REFUGEE WATCH

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The Proliferation of Borders and The Right to Escape[1]

By

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An Epistemic Crisis?

Expanding on a point made by B.S. Chimni at the IASFM Conference in Cairo in 2008, Ranabir Samaddar has recently insisted on the necessity to challenge any restricted understanding of the concept of 'forced migration'. The 'different forms in which the "forced" comes into play' in human mobility – 'bonded labour, indentured labour, village to city migration in forms of servitude, etc.' – correspond to heterogeneous subjective experiences that exceed both the boundaries of refugee studies and the investigation of trafficking in and smuggling of human beings.[2] Of course, specific conditions of forced migration need to be identified and carefully analysed in order to forge effective means of legal and human protection. But before the multiplication of patterns of mobility, legal statuses, and labour market arrangements that characterise contemporary migration, there is also a need to critically test the conceptual language, the taxonomies, and categorical distinctions that shape our own scholarly and activist engagement with migration. This is not only to recall what should be rather obvious when one considers the other of the 'forced', which means 'voluntary' or 'free' migration. Without venturing into philosophical discussions of will and freedom, it is a common sense statement that migration is very rarely completely 'voluntary' or 'free'. What interests me here – and what is at stake in my own work on the 'right to escape'[3] – are precisely the tensions and clashes between the compulsion of a myriad structural forces and the moment of agency in migration. By taking the angle provided by these tensions and clashes it becomes possible to investigate migratory movements and experiences as strategic sites for the production of subjectivity. Adapting a set of Foucauldian concepts, we can say that this requires attention to the

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interplay of subjection and subjectivation (or, to put it in a different way, of coercion and freedom) that constitutes the fabric of migration.

Taking this intertwining of subjection and subjectivation as a theoretical thread and investigating the varying degrees of their combinations in concrete instances of migration means adopting quite a different framework from the one based on the binary distinction between 'forced' and 'voluntary' migration. It is a framework that allows us to unearth agency and subjective practices of negotiation and contestation even in such instances as migration related to sex work in Europe[4] or to trace the reproduction of the spectres of bondage in the experience of 'body shopped' high-skill Indian IT workers in Australia.[5] Historians of slavery in America, elaborating on the pioneering work done in the 1930s by black radical intellectuals and activists such as W.E.B. Du Bois and C.L.R. James, have long challenged the image of slaves as passive subjects and mere 'victims' of the middle passage and plantation despotism. I think there is a lesson here to be learnt by scholars engaged in the study of 'forced' migration. At the same time, there is a need not only to conceptually challenge and empirically test its established counterpart, 'voluntary' migration, but also to bring under critical scrutiny the key concept that organises and permeates as a kind of master signifier the taxonomies, nomenclature and epistemic partitions of migration: 'the "holiness of the cow" that citizenship is.'[6]

In public and governmental discourses as well as in much mainstream research work on migration citizenship continues to organise the system of political and legal positions that distribute mobile subjects across a varying scale of abjection and protection, economic valorisation and exploitation, belonging and temporariness, access to rights and deportability. One has only to think of the prominence of the figure of the 'illegal migrant' in migration policies, official rhetoric, and popular fantasies in many parts of the world since the early 1970s to begin to understand the absolutely material effects of labels and taxonomies surrounding migration. The 'illegal migrant' has become the major site of production of what Étienne Balibar has recently termed the 'foreign body', the monstrous (internal) other that confirms the stability and pre-eminence of the code of citizenship and the 'citizen's body'.[7] Languages and spectres of race have been mobilised across diverse geographical scales to supplement the production of the 'foreign body' of the 'illegal migrant', which is important to stress is not a mere figure of 'exclusion'. As an *internal* other, the 'illegal migrant' is rather produced by what Nicholas De Genova, in a seminal work on migration from Mexico to the U.S., has called 'an active process of inclusion through illegalisation.'[8] Processes of illegalisation thus cross and divide presumably bounded spaces of citizenship disseminating and fracturing them with yet another form of subjection that is conductive to the reproduction of variegated regimes of indentured and forced labour. Important as it is, the analysis of the multifarious ways in which such subjection is produced (involving legal, political, cultural factors and devices) cannot obscure the practices of subjectivation evident for instance in the movements and struggles of the *sans-papiers* in many parts of the world. At the same time there is a need to stress

the importance of not isolating such movements and struggles from other conflicts involving 'legal migrants' and even autochthonous populations, in order not to replicate the language and taxonomies of migration policies and governance.

      The figure of the 'illegal migrant' is one that emerges on the world stage in the wake of tumultuous transformations of capitalism that began to unfold in the early 1970s (and that led for instance in Europe to the end of the 'guest-workers' system). It is not hard to see the link between this emergence and the processes of flexibilisation of labour markets and economies that accompanied such transformations. While this link provides us with an important angle for criticising the naturalisation and even 'ontological' fixation of the category of migrants' 'illegality', it also brings into relief its implications for the complex and contested dynamics that produced a crisis of citizenship that is particularly evident these days in Southern European countries such as Greece, Spain, and Italy. This is a way to critically activate what the great Algerian-French sociologist Abdelmalek Sayad termed the 'mirror effect' of migration.[9] And it also shows an important aspect of the need I am underscoring here to take a critical stance with regard to the taxonomies and nomenclature surrounding migration. This is a task that does not merely concern the 'other'. It also concerns the 'us'. What I have called the naturalisation and even 'ontological' fixation of migrants' illegality have their counterparts in the naturalisation and 'ontological' fixation of citizenship, they obscure the lines of fracture that crisscross it and destabilise the very figure of the 'citizen'. This is the reason why, without dismissing its importance and potentialities, I think a conceptual critique of citizenship is much needed for migration studies today. This is a question I will return to in the concluding section of this address.

      In recent years, processes of illegalisation have targeted both economic migrants and asylum seekers, often working and blurring the boundary between them. The picture would be even more complicated if widespread claims for the extension of the legitimate grounds for demanding and obtaining asylum were recognised as legitimate. Take for instance the debate on climate refugees. In a recent book on Phoenix, Arizona, Andrew Ross has demonstrated that a huge percentage of Mexican 'illegal' migrants living and working in this metropolitan area (where anti-immigrants rhetoric and practices are as strong as climate change denial) would have the right to be recognised as 'climate refugees' according to the prevailing definition of this particular figure.[10] The 'epistemic crisis' I chose as a title for this opening section of the paper, or to put it more simply the crisis of nomenclatures and taxonomies underlying governmental efforts to control mobility as well as much scholarly research, refers to such instances and to their recent multiplication on the global scale. The escalation of refugee movements, the diversification and legal expansion of the category of the asylum seeker, and the tightening of migratory policies to account for these shifts have all contributed to increasingly test and challenge the distinction between asylum seekers and economic migrants.[11] The introduction of systems such as 'temporary protection visas,' off-shore processing, and protection zones for

'internally displaced persons' (IDPs) also deeply changed the humanitarian regime of refugee assistance and tutelage in ways that questioned its supposed foundations in apolitical ideals of universality and benevolence.[12]

The stretching and multi-scalar diffusion of what William Walters has called the 'humanitarian border'[13] disseminate holding camps in countless crisis areas. In these circumstances one can often observe the production process of the official taxonomies and nomenclature of migration. Take for instance the case of Choucha, the camp in the desert along the border between Libya and Tunisia managed by UNHCR in partnership with the International Organisation for Migration (IOM), the Danish Refugee Council, Islamic Relief and the Tunisian Croissante Rouge. The camp was opened in February 2011 to confront the 'emergence' of the war in Libya, which led not only Libyan citizens but also international migrants and asylum seekers living in the country to cross *en masse* the border with Tunisia. In her ethnographic analysis of the Choucha camp, Martina Tazzioli focuses on the heterogeneous space of mobility control and humanitarian reason within which it is located and articulated with other governmental devices and practices.[14] The confiscation of passports by the Tunisian army opens up a kind of identity vacuum and sets the stage for the taxonomic operations and exercises of migration and humanitarian officers. It is particularly the Border Team of the IOM that undertakes the sorting out of these subjects, who are 'stamped' and made visible by bracelets of different colours, corresponding to their elusive status (asylum seekers, economic migrants, refugees, vulnerable subjects, unaccompanied minors). Human rights standards and protection intermingle with concerns of security and economic calculations in such border zones. And it is important to keep in mind, as the example of Choucha effectively shows, that this intermingling also permeates the categories and classifications that are at once deployed and produced in confronting a 'refugee crisis'[15] and more generally an increased 'turbulence of migration.'[16]

The Multiplication of Borders

According to the estimates of the UNHCR in 2011, in the aftermath of the 'Arab Spring' and Libyan war, more than 1800 migrants died in the Mediterranean. The majority of these women, men and children left from Tunisian and Libyan shores and lost their lives in the attempt to cross one of the most highly controlled and patrolled border zones in the world. In the framework of the innovative project 'Forensic Oceanography', Charles Heller and Lorenzo Pezzani have carefully investigated the case of the so-called 'left-to-die boat', highlighting the implication and responsibilities of NATO.[17] '72 migrants fleeing Tripoli by boat on the early morning of 27 March 2011 ran out of fuel and were left to drift for 14 days until they landed back on the Libyan coast. With no water or food on-board, only nine of the migrants survived. In several interviews, these survivors recounted the various points of contacts they had with the external world during this ordeal. This included describing the aircraft that flew over them, the distress call they sent out via satellite telephone and their visual sightings of a military helicopter which

provided a few packets of biscuits and bottles of water and a military ship which failed to provide any assistance whatsoever. Despite the significant naval and aerial presence in the area due to the military intervention in Libya and despite the distress signals sent out to all vessels in the area by the Italian Maritime Rescue Coordination Centre, none of those who had contacts with the boat intervened in a way that could have averted the tragic fate of the migrants.'[18] Let's call them migrants: no border team, no national or international organisation had the opportunity of sorting them out and endowing them with bracelets of different colours.

To die in the Mediterranean is by no means an exceptional event for migrants. But the exceptionally high number of deaths in the year 2011 is to be related with a crisis of the European border regime in the wake of the 'Arab Spring' and Libyan war. The fall of Gaddafi and Ben Ali, in particular, spelled the end of two regimes that had played strategic roles in the 'externalisation' of European southern borders in the preceding years. The military intervention of NATO in Libya has to be understood against this background, which means taking into account the anxieties circulating among European governments before an impending crisis of border control and related fears of a migratory 'tsunami' (to recall a phrase used by the Italian Minister of the Interior). The story of the 'left-to-die boat' investigated by Heller and Pezzani is in this regard a tragic reminder of the violence that is always at stake in the working of borders and border regimes and that is only more visible and intense when borders are retraced and border regimes are reinstated. But it is also important to remember that in the same months the Mediterranean has also been crossed by thousands of (basically young male) migrants from Tunisia, who took the chance of the breach produced by the revolution in the meshes of the European border regime in the Mediterranean area to affirm and practice their 'right to escape'. Again, there was a moment of confusion in confronting these people, particularly evident in Italy (the country where these migrants arrived). Were they refugees fleeing from a 'humanitarian crisis'? Or were they just another contingent of would-be economic migrants to be selectively deported or illegalised? The 'temporary visa for humanitarian reasons' eventually accorded to them by the Italian government was an awkward means of finding a way out of this confusion, facilitating the transit of the Tunisian migrants toward France. But while this move only displaced the crisis onto an even more radical level, putting into question the whole Schengen system of free circulation in Europe, there were other questions circulating in the left and in the liberal public opinion: are these migrants followers of Ben Ali, are they among the losers of the revolution? No, they were not. Interviews and ethnographic research demonstrated that the opposite was the case. Many of them had been among the protagonists of the revolution, among the 'freedom fighters' celebrated in Europe only a couple of months before. The problem with them was that they had an uncanny idea of freedom, one that comprised freedom of movement.[19]

Choucha, the 'left-to-die boat' and the practice of the right to escape of Tunisian migrants in the wake of the revolution and the fall of Ben Ali are

three instances of the tensions and turbulences surrounding mobility and borders in the Mediterranean region after the 'Arab spring'. Life and death are at stake in these tensions and turbulences, which shed further light on what I have discussed as the crisis of the nomenclature and taxonomies of migration. At the same time, the case of Tunisian migrants has confronted us with a peculiarly effective instantiation of the way in which I understand the right to escape with regard to migration. It is important to stress that I do not use this as legal category. The use of the word 'right' refers to the deeply rooted idea, however vague and confused it may be for individual migrants, that the movement of migration is a *legitimate* movement. To put it with the words of a young Tunisian migrant held in detention in Italy: 'Earth is not mine, is not yours. It's neither Obama's nor Berlusconi's. The Earth belongs to everyone. If I want to breathe the oxygen of Italy, I breathe the oxygen of Italy. If I want to breathe the oxygen of Canada, I breathe the oxygen of Canada.'[20] Speaking of a right to escape opens up a peculiar angle on the politics of migration, which does appear to be limited neither to governmental policies or humanitarian practices of management or care nor to the direct engagement of migrants in explicitly political mobilisation, organisation, and struggle. Needless to say, this is not to deny the importance of a specific focus on these aspects of the politics of migration. It is rather an attempt to shed light on the fact that migration is crisscrossed by important political factors in so far as it mobilises subjective struggles and pits them against the power relations and the multifarious borders that structure the spaces traversed by migrants.

In a forthcoming book, *Border as Method, or, the Multiplication of Labour* (2013), Brett Neilson and I have attempted to map the proliferation of borders in the contemporary world. While many scholars posit the new salience and multiplication of borders as a sign of the return of the nation state and the merely ideological nature of 'globalisation', we propose a very different move. This means we take the border not only as a strategic site of investigation but also as an epistemic angle on actually existing global processes. In so doing, we work through the actual and heuristic disaggregation of the border[21] and point to a 'heterogenisation' of borders that supplements their proliferation. For us this means that the multiple (legal and cultural, social and economic, symbolic and linguistic) components of the concept and institution of the border tend to tear apart from the magnetic line corresponding to the geopolitical line of separation between nation states. Traditional geopolitical borders continue to play key roles, and they figure prominently in our analysis. But we are convinced that along with them there is a need to critically analyse other kinds of more elusive demarcation lines (from urban boundaries to borders circumscribing special economic zones in many parts of the world) to get a sense of the ways they overlap, connect, and disconnect in often unpredictable ways, contributing to the shaping of new forms of domination and exploitation. Moreover, while critical border studies are usually characterised by an often exclusive focus on political and legal institutions, practices, and concepts, *Border as Method* also aims to provide a contribution to the critique of political economy. This means that we investigate the tensions, gaps, and articulations between territorial boundaries

and the expanding frontiers of capital that characterise the heterogeneous times and spaces of contemporary global capitalism.

But what is a border from the point of view of *Border as Method*? Playing with Marx,[22] we can say that we take the border not as a 'thing' (let's say, a wall, a fence, or a bridge), but rather as a social relation mediated by things. This means that we consider borders as complex social institutions, which are marked by tensions between practices of border reinforcement and border-crossing. This definition of what makes up a border, proposed by Pablo Vila in an attempt to critically take stock of the development of studies on the U.S.-Mexican borderlands since the late 1980s, points to the tensions and conflicts that are constitutive of any border.[23] It is important to note that border crossing and border reinforcement are for us two poles of an analytical framework and not a moral or political binary. Practices of both crossing and reinforcement are multifarious and involve heterogeneous actors. When we speak of the importance of border crossing, we are aware that this moment in the operation of borders is important not just from the point of view of subjects in transit. The same is true for states, global political actors, agencies of governance, and capital. The sorting and filtering of flows, commodities, labour, and information that happens at borders are crucial for the operation of these actors. What is really important for us in the analytical framework centred upon border reinforcement and border crossing is that it sheds light on the field of tensions that is constitutive of any border. The production of subjectivity, in the sense I explained at the beginning of this paper, is always at stake within this field of tensions. In order to grasp the intensity of the intertwining between the tensions constitutive of any border and the production of subjectivity, which is apparent in the instance of the Tunisian migrants crossing the Mediterranean after the fall of Ben Ali, we forge the concept of 'border struggles'.

That border struggles are not necessarily fought only along borders is particularly clear when considers a slogan that was prominent in the demonstrations and struggles of Latino migrants in the U.S. in 2006: *we did not cross the border, the border crossed us*. Independently of the historical background of this slogan, which goes back to the Mexican-U.S. war and the Guadalupe-Hidalgo Treaty of 1848, it nicely captures a trend we map in *Border as Method* across diverse geographical scales. Central to our work is the idea that the proliferation and heterogenisation of borders in the contemporary world challenges and blurs the clear-cut distinction between inside and outside that was one of the founding premises of the 'international world' (as well as of international politics and law). The discussion offered above of the 'illegal' migrant and the processes of 'inclusion through illegalisation' is particularly important here. More generally, this is another point where *Border as Method* proposes a theoretical and political move that is rather original in the field of critical border studies, which are often primarily concerned with processes and techniques of 'exclusion'. Contrary to this, we try to reverse the gaze, analyzing even the most extreme forms of exclusion such as deportation and camps from the point of view of the changing shape and code of social inclusion and 'integration'. Trying to take stock of the developments of

various strands of critical thought (from radical feminism to black and postcolonial studies), we deploy a critical stance towards the concepts of inclusion and integration, which in most accounts are treated as unalloyed social goods. In doing this, however, we carefully analyse the multiplication of statuses and positions that are fragmenting the world of migration, the flexibilisation of migratory policies according to the goal of producing a 'just-in-time' and 'to-the-point migration',[24] and the societal patterns underlying cognitive, financial, and postcolonial capitalism. It is to understand the combined effects of these processes and trends that we introduce the concept of 'differential inclusion'.[25]

Citizenship and Beyond

There is an important connection between these processes of multiplication and heterogenisation of borders and the crisis of taxonomies, nomenclature and epistemic partitions of migration that I briefly discussed in the opening section of this paper. Speaking of differential inclusion is a way of theoretically coming to grips with this connection and challenging the idea of a clear-cut distinction between inside and outside that traverses and shapes modern political concepts – from sovereignty to the people, from the nation to citizenship. We can see here an important implication of the approach Brett Neilson and I call 'border as method'. This approach aims at unearthing and reactivating the *productive* 'moment' in the tracing and operations of the border. The border has been long taken for granted in its stability as a precondition of modern political concepts and institutions. It has therefore been relegated both by theoretical elaborations and cartographic representation to the margins of the polity. As Étienne Balibar memorably stated some ten years ago, contemporary processes of proliferation and heterogenisation of borders profoundly changed this situation, and the border has moved to the centre of political space.[26] The set of material processes that displaced the border from the margin to the centre, we can now add, has its important conceptual counterpart in the discovery of the roles played by borders in the very production of the categories that are usually mobilised to define it. To put it simply, we are accustomed to define the border according to its modern cartographic representation as the line that separates one national territory from another. But it is easy to see that a territory, in its modern legal and political definition as the spatial sphere of validity of a specific legal order (to put it with Hans Kelsen), cannot exist prior to the tracing of the border that we tend to define taking the territory itself as a point of reference.

Taking seriously the moment of conceptual as well as material instability introduced by the contemporary proliferation and heterogenisation of borders opens on one hand a peculiar angle on the crisis of taxonomies surrounding migration policies and studies, given the role played in such taxonomies by the norm of citizenship as a bounded category. On the other hand it requires a further reinforcing of the need to denaturalise this very norm as well as the entire conceptual and institutional arrangements that prompted the modern organisation of political spaces. It is important to note

that in the last two decades the concept of citizenship has been at the centre of an intense and exceptionally stimulating critical work, with important implications for migration studies as well as for an understanding of the tensions and conflicts of globalisation. Gone are the days when Tom Marshall (1950) could assume the borders of the national space as undisputed framework for his influential theory of social rights of citizenship from the point of view of a Fordist dialectic between capital and labour. New discussions of cosmopolitan and 'post-national' citizenship set the agenda of the day. The relation between citizenship and borders has come under critical scrutiny in these discussions. The name of Étienne Balibar is again particularly important here. From *Le frontières de la démocratie* (1992) to his recent *Citoyen sujet* (2011) he has explored not only the role of geopolitical borders in circumscribing and limiting the spaces of citizenship, but also the tracing of a set of 'anthropological' boundaries to produce the very shape and subjectivity of the citizen, its body as well as its 'soul' we might say.[27] Class, race and gender play crucial roles in this investigation. At the same time, Balibar has been pivotal in pushing toward a kind of opening up of the concept of citizenship, approaching it as a field of tensions and struggles. I have participated in this conversation, in an attempt to distinguish the institutional framework of citizenship from its 'movement', which means from the transformations prompted by the contestation of its multifarious borders and boundaries through the *practices* of subjects often constructed as 'excluded' or differentially included.[28] Needless to say, this was a theoretical work within which movements and struggles of migration figured prominently. Balibar's theoretical and political engagement with the struggles of *sans-papiers* in France was in this regard an important source of inspiration for me as well as for an entire generation of critical migration scholars and activists in Europe and beyond.

Having said this, some historical background can be helpful here. The work of Balibar on citizenship, borders, and migration was part of an intense discussion surrounding the rise of a 'European citizenship' in the early 1990s. One has only to mention such important and influential books as *Democracy and the Nation-State: Aliens, Denizens and Citizens in a World of International Migration* by Tomas Hammar,[29] or *Migrants and Post-national Membership in Europe* by Yasemine Soysal[30] to get a sense of the discussions of the time. Although its acquisition remained subordinated to the status of citizens of member states of the EU, the institution of European citizenship appeared to many scholars as the opening up of a process of de-linking of citizenship from the principle of nationality that could potentially run parallel to the recognition of migrants' rights independently from their citizenship and even migration status. The multiplication of legal statuses as well as the emergence of new forms of 'denizenship' was celebrated as a sign of a new season of expansion and multiplication of rights. Much important research work and even significant political campaigns were done in this spirit. It is important to note that this made a contribution to challenging the understanding of citizenship as a 'unitary or monolithic whole' and positing it rather as a 'divided concept'.[31] But at the same time there is a need to take stock of the

developments of the following two decades, that have been marked not by an expansive dynamics of European citizenship but rather by the consolidation of what Balibar denounced as the rise of a 'European apartheid',[32] of the regimes of differential inclusion established by the operations of border control,[33] and by a violent backlash on multiculturalism in many European countries.[34] To this one should add that in the wake of the global crisis European citizenship has been stripped of any social and progressive meaning in the eyes of a wide majority of (not only Southern) European autochtonous populations. What Jürgen Habermas recently described as the rise of an 'executive federalism' in Europe, which means a deepening of the integration process at the level of the 'executive' instances of the EU under the pressure of financial capital without any 'democratic' repercussions, nicely captures some of the most important 'constitutional' aspects of these processes.[35]

The current economic crisis in Europe needs therefore to be analysed also as a crisis of citizenship, and particularly of European citizenship. This is not to say that a way out of the crisis can be found in a kind of return to the nation state and to its bounded citizenship. Recent developments demonstrate that the opposite is the case, that particularly from the point of view of migrants the nation is today in Europe a site where particularly virulent forms of neo-fascism and racism can proliferate. Just think of the rise of 'Golden Dawn' in Greece, of the ferocious and often lethal attacks against migrants that characterise everyday life in that country and that have compelled forces of the left and social movements to reinvent the practice of militant anti-fascism in order to fight back. While there is a need to reinvent the European space as a site of struggle and political invention, it is also necessary to test against the background of the current European crisis the stretching of the concept of citizenship in recent critical debates and in particular its uses in discussions of borders and migration. The name of Engin Isin comes to mind here as one of the scholars who made some of the most rigorous and theoretically challenging contributions to these debates and discussions. His *Being Political: Genealogies of Citizenship* is indeed to be recognised as a milestone in the development of critical citizenship studies, both for the definition of citizenship as a 'difference machine' provided in the book and for the author's emphasis on the agency of strangers, outsiders, and aliens as driving force within the very fabric and texture of citizenship.[36] More recently, Isin has moved towards a theoretical elaboration of the concept of 'acts of citizenship' as well as of the activist dimension of citizenship expressed in the 'right to *claim* rights'. This is a specific variant of the politics of performativity that is currently at stake in several strands of critical thought (just think of the work of Judith Butler). It is also important to note that for Isin the movements and struggles of *sans-papiers* have been a prominent topic of research and theoretical reflection.[37] At the same time, distinguishing 'acts' from both 'habitus' and 'practices',[38] he participates of another important trend within contemporary critical debates, one that equates the temporality of politics with the punctual nature of the 'event' (the name of Alain Badiou is particularly important here).

To put it simply, one of the problems I have with these relevant theoretical elaborations is that they tend to obscure restrictive and even despotic tendencies crisscrossing the evolution of citizenship today in many parts of the world as well as the link between these tendencies and the global as well as local operations of capital. To put it even more simply (at the risk of oversimplifying a theoretically sophisticated and engaged argument), it seems to me that in the work done in recent years by Isin citizenship has been kind of cleansed of the burden of its historical past. Any 'ambiguity' has been dismissed and citizenship has been posited as an unequivocally 'good' concept. Moreover, the punctual temporality of 'citizenship acts' tends to obscure the problem of the articulation between 'acts' and processes of subject formation characterised by a different temporality, an articulation that is particularly important in the case of migrants' struggles and movements. Titling his last book *Citizens Without Frontiers*, Isin is well aware of the 'paradoxical' nature of the term.[39] 'Citizenship is a bounded concept', he writes.[40] Interestingly, his concern is to 'displace' the subject 'who *moves* across frontiers', which means 'the figure of the migrant', from the centre of the stage in the discussion of citizenship and frontiers and replace it with the subject that 'acts (interrogates and transgresses) against frontiers'. This figure, Isin writes, is the 'citizen without frontiers'.[41] The instantiations of this figure that he provides in the book – ranging from Julian Assange and Rachel Corrie to activists involved in climate camps and campaigns against the illegalisation of migrants – make *Citizen Without Frontiers* an engaging and fascinating reading. But it should be clear from the few examples I have just listed that it is more a contribution to the drawing of a phenomenology of contemporary transnational activism than to an understanding of the complex material intertwining of citizenship and capital, borders and struggles that looms for instance in the cases I briefly discussed above with reference to the Mediterranean region in the aftermath of the 'Arab Spring' and 'Libyan war'. Again, the concept of citizenship is mainly mobilised in its 'positive' and 'activist' meanings in Isin's book.

To be honest, I have the impression that the concept of citizenship has not merely been stretched and positively opened up in critical debates of recent years. It has also been squeezed and saturated. This does not mean that we have to abandon this concept, particularly in our investigations of migration. Citizenship continues to be an important theoretical and political lens through which to analyse both the technologies and forms of subjection that target migrants and their practices of subjectivation. But while there is a need to come to grips with the increasing fragmentation of spaces of citizenship, which comes to the fore with what Brett Neilson and I describe as a crisis of the dyadic figure of the 'citizen-worker',[42] it is also important to develop an even more pronounced awareness of the implication of the discourse of citizenship in the generation and reinforcement of the taxonomies and epistemic partitions of migration that are challenged both by political, legal, and economic forces and by the movements and struggles of migrants. In a world populated by 'immanent outsiders',[43] the three important perspectives on political and legal subjectivity, epitomised by the concepts of

labour power, legal personality, and citizenship are not necessarily hold together by the prevailing figure of the citizen-worker. This is way I think we need to deemphasise the focus on citizenship that characterises many mainstream as well as critical migration studies today, in order to open up a conceptual space within which to test a combination of different angles in an effort to shed light on the subjective stakes that crisscross the contemporary 'politics of control' no less than the contemporary 'politics of migration'.[44] The main concepts I have been elaborating upon in this paper – from differential inclusion to border struggles – are meant as a contribution to this task, and to the forging of a new conceptual nomenclature that can only be the result of a collective effort. I am sure that critical scholars engaged in the study of 'forced migration' have seminal contributions to make in this regard.

Notes

[1] Delivered as the inaugural address, 14th Conference of the International Association for Studies in Forced Migration, hosted by the Calcutta Research Group at Kolkata, 06-09 January, 2013

[2] Samaddar, Ranabir. 2012. 'Forced Migration: State of the Field'. In *Peace Prints. South Asian Journal of Peacebuilding*, 4 (1): 2.

[3] Mezzadra, Sandro. 2004a. 'The Right to Escape'. In *Ephemera*, 4 (3): 267-275; also see Mezzadra, Sandro. 2006. *Diritto di fuga. Migrazioni, cittadinanza, globalizzazione*. Verona: ombre corte.

[4] Andrijasevic, Rutvica. 2010. *Migration, Agency and Citizenship in Sex Trafficking*. New York: Palgrave Macmillan

[5] Xiang, Biao. 2006. *Global "Body Shopping": An Indian Labour Regime in the Information Technology Industry*. Princeton, NJ: Princeton University Press.

[6] Samaddar, Ranabir. 1999. *The Marginal Nation. Transborder Migration from Bangladesh to India*. New Delhi: Sage, p. 77.

[7] Balibar, Étienne. 2011. *Citoyen sujet et autres essais de anthropologie philosophique*. Paris: PUF, p. 507.

[8] De Genova, Nicholas. 2005. *Working the Boundaries: Race, Space, and "Illegality" in Mexican Chicago*. Durham, NC: Duke University Press, p. 234

[9] Sayad, Abdelmalek. 2004. *The Suffering of the Immigrant*. Cambridge: Polity Press.

[10] Ross, A. 2011. *Bird on Fire. Lessons from the World's Least Sustainable City*. New York: Oxford University Press, pp. 186-211.

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IDP Resettlement Policies in Post Conflict Sri Lanka: Assessing the Evidence-based Context of the Resettlement Process with Particular Emphasis on IDP Participation

By

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After the 25 year conflict in Sri Lanka, the conflict was officially declared over on 19 May 2009 by the government of Sri Lanka[1]. During this time, there were 300,000 IDPs who were transferred to camps in Vavuniya District in Sri Lanka[2]. Most of the IDPs were transferred against their will and lacked the knowledge of where they were to be staying[3]. On May 2009, the Sri Lankan government pledged to resettle 80% of the IDPs by the end of 2009[4]. This included statements made by the Sri Lankan President Mahinda Rajapaksa, where he reassured foreign diplomats that the IDPs will be resettled in accordance with the 180 day project[5].

For any resettlement process to be successful, it has to be transparent, accountable and sustainable, and it requires the key element of participation of all the stakeholders. This is important because the present resettlement policies towards the IDPs have been mainly a political strategy with a top-down approach that lacked the key stakeholder participation particularly of the displaced. The 180 days project of the Government of Sri Lanka (GOSL) that aimed towards the resettlement of the IDPs after the aftermath of the war was a project that was completely designed according to the political will of the ruling regime, with no proper consultation by the affected people - the IDPs.[6]

The process of transfer of IDPS with their lack of participation, contradicts the Guiding Principles on Internal Displacement[7] .The process of resettlement of the IDPs (integration in the present location; return to their origin or relocate in other areas of the country)[8] has been criticised

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throughout the process by many academics and practitioners on the basis of its lack of appropriate evidence and the lack of IDP participation[9]

This paper is placed on the context of participation in the resettlement process of the IDPs in Sri Lanka. The paper will use this case study to explore the link between the decision-making process in generating evidence based policies taking into account the following aspects: the nature of evidence (tacit or explicit knowledge); models used to understand the context of generating evidence (knowledge-driven, problem-solving, political, interactive or enlightenment models); models used in the decision-making process (rational, incremental and mixed scanning); and the approaches (top-down or bottom-up) used to integrate evidence into the policy making process. Though the need for participation has been identified for effective policy making, the aspect of participation is very less explored in the decision-making process for generating evidence-based policies. The overall aim of the paper is to understand theoretical constructs that can explore the practical aspects of stakeholder participation in the decision-making process in generating evidence-based policies and how this can be improved further. The analysis, though particular to the resettlement process in Sri Lanka, will have relevance to resettlement policies in other countries.

The paper will first analyse the literature related to the models of decision-making, along with the use of evidence in relation to such models in the policy making process. This includes rational, incremental and mixed scanning model of decision-making. While the paper argues that the resettlement process has a blend of all three models, a mixed scanning approach will be effective to address the issue of participation of all stakeholders. The literature will further highlight the role of participation in the developing of effective evidence-based practice and the need for the decision-making process to move from a political-tactical model to an interactive model that allows all actors to be a part of the process. The literature review will provide the theories and concepts with which to then frame an analytical discussion to answer the question. The second section of this paper will brief on the case study, which includes the context of the internally displaced in Sri Lanka, with particular emphasis on the political climate that facilitated the process and criticisms on the lack of effective participation on the resettlement process which was mainly based on a political-tactical model. The third section of the paper will focus on the analysis describing the drawbacks of the resettlement process and the need for policies with effective participation advocating for a mixed scanning approach in decision-making. Finally, the conclusion will highlight the need for a resettlement process, which is participatory that will be sustainable aiming towards durable solutions for the IDPs.

Literature Review

Developing policies is not an easy task. It involves a process that needs to consider the aspect of how evidence based is the policy-making process; the decision-making processes involved and the various stakeholders

involved in the process (this includes their motives, influence and power in the policy making process). This is crucial as it shapes the development of policy. The literature review consists of two components: (i) Evidence based policy and practice and, (ii) Decision-making models.

Evidence based Policy and Practice

The importance of evidence based policy (EBP) has been highlighted in literature ([10]and has shown practical significance in policy making. It emphasizes 'what we know' from the explicit use of evidence to 'what we should do' to inform decisions on policy and practice[11] (. This ascertains that the findings of research should help policy makers to develop policies with a strong understanding of the current conditions (Weiss et al, 2008).This puts forth the view that current policies on resettlement of the IDPs in Sri Lanka should grasp the current context, which is based on evidence where all stakeholders, especially the IDPs affected, should have their views heard in producing evidence[12].

This puts forth the aspect of 'what constitutes as evidence' that results in EBP. According to Nutley, apart from research other informal sources of work experience and service use can constitute as evidence. Hence evidence will have to constitute research findings from a wider stakeholder context of a given service area such as policy makers, research commissioners, research contractors and service practitioners[13].

(According to Nutley and Davies, the nature of evidence should also take into consideration the difference between tacit/procedural knowledge (knowledge in the form of experiences) and explicit/declaratory knowledge (knowledge in the form of facts) in generating evidence for problem solving. This is important in the process of diffusion among varied individuals such as practitioners. Explicit knowledge can be easily codified and transmitted whereas tacit knowledge is not easy to articulate. Therefore there needs to be proper understanding on the context, from both - the researcher and the practitioners, in generating evidence and disseminating evidence to influence policy making.

Further, it becomes important to understand the various ways in which knowledge is generated in bridging research-policy relations and the implications it has on evidential status. According to Weiss , these models are as follows: (1). The knowledge or expert driven model – here research leads policy, as the impetus for policy making originates from the research community. This was considered more a top-down approach. (2). The problem-solving model – here research provides empirical evidence to solve policy problems. Here the policy agenda drives the application of research. (3). The interactive model – was based on complex relationship between research and policy where there is an interactive search for knowledge among a range of actors. (4). The political - tactical model – here the process of policy making is politically driven, where the research evidence maybe commissioned or used to support the position adopted by the government of the day, and (5). The enlightenment model – here research is perceived as being distanced

from policy making, rather than research serving policy agendas in a direct fashion, the benefits are indirect. These models are particularly helpful in understanding the context on generating evidence in the decision-making process on policy development, which is explored in the analysis of this paper.

Hence research is conducted to illuminate the landscape for decision-makers[14]. All models can be viewed as having advantages and disadvantages and depend on the particular context of the prevailing need and the environment. This includes the prevailing political ideologies, power dynamics and competing interests among the stakeholders. This entails a pluralist democratic system where factors such as a free press, accountability, transparency and participation of various stakeholders can add up to an inclusive policy making process that could be sustainable[15]. The use of power in evidence generating should be dealt with caution, as in many cases it could challenge the positions of established power-holders[16] as they may benefit from the process.

There further arises the situation of integrating evidence to policy making in practice through 'top-down' or 'bottom-up' approaches. According to Hudson and Lowe[17] , the top-down approach is based on an ideal type of strategy of 'what ought to happen' so that policy is implemented perfectly. The bottom-up approaches where the 'street level bureaucrats' are more concerned with how evidence in policy can be successfully implemented rather than on the cause and effect relationship. A top down approach may be useful when there is a dominant public policy programme in the policy area, in which the analyst is interested in the effectiveness of the programme. Even here, the impact on the beneficiaries would need a bottom-up approach. Therefore bottom-up approaches in implementation research would focus on local implementation structures and is better for assessing dynamics of local variation[18]. The bottom-up approach is based on the rationale that human agency determines a great deal on how a policy is implemented and the effectiveness of the policy[19] .

The bottom-up approach emphasises community participation and local decision-making. This facilitates the participation of target population in implementing development activities, which is the core of participatory decision-making and participatory development[20] . Yet this view is contested through studies made by Carey and others, where it was found that the impact of bottom-up approaches can be limited due to government funding, and in such contexts the top-down approaches have yielded better results. Nevertheless, studies by Simon Parker [21] have advocated on the integration of both approaches for a higher impact.

Further it becomes important to understand the ways in which policy makers conceptualize the way in which research evidence influences the decision-making process specifically. This includes whether the use of evidence is based on the rational or incremental models or a middle approach such as Etzioni's 'mixed scanning approach'[22].

Models of Decision-making

The rationalist approach is based on the idea of conditions for perfect implementation, based on the notion that there are clear cut solutions to social problems[23] . As highlighted by Scott, the rational decision-making process consists of the following components – a search process to discover goals, the formulation of objectives, the selection of alternatives to accomplish the objectives and the evaluation of outcomes[24]. The approach works well in a well structured environment, with stability over time, which enhances the opportunity for plans to be carried out as intended and will need only minor adjustments to be appropriate[25] .

Smith and May[26] criticize the rationalistic approach on the following aspects: (i) as being too narrow, as it neglects a range of political variables that do limit the extent of choice available of relevant vested interests; (ii) as being utopian, for most policy options do have unanticipated consequences that are not implied by the model; (iii) as value based, as it favours a hierarchy, e.g. senior professionals etc; (iv) as being rigid, that draws sharp distinctions between ends and means, values and decisions, and facts and values, and (v) as impractical, mainly because all possible answers/options to a problem cannot be reviewed and evaluated. The pros and cons of this model are further explained in the analysis of the paper.

An aspect that greatly influenced the rationality in the policy making process is the bounded rationality as propounded by Herbert Simon (Simon, 1955). Simon argued that decision-making cannot be confined to the idea of full rationality as cognitive capabilities of human beings are limited[27]. Therefore people's incomplete and limited knowledge[28] and emotions reflecting on organization's value systems, does not necessarily produce effective or beneficial results in the long run[29] .

Simon was challenged by Charles Lindblom on the basis that decision-making could be controlled and improved[30]. Lindblom focused on strategies that were guided by trial and error, opting for limited objectives and using thoughtful research and evaluation. Hence policy is a gradual, step by step process. This incremental approach being a participative decision-making model has two elements, one is the role of the government that maximises the opportunity for interest groups to be involved in decision-making (though consultation, representation and decentralising of political institutions) and second, as an appropriate form of policy making in a pluralist society where policy decisions constitute marginal adjustments to the status quo[31].

A criticism of the incremental model was on the unequal power relationship between competing interests where privileged elite groups determine policy because of more power[32]. As emphasized by Bachrach and Baratz[33] , the concept of 'mobilization of bias' results in factors such as political values, institutional practices that favour vested interests of one or more groups[34] . Other criticisms levelled at this model were that the model was: conservative - as it could not bring about radical change; unsophisticated – as it relied on common-sense than analytical techniques; naïve – as it assumed all groups had

access to policy-making; and complacent – as it did not say on how to improve policy[35] . Having expressed these two models, it can be said that the rationalistic model is good if options to the problem were clear cut, but in a policy process where options need to take in the views of all stakeholders an incremental model is appropriate provided the power dynamics of particular groups is understood and appropriate avenues are provided for all groups to participate equally. This is well expressed in the analysis of the paper.

As most policies are made within time constraints and partial information, a pragmatic approach was suggested by analysts such as Etzioni (mixed scanning model) as a synthesis of rational and incremental models[36]. This mixed scanning or humble decision-making is based on two set of judgments: broad, basic choices about an organization's goals and polices and; small, experimental decisions based on in-depth examination of a focused subset of facts and choices[37] . For example, a policy analyst responsible for reviewing policies will have to superficially scan all recent options for the development of the policy, but focus only on those that have clear evidence/fact and choices. This helps the analyst to save time by dealing on details only and on situations that demands attention. In reality, most politicians have a political arena influenced mainly by perceptions of a situation than any rational concept of objective reality[38]. This is evident in the analysis of the paper.

Having viewed relevant theories in respect to the study, the next section will give a brief overview of the case study.

The Conflict and the Resettlement Process for the Displaced in Sri Lanka

This section of the paper will discuss the resettlement process for the IDPs in Sri Lanka and also the discussions surrounding the resettlement process in Sri Lanka which will provide an overview for the analysis of the paper.

Sri Lanka lies in the Southern coast of the Indian subcontinent in South Asia. The conflict in Sri Lanka has been for more than 25 years between the Government and the Liberation Tigers of Tamil Elam[39]. The core of the Sri Lankan conflict was found in the combination of communal politics that was practiced by the Sinhalese and Tamil political leaders and the deteriorating economic conditions that prevailed after the 1950s after Sri Lanka gained independence[40]. Yet the roots to the conflict can be traced even before independence[41].

The war resulted in many people being displaced, and affected the entire fabric of the country. The war did result in several waves of displacement that took place in North and East and other parts of the country. In May 2009, the Sri Lankan conflict was officially declared as over [42]. According to the International Crisis Group's report of 2010, at the end of the war, there were about 300,000 people living in camps or with friends and relatives waiting to be settled. The money spent by the Government on the

welfare of the displaced have been in millions as the internally displaced remain in the welfare camps or are in the process of being resettled in their native villages or relocated elsewhere[43].

According to Ground views[44], the Government was progressing with settling the IDPs and bringing them back to normalcy. Having provided them a life with dignity through resettlement, rehabilitation or reconstruction the Government believed that they are well settled and these IDPs are no more IDPs. Yet, according to reported incidents and reports from monitoring teams it was proven that even after been settled in permanent residencies and fulfilling their basic rights, the grievances of these displaced community still remained[45] .

The recurring displacements have resulted in numerous land related issues and tensions at the local level. As highlighted by the International Crisis Group[46], displacement has resulted in many cases pertaining to land ownership, as different ethnic groups claim for the same land. These situations were further exacerbated by governmental failure to develop and implement equitable, timely, independent, transparent and non-discriminatory procedures, institutions and mechanisms on housing, land and property restitution claims[47]. Aspects such as High Security Zones (HSZ) and Special Economic Zones further complicated the context of resettlement[48].

In 2007, the Resettlement Authority Act was passed by the Government of Sri Lanka, where the Act was vested with the power to formulate a national policy and plan, implement, monitor and coordinate the resettlement of the internally displaced persons and refugees[49]. Nevertheless, the National Commission for the IDPs (a mandated institution formed under the Human Rights Commission of Sri Lanka), still felt that the displaced were falling through the cracks of the Act and in 2008 put forth the "Draft Bill of Protection of Internally Displaced Persons" which proposed an IDP Authority. This authority would specifically coordinate key actors, including the resettlement authority, involved in displacement issues[50]. Even though these steps were in the right direction, at present there is no national IDP policy, legal framework or resettlement strategy in place even when the IDPs require resettlement and those who have been resettled still face complex land and restorative justice problems[51]. The resettlement process has been criticized by the IDPs on the basis of being haphazard, where the rush to return IDPs and reduce IDP figures is a political one[52] and a political strategy to paint a positive picture at the national and international forums[53]. According to Klopp, the reducing number of IDPs means that the Government is able to demonstrate that there is a transition from humanitarian assistance to early recovery and development. The fewer IDPs in camps and the ability to state that significant numbers have returned is used as a tool by the Government to demonstrate success since the war ended.

This section shows that the resettlement process for the displaced in Sri Lanka is not evidence based as it lacks the participation of the IDPs in the decision-making process, who are the main stakeholders of the resettlement process.

Analysis

The underlying question the paper attempts to answer is how evidence based is the existing resettlement process in post conflict Sri Lanka. Further, it emphasises on stakeholder participation on the existing resettlement process.

In reviewing the Sri Lankan resettlement process of the IDPs, it can be seen that, a rationalistic approach rose initially, as means to find solutions to the IDP problem. This is evident during the last phases of the war, as the resettlement process went along with the North East Development Plan of the government. This was seen in official plans and in plan making processes, which involved analysis of issues and concerns of the IDPs and the anticipated social and environmental impacts (mainly on stipulating budget allocations for the resettlement process[54]. Here it can be seen that, a cost-benefit analysis of the problem was employed into the decision-making process. This included aspects such as, the cost-benefit analysis of a new location for resettlement for the IDPs living in welfare camps[55]. Self criticizes this approach and phrases it as, mere financial transactions that places 'cost in one side' and 'benefit' as the other[56]. He argued that when dealing with broad government decisions that affect the lives of the people concerned, crucial decisions cannot be simply reduced to numbers alone, as there are other factors that are less quantifiable at play.

Hence it can be seen that the resettlement process employed a problem-solving approach (the need for timely and quick solutions for the problem) and a political-tactical approach on policy formulation due to, mainly the gravity of the problem (massive displacement of 300,000 IDPs at the end of the war[57]and internal pressure due to elections[58] and external pressure on the government[59]. Further, the government pledged to resettle 70% to 80% by the end of 2009 to donors such as the International Monetary Fund (IMF)[60] amongst which a loan of US$2.6 billion was approved. Further, it was evident that the development discourse of GOSL during this period favoured state-led development projects that were top-down[61]. Hence the process illustrates the top-down hierarchical structure of the government of the state that had prevented effective participation, shared decision-making and bottom-up pressures in the resettlement process of the IDPs[62]. As highlighted by Fonseka and Raheem, most of the knowledge in generating evidence was based on research studies and commissions that were of political concern, where few IDPs expressed their opinions. This was clearly evident in the context of housing and land rights where the policy makers did had little knowledge of the context of the IDPs[63].

Amidst this background of development discourse and the approach used, which relied heavily on clear cut solutions[64], it was also evident that all variables, lack of resources and time constraints on collecting information did limit the practicality of the rationalistic approach[65]. The process was also dominated by petty political concerns than a rational activity using scientific knowledge[66]. In the real context of policy making, interests are plural, which

needs to incorporate all stakeholders (politicians, administrators, NGOs, IDPs) with differing and conflicting values and objectives[67].

These concerns lead to the use of incrementalism (a participative decision-making model) that explores the pluralist view of society composed of competing interest groups, who lobby for certain policies. Here the process is constructed through a series of consultations based on people's actual experiences[68]. This was evidenced in specific resettlement projects such as the World Bank Housing Project for IDPs in Puttalam. The project involved all stakeholders such as the Government, NGOs and the IDPs at every stage of the project[69]. This helped the resettlement process to be participatory, transparent and accountable. This brought in a bottom-up approach, which was crucial to help the main stakeholders – the IDPs, in prioritizing their needs, involved in the designing, assessment and planning phases, the outcome resulted in empowering communities utilizing their knowledge of the local situation (in the form of practical and tacit knowledge), with the ultimate aim being sustainability and locally run development projects[70] Further, the incremental approach can help in addressing even the differences that are evident among the IDPs such as being widowed, differently-abled, women-headed households and children[71].

It can be seen that even among models (incrementalist models) that have opportunities for participation, there can be groups with power that can dominate the system[72]). In the process of resettlement in Sri Lanka, there were many instances where, political motives were the key designing factors behind the process. For example, in Puttalam district, some of the IDPs were not allowed to go to their places of origin (which is Mannar district in Sri Lanka). This was mainly because some of the politicians wanted to prevent the change in their electorates, which would occur with the return of these IDPs. There were also instances, where the IDP community members were favoured than the host community members, as the politician during the time were representing the IDPs[73] (Hence, the concept of 'mobilization of bias' which related to the representation of groups preferences in the policy making process[74] was evident, where people of power were able to dominate the system. Hence pluralism does not entail that the people with the greatest need participate in decision-making actively. Groups that decide the issue may also decide who gets into the process. This was clearly evident in the context of resettlement of IDP, where the government decided on the resettlement of IDPs without proper consultation with the IDPs. For example, IDPs were given land in different areas, as their original land came under the High Security Zone in Trincomalee. These lands were dry and many farmers found it difficult to cultivate thereby losing their livelihoods[75].The lack of transparency and accountability in such processes due to the lack of equal participation from all segments of the community can result in heightened tensions among people. The mere participation alone is futile; it needs to be accompanied by proper institutions such as an IDP Policy, that can help the process to be sustainable[76].

The resettlement process in Sri Lanka has attempted to take both rational and incremental approaches. Emergency contexts of displacement

may require rationalistic approaches where systems need to be placed that will look in to the immediate security and basic needs with focussed narrowed down research for decision-making. But gradually, with time, incremental approaches can prove beneficial for policies aimed at resettlement of the IDPs. As the incremental approach is a participative decision-making model, it has the ability to maximise the opportunity for interest groups to be involved in decision-making (though consultation, representation and decentralising of political institutions) by the government[77].

It is unclear, that if it takes a mixed scanning approach which includes elements of both approaches[78]. Reality cannot be assumed to be in structured straight lines where each step leads to the goal directly (rational) or the accumulation of small steps that solve the problem (incremental)[79]. Usually, mixed scanning approaches in decision-making can be favourable in such contexts wherein the interactions among the actors within structures can be significant.

In reality, decisions in a political context are influenced far more by the perceptions of the situation than by any rational concept of objective reality. The decisions which are followed are determined neither by values nor by information, but by the position of power relations of the decision-makers[80] which is mainly shaped by the political hegemony in Sri Lanka. Hence the mixed scanning approach that is flexible and invests in scanning among various levels can be used to adapt to specific situations as in the resettlement process of Sri Lanka that can have IDP participation by focussing on the most important areas that needs to be considered[81].

Conclusion

It is true to say that the approaches used by the government towards resettlement are based on the prevailing political ideologies, power dynamics and competing interests among the stakeholders. These impeded the true meaning of participation, thus hindering the process towards a sustainable resettlement process for the internally displaced. This includes communicative people-centred practices and community based grass-root mobilization as key factors in the process. These aspects were lacking in the resettlement process of Sri Lanka, where the bottom-up approaches were ineffective.

In understanding how evidence based is the resettlement process, it can be said that the lack of participation of the main stakeholder did impeded the process. Initially, the issue was being under a political/tactical and problem solving model, which placed less emphasis on the main stakeholders and there was a dire need for an interactive model. The analysis also shows that incremental models employed by some resettlement projects in Sri Lanka have contributed immensely due to participation by the IDPs. Further, it has also shown that different interest groups with power within this model did impede real participation that resulted in the lack of evidence based policies as in the IDP resettlement context in Puttalam as highlighted in the paper. A mixed scanning approach on decision-making would help synthesize both approaches, and address situations that demand the most attention. The main

aim should be to build up people's confidence in their own capabilities and encourage people to understand how difficult decisions are made and priorities chosen that allow the IDPs to have ownership over their own development, making the process evidence based and meaningful[82].

Notes

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The East Bengali Muslims in Assam and Rohingyas of Myanmar:
Comparative Perspectives of Migration, Exclusion, Statelessness

By

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When some Indian Muslims gathered at a Mumbai park on 10th August 2012 to protest against the persecution of their co-religionists in Assam and Myanmar's Arakan province (now Rakhine state), little did they know about who these Muslims were and whether there was any common thread of history binding them together that could explain their current plight. The protest turned violent and led to a few deaths in police firing but the issue got buried in the Pan-Islamic narrative that the protest organizers were trying to whip up passions across South Asia. The Mumbai firings were followed by circulation of threat SMS and mails to residents from India's northeastern states who were now working or settled in mainland Indian states. That led to a massive exodus of these Northeasterners from southern and western Indian states and it took a few weeks to get the situation back to normal before they could return back to cities like Bangalore, Pune or Hyderabad. Indian Home Ministry blamed Pakistani websites – with possible links to its intelligence – for whipping up Muslim passions in India, using the news of violence against the Muslims in Assam and Myanmar.[1]

But this was surely the first time that the plight of the Muslim minorities in Assam and the Arakans had been raised together as "Muslim concerns" in the region. The Taliban in Pakistan even threatened attacks on Myanmar's diplomatic missions to avenge the killings in the Arakans. India's Muslim radicals threatened to target indigenous populations from the country's Northeast in mainland Indian states unless the violence against the Bengali Muslims stopped in Assam. Some organizations representing these under-attack Muslim communities may have projected their travails in the

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broader pattern of Muslim persecution in predominantly non-Muslim countries of the region to seek support and attention beyond their borders. But the conflicts in Assam and the Arakans, in which these Muslim communities are now being targeted, stem from complex issues of migration, changing demography, land and political power. Religion is not the driving force behind these conflicts, though it is starting to influencing the manifestations of these conflicts on a broader regional stage.

There is a missing thread of history that binds the Muslims of East Bengali origin in India's Assam state and the Rohingya Muslims of Myanmar's Arakan province. Both communities have their roots in the eastern borderlands of undivided Bengal , that shared a frontier with the neighbouring kingdoms of Assam and Arakans, that were incorporated into the Burmese and British empires within a century (between 1784 and 1885). These frontiers were always contiguous, open and porous. Both Assam and the Arakans first suffered huge depopulations after their conquest by the Burmese rulers, whose armies ruthlessly executed tens of thousands of Assamese and Arakanese after the conquest of those kingdoms. When the British defeated the Burmese army and took control of both Assam and the Arakans, they started to officially encourage migrants from Eastern Bengal to bring more areas under cultivation. That sharply and suddenly changed the demography of both Assam and the Arakans, with both provinces reporting a sharp rise in the numbers of Bengali-origin migrants. Today's conflict in both provinces – one now a state of India, the other a province of Myanmar (Burma) – can be traced back to the demographic changes of British times.

Rohingyas: No Yesterday People

The Rohingyas however claim their presence in the Arakans as far back as the 10th century , asserting that the former Arakan empire was never an "exclusively Rakhine province".[2] The first Muslims in the Arakans trace back their descent to the Arab traders who came to trade in the region as far back as the 8th century.. Definitive early evidence of Bengali Muslim settlerments in the Arakan dates back to the time of King Naraimeikhla (1430-1434) of the mediavel kingdom of Mrauk U. After 24 years in exile in Bengal, Naraimeikhla regained control of the Arakanese throne in 1430 with military assistance from the Bengal Sultanate. The Bengali soldiers and non-combatants who came with him formed their own settlements, even as Naraimeikhla ceded some territory to the Bengal sultan and recognized his sovereignity over those areas. After Bengal Sultan Jalaluddin Muhammed Shah died in 1433, Narameikhla's successors repaid Bengal by occupying Ramu in 1437 and Chittagong in 1459. The Arakanese were to hold Chittagong until 1666.

Though Burmese historians like Khin Maung Saw, Aye Chan and Maung Maung have argued that the term "Rohingya" is a post-colonial import and was never used in British times, let alone earlier, European scholars contest it. Dr. Jacques P. Leider, who specializes in Arakan history, claims that the term *Rooinga* was in fact used in a late 18th century report written by

British author Francis Buchanan-Hamilton . Hamilton says in his article: "I shall now add three dialects, spoken in the *Burma* Empire, but evidently derived from the language of the *Hindu* nation. The first is that spoken by the Mohammedans, who have long settled in *Arakan*, and who call themselves *Rooinga*, or natives of *Arakan*. "[3]Even if one were to accept, for the sake of argument, that the ancestors of the Rohingyas were Bengali Muslims from the Chittagong region, it can surely be established that they were present in the Arakans in some numbers when the British came. Following the Burmese conquest of Arakan in 1784-5, between 35,000 to 40000 Arakanese fled to the neighbouring Chittagong region to avoid Burmese persecution and seek protection in British-controlled Bengal. The Burmese rulers executed thousands of Arakanese and deported a considerable number of them to central Burma, leaving the once-vibrant province sparsely populated when the British occupied it.

Then came a reverse flow of migrants – from the Eastern Bengal districts like Chittagong to the Arakans with tacit British encouragement. The East India Company extended the Bengal administration to the Arakans and since there was no restrictions on movement between the two regions, which were now both parts of the British dominions, the migration picked up. So in the early 19th century, thousands of Bengali migrants came to settle in the Arakans, much as thousands of Arakanese had settled in eastern Bengal after the Burmese occupation of the Arakans. Most of these Bengali migrants were land-hungry Muslim farmers or fishermen.

The British census of 1891 reported 58,255 Muslims in Arakan. By 1911, the Muslim population had risen to 178,647 – nearly three times in just two decades. The migrants, mostly from the Chittagong region, primarily filled in the requirement of cheap labor to work in the paddy fields. Indian immigration into colonial Burma was a nationwide phenomenon, not just restricted to Arakan. But it was in the Arakans, specially in its northern areas, that the impact of the immigration was particularly acute because it was one of Burma's less populated regions.

The increasing takeover of fertile lands by the Muslim cultivators from Eastern Bengal (by now clubbed with the earlier Muslims and called Rooingya) caused much resentment amongst the Buddhist Rakhines, the "sons of the soil" in the Arakans. The Muslims would call the Rakhines "Maghs" (pirates) while the Rakhines would call the Rohingyas "Kala" (blacks or foreigners). In 1939, the British authorities, wary of the growing animosity between the Rakhines and the Rohingyas, formed a Special Investigation Commission headed by James Ester and Tin Tut to study the issue. The commission recommended securing the border and curbing the migrantion . However, as Japanese army swept into Burma in 1942, the British were compelled to retreat into India, leaving behind a "dangerous vacuum" in the Arakans .

On 28 March 1942, nearly 5000 Rohingya Muslims were slaughtered by Rakhine nationalists in the first such riots in Minbya and Mrohaung townships. There was instant retaliation in the Northern Arakans and thousands of Rakhines and also some Burmese, were massacred. Those killed

included a Deputy Commissioner, U Oo Kyaw Khaing, who had tried to settle the dispute between the two communities. During the days of Japanese occupation, considerable violence occurred between the Rakhines and the Rohingyas, who were armed by the British in the northern Arakan to create a buffer zone between their defences and the Japanese lines. That helped the British later launch a counter-offensive against the Japanese in the Arakans by land and sea – an operation that tied down a good number of Japanese troops in the Arakans, denying enough reserves for the Kohima-Imphal campaign.[4]

The Japanese and their Burmese and Rakhine allies massacred scores of Rohingyas in retaliation, forcing more than 40000 of them to migrate into British-held Bengal between1942-45. By the time the British returned to Burma, the Rohingyas had been sufficiently alienated. In 1947, some Rohingyas formed the Mujahid party to "start a jihad" to create a separate state for the Muslims in northern Arakans. Though some Rohingya leaders responded positively to Bogyoke Aung Sang's effort to bring together the different nationalities of Burma into a Union, the seeds of Rohingya separatism had been sown.

Assam: Floodgates Open

After they conquered Assam, the British first brought white-collar people from Bengal, mostly Hindus to run the administration. The imposition of Bengali as the medium of instruction in schools in Assam adversely affected relations between the Assamese and the Bengalis. The Assamese began to look at Bengali Hindus as cultural imperialists, who given the opportunity, would assimilate the Assamese.[5] The Administrative Reforms of 1874, which transferred Bengali-dominated districts of Goalpara (four districts now), Cachar and Sylhet, to Assam increased the state's Bengali population. By the end of the 19th century, the British also started encouraging large scale migration of landless Bengali-Muslim peasants to Assam, for similar reasons as in the Arakans.

"From 1901 onwards the men of Mymensingh began to advance into Assam, apparently by pressure on the soil at home. They were joined by the people of other East Bengal districts in lesser numbers." These immigrants settled in clear lands of Goalpara from the Bengal districts of Mymensingh, Pabna, Bogura and Rangpur."[6] The population of Goalpara which had increased only by 1.4 per cent in 1881-91 and by 2 per cent in 1891-1901 suddenly shot up by 30 per cent between1901-11. The areas most affected were in the west of the district. The percentage rate of increase stood at 70.1 in South Salmara, 61.8 in Lakhimpur and 88.6 in Bilasipara. The extent of immigration can be understood by comparing the population growth of these areas with the national average that stood at 15.6 per cent.

The settlement of these landless peasants from East Bengal districts was not, however, restricted to Goalpara. Migration to other parts of Assam like Nagaon, Darrang, and Kamrup also received momentum, bringing these migrants into direct confrontation with the indigenous population. During 1911 and 1921, Assam recorded a decadal population growth rate of 20.47 per

cent. Apprehending reactions from the indigenous people, the British administration in 1920 introduced the Line System in certain parts of Assam, demarcating areas for settlement of migrants. This was the first administrative measure taken to check infiltration.

The system, however, proved to be ineffective (like various other measures adopted since then to check migration), and only caused more tensions between the immigrants and the indigenous people. In order to find a solution to the issue, the Assam Assembly set up a committee headed by F W Hockenhull in 1937 to devise a land settlement formula that would be acceptable to the two contending parties – Bengali migrants and indigenous tribals. A year later, Hockenhull in his report advocated the continuation of the Line System and the need for stringent measures to prevent alienation of tribal land.

The Congress' war directive that forced the Bordoloi-government to step down in November 1939 boosted the migration of Bengali Muslim peasants into Assam. The new Muslim League-backed government led by Syed Mohammad Saadulla scrapped the Line system and encouraged migration, apparently to boost the "Grow More Food" campaign, but perhaps with an eye on the future to make Assam a part of a separate Muslim state .In fact, after 1942, the Muslim League-supported government in Assam opened up the state's reserve land for settlement of migrants from Bengal. Soon a large number of migrants came to settle in the grazing reserve areas and wastelands of Nowgong, Darang, and Kamrup districts in order to grow more food and generate more revenue to help the British war economy.

Cooption and Confrontation

But unlike the Rakhine-Rohingya hostility which was to exacerbate the demand for a separate Muslim autonomous state in Northern Arakans, the situation in Assam developed on a different trajectory. In the early part of the 20th century, the Assamese elite started to co-opt the Bengali Muslims as "Na-Asamiyas" (neo-Assamese), encouraging them to give up their Bengali identity and adopt Assamese language and culture. In 1931 annual session of the Asom Sahitya Sabha, Nagendra Nath Choudhury, said while delivering his presidential address:

To the immigrants from Mymensingh, I want to say they are not Bengalees anymore but Assamese. They are equal partners in the happiness, pains and the prosperity and the deterioration of the province …. They should learn the local language and they are learning. At present the similarities they have with the Bengali language is almost nil… We hereby welcome them today. Let them join and contribute to the development of Assamese culture and nationality.[7]

The Muslim migrants, being mostly poor peasants, largely responded, once they were assured of their land and livelihood. In the Brahmaputra Valley, they started to give up their Bengali identity and become "Na-Asamiyas", adopting Assamese language and culture and during the Indian Census exercises after Independence, they started to register themselves as

"Assamese speakers". This process of co-option has helped maintain the "Assamese character" of the province, as the number of Assamese speakers in Assam rose from 31.4 % in 1931 to 56.7 % in 1951, while the percentage of Bengali speakers declined from 26.8 % in 1931 to 16.5 % in 1951. That was also because Sylhet with its huge Bengali population had gone to East Pakistan. .

A study on Assam's ethnic conflict thus described the equation:

"After 1947 the Bengali Muslims became de facto allies of the Assamese in their conflict with the Bengali Hindus. Bengali Muslims have been willing to accept Assamese as the medium of instruction in their schools, and have thrown their votes behind Assamese candidates for the state Assembly and the national Parliament. They have declared Assamese as their mother tongue. In return, the state government has not attempted to eject Bengali Muslims from lands on which they have settled in the Brahmaputra valley, although earlier leaders had claimed that much of the settlement had taken place illegally…. There is thus an unspoken coalition between the Assamese and Bengali Muslim against the Bengali Hindu."[8]The signing of Liaquat-Nehru Pact on April 8, 1950 also facilitated the return of many Muslim families who had left Assam in the wake of communal riots after Partition. According to one estimate 40,000 families had returned to Assam by March 31, 1958. According to the Assam chapter of the National Confederation of Human Rights Organisation, 212,000 Muslims came back to claim their properties and were given Indian citizenship in the 1950s. Assam recorded the highest ever population growth of 34.97 per cent during the ten years spanning 1951-61. This was because the state had to absorb a fresh post-Partition influx of Bengali Hindus as well brace for a return of the Muslims who had fled Assam during the Partition. Alarmed by the steep increase in population, the Bimala Prasad Chaliha-led Congress state government, defying the wishes of the Central government, launched an all-out drive in the early 1960s against immigrants who had settled in Assam since January 1951. "Prime Minister Jawaharlal Nehru wanted Assam Chief Minister Bimala Prasad Chaliha to go easy on deportations and even stop them. Chaliha refused, saying that the problem was so critical that Assam's demography and culture would be permanently changed."[9]

The Assam government detected and deported several thousand foreigners to East Pakistan during 1964-69 by setting up foreigners' tribunals under the Foreigners Tribunal Order, 1964. Hazarika quotes K.P.S Gill, then in Assam police but later Punjab's police chief, as claiming that nearly 100,000 migrants, mostly Muslims, were pushed back into East Pakistan from the Nagaon district alone in the 1960s. The Prevention of Infilfration from Pakistan (PIP) scheme also helped in sharpening the drive. In an official letter dated July 11, 1969, the then joint secretary of the political (B) of the state Home Department home Madan Prasad Bezbaruah informed the then Assam Jamiat president late Sheikh Ahmed Ali that there were no foreigners in Assam. Subsequently Chaliha declared on the floor of the Assam Assembly that there were no more foreigners left in Assam and as such the foreigners'

tribunals should be wound up.[10]But the rate of growth of the Muslim population, especially in the lower Assam districts of Dhubri, Goalpara, Barpeta, Nagaon and Darrang, were much higher than the state and national average. How much of this was due to illegal migration and how of it owed to the growing family size of earlier migrants is difficult to ascertain. Bengali Hindu migration into Assam during this period, particularly after the communal disturbances in East Pakistan in 1964-65, also contributed to the high growth of Assam's population in the 1960s. As a result, Assam's decadal population growth of 34.95 percent between1961-71 remained much higher than the national average.

It becomes evident that the Assamese power-holder elite, while ensuring that the earlier batches of Muslim migrants from East Bengal, who had come into Assam during the colonial period , were co-opted as "Na-Asamiyas" (Neo Assamese) to boost the number of Assamese speakers in the province, were alert about the threat of continued migration from what had become East Pakistan. With the Bengalis in Barak Valley launching their agitation at regular intervals to secure their linguistic rights in the 1960s, it was important for the Assamese elite that the Muslim migrants in Brahmaputra valley remained "Na-Asamiyas", wedded to Assamese language, culture and identity. It was important to keep the Bengalis Hindus and Muslims divided on the language issue, but it was also important for the Assamese to ensure that there was no fresh Bengali migration from East Pakistan – Hindus or Muslims – because with Tripura becoming a Bengali-majority state by 1971, reducing the indigenous tribespeople to a minority, Assam could hardly risk going that way.

In the Arakans, though there was no effort to integrate the Rohingya Muslims.UnderSection11 of the Union Constitution of 1947. The "indigenous races "specified for citizenship included the "Arakanese", but it was largely meant to signify theBuddhist Rakhines. The Union Citizenship Act of 1948 specified that "any person descended from ancestors, who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of Union." But though the Rohingyas were not explicitly recognized as indigenous race, they at least managed citizenship under this Act. Many Rohingyas in post independence period won the court battles by quoting this law.

The Rohingyas also largely managed to secure the National Registration Certificate (NRC) under the Residents of Burma Registration Act, 1949. Under this Act, along with its Executing Rules enacted in 1951," all people residing in the Union of Burma were required to register either as residents or foreigners." Most Rohingyas residing in the Arakans managed to secure the NRC as "residents" and enjoyed these rights until 1982.

"The first town in the Union to issue this NRC in 1954 was Maungdaw. People in that area did not approach immigration and Registration offices, individually or in groups to obtain the documents in an illegal way. But the official under the special project got to the grass root villages and issued the Cards to the villagers. All NRC issued in earlier years bear no

additional remarks. A remark stating, "holding this certificate shall not be considered as a conclusive proof of as to citizenship" was sealed later on NRCs. Perhaps one of the objectives of "Operation Nagamin" (Dragon King) in 1978 was to stamp the above remark on all NRCs to question the citizenship of the Rohingyas."[11]

But as Burma descended into civil war, the Arakan province experienced considerable upheaval and the federal authority steadily lost control of its rural areas and the hill regions. The Communist Party of Burma (CPB) , that was trying to wrest power in a Maoist style armed revolutionary campaign , turned the Arakans into one of its strongest base areas under the legendary organizers Thet Tun and Kyaw Mya . The CPB's Peoples Army units held sway over large tracts of the Arakan Yoma and the coastal regions. But there were a plethora of other rebel groups active in the Arakans, like the Red Flag faction of the Burmese Communist Party led by Thakin Soe, the Communist Party of Arakans (CPA), the Arakan National Liberation Army (ANLA) and the Arakan National United Organisation (ANUO).

While the likes of CPA and the ANLA were fighting for Arakan's independence and mobilizing recruits with the pre-colonial nostalgia of Arakan's long existence as an independent kingdom, the CPB was trying to use the Arakans as an important base for the "Burmese revolution". Burma analysts say that the CPB's success in building up a strong base area in the Arakans during the 1960s owed to high level of politicization in the province since the British days and the party's success in seeking out local recruits. "The Arakan CPB was largely ethnic Rakhine (including most of its top leaders) with a number of tribals, mostly Chins. Kamui and Mros and it successfully campaigned against the Arakanese separatists that, though an independent Arakan nation was possible 200 years ago, it is no longer possible now."[12]

But neither the CPB nor the Arakanese separatist groups made much headway in the Rohingya-dominated areas. The Mujahid party set up in 1947 continued to draw some recruits from young Rohingyas , for whom a separate Muslim Autonomous Region in the northern part of the province was the only way the community could protect its rights and enjoy some share of political power. Then in March 1963, a year after the military takeover in Burma, a Rangoon university graduate Zafar Habib reorganized the Mujahid factions under a new name, the Rohingya Independence (later Patriotic) Front. At first, for tactical reasons, Habib maintained "working relations" with the CPA and the ANLA, but a joint front between the three groups did not work because neither the CPA nor the ANLA were willing to concede an autonomy deal to Rohingya populated portions of Arakans if it attained independence from Rangoon.

But some Rohingyas, uncomfortable with the agenda of Arakanese independence, decided to organize themselves into a Muslim group under the leadership of Zafar Sani in the late 1960s. By 1971, when the civil war broke out in East Pakistan, the Muslim National Liberation Party (MNLP) under Sani's leadership had actually emerged as the second most influential rebel group in the Arakans after the CPB.[13]

Much as some Rohingya elders did join national parliamentary parties and even represented their constituencies in the Burmese parliament after independence, the military takeover that undermined democracy and the weakening of federal control in the Arakans made it a fertile ground for armed insurrectionary groups. In such a situation, the RPF and the MNLP began to dominate the Rohingya-dominant areas. The pattern of future Rohingya underground politics had also been set. While some Rohingyas would project their distinct ethnic identity – distinct from not just the Burmans but also the Rakhines – to back their demand for autonomy, others would emphasize their religious identity and pitch themselves as Muslims distinct from Buddhist Burmans and Rakhines. There was no trend, unlike amongst the Muslims of East Bengali origin in Assam, to integrate with the Rakhines or into a larger Burmese identity or hedge their future loyalty to a national political party like the Muslims had done with the Indian National Congress in Assam. Perhaps because there was no Congress-like party in Burma which could emerge as a"saviour of all minorities acrossthelength and breadth of thecountry". Perhapsbecause federal control was weak in Burma's outlying regions like theArakans in the country's civil war,where dozens of armed ethnic groups were challenging federal authority across the country. Perhaps because there was no social process initiated by the majority communities in the Arakans – the Buddhist Rakhines or Burmans – to integrate the Rohingyas, as had happened in Assam.

Bangladesh Liberation War: The Game Changer

The emergence of Bangladesh as an independent country in 1971 had far-reaching consequences for both Assam and the Arakans. A largely Muslim population had successfully organized a national liberation movement, anchored in the distinctive identity of Bengali language and culture. Pakistan, one of the world's few religion-driven states like Israel, had been broken up. As Assam was sliced up and several tribal states like Meghalaya were carved out of it, almost immediately after the creation of Bangladesh, the dangers of a growing Muslim population of Bengali roots in the core homeland of Brahmaputra Valley began to dawn on the ethnic Assamese and the indigenous tribespeople.

The tensions snowballed into a major agitation in 1979 during a by-election in the Mangaldoi parliamentary constituency, following the demise of Janata Party MP Hiralal Patowary. The moment the Election Commission started updating the voters list, complaints started pouring in about inclusion of foreigners (read Bangladeshis) in the list. Of the 600,000-odd names on the voters list, objections were raised against 70,000 voters. The Election Commission reviewed the list and most allegations to be true. It directed the state government to verify the complaints and chief minister Golap Borbora set up a tribunal which declared 45,000 as foreigners. That served to encourage the feeling that Assam had been a victim of demographic change caused by illegal migration from Bangladesh and unless that was stopped, the indigenous people would soon become "foreigners in their own land".

The All Assam Students Union (AASU) in its annual conference in March, 1979 discussed the "alarming" situation and called for detection and deportation of all the foreigners. Soon other regional groups joined the AASU, demanding detection and expulsion of all foreigners. A mass agitation, without parallel in its reach and intensity, soon plunged Assam into paralysis. The movement continued for six long years, punctured by large scale riots during the state assembly elections in February-March 1983, in which more than 4000 people, mostly Muslims of East Bengali descent, were killed. The worst riots were reported from Nellie in central Assam, where atleast 2000 Muslims were killed in one day by Lalung tribespeople. Hundreds of Assamese and tribespeople also died in police firings.

The anti-foreigner movement ended with the Assam Accord signed on August 14, 1985 by the AASU, the Assam state government and the Centre. The accord said that those who had come to Assam on or before March 25, 1971, the day the Bangladesh liberation war started, would be treated as Indian citizens and the rest would be deported. Those who had come between 1966 and 1971 would be disenfranchised for ten years and then regularized as Indian citizens. The AASU dropped its demand to treat 1951 as the base year for determining citizens. Most of its top leaders went on to form a new regional party, Asom Gana Parishad, that ruled Assam for two terms (1985-90 and 1996-2001).

Determining pre- and post-March 25, 1971 migrants however remained a controversial issue, in view of the Illegal Migrants (Determination by Tribunals) Act (IMDT), 1983, whereby the onus of proof to back any allegation against a suspected foreign national would lie on the complainant. The AASU and other Assamese regional groups alleged that so long as the IMDT Act remained in force, it was very difficult to identify foreign nationals, let alone deport them. They saw it as another evidence of "Congress machinations to protect their minority vote banks"[14], on the strength of which the national party was coming to power in Assam. Minority groups saw the IMDT Act as a "crucial legal safeguard" against harassment of "bonafide Indian Muslims in Assam in the post-1985 Accord scenario."[15] The IMDT Act was finally struck down by the Supreme Court twenty years after it was promulgated in Assam and the state was brought under the purview of the Foreigners Act, 1946, that has been in force in the rest of the country.

The Congress , always on the defensive on the illegal migration issue, got itself into ever greater trouble, when Assam Chief Minister late Hiteswar Saikia, in response to a query from AGP leader Prafulla Kumar Mahanta, told the state Assembly on April 10, 1992 that there were three million Bangladeshis illegally residing in the state. Although he retracted his statement two days later at a public meeting, his statement reinforced the fear of Assam being swamped by migrants. It was further reinforced when the then Governor S K Sinha in a 42-page report to President K R Narayanan on November 8, 1998 underlined the threat of unabated influx of illegal migrants from Bangladesh . Sinha's report said: "The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the state has been a matter of grave concern. It

threatens to reduce the Assamese people to a minority in their own state, as has happened in Tripura and Sikkim[16]What would upset someone like Sinha , with his strong connections to India's Hindutva politics, all the more is that unlike in Tripura or Sikkim, where Bengali and Nepali Hindus had become majorities , overtaking locals, in Assam, it was the Muslims from what is now Bangladesh, were threatening to do that. Assam's Muslim population has steadily risen from 15% of the total population in 1901 to 25 percent in 1951 to more than 35 percent of the total population in 2011.   Only a small percentage of these Muslims are indigenous or khilongjia – most of them are of East Bengali descent.

Some of the districts of Lower Assam have recorded far higher growth rates of Muslim populations than of Hindus or other religious categories in recent years. A comparative figure of some select Lower Assam districts may be useful to understand the relative demography. The growth rates listed are between the Census conducted in Assam in 1991 and 2001.

District	Total Decadal Growth (%)	Hindus (%)	Muslims (%)
Bongaigaon	12.05	2.35	31.84
Dhubri	22.92	5.90	29.58
Kokrajhar	13.22	5.28	19.15
Barpeta	18.85	9.67	25.85
Nalbari	13.33	9.19	25.23
Darrang	15.81	8.81	28.74
Goalpara	23.04	12.78	31.68
Kamrup	26.12	23.48	33.69
Sonitpur	18.08	12.98	41.17
Nagaon	22.27	13.10	32.12
Morigaon	21.35	16.11	27.47

(Source: J.K Bajaj, Centre for Policy Studies, as quoted in *Asomiya Pratidin*, 12.09.2012)

It is the substantially higher rates of growth of Muslim population in Lower Assam districts, specially those bordering Bangladesh or close to the border with that country, that goes to explain the fear amongst the ethnic Assamese that illegal migration from Bangladesh is continuing unabated and neither the Assam nor the Indian government is doing anything to check it. The Congress which has ruled Assam since 2001 however insists that "the natural rate of growth amongst the Muslims, specially of Bengali descent, is very high". In an interview with TV host Karan Thapar on the CNN-IBN channel, Assam's chief minister Tarun Gogoi blamed the rise of Muslim population in Assam on the "low level of education leading to large families" but he stressed that there was no fresh wave of illegal migration.

The angst of indigenous tribespeople and the ethnic Assamese against the growing numbers of the Muslims in the state has led to frequent outbursts of violence since the riots in Feb-March 1983. In the 1990s, the Bodo

militants unleashed violence against most non-Bodo minorities to back their demand for a separate Bodo state. Muslims of Bengali origin were one of the worst affected. But in July-August 2012, during the riots in the districts falling under the Bodoland Territorial Council, the violence involved only the Bodos and the Muslims,as had happened during the Darrang-Udalguri riots in 2008. The fallout of such distortions was the indiscriminate profiling of Bengalis, specially Bengali Muslims, as foreigners and "doubtful" voters (in short "D" voters). The latter tag is again an Assam-specific innovation engineered by the Election Commission of India to weed out non-citizens from the voters list. The commission vide its letter No. 23/AS/96 Vol-III on November 12, 1997 directed that names of all such persons whose cases are referred to the appropriate tribunal may be provisionally included in the voter list, but before final publication the letter "D" may be indicated against such name in the voter list to denote that their citizenship status is doubtful or disputed.

The fate of the "D" voters was sealed by a subsequent Election Commission directive issued on January 5, 1998 which stated that all persons against whom "D" had been marked shall not be allowed to cast their votes as long their citizenship status is not determined by the appropriate tribunal in his/her favour. The same directive also debarred such persons from contesting elections.

According to Assam government statistics, between 1997 and January 31, 2011, a total number of 221,936 "D" voters' cases were referred to the tribunals and out of these only 83,471 cases were disposed of by the tribunals. And out of 83,471 only 5577, that is about 6.5 per cent, "D" voters were found to be foreigners, liable to be deported. A recent RTI report revealed that out of 1004 cases of "D" voters judged by the foreigners tribunals in Goalpara, 948 persons were found to be genuine Indian citizens.

At present three categories of cases are pending in the state's 36 foreigners' tribunals.
(i) Cases transferred from IMDT to Foreigners Tribunals after striking down of the controversial IM (DT) Act by the Supreme Court on July 12, 2005.
(ii) Cases referred to foreigners tribunals directly by the police
(iii) D voters referred to the tribunals from 1997 onwards.

As per a statement submitted by the government to the Gauhati High Court on March 8, 2011 (WP(C) No 1334/09) a total of 4,06,451 cases under the three categories were registered with the tribunals between 1996 and December 31, 2010.

According to State Home Secretary G D Tripathy, since 1996 the government could deport only 2400 persons identifying them as foreigners. After the AGP came to power following the signing of the Assam Accord in 1985, the police lodged a complaint against 2, 87,625persons. But after proper scrutiny and verification, the tribunals declared only 8694 persons as foreigners.[17]

The fallout of the violence and attempted disenfranchisement has hardened Muslim reactions. After the 1985 Accord, the United Minorities Front emerged with a lot of support from both Bengali Hindus and Muslims who blamed Rajiv Gandhi for signing the Accord that made them vulnerable.

But in the complex realignment of Assam's politics, the Bengali Hindus in large numbers veered towards the Hindu nationalist Bharatiya Janata Party (BJP), which advocated the line that Bengali Hindus should be treated as refugees because they had fled East Pakistan or Bangladesh under threat of persecution while the Bengali Muslim should be treated as an illegal migrant because he enters Assam – and India – for economic reasons. The politics of minority consolidation suffered a body blow and the UMF sank without a trace within a decade of its formation in 1985.

When the IMDT ACT was scrapped by the Supreme Court during the BJP's tenure at the Centre, the Muslims in Assam felt betrayed by the Congress that was running the state government. Maulana Badruddin Ajmal, a cleric turned perfume baron, set up the Assam United Democratic Front (AUDF) and contested the 2006 assembly elections. His party won eight seats in 2006 and double that number five years later to emerge as the state's leading Opposition party in 2011 Assam Assembly elections. Within six years, the AUDF has done much better than both the BJP and the once ruling Asom Gana Parishad and emerged as the strongest challenger to the ruling Congress. The AUDF pitches itself strongly on the issue of minority rights and it threatens the hold the Congress once had on the Muslim votebank.

The Muslims of East Bengali descent in Assam have been victim of frequent ethnic violence since the 1980s. That has led them to suffer considerable internal displacement – estimated at a quarter of a million alone during the July-August 2012 violence. While many have been forced to relocate in other parts of Assam, where they risk being branded "foreigners" because they have not lived there long enough to pass off as Indian nationals, a sizeable number of them have moved to other Northeastern states like Nagaland and Manipur, Meghalaya and Mizoram, where they are now being challenged as illegal migrants (derisively called Miyas). It is difficult to ascertain how many of them are pre-1971 and how many are post-1971 migrants. But as indigenous groups and organizations and the local administration face resistance while trying to detect illegal migrants, there is an growing tendency to brand even pre-1971 migrants as foreigners. Since these Muslims are already a majority in many of the western Assam districts and their numbers give them considerable political clout in India's ballot box democracy, they are beginning to assert their distinct identity through stand-alone political party like Ajmal's AUDF. There is also a tendency among them to organize armed groups – some essentially defensive in nature but others possibly seeking links to stronger Islamic radical organizations active in Bangladesh. If the state government fails to control the ethno-religious tensions specially in the Lower Assam districts and a 1980 style anti-foreigner agitation again gains strength in the state, radicalization would increase amongst these Muslims and armed groups, once shunned by them, would proliferate. Specially if they receive support from across the border.

Four Cuts, Nagamin, Exodus

The tri-junction of Arakans, Bangladesh's Chittagong Hill Tracts and India's Mizoram states had become flush with weapons in the aftermath of the 1971 Liberation War. The Pakistani military had been fairly comfortable in the Hill tracts, where the tribespeople stayed away from joining the civil war. Towards the end of the 1971 war, a number of Pakistani military personnel traded their weapons with the Rohingya Mujahid factions in return for their protection and safe passage to Burmese towns, where they could contact their embassies and consulates. The easy availability of weapons in the Hill Tracts and the Chittagong area helped the Mujahid factions to equip their new recruits and reorganize themselves. The Rohingya Patriotic Front (RPF) in fact struck a tactical deal with the CPB Arakan unit in 1973 to fight the Burmese army together.[18]

In the mid-1970s, the Burmese army launched a fierce counter-insurgency campaign, based on their favourite Four Cuts strategy, in the Arakans, primarily aimed at breaking the stranglehold of the CPB's 1000-strong Peoples Army (PA) in the province. Burma's military ruler General Ne Win was desperate to whittle down the CPB after his army had demolished the CPB's base area in Pegu Yoma , killing Chairman Thakin Zin and general secretary Thakin Chit. The Arakans was called Burma's Yenan, after Mao's favourite base area in the Chinese Revolution. But apart from the RPF's links with the CPB, the military junta was also upset with reports that Bangladesh intelligence was arming some Rohingya groups to push for a separate Muslim state in northern Arakans after General Zia-ur-Rehman had taken over as Chief Martial Law Administrator in Bangladesh. Operation Nagamin, or King Dragon, was unleashed; as part of the Four Cuts,   to crush the Mujahid groups in the Rohingya-dominated areas so that they could hardly help the CPB wriggle out of a tight corner.

Operation Nagamin was unleashed with great severity, focusing on a fresh Census mainly aimed at nullifying Burmese citizenship of as many Rohingyas as possible and was marked by extensive torture, rape, forced labour and extra-judicial executions.[19] On the other hand, the Burmese media, fed by military propaganda, continued to blame the trouble in the Arakans to "rampaging Bengali mobs" and "wild Muslim extremists".[20] Nearly 200,000 Rohingyas fled into Bangladesh. Officially Operation Nagamin aimed at "scrutinising each individual living in the state, designating citizens and foreigners in accordance with the law and taking actions against foreigners who have filtered into the country illegally." But the military campaign directly targeted civilians, and resulted in widespread killings, rape and destruction of mosques and further religious persecution.

Since then, the Rohingyas have remained "among the world's least wanted" and "most persecuted minorities." Rarely has the world witnessed almost a whole community being turned stateless overnight by denial of citizenship through a new law in 1982. They are not allowed to travel without official permission, are banned from owning land and are required to sign a commitment to have not more than two children. The Rohingyas' freedom of

movement is severely restricted and the vast majority of them have effectively been denied Burma citizenship ever since the 1982 law. They are also subjected to various forms of extortion and arbitrary taxation; land confiscation; forced eviction and house destruction; and financial restrictions on marriage. Rohingyas continue to be used as forced labourers on roads and at military camps.

During 1991-92 a new wave of over a quarter of a million Rohingyas fled to Bangladesh. They reported widespread forced labour, as well as summary executions, torture, and rape. Rohingyas were forced to work without pay by the Burmese army on infrastructure and economic projects, often under harsh conditions. The UNHCR has been trying to encourage the Rohingya refugees to return to the Arakans, but without much success. A vast majority of the Rohingya refugees have tried to illegally migrated to all over Asia – from the Middle East to Southeast Asia – with varying degrees of success. Many have been caught and forced back on the high seas without food and water. Hundreds have died, a few have been rescued and a very lucky few have been accepted back by Bangladesh, from where they undertook the perilous voyages , perhaps after selling all their possessions to pay dubious agents.[21]

In October 16, 2011, the new government of Burma, headed by President Thein Sein agreed to take back Rohingya refugees registered with the UNHCR. But even as the repatriation was just beginning to pick up, the President he described the Rohingyas as "Bengalis" and went to the extent of suggesting that "they should be taken away by some other countries". Even democracy movement icon and Nobel Laureate Aung Sang Suu Kyi have feigned ignorance of the Rohingya problem, while ducking questions on them from the press. Soon after, in June 2012, riots erupted in the Rakhine state, which was brought under Emergency (Order No 1/ 2012 dated June 10, 2012) and the military was deployed to bring the situation under control.

This has been followed by fresh allegations of torture, rape, forced labour, destruction of mosques and executions of Rohingyas throughout the Rakhine state – sometimes by Rakhine mobs backed by the Tatmadaw and sometimes by the security forces directly. There has been three phases of violence against the Rohingyas since the June riots. Nearly 100,000 of them have internally displaced, mostly locked up in makeshift camps where they suffer malnutrition, disease and torture. Many have tried to flee to Bangladesh or as far as Malaysias, with some boats full of Rohingyas sinking in the sea. Bangladesh's Awami League government is upset because it is unwilling to take any fresh batch of Rohingya refugees or face a situation in which the repatriation of those still in camps cannot take place. It also feels the Rohingyas are far too radicalised and their presence on Bangladesh soil strengthen Islamist parties like the Jamait-e-Islami and the underground groups like the Harkat-ul Jehad al Islami (HUJI).

The June riots did provoke widespread condemnation and the pressure is building on Myanmar's new government to stop persecution of Rohingyas. ASEAN countries like Malaysia, which suffers Rohingya illegal migration, have been pressing Myanmar to provide citizenship to the

Rohingyas. But Thein Sein's government have even turned down an effort by the Organisation of Islamic countries (OIC) to open a mission in Myanmar because it felt the OIC's presence on Burmese soil would boost the Rohingyas. Many suspect a military hand in provoking violence against the Rohingyas by using agents provocateurs – so that the army can control the province and reconnect with the Burmese people.

While both the Rohingyas and East Bengali Muslims suffer varying degrees of persecution in Assam and the Arakans, there are hardly any comparisons between the two situations. India's democracy – with its ballot box realities – cannot ignore a minority group that now accounts for more than one-third of Assam's population. Despite strong regional movements to check their growing numbers which is attributed to illegal migration, the mainstream political parties like Congress have much stake in protecting the minorities – and their votebanks in the community. Even when the Congress is seen by some Muslims of East Bengali descent as having failed to defend them, they tend to repose their faith in political parties like the AUDF which promises to protect their interests by forging coalitions in which they can leverage their legislative strength. But having said that, it is also true that if the conflict between the Muslims and the indigenous groups fester, as seems to be case now, there could be a proliferation of armed groups within the community. Some Muslims who fail to support their claims to Indian citizenship may become stateless but since Bangladesh does not accept any illegal migration from its provinces to India, there is a serious problem if illegal migrants have to be pushed back. However, if violence festers in Lower Assam, many Muslims would slowly migrate to other Indian states, as may be already happening now. But unlike the Rohingyas, there is still no tendency to migrate outside the country.

The Rohingyas, now numbering about a million in Myanmar, largely remain a stateless community within the country. Unless the 1982 citizenship law is revoked and most of them who enjoyed citizenship before 1982 get back what they lost, the community has no future in Myanmar. Nobody's people in a no-man's land, the Rohingyas would be forced to migrate elsewhere, looking for a Promised Land that seems nowhere in sight.

Notes

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Bastuhara, the Dispossessed

By

Nishi Pulugurtha [*]

"A territory is an area of space, whether of water or earth or air, which an animal or group of animals defends as an exclusive preserve. The word is also used to describe the inward compulsion in animate beings to possess and defend such a space. A territorial species of animals, therefore, is one in which all males, and sometimes females too, bear an inherent drive to gain and defend an exclusive property."[1]

The concept of territory as a genetically determined form of behaviour in many species is today accepted beyond question in the biological sciences. It is interesting to see how and to what extent the implications of territory could be extended with reference to human beings. Is *Homo sapiens* a territorial species? Do human beings protect their home and territory, fight against intruders, protect and safeguard their property, drive off anyone who dares to trespass, defend their countries because they are *homo sapiens*, or because they are animals? Do we choose to protect and fight what is rightfully ours, or because we must? Do laws of territorial behaviour apply as rigorously in the case of men as they do in the animal kingdom? These are questions that crop up when looking at the state of refugees depicted in Amitav Ghosh's *The Hungry Tide*.

Ideas of territory are important from the point of view of this paper since it is an important aspect of the novel under discussion, Amitav Ghosh's *The Hungry Tide*. The species *homo sapeins* is as much a territorial animal. We act as we do for reasons of our evolutionary past and our behavior is a mark of our species. When we defend the right to our land or the sovereignty of our country, we do it for reasons that are similar to and not very different from animals that fiercely protect their territory.

An important event that followed the partition of Bengal was the exodus of Bengali Hindus from what had become East Pakistan (subsequently Bangladesh) to West Bengal in the hope of settling down. Dislocated and dispossessed from their lands and homes, they moved to West Bengal with whose people they shared a common language and cultural heritage. These

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dispossessed were, however, sent to various areas outside West Bengal, to places that were very different from the areas to which they originally belonged, with the assurance that they would eventually be relocated in West Bengal. Ross Mallick notes –

> … the left dominated oppositions took up the case of the refugees and demanded the government settle them within their native Bengal rather than scatter them across India on the lands of other peoples[2]

However once they came to power, there was a change in their stance, with the government stating that the refugees were "in unauthorized occupation of Marichjhapi which is a part of the Sundarbans Government Reserve Forest thereby violating the Forest Acts".[3] The usual portrayal of the Sundarbans is that of an exotic mangrove forest full of Royal Bengal tigers .In 1978 the refugees trickled into West Bengal and eventually there was mass migration to Morichjhapi in the Sundarbans from where they were brutally evicted for violating the Forest Acts.

This incident is of central importance in Amitav Ghosh's *The Hungry Tide*. To Nirmal, an old Communist, in the novel, this terrible treatment of the refugees and their hapless eviction was almost a reiteration of the agony caused by the Partition and was a betrayal of his beliefs. The Morichjhapi massacre becomes a symbol of trauma caused by the Partition of Bengal and has an important place in the novel. This paper examines issues of the notion of home, land, territory and of dislocation/dispossession in *The Hungry Tide*.

The settlers – both refugees as well as islanders - who had come from the adjoining villages initially built some makeshift huts along the cultivated area of the island. Most of them survived by working as crab and fish collectors in the forest and sold their products in the nearby villages. Unrepentant, and despite this display of self-help and cooperative spirit, the government persisted in its effort to clear Morichjhapi of the settlers. The media started to underscore the plight of the refugees of Morichjhapi and wrote in positive terms about the progress they were making in their rehabilitation efforts. Thirty police launches encircled the island thereby depriving the settlers of food and water; they were also tear-gassed, their huts razed, their boats sunk, their fisheries and tube-wells destroyed, and those who tried to cross the river were shot at. Life became even more difficult for the settler because of this economic blockade. They now had to venture after dark and deep into the forested portion of the island for water. Food shortage had forced many to eat wild grass. A large number of the settlers were believed to have died during that time and their bodies thrown into the river. With the launch and subsequent success of Project Tiger, launched a few years before the events of Morichjhapi (in 1973), the Sundarbans' fame increased and since 1985, it has been included in the UNESCO's list of world heritage sites.

The islanders had bonded with the refugees not only because they shared with them a common place of origin which was East Bengal but also because they could identify with the terrible hardships they had gone through. In an interview to *The Frontline* Amitav Ghosh said,

> For me, Morichjhapi was inescapable. I'm concerned with the dilemma of how to balance human needs with nature. In India, the state seems to be so rigid, throwing people out, working under the assumption that they are wicked people with some perverse criminal instinct. But they are so terribly poor, braving the forest for nothing more than some honey. These are some of the poorest people in the world.[4]

Amitav Ghosh's fiction reveals a sense of history and hence the moorings of an individual or individuals. In an interview, Ghosh speaks of his fascination for history and his belief that it adds to the richness of one's experience – ". . . one of the very important things in a text is that it becomes a place where those cultural interactions are performed in the most difficult possible ways".[5]

The Hungry Tide is set in the Sundarbans, a vast archipelago of islands lying south of Calcutta on the Gangetic delta between India and Bangladesh. Thousands of low lying islands, some inhabited, many not, are at the mercy of the ravages of the weather and the constant ebb and flow of the rising and falling tides. Jens Martin Gurr notes that "The entire novel is based on the dichotomy of land and water, ebb and flow and consistently employs this dichotomy."[6] The very landscape, that of land and water, of lands being swallowed up by the changing courses of the many rivers that flow through the region, bring notions of territory into question. What was land before sometime ceases to be land anymore, swallowed up by the tides and the waters of the rivers.

> The rivers' channels are spread across the land like a fine mesh-net, creating a terrain where the boundaries between land and water are always mutating, always unpredictable. . . There are no borders here to divide fresh water from salt, river from sea. The tides reach as far as three hundred kilometres inland and every day thousands of acres of forest disappear under water only to re-emerge hours later. The currents are so powerful as to reshape the islands almost daily . . . (7)

The novel begins at Canning, the last railway station on the way to the Sundarbans, with a sudden meeting between, Piya – Piyali Roy – an American scientist of Indian origin – researching Irrawady river dolphins. Kanai Dutt, a translator and businessman from New Delhi, is the other "outsider" in the story. He comes to the island of Lusibari to meet his aunt Nilima, who has uncovered a bundle of papers that her late husband, Nirmal addressed to him.. Nirmal and Nilima came to the Sundarbans where Nilima founded a cooperative, the Badabon Trust, which brought help, medicine, and a hospital to Lusibari, while Nirmal spent his career as headmaster of the local school.

Woven in the plot are the characters of Fokir, Kusum, Horen and Moyna. Together they weave several parallel stories - the plight of the displaced people as seen in the Morichjhapi incident, the struggle for land and the constant fight for survival in a dangerous and fragile ecosystem. It is through these characters, belonging to diverse social strata that Ghosh

explores the sense of connection between people that go beyond boundaries of class, culture, language and gender.

It is Nirmal's notebook that reveals the shocking story of the Morichjhapi incident, where tens of thousands of displaced refugees try and settle on one of the uninhabited islands in the Sundarbans but are violently evicted by the government in the name of conservation.[7] The refugee community is forcibly resettled by the Indian government in Dandakaranya, Madhya Pradesh, hundreds of kilometres from Bengal, but in 1978 they make a collective decision to return "home" - if not to East Pakistan/Bangladesh, at least to West Bengal and the Sundarbans. Before his death, Nirmal's behaviour had become, as Nilima put it, "erratic",[8] which also coincided with the time of the Morichjhapi incident. When Kanai asks what that incident was, Nilima replies,

> 'Some refugees had occupied one of the islands in the forest.' … 'There was a confrontation with the authorities that resulted in a lot of violence. The government wanted to force the refugees to return to their resettlement camp in central India. They were being put into trucks and buses and taken away. …'(26)

This is what the novel says about the settlers –

> Despite its small size the island of Lusibari supported a population of several thousand. Some of its people were descended from the first settlers, who had arrived in the 1920s. Others had come in successive waves, some after the partition of the subcontinent in 1947 and some after the Bangladesh war of 1971. Many had even come more recently, when other nearby islands were forcibly depopulated in order to make room for wildlife conservation projects. (59)

Nilanjana Chatterjee notes – "The Marichjhapi refugees did not ask for money from the government, nor did they squat on other people's property, they had only wanted people's property, they had only wanted the government's scrub and marshy waste lands".[9] Nirmal began writing his diary on the morning of 15 May 1979.

> Morichjhapi … was a tide country island, a couple of hours from Lusibari by boat. It fell within a part of the Sundarbans reserved for tiger conservation but unlike many such islands it was relatively accessible from the mainland. In 1978 it happened that a great number of people suddenly appeared in Morichjhapi. In this place where there had been no inhabitants before there were now thousands, almost overnight. Within a matter of weeks they had cleared the mangroves, built badhs, and put up huts. It happened so quickly that in the beginning no one even knew who these people were. But in time it came to be learnt that they were refugees, originally from Bangladesh. Some had come to India after Partition, while others had trickled over later. … But it was not from Bangladesh that these refugees were fleeing when they came to Morichjhapi; it was from a government resettlement camp in central India. In the years after Partition the authorities had

> removed the refugees to a place called Dandakaranya, deep in the forests of Madhya Pradesh, hundreds of kilometers from Bengal.

'They called it "resettlement",' said Nilima, 'but people say it was more like a concentration camp, or a prison. They were surrounded by security forces and forbidden to leave. Those who tried to get away were hunted down.'(118)

As a young man, Nirmal, was fired by revolutionist zeal and in Morichjhapi he seemed to find a cause of revolution. All that the settlers wanted was "a little land to settle on" and for that "they were willing to pit themselves against the government. They were prepared to resist until the end." (119) Nirmal, in his journal, notes a strong utopian strand in their endeavour, in this attempt by the dispossessed to possess something of their own:

> … there had been many additions, many improvements. Saltpans had been created, tubewells had been planned, water had been dammed for the rearing of fish … It was an astonishing spectacle - as though an entire civilisation had sprouted suddenly in the mud (190-191)

The character of Kusum comes to Lusibari in the hope of getting medical help for the settlers, something that makes Nilima wary, since helping them would mean going against the government. She had the hospital and the Badabon Trust to think of.

> The hospital's future, its welfare – they mean everything to me, and I will not endanger them. I've asked very little of you all this time, but I'm asking you now: stay away from Morichjhapi. I know the government will not allow the settlers to stay and I know also that they will be vengeful towards everyone who gets mixed up in this business. If you get involved with those settlers you will be endangering my life's work. (214)

Kusum was later killed in the massacre at Morichjhapi.

Nirmal's diary, which he leaves for Kanai, contains vivid accounts of the Morichjhapi incident. He writes of the settlers –

> The islands were close by, and in the school I was visiting there were many teachers who had witnessed the progress of the exodus: they had seen tens of thousands of settlers making their way to the island, in boats, dinghies and bhotbhotis. Many of their own people had gone off to join the movement drawn by the prospect of free land. But even as they marveled at the refugees' boldness, there were those who predicted trouble: the island belonged to the Forest Department and the government would not allow the squatters to remain. (160)

Kusum provides an insiders' perspective to the entire issue. She says that Morichjhapi was not really a forest even before the settlers came and that parts of it were being used by the government for plantations, etc. "What's been said about the danger to the environment is just a sham, in order to evict these people who have nowhere else to go." (214)

The entire Morichjhapi incident troubles Nirmal to a great extent. The very practical Nilima says about him. "My husband is not a practical man; his experience of the world is very limited. He does not understand that when a party comes to power, it must govern; it is subject to certain compulsions" (276-277). This is what Kanai says about Kusum and her involvement in Morichjhapi – "she was killed in some kind of confrontation with the police. . . [she] joined a group of refugees who'd occupied an island nearby. The land belonged to the government, so there was a stand – off and many people died." (218)

Movement in and out of Morichjhapi was banned by the West Bengal government under the provisions of the Forest Preservation Act. Section 144, the law used to quell civic disturbances was also imposed which meant that it was a criminal offence for five or more people to gather in one place. Morichjhapi, the biggest island in the tide country was encircled by police who arrived on speedboats bellowing on loudspeakers asking the settlers to leave. The settlers were gesturing to them asking them to proceed. Soon they began to shout in unison, "'Amra kara? Bastuhara. Who are we? We are the dispossessed.'" and "Morichjhapi charbona. We'll not leave Morichjhapi, do what you may." (254) The Bengali word *bastuhara* comes from the word *bastu* meaning 'home', *bastuhara* signals the loss of home and homeland and carries with it the trauma of Partition. The siege of Morichjhapi went on for many days resulted in the deaths of several struggling men, women and children. What Kusum says succinctly sums up the entire situation.

> The worst part was not the hunger or the thirst. It was to sit here, helpless, and listen to the policemen making their announcements, hearing them say that our lives, our existence, was worth less than dirt or dust. "This island has to be saved for its trees, it has to be saved for its animals, it is a part of a reserve forest, it belongs to a project to save tigers, which is paid for by people from all around the world." Every day sitting here, with hunger gnawing at our bellies, we would listen to these words, over and over again. (261)

Kusum's reaction surprises Nirmal who records his response of this displaced woman who had just lost so much, "Who are these people, I wondered, who love animals so much that they are willing to kill us for them? Do they know what is being done in their names?" (262)

Kanai says of Nirmal and his idealism –

> As I see it, Nirmal was possessed more by words than by politics. There are people who live through poetry and he was one of them. For Nilima, a person like that is very hard to understand – but that's the kind of man Nirmal was. He loved the work of Rainer Maria Rilke, a great German poet . . . Rilke said, "life is lived in transformation", and I think Nirmal soaked tins into himself on the way cloth absorbs ink. To him, what Kusum stood for was the embodiment of Rilke's idea of transformation. (282)

The Hungry Tide deals with a range of complex issues relating to the politics of wildlife conservation, urban-rural conflicts, and class and caste politics in postcolonial India.

Notes

[1] Ardrey, Robert. 1966. *The Territorial Imperative: A Personal Inquiry into the Animal Origins of Property and Nations*. Available at
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[2] Pal, Madhumoy ed., 2009. *Marichjhapi: Chinna Desh, Chinna Itihas*. Kolkata: Gangchil. pp. 303-341.
[3] *Ibid.*, pp. 310.
[4] Gopalakrishnan, Amulya. 2004. "'A praise book of the tides,' an interview with Amitav Ghosh." *Frontline*, 21:18, Aug 28- Sep 10. Available at:
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[7] Pulugurtha, Nishi. "Refugees, Settlers, and Amitav Ghosh's *The Hungry Tide*". In Volkmann, Laurenz, Nancy Grimm, Ines Detmers, and Katrin Thomson (eds.). *Local Natures, Global Resposibilities. Ecocritical Perspectives on the New English Literatures.* Amsterdam/New York, XVII, ASNEL Papers 15
[8] For all quotes from the book see, Ghosh, Amitav. 2004. *The Hungry Tide*. New Delhi: Ravi Dayal.
[9] Chatterji, Nilanjana. 1992. "Midnight's Unwanted Children: East Bengali Refugees and the Politics of Rehabilitation." PhD dissertation. Brown University. As quoted in Mallick, Ross. 1999. "Refugee Resettlement in Forest Reserves: West Bengal Policy Reversal and the Marichjhapi Massacre". *The Journal of Asian Studies*. 58:1,pp. 104-125.

The Ethics of Recognition: Bearing Witness to Human Rights' Violations in Australian Detention Centre Narratives

By

Maheyrin Chowdhury [*]

From the early twentieth century until now, the polemics of border control have been generated by an overall increase in the world's refugee flows, in a highly politicised, structured and regulated era of international migration.[1] Throughout the world, hundreds of thousands of refugees encounter the phenomenon of forced migration, an experience typified by disorientation, displacement and forms of alienation from civil society. Since World War II, in the era of the institutionalisation of the refugee figure, the issue of forced migration and mass displacement, both domestic and international, have emerged as some of the greatest human rights crises in developed and developing nations. The inability of intergovernmental bodies to effectively manage global refugee and IDP populations poses real challenges to the very fabric of the United Nations Declaration of Human Rights (1948), the United Nations Convention for Refugees (1952) and its following Protocol (1967). The United Nation's narrow, legalistic definition of the refugee, and its structural approach to managing mass displacement with host states- namely harbouring asylum seekers in refugee camps- have produced some of the major problems for the realisation of contemporary human rights. Consequently, across many political platforms, the rich diversity of refugees' experiences are undervalued and generalized. Generally, in the Australian case, Government research initiatives have tended to predominantly reflect conclusions and analysis based on quantitative studies; thus exacerbating the problem of understanding refugees' experiences, their individual choices, behaviours, motivations, aims and personal encounters of refugee camps and detention systems.[2] It is therefore necessary and timely to investigate the representation of the refugee figure in literary studies, and to acknowledge the vast range of personal histories claimed by displaced people

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that play a role in their struggle for individual recognition and freedom. Moreover, it is crucial to examine the scope of these personal histories and narratives, specifically in the context of Australian immigration detention, whereby asylum seekers and refugees faced mandatory and indefinite incarceration in the era of the Temporary Protection Visa.[3] Under the current immigration policy of the Gillard Labor Government, Australia's asylum seekers and refugees continue to face the perils of onshore and offshore immigration detention; therefore it is essential to consider 'Australian detention centre narratives' as a new genre of 'life writing' and to reflect on their contribution to the discourse of human rights as well as their potential to mobilise a cause for social justice in the Australian context.

The 1990s predominantly manifested as an era of 'life writing', a broad category attributed to personal storytelling, the politics of identity, giving testimony to trauma and pursuing claims to human rights through cross-cultural and intersubjective communication.[4] As a genre of 'life writing', Australian detention centre narratives have a strong political purpose and espouse a human rights agenda. One of the most salient features "within the context of story production, circulation and reception"[5] pertains to the intentionality of texts and how they manipulate narrative content for strategic purposes of publication. I argue that Australian detention centre narratives attempt to establish refugees' subjectivity as 'innocent' by identifying the binary of victim and perpetrator within a human rights paradigm and to mobilise readers as witnesses to trauma. With reference to Gillian Whitlock's first-person narrative positioning of a "viable speaking subject"[6] and Judith Butler's delineation of "precarious life" and "grievablity",[7] this article engages a discussion of the effects of the representation and self-representation of the 'innocent' and victimised refugee subject on the readership. The projection of innocence and the communication of trauma generate complex intertextual interactions between writers and readers, inviting a platform for philosophical discussion, collaboration and mobilisation of political and ethical ideals in the pursuit of social justice. I will examine the strategic construction of innocent subjectivity in the short-story "Surrealistic Nightmare" by NajeebaWazefadost from the anthology *There's No Place Like Home: Australian Stories by Young Writers aged 8-21,* featuring the winning short-stories of a young Australian writers competition.[8] Additionally, I will consider the construction and manipulation of an 'intended reading' using the example of Julian Burnside's preface to the epistolary anthology *From Nothing to Zero: Letters from Refugees in Australia's Detention Centres*[9] with response to Gerard Genette's theory of paratexts.[10]

Australian detention centre narratives are political texts. They are context-driven and are stimulated by the policy implications of systematic incarceration of refugees. These narratives consist of direct and indirect accounts of Australia's detention centres and are political and personal responses to the implementation and re-writing of Australia's mandatory detention policy, most particularly by the Howard Liberal Government. The primary data of this study characterises Australian detention centre narratives as manifestations of loss, trauma, anxiety, alienation, repression, and utter

disillusionment, which result in the writing out of fractured subjectivity. They are also narratives or resilience, hope and ambition and reveal a struggle for personal recognition. They effectively engage writing as an avenue for self-awareness, self- empowerment and self-expression. Australian detention centre narratives are written by refugees who have been or continue to be imprisoned in Australian immigration detention centres; by the employees of Australian detention centres and by others who encountered the detention system through organised protest, community-based campaigns or interviews with refugee inmates. Refugee proponents who have vicariously apprehended the detention system through narrative discourse have also contributed to this genre with the publication of fictional texts, such as the novel and short story. Access to such varied modes of communication has produced an abundance of narrative styles and genres of Australian detention centre narratives, including autobiography, memoir, poetry, epistolary, short stories, novels and essays. The challenges and limits of these genres in their representation and negotiation of the refugee figure will be examined in this article.

The act of writing, recovering and redressing memories and past traumas and sharing life experience in the form of 'evidence', ultimately calls for readers to bear witness to trauma. Readers' reception and recognition of refugees' individual experiences are vital to empowering refugee writers and mobilising political change.[11] Salman Rushdie argues that "describing a world is the first necessary step towards changing it"[12] and this chapter explores such descriptions. Oral and written narration begins in local contexts and by the process of publication gains increased visibility. Depending on the success of the publication, these narratives may permeate local and/or global publishing markets. In any case, successfully published narratives have the power to incite public discussion and scrutiny, and filter through to private or personal spaces of negotiation. Published narratives may invite sympathetic or antagonistic reading positions, and have the potential to stimulate a vast range of responses, including emotional, political, legal, communal and so on.[13] Kay Schaffer and Sidonie Smith highlight the effects produced by readership as an essential component to the realisation of human rights claimed by individuals through narrative discourse. These authors propose that mobilising change involves positioning readers as witnesses to trauma and engaging a human rights' framework:

Witnessing to dislocation, exploitation, violence, resilience, and survival, personal storytelling, as it is produced, circulated, and received around the globe, lends particularity to abstract principles of human rights and keeps the passage of time and forgetting at bay.[14]

As Schaffer and Smith suggest, bearing witness to narrative is an empowering role because the reader is privy to personal, experiential, historical, and sometimes uncensored information that may not be available in other channels of communication. To witness human rights' violation is to recognise the importance of an individual life and to situate that life in a temporal and historical context. Typically, trauma-related communication is negotiated in a legal setting in which the accountability of personal claims can only be measured against enacted laws, offering limited interpretation and

insight into individual experiences. For example, in the Australian immigration detention system, the appointment of an extra-legal authority, the Refugee Review Tribunal (RRT) by the Howard Government (an institution also upheld by the immigration policies and practices of the Rudd and Gillard Governments), often denied individual experiences and motivations completely. As the People's Inquiry into Detention reveals, the RRT performed politically biased hearings and its primary role was tocomply with the implementation of the Temporary Protection Visa (TPV). A refugee gave one such example to the People's Inquiry:

> The detainee presented a letter from a member of parliament [from his home country]. He claims that his life was in danger because of another political party. The RRT member said he did not believe the letter. The letter was on parliamentary stationary, it had the telephone numbers, email address and the fax on it, yet he completely rejected it without any attempt of verifying that easily verifiable document.[15]
> (sic)

Personal testimonies operate across different modes and contexts, and therefore are not free from structural and functional limitations. Leigh Gilmore argues that as a mode, 'testimony' already implicates a legal or juridical framework on which to enable the witness/reader to exercise judgement: "The joint project of representing the self and representing trauma reveals their structural entanglement with law as a metaphor for authority and veracity, and as a framework within which testimonial speech is heard".[16]The claim to trauma testimony as 'evidence' of human rights' violation involves the manipulation of narrative techniques that comply with readers' expectations. A projection of 'truth' and 'innocence' of the narrating/narrated subject(s) is necessary for the readership to recognise an act of violation against an individual and for that individual to be deemed worthy of empathy and consideration. As witness to trauma, the reader of testimony has potentially significant power over the writer claiming an experience of human rights violation. By eliciting a response, either in the form of recognition or denial, the witness ultimately gives a verdict on the credibility and veracity of the claim.[17] The authority of the reader implicates an uneven relation of power between the writer and reader, akin to a formal legal setting, where the witness manipulates and often determines the weakness or strength of the legal claim. In order to influence the readership and attenuate the effects of unbalanced power relations, Australian detention centre narratives deploy the representation and self-representation of refugees as innocent and victimised subjects. The construction of 'innocent subjectivity' implicates an intended reading or 'proper reading', thus reinforcing an attempt to engage and mobilise an already empathetic readership.

Like narratives of representation, narratives of self-representation position refugees' subjectivity according to personal motives, viewpoints and experiences of the contested issues. However, in first-person narration there is more for the writer to expose, risk, lose or gain in the attempt to present 'authentic' and 'truthful' testimonies as historical fact or 'evidence' of human

rights violation, under the conditions of the TPV.[18] In such an aggressive political climate, where the lives and voices of marginalised people are subdued beyond recognition, refugees' self-representation relies on readers' sympathy, compassion and moral responsibility in order for them to gain self-empowerment, empathetic appreciation and for writing to become a means to positive agency. In her study of 'life writing' in the post-9/11 era, Whitlock argues that "autobiography [self-representation] is fundamental to the struggle for recognition among individuals and groups to the constant creation of what it means to be human and the rights that fall from that".[19] As a "soft weapon", 'life writing' enables readers to access strange and distant individuals who in any other context, cannot be apprehended: "to attend to a militant feminist body beneath a burqa, to attach a face and recognise an asylum seeker as an individual with human rights is to make a powerful intervention in debates about social justice, sovereignty and human rights".[20] Personal testimony is thus a powerful tool for exposing and understanding one's own political, cultural and individual identity. For refugees in detention, self-representation enables individuals to address public and private issues across different "moral, aesthetic, political and legal" milieus.[21] Testimony can challenge populist rhetoric such as those projected by political campaigns, dispel prevailing myths and stereotypes of refugees' common ontology and provide credible first-hand accounts of the detention system. Most importantly, through self-representation, refugees may politically reinstate their bona-fide right to claim asylum within the parameters of international law.[22]

In order for readers to register testimonies as human rights' claims, specific narrative techniques and strategies are deployed. In particular, projecting 'truth' is imperative for the evocation of an imagined judicial context in order to position the reader as witness to trauma. Furthermore, telling the 'truth' is essential to the establishment of refugees' subjectivity as 'innocent' victims of human rights' violation. In their discussion of 'the ethics of recognition', Schaffer and Smith argue that 'truth' entails several elements beyond 'factual' understanding. Self-representation is a subjective action that involves recovering personal memories and histories, and is a product of social imagination. Reference to the past therefore stimulates one or many registers of truth, such as those that could be seen as "psychological, experiential, historical, cultural, communal, and potentially transformative".[23] The mode of address is equally important because it determines how stories are produced and circulated and what kind of response they elicit.[24] The range of modes is vast, from "published narratives that unfold as retrospective, ethnography, confession, memoir, testimonio, letters, journals, recorded oral history; to autobiographical and semi-autobiographical fiction that adheres to the invocation of historical events or persons".[25] Modes and their effects on readership also depend on the context of narration and circulation. For example, an interview about domestic violence against women will engender different responses across different reading demographics. Schaffer and Smith contend that the marketability of 'trauma' differs across Western and non-Western markets. The 'art of truth telling' is especially well received by a

Western readership. Thus, texts specifically manipulate 'truth' to target individuals who are likely to respond to the rhetoric of rights, freedom and individualism, hence the dialogue of human rights.[26] The reception of a narrative is always impacted by social, political, cultural, legal, psychological and personal factors pertaining to the individual reader and his/her immediate context.[27]

In Australian detention centre narratives, establishing refugees as innocent victims of human rights' violation is important for refugees' attainment of political and ethical recognition, in a context where liberal-democratic ideals are generally valued. Recognising refugee writers as victims of human rights necessitates the recognition of a perpetrator or violator of human rights. In the detention context, the antitheses of the victim subject are the people smugglers, the Federal Government, Australasian Correctional Management (ACM) and those bodies involved in the implementation of TPV policy and exploitation of the refugee determination process, (e.g. the RRT).

Australian detention centre narratives' focus on generating moral inquiry and value placed on 'truth' results in the contestation of valid authorship. In these texts, the representation of refugees as 'innocent subjects' is tantamount to a plausible and credible account that warrants recognition. Whitlock believes 'innocence' to be contingent upon the negotiation of a "viable speaking subject".[28] A "viable speaking subject" is one who is worthy of our recognition and sympathy, and who can stimulate our moral conscience within a human rights framework. Whitlock attempts to understand the intentionality of published testimonies and the complex exchange of "texts, intertexts, images, artifacts, and objects"[29] between refugees and their audiences through the analysis of first-person narrative. Whitlock's 'historical, narrating, narrated and ideological I'[30] enables critical readers to fathom the language and purpose of projected innocence. By providing a viable speaker for the diegesis of ongoing trauma and suffering, and a subjectivity situated and bound by a particular historical and sociological phenomenon (i.e. mandatory and indefinite detention), the first-person account effectively engages the narrative frames that produce 'innocent subjectivity'. As Whitlock explains, the different registers of the first-person pronoun are "a reminder of the separation between the historical "I", who lives in the world and goes about his business in everyday life… and the "I" who tells the autobiographical narrative, the elaborate narration of an autobiographical self [by Salam Pax], a tactical invention that is deliberately crafted and symbolically named for a precise time and place in history".[31]Essentially for Whitlock, the "historical I" contextualises the real-life subjects and ideas that underpin the production of a narrative. It is different from the "narrating I", the primary narrative voice operating as a vehicle for other narratives to surface in the text, and the "narrated I" which is the product of the narrative voice. The "ideological I" is a culturally determined understanding of personhood, which provides access to the different narrative vehicles.[32]

Najeeba Wazefadost's short-story "Surrealistic Nightmare", featured in the short-story anthology *There's No Place Like Home: Australian Stories by young writers aged 8-21*,[33] demonstrates the fluid integration of the 'historical,

ideological, narrating and narrated I' in the construction of an 'authentic' account of trauma. In a reflective narrative, Sixteen-year-old NajeebaWazefadost, the refugee narrator and narrated subject, situates her self in a past and present historical location ("historical I") of war-torn Afghanistan, during the American intervention on 'the War on Terror', whilst released from detention and the TPV on a Permanent Protection Visa. Because of political and gender persecution by the Taliban, Wazefadost explains the purpose of her travel to Australia as an asylum seeker and consequently invents her idea of a refugees' personhood ("ideological I") in relation to her journey of asylum: "I AM A REFUGEE. The refugee is a kneeling person, kneeling in front of a captain of a ship to ask for a reduction of their escape price, kneeling in front of the international organisation to ask for their fortune".[34]Wazefadost defines self-identity and refugees' identity in relation to 'innocence'. Her representation of refugee's personhood constitutes victimhood, oppression, helplessness, dependency, fatality, compliance and passivity. This "ideological I" is represented as a real, vulnerable, unstable and defenceless subject; as Wazefadost describes it, "a human being without any mask".[35]Wazefadost's synthesis of the first-person narrative positions, the "historical, ideological, narrating and narrated I" as defined by Whitlock, attempts to evoke a plausible testimony. Her self-representation of innocent subjectivity reflects society's idea of a victim; one who is subject to cruel and inhumane treatment by an unjust political regime. Whitlock argues that refugee writers are acutely aware of affective moral address that stimulates reciprocal and ethical recognition. More specifically, through narrative representation, refugee writers demonstrate their awareness of the kinds of memories and experiences that are able to gauge the complex philosophical questions that haunt human ontology.[36] An example of this is Wazefadost's strategic narration of gender-related persecution in Afghanistan, with appeals to a specific category of social rights negated by the refugee determination process: "we should have had freedom of movement and a measure of respect as individual human beings but this was not the case, in fact we were prisoners of our sex".[37] The original United Nations definition of a refugee is contained within a patriarchal framework that does not allow for gender-related persecution as a claim for refugee status.[38] These contradictions of human rights ideology and the horror of rape and violence against women are realities with which young, liberal-democratic, Western readers can easily sympathise. By giving testimony to gender-persecution, from the example of her friend's brutal murder, ("I saw my friend's dead body in front of the door near our house. It was so horrible to see her unclothed. She was sexually harassed and raped"),[39]Wazefadost is able to posit claims for the individual plight, the lone, traumatised, persecuted Afghan girl, rather than the unidentifiable collective plight of refugees. Wazefadost effectively draws attention to her individual, gender and ethnic identity rather than being condemned to an anonymous and unrecognisable identity.

Wazefadost's projection of her individual innocence, and the victimisation of persecuted Afghani women, in an open public confession persuades empathetic readers to feel distress, grief, compassion and hope for

worthy individuals like herself. Furthermore, Wazefadost's coherent recollection of persecution, understanding of rights violation and positioning of refugee identity against the tragedy of relentless trauma, loss and displacement within detention ("the detention centres are really punishment centres for non-existent crimes")[40]mobilises readers as witnesses to rights' violation. Essentially, these recollections engender ethical considerations into civil, economic, social and political rights for non-citizens against the wider discipline of human rights. As Wazefadost suggests: "I hope the policy on refugees will change, because refugees' rights are human rights. I hope we will achieve equal rights about everything such as women's rights".[41]   Because refugees were devoid of particular rights under the TPV (i.e. those pertaining to family repatriation, prohibition of re-entering the country, limited access to social welfare programs, prohibition of work rights etc.), the alleged compatibility between human rights doctrine and Australia's contemporary migration policies is the most obvious political dilemma for the readership. Refugee writers such as Wazefadost assert positive agency by exposing the discrepancies between human rights' ideology and practice and outwardly claiming her entitlement to human rights.

Wazefadost's constructed identity engages with the multiple first-person pronouns ('historical, ideological, narrated and narrating 'I'') through which her subjectivity or 'innocent subjectivity' comes to life. Being able to express the self by the use of first-person pronouns is an empowering action for a person whose subjectivity was suspended by the overall absence of discursive practices, whilst in detention. The scarcity of dialogical sites makes it even more necessary for refugee writers to search for the possibilities and boundaries of language in detention, and share this exploration with their addressees. Wazefadost's narrative effectively engages the characteristics of 'life writing', hence the challenges to intercultural communication, the necessity for empathetic identification, the possibilities of moral agency, and the rudimentary benefits of exchange. What this narrative ultimately illustrates is that with complete immersion into language and writing, and the language of the other, the power of narrative can truly take hold and break this dialogical impasse between the world of detention and the 'outside world'. When there is no avenue for speech and writing, human expression can instead manifest itself in dire self-destructive actions, such as lip-stitching and violence against others. Although these actions may provoke and alarm viewers, and indeed convey a struggle through an alternative narrative, they cannot rival the more positive opportunities that are available through the communication of language. Without a spoken narrative and without diegesis, the individual subject in question is alienated from the self and the other. This is because the message of violence and self-harm are generally not circulated beyond the enclosed world of the detention centre. Resistance through silence or acts of violence inhibits the creation of subjectivity because one cannot effectively address oneself in a way that is relatable to the other. Without the "I" there is no point of reference for the individual within society, within history, and there can be no understanding of personhood, which therefore denies subjectivity.

Judith Butler equates self-representation of an 'innocent subject' to the universal condition of precariousness. For Butler, apprehending, understanding and having empathy for another human being depends on recognising the precariousness that defines all individuals lives through humanity:

Precarious implies living socially, that is, the fact that one's life is always in some sense in the hands of the other. It implies exposure both to those we know and to those we do not know; a dependency on people we know, or barely know, or know not at all. Reciprocally, it implies being impinged upon by the exposure and dependency of others, most of whom remain anonymous. These are not necessarily relations of love or even of care, but constitute obligations towards others, most of whom we cannot name and do not know, and who may or may not bear traits of familiarity to an established sense of who 'we' are. In the interest of speaking in common parlance, we could say that 'we' have such obligations to 'others' and presume that we know who 'we' are in such an instance.[42]

As Butler suggests, such precariousness may be defined by the necessity of apprehension, acknowledgement and acceptance of the living and the lived by those other than the self. The realisation of the universality of the state of precariousness in the human condition and its dependence on social relations and social organisation enables individual and collective subjects to recognise others.[43] Butler asserts that the apprehension of a life depends upon the presupposition that being and living is meaningful in the greater scheme and purpose of humanity. A life that matters is a grievable life. Without "grievability", the ability to grieve and empathise for/by another, there can be no life.[44] In Butler's thesis there is no consideration of foreignness or strangeness when recognising the other, because inevitably we are all connected by the instability of our own identities and our reliance on others for self-validation.

Butler's premise of "grievability" is plausible for the establishment of an 'innocent subject' in trauma testimony. By representing a subject of a worthy existence, hence a grievable existence, the power of moral address impinges on the reader's conscience[45] and mobilises his/her initiative as witness to trauma. The represented 'innocence' of refugees produces an empathetic 'affect' that demands ethical audience participation and sound political judgement. Acting ethically for innocent subjects and pledging witness is testament to social morality. Ethical recognition initiates a dialogue that challenges society's legal frameworks and its constantly contested ideas of home and belonging. Recognition and bearing witness require understanding of another life, apprehending their living conditions and acknowledging the vulnerability of all human beings in dire circumstances, such as mandatory and indefinite detention. It involves empowering the self by identifying oneself in another, and the 'precariousness' common to us all. This symmetry poses an ethical obligation towards others in the face of adversity. Nevertheless, it also has the adverse potential to counteract moral obligation in the production and maintenance of the self, resulting in an antagonistic reading position. The

language of self-identification penetrates the art of "grievability", whereby apprehension of the self becomes intersubjective with the 'other'.

To further demonstrate the effects of strategic representation of refugees' 'innocent subjectivity' on the reading experience, and how it dictates to sympathetic readers on recognising and empowering refugees by bearing witness, I will refer to excerpts taken from the preface of the anthology *From Nothing to Zero: Letters from Refugees in Australia's Detention Centres*, written by QC Julian Burnside. This text was one of the first published compilations of detention centre narratives written only by refugees, and the first in the epistolary genre. The campaign derived from an overwhelming response to the "Spare Rooms for Refugees" program designed by Julian Burnside and Kate Durham as a symbolic gesture of Australian hospitality. In response to the humanitarian crisis prompted by the TPV regime, thousands of compassionate Australians offered their homes to refugees released from detention on the TPV. Remarkably, the number of refugees released from detention could not match the vast number of homes offered by Australian families. Thereafter, the epistolary campaign was launched in the hope of providing refugees in detention with some recognition of their humanity and a relationship with generous and empathetic Australian residents. The epistolary campaign was a means to reinstate positive agency and find temporary relief from an inexorable plight. It assured detainees that they were not alone and that their perseverance of detention life was not completely ignored and forgotten. For the Australian participants, the campaign was an opportunity to show their own sense of humanity and community. The TPV provided grounds for moral inquiry that redirected some burden and responsibility to the average citizen, and enabled them to be involved in a political and humanitarian emergency from which they were initially removed. The following excerpt elucidates the interpretive frames available to the readership, in relation to the text's human rights objective and representation of the victimised refugee. The peritext provides reading cues on how to interpret 'innocence' and why readers should apply their moral awareness.

Here is the problem in a nutshell: the Migration Act requires innocent people to be incarcerated indefinitely. It requires asylum seekers who arrive in Australia without papers to be 'kept in immigration detention' until they either get a visa or are removed from the country. That process may take months or years. Whilst it proceeds, these defenceless, traumatised people languish behind razor wire in conditions which are a disgrace to a civilised country.

This book is a memorial to the dignity and grace of the refugees who wrote them, and it is a reminder of the dreadful human toll exacted by the policy of detaining them. These letters show powerfully the one thing the government wants us to forget: that the people behind the razor wire are human beings. Each letter is a reminder of the terrible moral crime in which our elected representatives are engaged. Locking up innocent people is a terrible crime.[46]

This is a scandal which will haunt us for decades. It is quite clear that, as a country, we have learnt nothing at all from the stolen generation. Many

people did not know of the stolen generation until years afterwards; this book will show that we know what we are doing to refugees.[47]

There are several peritextual elements operating in this sample that are testament to the intentionality of the text and its mobilisation of a sympathetic readership. Firstly, the preface is introduced by a prominent and revered figure in the Australian human rights scene. The authority, status and credibility of the writer, Julian Burnside, and his advocacy and acceptance of moral responsibility for "innocent", "defencelesstraumatised people" entails 'the pragmatic status of the paratext', which Gerard Genette defines as the context and quality of communication. For Genette, this 'pragmatic status' is characterised by the illocutionary power of the authorial body, (i.e. the authority involved in its production and promotion), and its relationship with the addressee.[48] The sender/receiver dichotomy in place establishes relations of power that ultimately stipulate the required acquiescence and submission of the audience in the act of interpreting the narrative content. The communication of the sender in these excerpts is dominant, informative and all-knowing.

Secondly, the preface is supported by a factual context whereby the refugees' accounts are situated in an authorial, historical and generic location. The writer Julian Burnside marks the official nature of his communication through his moral accountability for the text.[49] The very nature of this communication alludes to the text's commitment to truthfulness. Burnside stresses the historical value of the text and invites his readers to look upon these letters as evidence of trauma. For this specific reading, the 'innocence' of each testimony is a given, and the victimisation of the speaking subjects is wholly undisputed. These letters are to be read as testimonials that contribute to Australian migration history: "this book is a memorial to the dignity and grace of the refugees". History is ostensibly factual or non-fictional, therefore there is a perceived need to remember and preserve this information by educating wider audiences.

Lastly, the language of the preface is clear, accessible and highly emotive. Burnside attempts to simplify a complex political issue, suffocating under the weight of Australia's turbulent migration history, into a narrative for wider audience participation. Communicating to the public through the language of human rights is attractive for an audience that already espouses liberal-democratic rights. Therefore, it is a language they can apprehend and trust. The language of universal human rights is an axiomatic discourse that conveniently appeals to the minds of people from very different circumstances (who in reality uphold entirely different sets of rights), to communicate at a level where these differences can be bridged. By accepting the 'human' in human rights, Australian readers are able to concede responsibility for others who are indeed strange and distant in many ways, and whose plight they may never truly comprehend. Through the lens of human rights morality, Australian readers can begin to connect with 'foreign' others with empathy and compassion. By prescribing to this moral code, they can identify themselves as human rights proponents and will consequentially remove themselves from individuals who oppose the practice of human

rights. The passive bystanders are thus labelled as the antagonistic 'other' i.e. perpetrators of "moral crime".

Typically, the civilised/barbaric dichotomy appears at the forefront of the narrative, whereby the reader is compelled to negotiate the demands of a fully integrated and holistic justice system against a penal code that offsets any reasonable standard of humanity and justice. From the hostile references to "razor wire", the reader is encouraged to recognise the symmetry between the standard prison system and the detention environment, whilst noting the paralegal, or the 'illegal' dimension of mandatory detention. Ultimately, the reader arrives at the dilemma of self-representation, 'Are we not civilised?' the answer to which relies on the adopted interpretive method. Even before commencing the reading of the core narratives, the moral overtones, emotive language and axiomatic clauses of the text's preface deny the audience any doubt or hesitation regarding the interpretative cues for the reading experience; refugees are innocent, they are entitled to human rights and human dignity. Anyone opposing such a claim assumes the status of a barbarian, criminal or conservative politician.

In Australian detention centre narratives, the sympathetic reader is persuaded to respond to the representation and self-representation of the refugees as 'innocent' victims of human rights violation. The conveying of 'truth', "a viable speaking subject', and a "precarious life" constitutes the 'innocent' account which mobilises the readership as witness to trauma. The adaptation of a confessional and evidential narrative style imposes limitations on the reading experience, in the larger attempt to produce a uniform response of empathy, ethical recognition of refugees' plight in captivity and an obligation to a human rights code. The representation of the innocent subject stimulates moral inquiry into the fundamental philosophical questions, such as the vulnerability and 'precariousness' of all human beings, which unites refugees and Australian citizens alike. Ultimately, such narrative techniques deployed for persuasion increase the degree of "grievability" for the victimised subjects, and highlight their need for counter-recognition. Through life writing, refugees and their proponents can communicate and create new and rudimentary discursive avenues for the establishment of peace, understanding, compassion and empathy between the self and other. By bridging the gap between refugees and non-refugees through language and dialogue, they can demonstrate the possibilities and limits of identity politics and its consequences for a human rights cause for Australian refugees.

With consideration of successive Australian governments' perpetuation of conservative political approaches to refugee policy, it is important for literary scholarship to continue to consider the genre of Australian detention centre writing and its potential to operate as a discursive mode in 'life writing'. The integration of refugee and migration policy, refugee representation, identity theory and human rights theory have provided the theoretical framework for the analysis of detention centre writing in this article which has also proposed a model for further research in this field. In the light of continued legislation that impacts on the ability of those in detention centres to "settle" in Australia and the effects of this unsettled identity, it is

likely that such writing, that expresses ideas of home and exile, subjectivity, innocence and isolation, will continue to be of literary, political and social importance.

Notes

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5*Ibid, p5.*

6 Whitlock, Gillian. 2008. "Letters from Nauru,*" Life Writing Journal.* 5:2. p. 205.

7 Butler, Judith. 2009. *Frames of War: When Is Life Grievable?* New York: Verso. p.130.

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10 Genette, Gerard. 2001. *Paratexts: thresholds of interpretation.* Cambridge: Cambridge University Press, pp. 4-7.

11 Schaffer and Smith, 2004, p.4.

12 Salman Rushdie. 1992. *Imaginary Homelands: essays and criticism 1981-91.* London: Granta Books, p. 14.

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14*Ibid*, p. 223.

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18 Schaffer and Smith, 2004, p. 6.

19 Whitlock, 2007, p.10.

20 Whitlock,2008, p.204.

21 Schaffer and Smith, 2004, p. 4.

22 Whitlock 2007, p. 211.

23 Schaffer and Smith, 2004, p. 8.

24*Ibid,* p. 8

25 *Ibid,*

26*Ibid,* p. 24

27 *Ibid,* p. 24

28 Whitlock, 2008, p. 205.

29*Ibid,*

30 Whitlock, 2007, p. 27.

31*Ibid*, p. 27.

32*Ibid,* p. 26

33 Wazefadost, Najeeba.2005, pp. 68-73.

34*Ibid,*

[35]*Ibid,*

[36] Whitlock, 2008*,* p. 210.

[37]*Ibid,* p. 69.

[38] Freedman, Jane. 2007. *Gendering the International Asylum and Refugee Debate.* New York: Palgrave Macmillan, p.73.

[39]*Ibid,* p. 70.

[40]Wazefadost, 2005, p. 72.

[41]Wazefadost, 2005, p. 73.

[42] Butler, Judith. 2004. *Precarious Life: the Powers of Mourning and Violence.* New York: Verso, p. 12.

[43] Butler, Judith.2009. *Frames of War: When Is Life Grievable?* New York: Verso, p13.

[44] *Ibid,* p14.

[45] Butler, 2004, p. 130.

[46] Burnside, Julian. 2003. "Preface" and "Introduction" to Austin, Janet ed. *From Nothing to Zero: Letters from Refugees in Australia's Detention Centres.* Melbourne: Lonely Planet Publications.

[47] *Ibid,* p. VII.

[48] Genette, Gerard, 2001, p. 8.

[49]*Ibid,* pp. 7-10.

Report

On the 14th Conference of the International Association for the Study of Forced Migration (IASFM 14),
January 06-09, 2013, Kolkata, India

By

Atig Ghosh and Madhurilata Basu [*]

The International Association for the Study of Forced Migration is a platform for academics, practitioners and decision-makers, working on issues of forced migration. It has been organising biennial international conferences since 1996. This year, the IASFM14, hosted by the Calcutta Research Group (CRG), was held for the first time in South Asia.

The Conference began with a welcome address, delivered by Ranabir Samaddar, Director, CRG. Chris Dolan, Director, Refugee Law Project, Makerere University, Kampala, and President, IASFM also addressed the audience. It was followed by the release of two CRG-Publications: *Branding the Migrant* (ed. Atig Ghosh) was released by Ashis Nandy (Senior Honorary Fellow, Centre for the Study of Developing Societies, Delhi) and *Unstable Populations, Anxious States* (ed. Paula Banerjee) by Susan F. Martin (Executive Director, Institute for the Study of International Migration, Georgetown University, Washington D.C). A Special Issue of *Refugee Watch* (the CRG journal on Forced Migration) was also released by Sabyasachi Basu Ray Chaudhury, Vice-Chancellor, Rabindra Bharati University, Kolkata.

Bishnu N. Mohapatra (Visiting Senior Fellow, South Asian Studies Programme, National University of Singapore) delivered the keynote address on "Intimacy, Distance & Conditions of Being Refugees."

Each day of the conference had a plenary and a film-screening session. The First Plenary Session was on *Partition Experiences in South Asia:*

Memory, Literature, Media and it delved into the politics of border-making. Anissuzaman, Ritu Menon, I.A. Rehman took part in the panel and Ranabir Samaddar was the moderator. Narrating the stories of partition, the speakers pointed out that the bitter memories of partition were invoked every time, when there was a communal riot or a pogrom in South Asia. These memories shaped the national imaginations in this part of the world in more ways than one.

The next plenary was on *Development, Conflict & Displacement* and had Walter Fernandez, Anuradha Talwar and Jehan Perara as speakers and Susan F. Martin as the moderator. The speakers pointed out that the urge to achieve *development* in a ruthless way has hit the economically poor, the tribal population, lower castes and women. It has rendered them homeless in economically backward parts of the world. But to consider them as hapless victims is to de-recognise their ways of negotiations with this mode of development– their ways of resisting it.

N.Vijaylakshmi Brara, Rakhee Kalita. Khesheli Chishi, Jina Sangkham and Shiva Kumar Dhungana participated in the last plenary session on *Gender, Conflict and Displacement: The Case of India's North-East and Nepal.* This session was moderated by Paula Banerjee. India's North-east has been a cauldron of unrest from the time of Indian independence. As a whole, this region portrays that processes of democratic state formation may not lead to social justice automatically, especially for women. This is the theatre of the longest state-versus-community conflict in South Asia and hence a region of rampant displacements. In this, the identity of women is often lost vis-à-vis the community identities. In Nepal, too, despite long-term Maoist violent politics, the status of women has not improved much.

Besides the Plenary Sessions, there have been parallel sessions each day on different themes.

A. The theme of *borders, displacements and everyday struggles*, was addressed by Priya Singh, Anita Sengupta, Suchandana Chatterjee, Sreeradha Dutta, Diloram Karomata, Sarah Meyer, Lana Walsh, Yuri Galler, Catherine Lee, Lipi Ghosh, Katy Long, Naohiko Omata, Rebecca Stern, Susan Rachel Banki, Subhasri Ghosh, Vanita Vaibhav Banjan, Bani Gill, Sanghita Dutta, Nishi Pulugurtha,Simon Behrman, Rukmini Sen, Sibaji Pratim Basu, Sanjay Chaturvedi, Paula Banerjee, Hari S. Vasudevan, Sumit Chakroborty, Anwesha Sengupta, Ishita Dey, Anasua Basu Ray Chaudhury, Anjali Gera Roy, Sharmistha De Dutta, Guilia El-Dardy, Bram Jansen, Suddep Basu, Anasua Basu Ray Chaudhury, Ashok Nayak, Anup Shekhar Chakraborty, Anindita Ghosal, Ralph Wilde, Petra Molnar Diop, Robert Baterseh, Bethany Osborne, Swatashiddha Sarkar, Sreyasshi Chettri, Sabyasachi Basu Ray Chaudhury, Lynne Awbery and Abba Pullu.

The issue of belonging (or not-belonging) is intrinsically linked with the issue of borders (or boundaries). Several panels have addressed the reality of borders in different ways. A few of them tried

to see the impact of the drawing and re-drawing of political boundaries in South Asia. The international borders separating India and Pakistan and India and Bangladesh are not only physical but mental constructions. Thus, the "right to return" cannot be exercised in the South Asian context as the borders have been unmade and remade several times. From Saadat Hasan Manto's short stories to Jyotirmoyee Devi's novel – the woes of partition and the voices of victims have perhaps been best captured in the fiction of the time. What also came out of the discussions was the fact that the states, due to the troubled histories, were highly suspicious of each other.

Further, the creation of boundaries gives birth to the "other". What is interesting is the continuous process of negotiation taking place between the "other" and the mainstream. It is important to note that where ethno-cultural differences act as barriers, art (paintings, sculptures etc), viewed as a universal language, might act as a medium of self-expression, resistance and constant negotiation.

Though borders are friendly to capital, information, goods, they come down heavily on one of the marginalized sections of the population— the refugees. While borders include some, they exclude many. Many Burmese refugees, who cross the Thailand-Burma border, enter Thailand without documentation and often find themselves working in unsafe conditions, underpaid, and at risk of trafficking and exploitation. Scholars during the conference had dealt with the experiences of trafficked persons in different parts of the world. As states find means to exclude people, identity (of inclusion/ of exclusion) becomes important and a few papers addressed the issue of identity becoming saleable. The nightmare of double marginalisation becomes a reality in case of minorities (religious, ethnic, sexual etc), women, children, the old and infirm. A few other speakers have taken this line of argument a step further and brought to the fore the plight of minorities within a minority like the Namashudras or the nomads living in the borderlands.

While a few papers focussed the impact of the drawing and re-drawing of political boundaries leading to the creation of new ethnic borders impacting the lives of the people at the margins or the borderland (like the experiences of people of Ferghana valley, a land shared between three nation-states— Uzbekistan, Kyrgyzstan and Tajikistan, voices of the Kazakhs, Buryats and Israel's Palestinians), the issue of over-securitized borders was the focus for many. It was argued that in order to check "migration-induced crises", over-securitised borders have become the norm. What makes things worse for the migrants are the migration-containment policies adopted by different governments. The issue of sub-regional containment strategy like ECOWAS (Economic Community of Western African States), dubbed by many as a containment strategy adopted by states to cope with the protracted nature of displacement in West Africa, also came under the scanner.

B. The issue of *gender and migration* was addressed by many at different points of the conference. The issue of gender is so important that any kind of migration cannot be understood if the gender lens is ignored. But some speakers discussed/debated about it in particular, namely Paula Banerjee, Zobaida Nasreen, Claudena Skran, Kaberi Das, Ashutosh Bishnu Murti, Sumona Dasgupta, Danielle Bishop, Kimberley Veller, Eda Hatice Farsakoglu, Bethany Osborne, Katarzyna Grabska, Anna Maria Pielin, Martha Fanjoy, Victoria Rietig, Hoang Phuong and Megan Bradley.

Many papers on India interrogated the concepts of border and borderland from a feminist point of view. Pointing to the role of draconian laws like the Armed Forces (Special Powers) Act, 1958 (AFSPA) which lead to the brutal torture and disappearance of hundreds of men, paper presenters shed light on the increasingly vulnerable position of widows and mothers in the region. While some argued that there were attempts to build a secure world upon the controlled sexuality of women, others talked of the experiences of women, children, trafficked people, in displacement. The gender dimension also succeeded in addressing the incidents of emasculation and the changing notion of masculinity.

That memories are preserved and passed on to other displaced women in camps was brought to the fore by few scholars doing extensive field work in various camps. Arguing against simplistic essentialisation of women as victim, a few papers concentrated on the agency of women and argued that the camps are places where the displaced women carry not only stories of victimhood but more positive narratives of joy and love. These experiences of violence reveal how women with precarious immigration status negotiate rights for themselves and their children when seeking services and support related to gender-based violence and to identify the ways in which immigration status shapes women's responses to gender-based violence. It also necessitates the need for legal structures and mechanisms and a gendered analysis of the changes in the refugee policy that has been introduced lately.

C. The reality of *development-induced displacement* (in India, Turkey, Uganda, Georgia, Colombia and Kenya) was brought to the fore by Ayşe Betül Çelik, Simon Addison, Riva Jalipa, Catherine Brun, Namrita Shirin Singh, Paula Banerjee, Lawrence Juma, Manish K. Jha, Patricia Fagen, Beatriz Sanchez, Suha Priyadarshini Chakravorty, Shiva K Dhungana and Walter Fernandez. The speakers concluded that in today's world, more or less most of the countries have agreed to pay the price for development, which is displacing a huge number of people and therefore, there is a need for a rights-based approach to policies designed to address problems caused by displacement. The urge to develop is so great that countries of the South take the help of foreign

investment which also gives rise to foreign investment-induced displacement.

D. K.M. Parivelan, Mithilesh Kumar, Madhulika Sahu, Benoît Mayer, Mathew Scott and Anshuman Dasgupta attempted to address the issues of *climate change/ environmental degradation, resource crisis and migration* and asserted that these issues are highly linked and cannot be studied in isolation. While the welfarist model in countries like India almost collapses when the state fails to protect the interests of the most vulnerable sections of the society, what becomes apparent is that all international conventions and protocols on climate issues prove to be insufficient tools in this regard. The paper presenters also pointed out that it is an irony that while sudden environmental disasters attract international funding and media attention, the protracted displacement that takes place due to gradual changes in the environment, such as change in the course of a river etc., are not given due importance. The speakers also explored the possibility of climate change giving rise to the fear of the Other and pointed out that an alternative or customised model would be ideal.

E. Anita Fabos, Jasna Čapo Žmegač, Giorgia Dona, Catherine Brun, Arpita Basu Roy, Mrinalkanti Chakma, Binod Kumar Mishra, Nasreen Chowdhory, Sudeep Basu, Chris Lewa, Sivaprashanthi Thambaiah, Neelakantan Dharmaretnam, Sreeja Balarajan, Amit Kumar Singh, Megan Bradley, Nicholas Van Hear, Danesh Narendra Jayatilaka Vanessa Iaria, Ulrike Schultz Madhusmita Jena and Sibaji Pratim Basu addressed the issues of *peace, conflict, displacement and resettlement.* Though the very idea of care and hospitality was an integral part of the South Asian culture, the focus of the state has shifted towards the maintenance of order, which further complicates the refugee/ IDP situation in the region. It was debated that "truth-telling" is the most difficult yet, perhaps, the most necessary step to facilitate "reconciliation", which lies at the heart of "transitional justice". The concept of reconciliation having a strong resemblance with G.W.F. Hegel's concept of Versöhnung, which connotes a process of transformation, can be described as a process of overcoming conflict, division, and alienation in an attempt to restore harmony, unity, and peace.

But what makes things worse is that differential treatments are experienced by different groups of refugees seeking asylum in particular countries. Media interpretation of heterogeneity as something that might trigger conflict also puts pressure on the authorities to start the process of integration, which might lead to problems in an otherwise peaceful area.

On the other hand, the reality that the nexus of foreign aid and foreign military presence takes a toll on the fragile state was brought to the fore by some of the presenters. Some of the paper

presenters focussed on the network of connections that help diasporic groups to negotiate and survive better in post-conflict situations and diaspora engagement can be extremely significant in escalating or containing situations of conflict in the country of origin. The tendency to build a "homely" atmosphere even in a transit camp speaks of their longing for "home" and motivates them to fight for "home". A few others were of the opinion that "home" may not always mean the country of origin, but it may rather appear in fragmented portions (because of certain elements) in the country of asylum, thereby expanding the "home boundaries." The concept of "return" becomes disconnected from the idea of a "home" to be returned to.

F. The involvement of different organizations/research institutes with forced migration is not something new. Giorgio Dona, Ranabir Samaddar, Susan Martin, Susan McGrath, Abbie Taylor, Patricia Fagen, Roberto Vidal, Loren Landau, Gayla Ruffer, James C. Simeon, Giorgia Dona, Vibeke Andersson, Idil Atak, Heather Johnson, Morgan Poteet,Michele Millard, Nergis Canefe and David Ongwech Onen, highlighted the attempts made by different bodies to create a network, whereby all the institutes (like the African Centre for Migration and Society, South Africa, Refugee Research Network, Latin American Network etc.) and individuals working on forced migration will be linked and will be aware of each other's works. Internet and the proliferation of websites and online instruments on refugee and forced migration studies, new technologies and new methods of inquiry have changed the nature of research and information gathering, analysis, and dissemination. The legal frameworks were also discussed and it was argued that where individual institution/ organization was failing, adequate support has to be extended to various support groups. The speakers pointed out that the power imbalance and North-South divide, where the North sets the agenda for research and policy and the south is required to follow.

G. While there is the harsh reality of ethno-cultural differences leading to the problems of integration, the states on the other, on the pretext of doing welfare, actually tries to bring order by categorizing people or branding them and adopting custom made policies of discrimination. There are instances of strong resistance to the same. What turns things complex is the fact that categories overlap. For instance, the people who suffered the Marichjhapi massacre (1979) were refugees turned into IDPs. What make things worse are disparities in different laws and conventions offering protection to the refugees/migrants and the use of words like 'humanitarianism', which acts as double-edged swords, its interpretation often left to the discretion of the state itself. Due to the absence of proper domestic policies, refugees in

many parts of the world do not have the right to work or the right to movement.

Some paper presenters also pointed out those formal plans to benefit migrants/refugees are mostly flawed and there is the need to adopt "business-as-usual approaches" which revises existing approaches and innovates at the micro-level. The need to consider the spatial axis was also felt while thinking of Guiding Principles of IDP. The social, legal, and political challenges to get justice for trafficked individuals in Southeast Asia and East Asia (Vietnam, Taiwan, South Korea), North America (Mexico), and Europe (the UK and the Netherlands) was also explored. These problems were addressed by Atig Ghosh, Badri Narayan Tiwari, Ranabir Samaddar, Yukari Ando, Nicholas Van Hear, Cathrine Brun, Andrea Pacifico Pacheco, Érika Pires Ramos, Susan Kneebone, Jennifer Eileen Byrne, Sahana Basavapatna, Stevan M. Weine, Nandini Ganguly, Rohit Jain, Charles Gomes, Jessica L. Anderson, Piu Debanjan Chatterjee, Christina Churruca, Enrique Eguren, Francesco Vecchio, Dale Buscher, Rukmini Sen, Nishi Pulugurthu, Simon Beherman, Susan Kneebone and Sibaji Pratim Basu.

Moving Forward: While the above papers mostly dealt with "problems", a number of papers also sought to offer certain solutions. David James Cantor, David Danielson, Bríd Ní Ghráinne Abbie Taylor, Ezat Mossallanejad, Marko Szilveszter Macskovich, Monika Smit and Amrita Hari explored different directions in which we can move forward. It was argued that the responsibility for effective and "satisfactory" reparations lay with the country of origin even after displacement and that permanent reparations are necessary in cases of forced refugeehood. That the refugee regimes tend to focus on support to individual refugees gives rise to a situation where relationships with the community as a whole gets jeopardised. It was also argued that any IDP Policy should be limited to the capacity of the government. Some also advocated the choice of being a global citizen, beside the choice of belonging to a nation. Some linked technological innovations and refugee protections, while others opined that a workable solution can only be reached through coordinated efforts of individuals, state authorities, agencies, NGOs and the host society. For instance, in Netherlands, adequate mechanisms for guardianship have been instituted.

Other Events: During the conference, Anisuzzaman, I.A. Rehman and Ranabir Samaddar met the press to talk about "Partition and Borders: Efforts towards Friendly Relations in South Asia" and among the films screened over the three days were Tushar Bhattacharya's *Marichjhapi 1978-79*, Moinak Biswas's *Sthaniya Sangbad* (Spring in the Colony) and Pramod Gupta and Nilotpal Dutta's *Amader Jomite Oder Nagari* (Their Town on Our Land). The three films focussed on the question of displacement and forced migration, precarious labour and development.

After all the panel discussions were over, the rapporteurs' report was presented by Sudeep Basu (GIDR, Ahmedabad, India) and Atig Ghosh (CRG). This was followed by the Annual General Meeting of the IASFM. Chris Dolan, the outgoing president of IASFM, was lauded for the success of the Conference. Later at the AGM, a new Executive Committee was elected by its members. Paula Banerjee was unanimously elected the President of the IASFM and Roberto Vidal, the Vice President. Nasreen Chowdhory was re-elected the Treasurer of the Association; Susan Kneebone, the Secretary; and Michele Millard, the Communication Officer. Galya Ruffer and Danesh Jayatilaka were put in charge of the Programme Affairs and Innovation and Elżbieta M. Goździak and Bram Jansen in charge of fundraising. Beatriz Sanchez was made the Programme Committee Chair.

At the end, when glasses were raised to celebrate the success of IASFM14, it was done so with the promise to work hard in order to make the world a better place for refugees, migrants and other vulnerable groups. IASFM15 will take this pledge a step forward in Cartagena, Colombia, which will also commemorate 30 years of Cartagena Declaration on Refugees.

Book Review

Atig Ghosh (ed.), *Branding the Migrant: Arguments of Rights, Welfare and Security*, **Frontpage: Kolkata, February 1, 2013, 272 pages, Rs. 495**

Branding the Migrant: Arguments of Rights, Welfare and Security, edited by Atig Ghosh, is a collection of essays which engages with the politics and history of the state's population identification exercises. It not only deals with specific case studies of the application of the UID project or Aadhaar but also deals with theoretical aspects in the broader context of identification technologies sponsored by the state and the market. The focus is on the impact on migrants and how far the UID project is a continuation of the age-old statist imperative of identifying and excluding the migrant. The book also explores whether under the cover of welfare the state conducts surveillance for national security. As Ghosh states in the introduction, the significance of the volume inheres in presenting an array of essays at a time when the Aadhaar project is being carried out on the residents to highlight the impact of such state-sponsored identification technology on the non-residents or migrants who in some states like West Bengal or the Indian Northeast comprise a sizable section of the population.

The first essay sets the background of the impact of the UID project (Aadhaar) on the migrants. In his article "Politics of Digitisation", Dipankar Sinha situates the UID project in the broader context of the process of digitisation and its impact on the life of the migrants. He points out that information technology in the hands of the state becomes a "political project". Through digitisation, which is converting information into a digital format, the state and the market have come together to allegedly bring welfare measures to the citizens, through e-governance. Sinha however also points out the counterarguments that this is really a "subtle strategy" to establish surveillance in the society. While he refuses to see an "evil design" of the state in the digitisation process, he points out that the "aggressive promotion of such digital intervention runs the risk of exclusion of the under-privileged" of whom the migrants are a section.

In the second essay, Atig Ghosh, through a historical survey and analysis of identification technology, situates the digital identification project in the governmental logic of the colonial state. He shows how with the change in technology historically the state (whether colonial or postcolonial) attempts

from time to time to establish a permanent record of individual identity which is then claimed to be the most scientifically advanced method, superseding all previous records. Ghosh refers in detail to the various technologies used over the centuries and concludes that the perfect identification technology which fulfils the statist goal of comprehensive individual information to maximise outflow of benefit remains elusive. In the broader theme of establishing the migrant, Badri Narayan Tiwari discusses in the third essay the forms of identification of the indentured migrants from Bhojpuri areas of India to Surinam, namely photographs and letters which were preserved by the European colonial states as well the Christian missionaries. Though these forms of fixing the identity of the migrants were frequently subverted by the migrants through their migration, they leave an archive of documents behind which reveal many histories.

Sahana Basavapatna deals more directly with the impact of the UID on the asylum seekers and refugees in India. Three projects according to her impact the lives of refugees – the Aadhaar, the National Population Register (NPR) and the Immigration Visa and Foreigners Registration and Tracking. Basavapatna's belief is that the "central concerns of the government of India is not welfare as far as the Tibetans and Sri Lankan Tamil refugees are concerned but surveillance. She links the origin of the Aadhaar project to the events of 1990s and the debates in parliament on national security, terrorism and illegal immigration, though this has not been explicitly reflected in the UID bill of 2010. She points out that not only is identity a fuzzy and fluid category and cannot be reduced to basic bio-data and biometrics, the unique ID attempts at surveillance without a statement of the state's responsibility to set up a refugee protection law and policy. It is true that some groups of refugees like the Tibetans welcome the Aadhaar as a better identity document; however, Basavapatna fears that without more exhaustive information the large databases created may become vulnerable to misuse. Bharat Bhusan's essay on identifying Pakistani migrants clearly identifies the various layers of migrants and the differing laws and policies of the government relating to the various groups. Some migrants from Pakistan are treated as refugees while others are considered illegal aliens. The migrants to Jammu and Kashmir are a separate category. He raises the question as to whether the UIDAI would provide an identity to the Pakistani migrants which would be welcomed by them. He avers that an insurmountable problem is created, since the list of documents required for applying for the Aadhaar card cannot be provided by the migrants. It would be necessary to provide provisions to enable the migrants to apply for the ID which may help them to avail of some benefits; at the same time, though, the illegal migrants would have to submit to increased surveillance.

Amidst all the doubts and criticisms brought out by the different writers on various aspects of the UID Aadhaar project, the essay by Jayanta Bhattacharya talks of the success story of Tripura which was felicitated with various awards by the India government for 90 per cent implementation. He assigns the credit for such a success to strong political will of the ruling Left Front government and the lack of opposition from any political party in the

state. Another ongoing project, the Assam case has been discussed by Samir Kar Purakayastha. The initiation of the UID project through a MOU signed between the state government and the UIDAI in July 2010 brought to the forefront the ever-present debate on 'identity' in Assam. Unlike in Tripura the political will of the ruling party was diluted by the presence of various dissenting fronts. The unease of the state government was sought to be resolved by merging the UID with the NPR (which is prepared through house-to-house enumeration and verification unlike the Aadhaar). This, as claimed by the Assam government, would end the problem of illegal immigration. The residents would be able to claim benefit from government welfare schemes while the government would have biometric record of all residents and create a 'digital wall' against further infiltration. The harassment of genuine Indian citizens will end and the number ID will be proof against loss and damage of ID. However, some doubts persist about the efficiency of the biometric data system but on the whole there is hope that the NRP-UID project will reduce illegal immigration and fraud.

Manish K. Jha's essay portrays the subaltern experience of the Aadhaar registration and for the purpose he has chosen three areas for study in Mumbai. They are: the illegal settlement of rag pickers in Rafiqnagar, the Juhu line area where photo-passes were issued in 1988 to make it a regularized area, and the denotified migrant tribes Pardhi community settlement in Jai Amba Nagar. In his opinion, the migrant population of Mumbai are increasingly vulnerable to intolerance and propaganda of the political players making them responsible for rising crime in the city. Jha believes that this 'political class' will achieve control over the digital database and target the migrants for exclusion. There is also the risk of deliberate or mistaken identity in the implementation of the Aadhaar card.

The two final essays of the book, moving away from the impact of UID project on particular case studies, locate the UID within the expanding state-market nexus of neo-liberal economy. Byasdeb Dasgupta shows that in the market-centric neo-liberal state that India is there is no place for an individual within a social group or community but creates new groups sensitive to the market and the new concept of welfare. This inclusive growth project requires a special identification of the beneficiaries. Dasgupta raises the question of the financial inclusion of the poor migrant workers in the context of detailed information procedure of banks and concludes that in the present scenario it may not be feasible. Also the Aadhaar is a national security project and like other neoliberal projects rejects the possibility of exclusion. The excellent essay by Ritajyoti Bandyopadhyay deals with what he calls 'the UID project and the future of the Indian state'. He deals with the rise of Nandan Nilekani to political prominence and his idea of the Aadhaar as the culmination of the change in the dominant class coalition in neo-liberal India. He then highlights the debate on the UID project where he categorises the dissidents into those who raise liberty issues and technical issues. Finally, Bandyopadhyay provides a set of seven propositions on the future of the UID and states the need to establish counter-strategies to them.

This very informative and relevant book is an important intervention in the large body of literature on the UID project and the larger debates on digital database compiled with identification technologies. It would have been even more effective and interesting if there had been an in-depth study of the migrants in the city of Kolkata and the on-going Aadhaar project.

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NOTES FOR CONTRIBUTORS

Articles submitted for consideration of publication in REFUGEE WATCH should be around 5000 words. Book reviews can be around 1000 words and review articles can be around 2000 words. Articles will have endnotes and not footnotes. Endnotes should be restricted to the minimum. Round-tables can also be proposed for publication. Enquiries about possible submissions are welcome.

For submission of articles and all other matters, correspondence should be addressed to the Editor, Refugee Watch, Mahanirban Calcutta Research Group, GC-45, First Floor, Sector-III, Salt Lake, Kolkata – 700 106 or paula@mcrg.ac.in. For book review and review-articles, correspondence to be addressed to Anita Sengupta, Review Editor, Refugee Watch, at the same address or at anitasengupta@hotmail.com.

Authors will have to submit articles both hard and soft copies (in MS Word). All articles are peer reviewed and it may take 3 to 4 months before a decision is reached on the proposed publication. Contributors will get 2 copies of the journal.

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