

Special round table jointly organized by CRG and maula Abul Kalam Azad Institute of Asian Studies (MAKAIAS) on Borders, States and Statelessness in the Eleventh Annual Orientation Programme on Forced Migration held on 12 December 2013

Venue: Maulana Abul Kalam Azad Institute of Asian Studies (MAKAIAS), Kolkata.

As part of the Eleventh Annual Orientation Programme on forced migration 2013, a special round table on Borders, States and Statelessness was held at MAKAIAS on 12 December 2013. Dr. Shree Radha Dutta, Director, MAKAIS, was welcomed by Dr. Anasua B R Chowdhury, coordinator of the course, to deliver her opening remarks on general discussion on various issues related to forced migration in Central and South Asia. In her remarks, Dr. Dutta spoke about the research activities of MAKAIAS and invited the speakers to deliver their presentations.

The first presenter, Dr. Amita Sengupta, Research Fellow, MAKAIAS, made her presentation on the issues of statelessness in Central Asia. In her presentation, she spoke about a lack of systematic attention not only in collecting reliable statistics but also in consensus on definition of statelessness to include a person when counting stateless people. While speaking on causes and consequences of the forced migration and statelessness in the region, she explained how in the context of Central Asia people face difficulty in proving their nationality due to lack of documents and hence face difficulty in obtaining political asylum. In her presentations she also delved on the international conventions on statelessness and their weaknesses. She pointed out that post-Soviet disintegration, especially after 2005, movement in Ferghana valley became restricted when borders became fenced and due to new visa regime large number of people found themselves stateless having no documentation of their nationality – either Krgyz or Uzbek—therefore were unable to travel or access social services.

The next presenter, Dr. Dilolrom Koramat, highlighted the problems of Central Asian people of different ethnic backgrounds in getting the citizenship rights and nationality entitlements. Many of the minority ethnic groups could not get citizenship rights in the newly independent states with predominance of other majority groups and hence became stateless eg. Kirgiz community staying in Turkmenistan. Also, Tajik ethnic community living in Uzbekistan has been victims of targeted civil war are waiting for citizenship rights for over two decades. Due to continued ethnic

violence and fear of persecution minority group from all the five Central Asian independent states have sought asylum in the western countries. Lack of education, employment and other fundamental rights have made the region prone to trafficking in women and the plight of border brides.

In her presentation, Dr. Priya Singh stated that Palestinians are one the worst victims of systematic and forced evictions since 1948 thus making them stateless. Nearly half of the eleven million Palestinians are considered to be de jure stateless. She vividly explained the back ground of the ethnic conflict, UN Partition Plan 181 of erstwhile British Palestine in 1947 and its aftermath. In the name of consolidation of Jewish land, many new steps were taken by the state Israel which were adverse to Palestinians that eventually made them stateless. She explained various categories of those stateless people such as, those who carry travel documents of neighbouring countries, holders of nationalities of convenience from Jordan, Holders of Palestinian travel documents issued by the Palestinian Authority. In her presentation she also highlighted the Arab Policy towards Palestinian statelessness, measures of protection under international law, the role of UNHCR and impact of forced evictions on the Palestinians and their current state of hardship.

The fourth presenter, Dr. Mrinal Kanti Chakma, presented his paper on Chakma Hill Tract (CHT) that is according to him a breeding ground for forced migration and also explained the situation of statelessness of Chakmas even after the six decades of CHT accord. In his presentation he described about the background of CHT, different waves and reasons of forced migration, such as Political migration in and after 1947 – because of violation of norms of partition, the flag hoisting event at Rangamati, political uncertainty, fear of being persecuted on political grounds; Developmental migration in 1962 – because of construction of mega hydro-electric dam project on Kanrphuli river; Conflict driven forced migration (1975 to 1997 – pre accord and 1997 onwards – post accord) due to heavy militarisation, violation of human rights, as well as, government sponsored transmigration of Bengali speaking folks for demographic change that led to flux refugees in at least 22 batches to India. He also described the impact of forced migration, violations of basic socio-cultural, economic and political rights of Chakamas and their present status.

The last presentation made by Dr. Azmiya Badaruddin from Sri Lanka, highlighted the situation of IDPs in North and Eastern province of Sri Lanka. She stated that there were several instances of human rights violations of Tamils during and after the civil war. According to her there is no disaggregated data available of the internally displaced people.

Special Session on Statelessness under module C *Legal Regimes for Protection of the Victims of Forced Migration: Refugees, IDPs, and the Stateless Population Groups* held on 10 December 2013

Venue: Hotel Sojourn, Kolkata

Lecture delivered by Ranabir Samaddar, Director, CRG

Ranabir Samaddar deliberated upon CRG's research on statelessness. The particular study supported by UNHCR on Statelessness study was done in three phases and focused on 7 groups namely Chakmas, Chitmohalias and Sri Lankan plantation workers, Refugees in protracted situation who had to leave their refugee status, Hindu migrants from Pakistan; Bihari stateless people; Chinese population migrated from Kolkata.

The study on Biharis from Bangladesh could not be completed because of the lack of data corroboration and other exigencies. The study on Chakma issue was most extensive. The study delved into several aspects like that of mapping the historic trajectory from the then East Pakistan, quality of education, and attitude of groups of people towards the issue of statelessness. One of the things which they realised was the variation in generational response on the issue of citizenship.

He also highlighted the provisions of 1954 convention and following conventions where one could see the distinction between statelessness and citizenship. The Second year study on enclave people reflected that law makes only half sense of the situation. Moreover there was a study of Tamil plantation labourers of Indian origin also known as upcountry labourers in Sri Lanka who had to return to India in 1960s. There was also an analysis to understand the Case of refugees in protracted condition who gradually become stateless. The issue of the Hindu population from Pakistan who have come to India in different phases was also studied.

The study revealed that statelessness should be judged less by conventions and more by human rights mechanism. Certain concepts have been defined negatively so the dialectics between positive and negative definition continues. He also highlighted the continuation between statelessness and citizenship unlike UNHCR's view.