

A Report

on

Disrupting Theory, Unsettling Practice: Towards Transformative Forced Migration Scholarship and Policy

26-30th July 2021, IASFM 18

Report of sessions organised on 28 & 29 July 2021 by Calcutta Research Group

Executive Summary

The bi-annual conference of the International Association for the Study of Forced Migration (IASFM) titled “*Disrupting Theory, Unsettling Practice: Towards Transformative Forced Migration Scholarship and Policy*” was held virtually in collaboration with University of Ghana, Accra from 26-30 July, 2021 and Mahanirban Calcutta Research Group (CRG) as an institutional member of the organization participated in the conference with the generous support from Institute for Human Sciences, Vienna. The conference aimed at understanding the contested identities of the refugee and analysis of protection mechanisms in the Global North and Global South and its operational differentiation at the micro geographic level. The two panels organised by CRG were ‘Forced Migration and Inequality’ on 28 July 2021; and ‘*A Postcolonial Engagement with the Issue of Protection: The Kolkata Declaration of 2018*’ on 29 July 2021. The panels broadly reflect on both the core issues addressed at the conference. The panels aimed at detailing how inequality when conjoined to the refugee identity becomes a beacon of double marginalization that overshadows the capacity approach of mobility and the everyday struggles in reshaping the socio-economic and political identity of the refugees, stateless and asylum seekers. Within the neoliberal structures of nations and nationalisms the question of protection remains critical, especially in relation to the significance of international protection instruments like the 1951 Refugee Convention or the Global Compacts which have been adequate in securing protection. The discussion ensued on how significantly the Kolkata Declaration drafted by CRG in 2018 could be looked upon as an instrument of solidarity with possibilities of new structures in ameliorating the condition of distress created due to the conditions of uprootedness. Ranabir Samaddar, Distinguished Chair in Migration and Forced Migration Studies, CRG and Nasreen Chowdhory, Associate Professor at University of Delhi, member of CRG and Vice-President with IASFM (2020-2021) organised, designed and chaired both the panels at the conference. Lawrence Juma (Rhodes University) could not attend the panel on *Kolkata Declaration 2018* due to some unavoidable circumstances.

For more details about the conference visit:

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**A Summary Report on
'Forced Migration and Inequality'
28 July, IASFM18**

Panel Abstract:

The discourse on forced migration is irrevocably entwined with the notion of inequality. A causative analysis of forced migration would reveal the inherent structural inequality persistent in the countries of global south in generating such forced migration. But a vicious cycle of inequality is perpetuated in forced migration as the consequence of such migration is not homogeneous across all those who undertake it. There is both horizontal and vertical inequality prevalent across all forced migrants - it creates a strata of migrants whose choice and access to various sites of refuge is restricted due to economic deprivation - this constitutes vertically unequal groups of refugees and stateless population. Additionally, within similar vertically located forced migrants, inequality in access to different resources and facilities based on differences of gender, race or ethnicity again propagates horizontal inequality. Horizontal inequality manifests as “inequalities in economic, social or political dimensions or cultural status between culturally defined groups” (Stewart 2008:3). Focusing on horizontal inequality and conceptualising inequality as group inequality which can be analysed using economic, social, political and cultural indicators, the theme of this panel intends to introspect the perpetuation of group inequality in forced migration.

Panel Presenters Abstract:

Romola Sanyal (London School of Economics): 'Political Economy of Displacement and Refuge'

Refugees and other forced migrants are generally seen through the lens of humanitarianism and human rights. Whilst considerable literature exists on the everyday experiences of forced migrants in different parts of the world, there is little critical analysis of assets that refugees may have that could enable them to reconstruct viable futures whilst being displaced. In this talk, I examine the questions of property in relation to refugees. I discuss how it impacts on the social and economic conditions of those left un-homed and property-less as a result of war and violence. Alongside this, I study how the questions of property can be indicative of regional and global geopolitics around issues that have in fact left these populations in exile. For example, how do states decide who can own property and how do these rights shift over time? How does that impact the financial well-being for refugees living in protracted situations or indeed stateless populations? Drawing on critical work on property in geography, I analyze how we can unpack the political economy of displacement and refuge and about the inequalities entrenched in this system.

Nasreen Chowdhory (University of Delhi): ‘The Chit/Enclave People in West Bengal: A Story of Unequal Rights of “New Citizens”’

Various patterns of dominance within sites of liminal existence like refugee camps demonstrate the structural inequality at micro-level amongst the forcibly displaced population. It is structural as such inequality which is inadvertently justified by considering these vulnerable as hapless victims devoid of any agency occupying a spatial zone which has been extended as an act of charity by the country of asylum. The paper will be examining the journey of ‘new’ citizens in the camps of Dinhata, Coochbehar, India. These new citizens are part of the Land Border Agreement between India and Bangladesh, also called the chit/enclave people. The presence within camps in Dinhata suggest that indeed they are waiting for state interventionist to restore their rights as citizens.

Biswajit Mohanty (University of Delhi): ‘Structural Violence, Inequality and Refuge: Case Study of Rohingya Refugees in India’

Violence is the precondition for the creation of inequality as well as the product of existing inequality. Many empirical and theoretical studies have pointed out that injustice, inequality, exclusion and human rights violation remains the causes of conflict and violence across the continents. Violence and subsequent crossing of borders is the interplay of structural inequality created by the state through violence at the local and national level and the global inequality generated by globalization processes. Refugees are subjected to various kinds of violence – structural, unconcerned and irregular and everyday violence – of the state and other authorities perpetrated on the refugees in the normal and so-called “safe havens”. This paper taking the case study of Rohingya refugees in India examines the various kinds of inequalities created by the state through several discriminatory practices and policies. The paper argues that inequality of existence creates not only the horizontal but vertical division within and inter-community routine life. The article also prescribes that refugees and Internally Displaced require more than rehabilitation, resettlement, and relief by the state and private individuals as they suffer both in the native country as well as in the country of the refuge by being at the margins and unequal.

Shamna Thacham Poyil (University of Delhi): ‘The Politics of Exclusion: Institutionalizing Inequality of Rohingyas in Myanmar’

Rohingyas, an ethnic, linguistic and religious minority have perpetually been oppressed and mistreated both by the Burmese military and also by the larger Buddhist community in Myanmar. The contentious historical narrative regarding the origin of Muslims in Rakhine, the sustained policies and statutory practices of discrimination and frequent episode of brutality and violence illustrates the creation and permeation of compounded inequality for Rohingyas relegating them to physical, territorial and symbolic margins of Burmese society. Creation of such inequality through hierarchy of narratives of “blood and belonging” (Fazal, 2018) serves as the first step in marginalizing them and institutionalizing ‘group inequality’. Such bureaucratic-legal exclusion culminates in their complete ostracization through denial of citizenship rendering them as stateless and forced migrants. An analysis of the ‘nation-state’ as the cornerstone of citizenship, by probing aspects of colonial administration, post-colonial consolidation, territorial sovereignty and nation building in Myanmar, reveals the myriad ways in which compounded inequality is institutionalised by a ‘rational-bureaucratic’ (Townley, 2011) state. In the context of statelessness created through exclusion from

predetermined contours of idyllic nation-state, how does state's institutionalization of various spatial and temporal variables to determine the in/exclusion of individuals create structural inequality? Through answering the above question, the paper intends to problematize the ways in which the legal-bureaucratic apparatus of post-colonial state of Myanmar perpetuate compound inequality of Rohingyas to precipitate their forced migration as stateless people.

Panel Discussion Report:

The panel was chaired by Nasreen Chowdhory and moderated by Lydia Sa. The panel discussion was enriched by comments from Ranabir Samaddar sharing his insights on neo-liberalism and operation of inequality.

Lydia Sa introduced the panel for discussion on forced migration and inequality.

Romola Sanyal: *'Property and Displacement: Thinking Through Structural Inequalities'* was part of her ongoing research and largely based on her extensive fieldwork in the two regions of the Middle East and South Asia for more than two decades and also forms the core thrust of the presentation through a comparative lens. Her conceptual framing of the research problematic is from the point of critical urban geography through the lens of migration and displacement. It focuses on questions of property and belonging, partly moderated and influenced by her training as an urban planner, geographer and an architect. She draws on her theory through the comparison of the experience of the Palestinians in Shatila Refugee camp and Tibetans in India. In policy circles as well in popular belief, there has been an increasing push towards property ownership and is driven much by the World Bank and host of other actors with the belief that the property rights would bring about more security of tenure and thus more stability. This peculiar sort of assumption is at the heart of the problematic—how the land questions have created various levels of inequalities between the owners and tenants, gendered inequalities and many more. And especially in the circles of informality, particularly in the Global South these inequalities are even more stretched out in relation to informal housing. Sanyal's approach to this problematic comes from her assumption that everyone is a citizen and they somehow belong in some way to a nation-state either through the one they are currently residing in or somewhere else. The question of a current legal status and how that impacts property ownership of the refugee in forced migration is often ignored in some of the general discussions especially from the point of view of restitution. The necessity of engaging with the questions of property and statelessness is because crisis has become more protracted. It becomes necessary to move away from a humanitarian frame to thinking more meaningfully about displacement especially through the understanding of aspirations of displaced peoples; how informal tenure, also time bound, is adequate for those who struggle with protracted displacement for generations and how the policies have been widely regressing or shrinking in protecting the refugees. So, the question arising is - who is allowed to be a property owner and where? Who is shut out as a result of their legal status and what does this do to their legal aspirations for upward mobility? How does legal categorization create particular forms of exclusion and inequality? And these questions are more relevant when one turns their gaze to South Asia. The displaced people by virtue of their legal status cannot become property owners be it in Global South or the Palestinians by

virtue of the 296/2001 law in Beirut, as they either do not recognize refugee status or refuse to offer ownership of land to non-citizens thereby excluding the refugees without naming them. So, crisis becomes protracted as refugees might be offered protection but face different levels of exclusions - property being one of them. Sanyal says that property itself contains violence of excluding others but in a world where ownership seems to create a pathway towards security and upward socio-economic mobility - what does it mean to have any targeted group of people excluded by virtue of their displaced label. This becomes even more pronounced amongst the displaced people who are vulnerable as in the case of the Palestinians and Tibetans. It is also important to ask what roles do informal spaces and tenure play in the possessions of displaced persons. Does the society recognise these property rights or are they dispossessable?

Shamna Thacham Poyil's, 'The Politics of Exclusion: Institutionalizing the Exclusion of Rohingyas in Myanmar', was an attempt to look into the causal factors that went into the making of the Rohingyas as a stateless ethnic minority. The paper looks at governance from the colonial to the postcolonial times through the figuring of the citizen and legal frameworks to identify structural frameworks of othering and inequality. Poyil opened her discussion by highlighting how the 1982 Citizenship Amendment Act considers the Rohingyas as less than equal. Equality and its binary inequality remained the major focus of the problematic and problematizing it through the legal framework in postcolonial state of Myanmar in perpetuating inequality. Inequality is a universal value and when expressed as a right, it is right of all human beings to be equal in terms of dignity and to be treated and respected and considered as equal. Similarly the right to nationality guaranteed without any discrimination on arbitrary ground, to all forms of statelessness is the notion of inequality and the resultant discrimination. The fact that stateless individuals experience inequality is a major focus area. But beyond this it is important to understand that inequality is not just the impact but one of the causal factors instrumental in rendering people stateless. The existing study of equality before law and the enforcement and protection of civil and human right, have not offered a very thorough political explanation for the persistence of unequal legal outcome. So, it is important to understand that the creation of legal inequality is the starting point in demarcating certain groups of people as different and then causing their major denationalization and loss of citizenship rights. The right to access and utilize the resources of the state is guaranteed by the citizenship which means that it creates unequal population based on their denial of legal status of citizenship. So the state's resource allocation and citizenship rights creates a situation of state sponsored inequality when looked through attributes like ethnicity, gender, which are rather static and create more durable inequality. So unequal access to resources brought about by linking citizenship as a primordial factor creates a vicious pattern of structural inequality. Hence, the question may arise: 'Who may the state target to be unequal' and 'How does the state sanction the inequality of a particular group institutionalised by the state'?

Nasreen Chowdhory's 'The Story of Unequal Rights of the New Citizens' was based on the case study of the experiences in transition or becoming new citizens from enclave dwellers in the Bengal borderlands in the resettlement camps of Dinhata and Mekhliganj (both in Northern Bengal). The paper highlights how aspects of everyday citizenship are shaped by identity and sense of belonging within the changing territorial boundaries enacted upon by the 2015 Regulations regarding the *chitmahals*. Both the stories help us understand the

domain of new citizenship and how aligning the question of nationality within the territory of India came at the cost of disruption of kinship structure which is leaving behind a significant number of families in Bangladesh. These narratives of the divided families show how land becomes critical in the transition from half citizens to full-fledged new citizen. It encapsulates the precarity of the manner in which the new citizens navigate through the informality in the new belonging and old cultural ties. Belonging becomes the key component of the discussion that could be looked from both a nation-state perspective of a top-down approach as well as individual sense of belonging. Belonging therefore is hierarchical and involves multiple layers of exclusion when it comes to the vulnerable population; in case of the enclave dwellers they need to improvise identity in order not to be placed outside the boundary of national belonging which inadvertently is territorial. The ambiguous membership status of the chit dwellers as suspended citizenship reflects the exclusion from the nation-state-belonging hierarchy leading to their vulnerability.

The discussion was followed by comments from Ranabir Samaddar. He tries to bind through the central theme of all the discussions by focusing on the notion of the political economy of survival. The understanding that everyone is a citizen and as citizen one should have one kind of identity brings out a substantial layer of society not having any identity with regards to property such as land. It is the very process of producing categories that creates inequality. The migrants and refugees treading and working along the networks of survivalism carry all the inequalities that were there when they decided to migrate. Inequality remains as the basis of production in which the societies are organised and the way the governmental machineries of the state functions through the furthering of protection. Care inadvertently keeps on producing layers of inequality through the guaranteeing of rights to the citizens and obfuscating the others.

Biswajit Mohanty took forward the dialogue taking cue from Ranabir Samaddar's discussion linking migration and inequality and why inequality takes place because of violence which is the pre-condition for the creation of inequality as well as the product of existing inequality. The understanding lies in the epistemic connotations of the refugees as unequal and the circumstantial settings that lead to their inequality. Refugees are subjected to various kinds of violence – structural, unconcerned and irregular and everyday violence – of the state and other authorities perpetrated on the refugees in the normal and so-called “safe havens”. The presentation focused on the identity formation through media representation in India particularly focusing on, how camps as spaces of limited mobility create zones of panopticons and sustainable operative inequality functioning within the state system. Mohanty also clarifies how freedom of movement considered as a fundamental human right both generates statelessness syndrome and its parallel corollaries of immobility and hence unequal status by restricting the refugees from getting outside the camp. The inability of the refugees to speak for themselves lead to the adverse media representation of the refugees in host countries. This negative identity formation of the refugees leads to unequal power relations with the host populations.

A Summary Report on

‘A Postcolonial Engagement with the Issue of Protection: The Kolkata Declaration of 2018’

29 July 2021, IASFM18

Panel Abstract:

In context of the recurrent migration “crises” in the new century, brought to home of the developed world through two events - the European migration crisis in 2015 and the caravan “crisis” in the Northern American hemisphere in 2018 - the need for a new global protection regime became paramount. The New York Declaration of 2016 announcing the two global compacts linked the agenda of global protection of refugees and migrants with the global development agenda set by the UN. In this context delegates from 18 countries met in Kolkata in November 2018 and adopted the Kolkata Declaration on the theme of protection. Reflecting on the global compacts and the new global mandate of protection, the Kolkata Declaration effected a shift in the overall tone and tenor of protection from the “global” to the “postcolonial”. It shifted (a) the ground of protection from development to justice, (b) the template of protection from global to local, and (c) the reason for a structure of protection from the need for rules of management of migration to the postcolonial reality of mobility. In the context of the overwhelming postcolonial perspective of population flows, the Kolkata Declaration made a strikingly fresh interpretation of two terms: “protection” and “global”. The Declaration also reinterpreted the phenomenon of statelessness in the context of the crisis of the liberal concept of citizenship. This panel will pick up the thread from where the Kolkata Declaration left as the year 2018 ended, and discuss the postcolonial dimensions of the protection question. It will take up specifically four themes: (a) the Orientalist assumptions of the global protection regime as founded in 1951; (b) the presumed links between the two concepts – “global” and “protection”; (c) the shift from "treaty" to "soft law" approaches with regard to management and protection of refugees, and (d) the international legal understanding best captured in the phrase “Geneva based wisdom” on statelessness as a phenomenon to be positively defined, yet this definition falls short of the postcolonial reality of statelessness.

Panel Presenters Abstract:

Giorgia Dona (University of East London): ‘A Postcolonial Engagement with the Presumed Links Between the Global and Protection as Constituent Elements of “Global Protection”’

The 2018 Kolkata Declaration represents a post-colonial response to the 2016 New York Declaration that led to the development of two global compacts. The Global Compact on Refugees and the one on Safe, Orderly, and Regular Migration set a new international mandate of “global protection”. This paper continues the thread of discussions that led to the development of the Kolkata Declaration, with a focus on the presumed links between the key concepts of “global” and “protection”. The paper adopts a post-colonial approach to examine the global protection question through a discussion of the uneven geographies that make up the “global” and a critique of the presumed neutrality of “protection” that is abstracted from

the post-colonial realities of mobility. It offers a postcolonial critique of dominant frameworks on refugees and migrants - humanitarian, neo-liberal, securitization, and management – to unravel the paradoxes that are inherent in the presumed links between protection, articulated through the language of needs and rights, and the global that is expressed through the language of development, the economy and ‘orderly and safe’ migration. The paper concludes with a response to the proposition that the Kolkata Declaration exercises a shift in understanding protection from the “global” to the “postcolonial”.

Nergis Canefe (York University): ‘The Deafening Silence of Documents: Un-defining Statelessness in the Dominant Ingo Legal Discourse’

This paper will evaluate the silences endemic to both UNHCR documents and the Global Compact on migration concerning statelessness. It will provide a historical critique of the international legal understanding best captured in the phrase “Geneva based wisdom” on statelessness as a phenomenon to be positively defined. It will then post the argument that such trajectories of jurisprudential containment of statelessness render postcolonial realities of statelessness irrelevant at best and invisible at worst.

Paula Banerjee (University of Calcutta & CRG): ‘The International Regime of Protection and the Post-Colonial Reality of Statelessness’

The global narrative on protection as defined by the New York Declaration and the two global compacts is perhaps best summed up in the phrase “Geneva based wisdom” when viewed from the global South. It falls far short of protection needs of stateless people when viewed through the prism of post-colonial realities. The problem begins with the definition itself and this definition at best misunderstands the postcolonial reality of statelessness and at worst ignores this reality. When viewed from the perspective of the stateless people of the global South, one can see how the problematic of statelessness is related not just to the resource question but also to the question of citizenship. Most countries of the global South are caught up in redefining citizenship in ways that marginalizes more and more people and thereby compounding the problem. Yet the international regime of protection in no way addresses this and countries are left alone to venture on this project of creating a “pure” core of citizenship. In my discussion I would like to present the emerging problems of statelessness when viewed through the context of the post-colonial world and discuss how the Kolkata Declaration goes beyond the global compact in addressing this issue.

Panel Discussion Report:

Nasreen Chowdhory introduced the panel with a brief statement on the significance of the Kolkata Declaration 2018.

Giorgia Dona in her presentation titled *‘A Postcolonial Engagement with the Presumed Links Between the Global and Protection as Constituent Elements of “Global Protection”* detailed out the nature of uneven reception, comparisons of black slaves, border crossings, and plight of asylum seekers in the Mediterranean. The complications of reception across the globe, integration and care of the long strands of refugees seeking protection were questioned. The discourse stressed on the post-colonial reality of uneven geographies and the

conversations in mainstream nationalism that point towards the presumed neutrality of protection, abstracted from the actuality of post-colonial mobility and border zones as colonial spaces of exception to the issue of protection. The speaker stressed how the Kolkata Declaration in this respect acts as an important tool to create an alternative narrative and connects economies, survival and mobility. In the present scenario the pandemic reframes mobility and immobility with technology and software applications and surveillance controlling movement, bringing to the forefront a post-colonial approach to protraction in a pandemic and post-pandemic situation.

Nergis Canefe in *'The Deafening Silence of Documents: Un-defining Statelessness in the Dominant Ingo Legal Discourse'* critiqued international law and the failure of international community to provide protection to people on the move in the postcolonial dominion. The discussion pointed out the role of containment and detention in realising the difference between real threat and illicit activities. The discussion brought to light the imposing character of international legal regimes and historical problems, regulations, unorthodox approaches, and the importance of the need of reimagining refugee law and statelessness because of their limitations. The Kolkata Declaration emphasizes on economic aspects of precarity of labour markets in South Asia and what is being done for protection, thus conveying the significant roles and approaches of international law and conventions. Kolkata Declaration is a strong step in defining what is expected under the purview of international law.

Paula Banerjee in her discussion *'The International Regime of Protection and the Post-Colonial Reality of Statelessness'* drew attention to the lives of millions of migrants who walked and hired vehicles to reach their homes and became stateless within their own country in attempting to reach from one state to another in the early months of 2020 when India witnessed a nation-wide lockdown as a way out to combat the ramifications of the COVID-19 infections spreading galore. The 1951 Convention and the idea of protection were forged by the colonial countries but the problem stays with the postcolonial societies. The 1951 Convention, the Cartagena Declaration on Refugees, created a situation where the refugee problem remains a post-colonial issue. Refugees are often placed under the tags of race, religion and ethnicity. Even with the borders expanding, all refugees are not included within the ambits of citizenship rights. The Global Compact gives a colonial solution which does not work for post-colonial realities, which the Kolkata Declaration strives to take forward.

The participants brought up the issues of divide and rule playing along geographies and alternative discourses in progression. It was mentioned that the post-pandemic times will record increased numbers of displacements triggered by fear of uncertainties brought by the disease across the globe with deeper distinction between the have and the have-nots.