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Go



:: HOME
:: ABOUT SAFHR
:: PROGRAMMES
:: PUBLICATIONS
:: DIRECTORIES
:: RESOURCES
:: CALENDAR
:: ARCHIVES

[\[home\]](#)>[\[publications\]](#)>[refugee watch](#)

PUBLICATIONS

- [Books](#)
- [Paper Series](#)
- [Refugee Watch](#)
- [E-Briefs](#)

Bangladesh State and the Refugee Phenomenon

The refugee phenomenon has been an integral part of Bangladesh state formation process. It is a refugee-generating as well as a refugee-receiving state. During the War of Independence, Bangladesh produced about ten million refugees, who took refuge in neighboring India. Upon independence, about three hundred thousand Biharis became refugees who proclaimed themselves as 'Stranded Pakistanis' in the aftermath of the war and opted for repatriation to Pakistan. An agreement in 1974 facilitated repatriation of 170,000 Bihari refugees. But Pakistan's domestic politics and its general disinterest in receiving the Biharis have prevented a permanent settlement of the problem to date.

In the post-independence era, Bangladesh generated as well as hosted refugees. It produced over 50,000 ethnic conflict-induced Pahari (Hill People) refugees, who crossed international border to take refuge in the neighboring Indian state of Tripura. A substantial number of Hindus have also allegedly migrated to India since independence. Insecurity and discrimination against this religious minority community as well as the factor of religious affinity with the majority population of India have precipitated their movement. In addition, development activities during the nation-building process and environmental degradation resulting from it have displaced a large number of people within and outside Bangladesh. Bangladesh also received a large number of refugees from Myanmar twice in the last three decades. Given the above background, this paper explores how the structural elements of nation-states and their general tendency to protect 'national interests' have displaced people from their original habitats keeping the context of Bangladesh into perspective. For a closer exposition, three particular cases – the Bihari refugees, the Pahari refugees, and the Rohingya refugees – are examined in greater details

Case I: The Bihari Refugees

The history of the Bihari refugees goes back to the partition of India in 1947. Their displacement occurred in the wake of communal violence during and in the aftermath of the partition (for example, 30,000 Muslims were killed in the 'Great Bihar Killing' in October-November 1947). About a million of them migrated to the eastern wing of Pakistan (East Pakistan), (Minority Rights Group, The Biharis in Bangladesh, Report 11, 4th edition, January 1982, p. 7.) mostly from the eastern Indian states of Bihar, West Bengal, Assam, Orissa, Nagaland, Manipur, Tripura and Sikkim.

During the period of united Pakistan (1947-1971), the Urdu-speaking Biharis were not assimilated with in the society of East Pakistan and remained as a distinct cultural-linguistic group. They generally associated and identified themselves with the West Pakistani society primarily based on a shared linguistic heritage and supported the West Pakistani governing elite in the process of capturing the economic and political power in East Pakistan. The Biharis, consequently, enjoyed government patronage and preferential treatment in various sectors of the

East Pakistan economy.

Initially the arrival of Biharis and the positive discrimination of the Pakistan Government in terms of refugee rehabilitation were not resented by the Bengalis. However, the euphoria of the formation of Pakistan and the positive attitude of the Bengalis towards the Biharis was short-lived. It was over as early as March 1948 when Mohammad Ali Jinnah announced in Dhaka that "Urdu and Urdu alone shall be the State language of Pakistan." During the Language Movement, the Biharis instead of supporting the Bengalis, sided with the West Pakistani ruling elite. Further, in the 1954 provincial elections and in the 1970 general elections, they extended their support to the Muslim League, which symbolized and championed the domination of the West Pakistanis over the Bengalis. They also supported the West Pakistani ruling elite and many of them actively participated in the military actions against the Bengalis in the 1971 Bangladesh Independence War. The exclusive attitude of the Biharis and their pro-West Pakistani political activities culminated with the growth of an anti-Bihari sentiment among the Bengalis.

Against the above backdrop and, more importantly, because of their active anti-independence role (for example, their participation in the East Pakistan Civil Armed Forces, i.e. Razakars and Al-Shams, raised by the Pakistani authorities to carry out atrocities over the East Pakistanis), the Biharis became subject to widespread political persecution preceding and during the Independence War, as well as in the aftermath of liberation.² Following independence, the Bihari political persecution continued and their properties and houses were taken over by the Bengalis. Several government promulgations [for example, the Acting President Order I of 1972, the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972, President's Order 16 etc.] did facilitate the dispossession of Bihari properties. As a result, by the middle of 1972, a total of 1,008,680 Biharis were domiciled in various shanty camps spreading all over Bangladesh.

The Bangladesh Government announced the Presidential Order-149 in 1972 as a step towards offering the Bangladeshi citizenship to the Biharis. According to Bangladesh Government sources, 600,000 Biharis accepted the offer,³ (Ministry of Relief and Rehabilitation, Government of the People's Republic of Bangladesh, Stranded Pakistanis in Bangladesh (Dhaka: Government of Bangladesh, 1982, p. 3.) while 539,669 registered with the International Committee of Red Cross (ICRC) opting to return to their 'country of nationality' - Pakistan. Islamabad, however, was less interested and showed a lax attitude about the repatriation of the Biharis except those who joined the East Pakistan Civil Armed Forces and surrendered with the Pakistan Army. According to a Pakistani Foreign Ministry official: "What are we supposed to do with them (the Biharis)? We have enough problems already. Besides, you must remember that they are really Indian refugees." Zulfikar Ali Bhutto, the first post-1971 civilian president of Pakistan, was even unwilling to admit any sizeable number of 'Bihari refugees' to be repatriated to Pakistan.

Bangladesh in its formative phase insisted that it would establish formal diplomatic relations with Pakistan only if that country agreed to expeditious repatriation of the non-Bengalis including Biharis from Bangladesh. This insistence forced the Pakistan Government to move back from its original stance and agreed to receive a sizeable number of Biharis in the 1973 New Delhi Agreement as well as in the Tripartite Agreement of 1974 in exchange for the return of the Bengalis from Pakistan. As the first step towards implementing these agreements, the

International Committee of Red Cross (ICRC) registered 539,639 Biharis who intended to return to Pakistan. The United Nations High Commissioner for Refugees (UNHCR) facilitated the return of 108,750 Bihari refugees by June 1974. After that date, the UNHCR had to suspend the repatriation process due to exhaustion of funds. The Bangladesh Government complained to Islamabad about the slow repatriation of the Biharis and raised the issue during the 1974 Mujib-Bhutto summit. The Pakistani side, as it was earlier, showed little interest in the matter. The post-Mujib Government undertook new diplomatic initiatives to persuade Islamabad to resume the repatriation of the Biharis. It approached the Islamic countries to exert pressure on Pakistan as well as to provide assistance to resolve the matter. Despite initial reluctance, President Zia-ul Haq subsequently, however, desired a solution to the Bihari issue on humanitarian ground. He asserted during a visit to Dhaka in December 1985 that Pakistan was ready to accept the Bihari refugees if sufficient financial resources could be raised for their transfer and rehabilitation. In 1988, a trust agreement was signed between Pakistan and Rabita Al-Alam Al-Islami (an Islamic charity organization, hereafter Rabita) to expedite the process of Bihari resettlement in Pakistan. A repatriation and resettlement plan was drawn up which included the construction of 36,000 houses spread over 80 sites costing about \$278 million and with approximately \$30 million for community services and \$10 million for the transportation of the refugees. Despite elaborate preparations, the repatriation process could not get off the ground.

Benazir Bhutto was traditionally opposed to the idea of transferring the Biharis to Pakistan and followed the party politics (Pakistan Peoples Party or PPP) and the state policy of her father (Zulfikar Ali Bhutto) after she came to power in 1988. Zulfikar Ali Bhutto, it is noteworthy, introduced the restrictive entry regulations for the Bihari refugees in the early 1970s. During her tenure as Prime Minister, Benazir did not grant the citizenship rights either to the refugees in Bangladesh or to the 100,000 Biharis who moved to Pakistan illegally since 1977. During a visit to Bangladesh in October 1989, Benazir asserted that the Biharis should be permanently settled in Bangladesh and Pakistan would help to raise funds from the Muslim world for their settlement. Prime Minister Nawaz Sharif, was generally supportive to the repatriation of the Bihari refugees from Bangladesh. He undertook meaningful initiatives for the return of the Biharis. He was ready to rehabilitate them in his home province (Punjab) and officially domiciled them issuing identity cards. Although definite steps were taken for repatriation and a symbolic return of 235 Biharis did occur on 10 January 1993, it was subsequently shelved for 'logistical and practical' problems. All subsequent Pakistani governments showed disinterest in ending the Bihari issue that. It is indeed a political question rather than an economic problem.

Case II: The Pahari Refugees

The influx of Pahari (Hill People) refugees from Bangladesh to India in the late 1970s and throughout the 1980s had been the direct result of government's repressive measures carried out in order to contain an ethnic resistance movement that developed in the Chittagong Hill Tracts (CHT) region from the failure of nation-building in the post-independence Bangladesh 'nation-state.' The state and nation-building process in the state of Pakistan and later Bangladesh precipitated political, ethnic and religious conflicts as well as created economic and developmental conditions, which forced many people to migrate within and outside its territorial boundaries. Indeed, the attempt to create a majoritarian state, where the nation was conceived in terms of the culture and identity of the dominant and governing social group, inflicted discrimination, deprivation, marginalization

and alienation of the minority communities resulting in ethnic and other types of conflict and the displacement of people in large numbers as refugees.

The Government of Bangladesh (GOB) responded to the Pahari resistance by adopting a two-pronged counter-insurgency policy. First, it carried out massive military operations in the CHT to flush out the armed members of the resistance movement. During the operations, the Bangladesh Armed Forces resorted to various repressive measures and mental and physical violence on the Paharis. The repressive measures included, inter alia, deliberate harassment, restriction on movement, rape, extrajudicial killings and organized massacres. To escape from such repression, thousands of Hill People crossed international borders and took refuge in the Indian states of Tripura and Mizoram. Each counter-insurgency operation carried out by the Bangladesh Military created a fresh wave of refugee flows to India; in particular, such refugee flows were seen in 1979, 1981, 1984 and 1986.

Second, the GOB launched a politically motivated settlement program of Bengalis in the CHT from the plains of the country in order to outnumber the locals in their own region. The settlement program generated conflicts over land between the settlers and the Hill People as there was hardly any extra cultivable land available to accommodate new settlements. It resulted in the eviction of the local Hill People from their own land as the Civil Administration and the Law Enforcing Agencies directly or indirectly promoted the cause of the new settlers. It was in such a context that the settlers joined with the Bangladesh Army to carry out organized massacres to evict the Hill People in order to grab their land. (See. Ina Hume, "The Internally Displaced Persons of the Chittagong Hill Tracts, Bangladesh, Case I: Sajek Union; Case II: Farua Union," paper presented at a conference on The Internally Displaced Persons in Bangladesh: Towards Developing Research and Policy Agenda, at BIISS auditorium, Dhaka on 15-16 January 2000.)

This strategy worked very well and organized violence forced thousands of Paharis flee from Bangladesh.

A total of 54,000 Pahari refugees took refuge in the Indian state of Tripura. They were over ten percent of the Hill population of CHT. The GOB adopted a bilateral negotiating posture with India to resolve the issue without involving any international refugee organization, such as the United National High Commissioner for Refugees (UNHCR). In May 1992, India and Bangladesh reached an agreement on the repatriation of the refugees and Dhaka committed itself to creating an atmosphere congenial to their return. The GOB also agreed to send a government delegation to Tripura to make final arrangement for repatriation and encourage the refugees to return.

On the surface it seemed that New Delhi emphasized the 'voluntary' repatriation of the Pahari refugees, however, it actually resorted to 'non-violent pressure' to make the refugees agree to repatriation. For example, the Indian Government drastically reduced food rations, except rice and salt, which resulted in near starvation and malnutrition of the refugees. The Tripura State Government, having a directive from the Central Government, threatened to stop rations after July 1992 if the refugees did not agree to repatriate. Despite initial resistance, the refugees eventually succumbed to the pressure. The first 'experimental' repatriation of 2,000 refugees took place on 15 February 1994. Subsequently, a 20-point economic and rehabilitation package agreement was signed between the GOB and the leaders of the Jumma Refugees' Welfare Association on 9 March 1997. The agreement projected an estimated

repatriation of 63,861 Hill refugees. Despite intermittent hiccups in the repatriation process due to bureaucratic delays and uncertain political and security situation in the CHT, it finally got underway following the conclusion of a Peace Accord between the Bangladesh Government and the PCJSS in December 1997. The repatriation of the Pahari refugees was completed in February 1998. The most striking feature of the whole process was that neither Bangladesh nor India preferred or wanted involvement of the UNHCR in the repatriation or welfare of the Pahari refugees.

The conclusion that must be drawn from the above experience is that the Hill People were the mere pawn of the 'national interest' politics of India and Bangladesh.

Case III: The Rohingya Refugees

Like the case of the CHT Hill People refugees, the Rohingya refugee problem can also be explained in terms of 'nation-building' failure in a new state that wanted to imitate the Western model of 'nation-state.' Such a nation-building strategy in multi-ethnic Myanmar led to the gradual alienation of the minority communities from the national mainstream that facilitated the growth of ethnic tensions and resistance movements in various parts of the country. The Myanmar ruling elite systematically used the 'race and religion card' while pursuing the 'majoritarian' and 'authoritarian' politics in multi-ethnic Myanmar and played out the Rohingyas as pawns in this political game. It claimed that the Muslim Rohingyas were the illegal migrants from Bangladesh and they were the cause of social instability and deteriorating law and order situation in Arakan. Therefore, they should be pushed back from where they came.

Since independence, the Muslim Rohingyas have been subject to widespread repression in various forms. For example, they were employed in forced community labor and the government arbitrarily imposed tax on them. In addition, heavy restriction was imposed on their movement inside the country. The military ruling elite also undertook measure to systematically deny them the citizenship right. The 1974 Emergency Immigration Act codified the non-citizen status of the Rohingyas and the Myanmar authorities gave them Foreign Registration Cards under the terms of this Act. The 1982 Citizenship Act formalized the 'statelessness' of the Rohingyas. In 1977, the Myanmar Government launched 'Operation Nagamin' (Dragon King) to "scrutinize each individual living in the State (of Arakan), designating citizens and foreigners in accordance with the law and taking actions against foreigners who have filtered into the country illegally." (Human Rights Watch/Asia, Vol. 8, No. 3 September 1996). The primary objective of the Myanmar Government in carrying this out, as can easily be inferred, was to drive Rohingyas out of Myanmar. Various types of repressive measures were adopted by the Myanmar authorities, which included - system of forced labor, denial of citizenship rights, arbitrary taxation and extortion, system of model villages, forced relocation, restriction on freedom of movements and arbitrary deterioration of economic and food security in Arakan etc. As a result, thousands of Rohingyas fled to Bangladesh in early 1978.

By June 1978, a total of 167,000 Rohingya refugees arrived in Bangladesh, which made the country a refugee-receiving nation for the first time in its short history as an independent state. This influx started at a time when it seemed that Bangladesh-Myanmar bilateral relation was on a sound track, particularly following the visit of Bangladesh President Ziaur Rahman to Myanmar in July 1977. In the wake of the influx, Bangladesh in a protest note warned that "the treatment meted out to the refugees constituted not only a grave violation of Human Rights

enshrined in the UN Charter, but also posed a serious threat to the peace on the border and stability in the region." However, Bangladesh still adopted a bilateral negotiating approach to resolve the problem without internationalizing it. Dhaka considered the refugee influx as a short-term problem and hence sought a 'quick and safe return' of the refugees to Myanmar.

Bangladesh's bilateral negotiating approach soon floundered as its diplomatic initiatives failed to resolve the problem and the refugee influx continued unabated. Against this backdrop, Dhaka decided to internationalize the issue supplementing the bilateral approach. Two factors prompted Dhaka to advance such a posture. First, the Myanmar Government was deliberately pursuing a policy of procrastination to resolve the matter. Dhaka alone failed to create adequate pressure on Rangoon to come to the negotiating table. Therefore, it was thought that internationalization of the matter would help Bangladesh's cause. Second, the longer stay of the Rohingya refugees was proving to be economically unbearable for Bangladesh. Hence, Bangladesh decided to seek international assistance to feed the refugees.

Eventually, Rangoon sent an eleven-member delegation to Bangladesh in July 1978 led by Deputy Foreign Minister U Tin Ohn to find out a solution to the refugee problem. After intense negotiations, Dhaka and Rangoon reached an agreement on 9 July 1978, which prepared the ground for the repatriation of 'all' Rohingya refugees. Repatriation of the refugees began on 1 August 1978 and was ended by the end of the year with a total number of 187,500 Rohingyas returning to Myanmar. Although all the Rohingya refugees went back within a relatively short period of time, neither side actually paid attention to remove the fundamental causes of the Rohingya refugee phenomenon. Therefore, it was not surprising that a second Rohingya refugee influx in a bigger magnitude occurred in the early 1990s. By October 1992, about 265,000 Rohingyas took refuge in Bangladesh. (Based on UNHCR figure, Morning Sun, 1 May 1993) During the initial stage of the influx, Bangladesh and Myanmar troops became involved in border skirmishes, which possibly occurred from the former's unwillingness to accept the Rohingya refugees and forcible resistance to their entry. This development set the stage for a serious deterioration of Bangladesh-Myanmar bilateral relations.

Immediately following the initiation of the second influx, Bangladesh took the matter at diplomatic level with the Myanmar authorities. Protracted bilateral diplomatic negotiations resulted in the conclusion of a Memorandum of Understanding (MOU) between Bangladesh Government and the State Law and Order Restoration Council (SLORC) of Myanmar on 28 April 1992. Under the terms of the MOU, Rangoon agreed to take back those refugees who could establish their bona fide residency prior to their departure of Myanmar. Despite its commitment, Myanmar adopted a policy of procrastination in implementing the accord.

Dhaka was quite aware about the economic, social, environmental, security and diplomatic fallouts of the prolonged stay of the Rohingya refugees on its soil. Therefore, its policy from the early stage of the influx was to send them back as expeditiously as possible and by any means, even by the 'use of force.' For example, the first repatriation on 22 September 1992 following the conclusion of the MOU was allegedly executed "by considerable pressure from the Bangladesh authorities."

The United Nations High Commissioner for Refugees (UNHCR) and other human rights organizations protested the forcible repatriation of the refugees. Bangladesh Government thereafter restricted the access of UNHCR to the refugee camps. UNHCR, as

a result, withdrew from the repatriation process on 22 December 1992.

This development triggered an international outcry against the Bangladesh Government. Protest from the UNHCR, other international organizations and the Western countries forced Bangladesh to change the repatriation procedure and to make it more transparent. After intense negotiations, Bangladesh Government signed a revised MOU with the UNHCR in May 1993, which allowed "free access to officials of the UNHCR to independent interview of refugees in transit camps." The MOU further committed the Bangladesh Government that "no refugees will be coerced into leaving against his/her will."

The UNHCR also signed a Memorandum of Understanding (MOU) with the Myanmar Government in November 1993. Under the terms of the MOU, Rangoon assured that the returnee refugees would be allowed to go back to their respective places of origins. Following this, about fifteen to eighteen thousand refugees returned per month. By April 1997, a total of 238,000 refugees went back to Myanmar leaving 21,117 Rohingyas in two refugee camps of Bangladesh. Most of the refugees had gone back (only about 22,000 still remains in Bangladesh) and the problem has almost been 'resolved.' But the structural factors that made the Rohingyas refugees have not been addressed. Therefore, the possibility of new Rohingya influx still remains. Indeed, fresh influx of Rohingya refugees on a smaller scale was reported in 1997. Therefore, Bangladesh may have to receive fresh waves of Rohingya influx in future.

Conclusion

The point is that refugees are the pawns in the political games of the nation-states. Nation-states are basically concerned about their own 'national interests.' They generally tend to overlook the plights and human rights of the displaced people. The three cases that have been explored in this paper indicate that Bangladesh, Pakistan, India and Myanmar have only been concerned about their own interests at the expense of the rights of the refugees. The Bihari refugee problem is truly a humanitarian issue. The Biharis have been in the refugee camps in a very inhuman condition for over last three decades. Still the concerned states have not acted based on humanitarian grounds. Rather, they have played political game with the Biharis, which severely curtailed the rights of this 'stateless' population. The stories of the Hill People and the Rohingyas are similar. India played out the Pahari refugees to create political pressure on Bangladesh to serve its own 'national interest.' Whereas, Bangladesh's objective was to minimize that pressure overlooking the rights of the Hill People. In the case of the Rohingya refugees, both Bangladesh and Myanmar have been guided by the policy of protecting themselves from the refugees rather than protecting the right of the refugees. Therefore, it can be concluded that the nation-states (Bangladesh, Pakistan, India and Myanmar) have glaringly failed to protect the human rights of the refugees. In this context, it is also relevant to point out that all the South Asian states have consciously bypassed the international refugee conventions. Further, it is noteworthy that no state in the South Asia region has adopted a National Refugee Law. Therefore, the ground for violating human rights of the refugees is quite open in South Asia.

The term 'refugee' is an evolutionary as well as a contested concept. There is considerable confusion and a lack of clarity in its meaning, nature, scope and usage. The terminologies that are used relating to the term – political refugees, economic refugees, environmental refugees, resource refugees, developmental refugees, eco-migrants, internal refugees or internally displace people, external refugees etc. – indicate its

multi-context usages and a certain degree of confusion over its definition. On the changing contour of refugee definition, see Pirkko Kourula, Broadening the Edges: Refugee Definition and International Protection Revisited (Dordrecht: Martinus Nijhoff, 1997).(Bhumitra Chakma)

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