the position of the Government of Pakistan and their role.

3.6 Rabita Al Alam Al Islami, Bangladesh

Rabita Al Alam Al Islami, Bangladesh was founded in June 1978. This was initially to focus on the issue of the Rohingya Muslims. In 1980 the then Secretary-General of Rabita, visited Bangladesh and met members of the Stranded Pakistanis General Repatriation Committee headed by Mohammad Nasim Khan. They asked the Secretary-General to help them. The Secretary-General visited the camps, and due to the conditions it was decided to initially set up the Rabita Medical Centre. Rabita also approached other Muslim countries to help with funding other projects such as the sanitation, clean water, and electricity. As Rabita received the funding, work was carried out in several camps. According to Mr. Moosa, militants burnt down different camps in Bangladesh. Rabita again appealed to other Muslim countries to help rebuild their homes. Support came from Kuwait, Pakistan, Saudi Arabia and the United Arab Emirates. They built 'tin sheds' for those who had suffered during the arson attacks and had lost their homes.

Rabita has also supported educational projects; they funded the building of a junior school in the Geneva Camp, Mohammadpur and a school in Khalispur with smaller projects in other camps. Rabita funds seven madrassas and schools in the camps. They have also established a Rabita Vocational Training Institute offering eight courses in Refrigeration and Air Conditioning, Information Technology,

Administration, Radio and TV, Electrical, Car Driving, Auto Mechanics and Welding. The courses are free for the Bihari community. The applicants need to have a Higher Secondary Certificate (HSC) in order to be able to get a place at the Institute. This year they have had a record number of applicants from the Bihari community who have enrolled on the courses. Of the 54 that enrolled on the IT course, 15 are women.

Health Education projects and workshop have also been organised by Rabita. These have helped in cutting down health problems particularly T.B. From 1980 to 1996 Rabita supported free operations and other treatment for all stranded Pakistanis. There were also two sub-centres that were set up; these were the Mirpur Maternity Centre and the Adamjee Nagar Medical Centre. But since 1996 all funding for medical projects ceased so there has not been any medical support since then and all the centres have been closed.

3.7 Minister of Law and Justice

The Minister talked very openly about the Biharis and alluded to the fact that “they had and were suffering untold miseries”. The main reason was that they were stateless without recognition from the Bangladeshi or Pakistani governments, as a result of which they can’t get jobs. He felt that as long as the Biharis were in Bangladesh it was their responsibility to provide safety and security to the Biharis. Although the Government of Bangladesh offered the Biharis Bangladeshi citizenship, they refused and the Minister said that Bangladesh is willing to, but the Biharis don’t want nationality, but to repatriate to Pakistan. Although there are now a substantial

number of Biharis who were born in Bangladesh since 1971 who do not know Pakistan other than as a dream of their forefathers, in particular those who fought in the war of 1971.

The Minister was adamant that it was Pakistan's responsibility towards the Biharis and that they should be repatriated as there were vast lands in Pakistan. He said that the Biharis had suffered in 1947 at the time of partition when they had migrated from the different Indian states and had migrated to Pakistan as an Urdu speaking Indian Muslims identity, wanting to be Pakistani and part of the new country and that they had suffered a second time in 1971 as they had supported the West Pakistan forces as Razakars and members of the East Pakistan Civilian Force and they had suffered defeat.

According to the Minister, the Biharis have no standing in Bangladesh. Although some were born there they cannot exercise their birthrights as they refuse citizenship, so they cannot be recognized, but they are human beings. He stressed that there needs to be international pressure put on the Government of Pakistan along with help from the Muslim world. The international media also have a role in highlighting the issue and raising awareness of the plight. He mentioned the involvement of the UN Secretary-General Kofi Annan and other humanitarian organisations to be made aware. "But until they are here we will look after them and provide them with three kilogram's of wheat per month for an adult and 1.5 kilogram's to a child. And the Bangladesh government will do everything that they can to "fulfil the desire of the

Biharis to repatriate to Pakistan”. “They do not have any political or voting rights”, he said, “as they are not citizens of Bangladesh”. He also recognized that the children were missing out on proper education within the camps. I questioned the Minister about the job situation. He said that Biharis are hard working and that many had good jobs, and had a lot of potential to do well. “The Biharis were born in suffering” and that “...the future is dull”, is how the Minister summed up this situation of the Biharis.

3.8 Representative from the Pakistan High Commission

The meeting with a representative from the Pakistan High Commission was quite important because of the legal, moral and humanitarian the responsibilities of Pakistan. We started off by looking at the historical issues that led to the civil war and the creation of Bangladesh. He did emphasise the fact that during the 1970-71 war the Biharis supported the West Pakistan forces and played a patriotic role and that they have suffered ever since. He said that the official position of the Government of Pakistan was that they had fulfilled their obligation according to the 1974 Tripartite Agreement signed by Pakistan, India and Bangladesh. As I put questions to him about the more recent developments again he reiterated the position of the Pakistan government. He said that certain developments during the early eighties through to the early nineties also affected repatriation namely, the issues of ethnicity in particular to Biharis also known as the *Muhajirs* (or refugees) who are Urdu speakers in Karachi and Hyderabad in the Sindh province. The Sindhis, who are the natives of the Sindh province, were not happy with the Biharis and their dominance in the Sindh province. This led to alleged terrorist activity in Karachi and Hyderabad. The feeling amongst

Sindhis that they did not want any more Muhajirs coming to Pakistan as “they would make their home in Karachi and Hyderabad” and further exacerbate the already volatile situation. There was also the issue of accommodation and finances.

The meeting was concluded by the representative saying the he had been approached by a breakaway group from the Stranded Pakistanis General Repatriation Committee, who were now demanding from the Government of Bangladesh, Citizenship Rights and voting Rights in Bangladesh and that this group was about to put a petition to have the restoration of their rights, in other words there were Biharis in Bangladesh that don't want to be repatriated but are keen to make Bangladesh their home. This is particularly true of young people born after the war of liberation.

3.9 President SPGRC, Mr. Abdul Jabbar Khan

The President of the Stranded Pakistani General Repatriation Committee, Mr. Abdul Jabbar Khan, and this committee are very much pro-Pakistan repatriation. They describe themselves as stranded Pakistanis and not Biharis. He started off by talking about the historical aspects and leading to the situation of the camps and the needs of the stranded Pakistanis. “There is a huge lack of schooling and education in the camps, both in terms of the Islamic Madrassas and schooling in general”, he said, “...and that those who do manage to get schooling outside of the camps are taught in Bangla medium and that there is no Urdu medium schools in Bangladesh”. The children are not able to read or recite the basic tenants of the Islamic faith. Mr. Khan said that although Pakistan were keen to champion other causes for example the

support of Bosnia families during the conflict, the Kashmir issue and the Afghanistan refugees, but that Pakistan was silent about the issue of the stranded Pakistanis in Bangladesh. He said that they were hard working and it is they themselves that maintain the camps. There was a lot of concern about the security and safety of the stranded Pakistanis outside the camps as they are faced with horrors of campfires, which cause a lot of damage, and there have been many deaths, including murder and rape.

“The stranded Pakistanis regard Pakistan with huge respect second to the Holy Ka’ba (God’s House), in Makkah, Saudi Arabia”. The SPGRC feel that as they represent the overwhelming majority of stranded Pakistanis they are they sole representative of them and that they should sit in negotiation with the Governments of Pakistan and Bangladesh to resolve the issue of the stranded Pakistanis. There was also concern that there were Christian missionaries busy at work trying to convert Stranded Pakistanis to Christianity and that so far they had failed as the stranded Pakistanis are strong Muslims and have faith in the Almighty Allah. He said that, “the policy of Al-Haj Mohammad Nasim Khan, the Chief Patron and Leader of the stranded Pakistanis is that they see themselves as first Muslim, then Pakistani and not as Muhajir or Bihari”.

The stranded Pakistanis are hard working and they do whatever work they can get. Some of them are very skilled and have retained the skills gained during the time of East Pakistan. These include Engineers and Electricians, but the vast majority are labourers or work as Rickshaw Pullers, Barbers, Butchers and also skilled in

handicrafts. They do whatever they can to survive. Mr. Khan said that, “the initial problems of language have now been overcome and that they are interacting with Bengalis, but still the Bengalis are not ready to embrace and accept them. There are now many inter-marriages from both communities, but still there is a problem of Bengali acceptance”.

We have seen that humanitarian assistance is limited in both its scope and effectiveness; and nothing I learned from interviewing officials in either Pakistan or Bangladesh indicated any political willingness to address the issue directly or seriously. However, as the unilateral initiative by Pakistan in 1993 demonstrates, the sides are not so fixed that no movement is possible. The next chapter will therefore concentrate on the high-level, international political possibilities – and the practical difficulties that will follow in the wake of a breakthrough.

CHAPTER FOUR

4.1 The Way Forward

This chapter will examine the way in which the political and practical obstacles can be overcome in order to find a resolution to the plight of the stranded Pakistanis. What is evident is that there is little interest from within the international community. So the main constituents that are relevant in resolving the impasse are the Government of Pakistan, the Government of Bangladesh and the Bihari community themselves.

It is time now to realise that Bangladesh is a reality; and Pakistan recognised the sovereignty of Bangladesh in 1974. That thirty years have passed since the war of liberation which brought about the situation of the Urdu speakers in Bangladesh.

4.2 The Government of Pakistan

According to some observers, the Government of Pakistan has the prime obligation and responsibility to repatriate all the stranded Pakistanis from Bangladesh. Of course it has not taken the steps needed to bring this suffering to an end. Over the last thirty years different Pakistani Governments have had different attitudes towards the stranded Pakistanis. Although the administration of Zulfikar Ali Bhutto, after the war of liberation agreed to repatriate the three categories of people from Bangladesh, it again could be argued that Bhutto did not actually honour that agreement. The idea was that all those Bangladeshis that had been stranded in Pakistan after the war would be repatriated to Bangladesh and that all the Urdu speaking Biharis would be repatriated to Pakistan. Pakistan long ago accepted that the Biharis have the right to

live in Pakistan, therefore accepting an obligation to help them resettle there. The stranded Bangladeshis were quickly repatriated to Bangladesh but the goal posts were shifted and new interpretations of the agreements were made. This caused the difficulty in reuniting partially repatriated families.

Subsequent Pakistani Governments were slow to move on the issue of resolving the problem. General Zia Ul Haq, who at the time was the President of Pakistan, was instrumental in setting up the Rabita Trust along with the World Muslim League. He has been quoted as saying; “I will take back all the Biharis, even if I have to carry them on my back”. But unfortunately for the stranded Pakistanis, the Trust was set up in June 1988 and the President died in a mysterious plane crash in August 1988.

Although the ICRC had figures from the registration that they conducted in 1972-73, more precise figures were not known until the Government of Pakistan and Rabita census of 1992. Initially it was estimated at much higher numbers were involved but over time people have died and many have by whatever means been able to move out of the miserable life of the camp to better living conditions outside of the camps. So, the figure in 1992 was 237, 440 stranded Pakistanis living in the camps. So it is possible that there is reluctance of repatriating such a large number of people could cause disruption to localities wherever they are settled.

Some politicians argue that the repatriation of the Biharis could exacerbate Pakistan's thorny ethnic and political problems that are not the Biharis' fault. Pakistan should not

make them suffer the consequences. According to some analysts, Pakistan also should not add to Bangladesh's burden by forcing the Biharis to remain there. Bangladesh is one of the world's poorest, most overcrowded countries, and cannot afford to continue to host people who have a homeland in which they wish to live.

4.3 The Government of Bangladesh

The focus on the reluctance of the Bangladeshi authorities to grant citizenship to the Biharis is understandable when historical factors are contextualised and old memories are rekindled, but time has now moved on. There is also the fact that there are certain elements within the Bihari community, who at times of historical significance such as Pakistan independence day, or when Pakistan plays Bangladesh in any sporting event, or even the visit of a Pakistani official to Pakistan triggers off jubilation within the camps and Pakistani flags are flown to the dismay of Bangladeshi authorities who argue that they cannot recognise a community that still overwhelmingly shows its allegiance to another state. There is significant evidence within the camps of the flying of the SPGRC flag, which is basically a Pakistani flag with a red strip to signify the blood of the martyrs within the Bihari community. There are also photographs of the father of the Pakistani nation Quaid-e-Azam Mohamed Ali Jinnah in all of the offices of the SPGRC that I visited along with photographs of prominent politicians and members of the pioneers of freedom movement. But also side-by-side there are photographs of Sheikh Mujibur Rahman along with other prominent leaders and politicians from within the present and previous Bangladeshi governments. I feel there is this complex of not really knowing to show allegiance to because of the

uncertainty of what the future holds for them. So there is still Bangladeshi suspicion on the Bihari community in terms of its true allegiance. Some Biharis would say that they have no choice but to "put their eggs in different baskets" hoping that this will at least pay off one way or the other. There is a strong case that Bangladesh should grant citizenship to Biharis who wish to settle there permanently. Many of the Biharis have known no home but Bangladesh and want to remain there not as refugees, but as citizens. They want to be able to participate in the social, economic, and political life of the country.

There were some West Bengalis that came to East Bengal just as the Biharis did, as a result of the partition of the Indian State of Bengal. The only difference between the Biharis and the Bangladeshis is that Biharis' linguistic rather than the cultural heritage is closer to that of Muslims in Pakistan, although Islam does not recognise boundaries along the lines of language, culture or ethnicity. It could be argued that while Bangladesh has no legal obligation to grant the Biharis citizenship, particularly to those born before 1971, there is an issue of the eligibility of those born post war of liberation. The granting of citizenship and assistance with permanent local integration would be an admirable, humanitarian gesture, as some of the Biharis want to move to Pakistan and some want to stay in Bangladesh, neither country would have to shoulder the full burden.

4.4 The Stranded Pakistanis

It is no longer true that all the stranded Pakistanis want to be repatriate to Pakistan. I met many individuals, in particular many young people, who were born after 1971, who don't know Pakistan and are keen to make Bangladesh their permanent home. I also spoke with some families who feel the same, although they migrated to East Pakistan in 1947, and were involved in the war of liberation, their children were born in Bangladesh and they want to stay in Bangladesh with their children.

On the other hand, the leadership of the SPGRC assured me that all those whom they represent want repatriation to Pakistan, but quietly even some of them don't see how this might happen. There is also the breakaway group, the SPGRC (E) or the Ejaz group led by Mr. Ejaz Ahmed Siddiqui who advocate that they want to stay and be equal citizens of Bangladesh, with full human and political rights, as equal citizens of Bangladesh.

The fact is that the political impetus is with the Pakistani authorities; however, Pakistan cannot act except as part of an agreement brokered with the Bangladeshi authorities. For example, as a round figure taking into account the Rabita census of 1992 and the birth rate, let us say there are now 250,000 Stranded Pakistanis in Bangladesh. Even the SPGRC, in interviews admitted that of the 250,000, almost certainly the voluntary repatriation would be around 150,000 and if Bangladesh then granted citizenship to the rest, this would solve the problem.

It would certainly be wise not to impose the agreement on the stranded Pakistanis put for them to be part of the process, and for the stranded Pakistanis to be given that option.

4.5 The Political Possibilities - International

There are many political disputes around the world today that are helped toward a resolution with the involvement of third parties. Similarly, private and low key diplomatic soundings that are also known as “Track Two Diplomacy” could be initiated by one of the principal countries, possibly through the UN, OIC or any other legitimate body with standing in the world community. This would of course have to be facilitated by an ‘honest’ broker and acceptable to both parties, for example the Agha Khan who has previously been to Bangladesh and has an understanding of the issue.

The discussions could be kept at a diplomatic level until a framework agreement was worked out. This could involve:

1. An agreement in principle on some degree of repatriation.
2. An agreement in principle to accommodate Bangladeshi citizenship requests.
3. The securing of sufficient funds to ensure that all Biharis find a life outside of the camps.

After this crucial stage the discussions could be opened up to include Stranded Pakistanis and civil society.

The international community and Britain and its European Union partners in particular, could help the Biharis resettlement to Pakistan or local integration in Bangladesh. Although the international community may not be able to ease the ethnic and political tensions in Pakistan, it can help minimise the impact of the Biharis' arrival by ensuring that the cost of resettling them does not overly burden other Pakistanis. It can help Pakistan transport the Biharis to Pakistan and resettle them there.

The international community can also encourage Bangladesh to "do the right thing" by helping the government meet the cost of helping the Biharis to integrate locally. The Biharis have been living as "virtual refugees" for decades. Simply granting them citizenship is not enough. They must be assisted to develop the means to support themselves. The international community could play a significant role by helping meet the costs of facilitating the Biharis' integration.

The UNHCR could offer its expertise in resettlement and local integration to Pakistan and Bangladesh. The UNHCR has not been involved with the Biharis because the Biharis are not, strictly speaking refugees. Yet UNHCR could well serve as the international community's instrument for achieving solutions for them, if invited to do so. The UNHCR has considerable experience helping refugees integrate and repatriate, and could undoubtedly play a major role in helping the Biharis in their transition from "refugees" to citizens of Pakistan or Bangladesh.

4.6 The Practical Considerations / Problems

As I mentioned earlier there is some disagreement between the representatives of the Stranded Pakistanis as to what their communities want to see happen. The SPGRC say one thing, the SPGRC (E) says another. Within this how can both be accommodated without the actual ordinary Biharis suffering more than they already have?

The other issue is over the dispersal of the stranded Pakistanis and their right to return to Bangladesh and what status they would hold, whether as citizens or as visitors. Those stranded Pakistanis that opt to settle in Bangladesh, would they be eligible for the return of their properties that were confiscated in 1971 and for any reparations? All Stranded Pakistanis with relatives in Pakistan who are willing to fund the repatriation should be given priority to go to Pakistan, outside of any political mechanism.

The options of Bangladeshi citizenship or repatriation to Pakistan will also have an effect on where they are settled. Although the Government has already located some Stranded Pakistanis in Mian Channu where 1000 units have been built other sites would have to be found in Punjab. As the possibility of settlement officially in the Sindh province would again exacerbate the volatile situation there already. So the issue of “ghettoisation” is not a serious issue, as they are Urdu speakers. Of course, there will be some resistance or resentment but once they establish their credentials

about who they are what role they play, I don't feel they will differ to the extent to what they had suffered previously. It would be crucial to help resettlement socially, financially, educationally and in terms of employment to take the inhabitants at once so that the bonds and relationships already created are not broken.

The Biharis do have a culture of their own. They share the Urdu language with Pakistanis; and the merging of their diet with that of the Bangladeshis, what they wear and other aspects of their "sub-culture" would be absorbed and complement those as others that arrived after the war have settled.

4.7 Conclusion

The issue of the repatriation of the Biharis is complex. But I feel that the solutions are not difficult. The government of Pakistan, whose responsibility it is to facilitate the repatriation of the Biharis, needs to consider on humanitarian grounds and, as an Islamic nation, how to accommodate the needs of its people. I am aware that there is resentment in the Sindh province regarding the repatriation due to the fear of the Sindhis regarding the historical relationships between the Mohajirs and the Sindhis, even though Bihari Colonies (settlements) have been set up in various towns and cities in the Punjab. At the end of the day, it is not about pleasing or displeasing one section of the community or another but to do the right thing and settle the issue in a way that the Biharis in Bangladesh have an option. For those who want to stay in Bangladesh, again some kind of settlement will have to be made with the Bangladesh authorities.

The time factor for this issue is crucial. As the population increases the most vulnerable are likely to suffer greatly due to the conditions of the camps, the old and young in particular. Due to the lack of support from the outside agencies such as the United Nations or any other aid agencies the burden on the Bangladeshi government will not help the Bihari community or Bangladesh itself.

Many Biharis are afraid of trying to integrate into the Bengali community, yet after two generations they probably have closer cultural and economic ties with the Bangladeshi community than they do with Pakistan. This integration cannot take place without determination on the part of the Biharis and increased good will from the Bengalis. As part of Bihari repatriation, the Bangladesh Government will have to consider its skills pool, a good portion of which is in fact Bihari. This difficulty, however, could be a source of co-operation between Pakistan and Bangladesh.

This is an affront to everything we believe in – whether our ideals are religious, secular or both. It should be an active source of concern not only for the principles involved, but also for the suffering men, women and children in the camps.

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Bangladesh

Monday 2, July 2001	Geneva Camp, Mohammadpur, Dhaka
Wednesday 4, July 2001	Adamjee Camp, Dhaka
Friday 6, July 2001	Gilatalla Camp, Khulna
Friday 6, July 2001	Ram Nagar Camp, Jessore
Friday 6, July 2001	Brandipara Camp, Jessore
Monday 9, July 2001	Mirpur 11, Dhaka
Wednesday 11, July 2001	Mirpur 12, Dhaka
Thursday 12, July 2001	Bansbari Camp, Saidpur

Pakistan

Wednesday 18, July 2001	Bihari Colony, Mian Channu
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