

# REFUGEE WATCH

**A South Asian Journal on Forced Migration**

**54**

**Mahanirban Calcutta Research Group**  
**<http://www.mcrgh.ac.in>**

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Salt Lake, Kolkata-700097

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*Printed at:*

**Graphic Image**

New Market, New Complex, West Block

2<sup>nd</sup> Floor, Room No. 115, Kolkata-700 087

*This Publication is a part of the research programme of the Calcutta Research Group on Migration and Forced Migration. It is conducted in collaboration with Rosa Luxemburg Stiftung, Institute of Human Science, Vienna, and Several Universities and Institution in India*

*Gefördert durch die Rosa-Luxemburg-Stiftung e.V. aus Mitteln des Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung der Bundesrepublik Deutschland.*

Sponsored by the Rosa Luxemburg Foundation eV with funds of the Federal Ministry for Economic Cooperation and Development of the Federal Republic of Germany.

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# The Global Compact of Refugees: A Viewpoint of Global South

By

Nasreen Chowdhory \* & Shamna Thacham Poyil †

GCR tries to allocate ‘responsibility’ through and ‘whole of society’ approach by involving various stakeholders and actors that would augment existing mechanism of protection based on humanitarian response. In acknowledging the role of local community governance institutions in forging a viable refugee protection framework, GCR attempts to mobilize new actors along the traditional actors and national institutions in protection regime. But in doing so, it overlooks how such local actors are equally conditioned by the unique peculiarities of the individual countries of global south. In its attempt to materialize the ‘whole of society’ (WoS) method, has the GCR taken into account the provisional framework of refugee administration in the South Asian region? If the South Asian countries are disinclined to a global refugee protection system, then why do they open their borders to provide refuge to various groups of vulnerable from time to time? Clearly, one could see that these South Asian countries have always had the practice of providing sanctuary to those who needed it from the ancient times largely based on principles of humanitarianism. The practice of providing sanctuary in Indian subcontinent during the post colonial period for various groups was largely performative as demonstrated in the case of Tibetans, Sri Lankan Tamils or even the Afghan refugees or Rohingyas. How does such empirical practices place the subjectivity of a refugee in the discourse of protection in South Asia? How has their post-colonial historiography conditioned the subjectivity of refugee and the performative practices of providing sanctuary? Can a biased policy framework like GCR then have any bearing on the refugee protection practices of south Asia?

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Refugee Watch, 54, December 2019

## Global Compact of Refugees and the (Dis)Regard for Global South

Even a peripheral scrutiny of the document will reveal that with the exception of forging better transnational collaboration on responding to the refugee influx, Global Compact of Refugees (GCR) is a “flawed text” (Chimni, 2018). According to Chimni (2018), the defect of the compact can be attributed to the incapacity to address the principal genesis of refugee flows, attenuating the existing refugee protection framework, inability to delineate a proper responsibility allocation approach and a parochial emphasis on ‘specific deliverables’.

The following section, we try to elaborate how the above factors create an inherent asymmetry for the protection framework of refugees in ‘global south’. By pinning the responsibility of refugee creation squarely on the country of origin, the *compact overlooks the role of third parties* and other external actors in generating refugee outflow. The influx of many of the refugee population such as the Afghan refugee community in India and Pakistan is mainly due to the military intervention of third state parties like United States under the pretext of ‘Responsibility to Protect’.

The effort to ‘ease pressure on host countries’ (para 7) is a covert attempt to alleviate the burden of refugee influx to countries of global north (see Samaddar, 2018; Chimni, 2018). When countries of global north are primarily country of resettlement of refugees, countries of global south face a precarious situation of being both the country of first asylum and country of eventual resettlement. With their comparatively minimal resource base and specific developmental condition, the magnitude of burden is definitely more for the countries of global South than elsewhere. Despite of stating the need to “envisage a mix of solutions” that takes into consideration “the absorption capacity, level of development and demographic situation of different countries” (para 85), the compact validates the persistent bias in favour of developed countries. Instead of trouncing the existent *non-entrée* system put up by global north, the compact ideally should have acknowledged the heterogeneous circumstances of global south and created enhanced protection framework for refugees. This should be read together with the fact that GCR relegates ‘right to seek asylum’ to a mere footnote by hyphenating ‘right to asylum’ as ‘right to grant asylum’ by sovereign states. Such a covert decoupling between right to seek asylum and right to grant asylum is also indicative of the minimal priority attested to the agency of refugees by depoliticizing them as mere victims at the receiving end of charity offered by the host states. The ‘rights’ addressed in the compact was nominal (Samaddar, 2018) in that the communique of the congress mentioned the indispensability of legal rights to help transition of refugees as “people with needs to people with rights”<sup>1</sup> without undertaking any concrete step in the compact to ensure the same.



## Understanding Refugee Subjectivity and the Global Protection regime

Despite the surge in expanding legal rights of refugees (Behrman, 2013), the inadequacy of the international legal regime in addressing the concerns of asylum of refugees is evident from the instances of substantial reduction in the assistance given to the refugees (Shah, 1999). As suggested by Behrman (2013) and Marfleet (2006), in an overtly capitalist order, the economic compulsions of the asylum states conditions the nature of potential assistance that can be expected by refugees. Bauman (2004) opines that in a world controlled by capitalist order, refugees are likened to a “waste product” of no utility. Behrman (2013) agrees to the aforementioned observation and goes on to suggest that the subjection to an intricate web of legal protection only strengthens the conceptualisation of refugee as a commodified entity. This is based on the postulation of Edelman (1979) which in turn is in line with Pashukanis (1989) theorisation of legal subject as identical to a commodity. Even the definition of a refugee is swamped by the restrictive legal description that excludes persecution on grounds such as sexuality or fleeing from natural disasters. The narrow legal framework of international protection regime through which refugees try to gain recognition is further appropriated by various domestic laws in an even more restrictive manner that prioritizes the sovereignty of the individual nation-states. Despite of any benign broader interpretations that courts secure from time to time, the liminal existence of refugees is still marred by the constricting legal framework enforced on ground by the border patrolling guards and police who are the agents of the nation-state.

The relativist conceptualization of law that prioritizes self –interest generates the absolute sovereign right of the state to limit/permit outsiders to its political community. The “territorially trapped gaze” (Lax & Pedersen, 2019) that is prevalent in demarcating individuals as ‘us’ and ‘other’ on the basis of spatial margins of boundaries could be largely ascribed to the predominance of modern nation-state system. The national narratives that portrayed refugee as the ‘undesirable other’ who was detrimental to the security of the state and who was appropriating the scarce resources that belonged to ‘us’ replaced warmth of hospitality provided to refugees with suspicion and hostility. As observed by Tuitt (1996: 25), by diminishing the “external costs of refugee producing phenomena” to other states, Geneva Convention conjured a minimalistic definition of refugee that creates a “false image” without addressing the complexities of their being (Behrman, 2013). The intricate procedure of legal determination through which refugees secured recognition sapped them of their “identity of humanity, and to make it instead a bloodless question of technicalities and legality” (Behrman, 2013:6). This ousted refugee to the margin of host community, “de-socializing” (Agier, 2008) them and stripping them of their political agency. Being ousted from the legal contours of the state that they once belonged to, refugees survive in ghettoized spaces in the peripheries of their state of asylum. Their precarious survival hence albeit outside law of their homeland,

is still based on the abstract notion of protection and care put up by the international conventions, implemented in its own terms by the domestic governments and supported by transnational aid agencies. If law cements the membership of an individual in a state through citizenship and enweaves their relation with immediate civil society through rule of law, then law is instrumental in perpetuating their segregation from the members of the state and reducing their existence to a mere label of refugee. The legal subjectivity of the refugee hence reinforces his perpetual de-politicization that ensures the continuation of his “bare life”. The current framework of protection as extended by the Global compact of Refugees (GCR), limits the discourse of refugee protection by envisaging them as legal subjects rather than conceding and introspecting their political subjectivity. By hyphenating legal subjectivity with legal recognition, the global protection regime tends to overlook the structural constraints that have been “draining the refugee of their essential humanity” (Behrman, 2013:21).

The global protection regime for refugees in general and conventions like Global Compact for Refugees (GCR) in particular are based on “liberal notions of agency” (Coutin, 2001:64). According to Coutin (2001) such a liberal conceptualisation entails every individual has the right to strive for accomplishing their individual capacities and the state guarantees and protects such rights of its citizens. Even though the liberal notion of human rights underpins the protection system and facilitates the implementation of such protection through legal framework, it counter poses the political subjectivity of the refugee to demand the ‘right to seek asylum’. Even in the definition of refugee, which necessitates establishing “being persecuted”, there is a tacit assumption that states have to ascertain such a persecution. Being at the mercy of the legal protection framework is nothing short of a “compassionate repression” (Fassin, 2005). The legal subjectivity of the refugee exposes him time and again to the prevalent sovereign state power. Agamben (1997:144) in making a distinction between ‘bare life’ of the refugee from the ‘full life’ makes the claim that such bare life is a manifestation of the covert sovereign power of state. If being ‘political’ is what enables an individual to accomplish a full life, the notion of ‘humanitarianism’ is what sustains the ‘bare life’ in its marginal existence defending them from the wrath of those who sustain a ‘full life’. The 1951 Geneva Convention legitimated the practice of providing the ‘political asylum’ that had emerged in the aftermath of Holocaust. If Agamben (1997:145) suggested a clear division between ‘humanitarianism’ and ‘politics’ in the order of things, Fassin (2005:368) remarks of such a distinction being obsolete in the pattern of protection that exists today in the global north, specifically Europe. Rather than the established practices of providing sanctuary for dissidents who faced potential/real persecution on the basis of political asylum, a trend on providing refuge on the grounds of ‘humanitarianism’ emerged. This is corroborated by scholars like Lochak (2001) who suggests that the severely sick or pathologically ill with no access of proper treatment to the same in their country of origin were granted asylum under the official designation of “humanitarian reasons”. Fassin (2001) observes how under this criteria “the

suffering body was now recognized as the main legal resource for undocumented immigrants” which he calls “biolegitimacy” that placed compassion as the cornerstone for care provided (Fassin, 2000).

Downside of such humanitarianism is that the management of refugee population is seen as the responsibility of the state and the vulnerable refugees get depoliticized to be considered as mere humanitarian victims devoid of any effective agency. The politics involved in depiction of refugees only re-emphasized the existing account of refugees as the “suffering subjects” (Robbins, 2013). The narrative of refugee “crisis” was then carved more around threats posed by undocumented migrants and ‘false refugees’ to the otherwise perfect states of global north and less about the marginalisation and excesses inflicted on the vulnerable hapless refugees by the state. Based on Weberian postulation of bureaucracy and Douglas’s analysis of how institutions function, Fassin (2005) challenges Herzfeld’s (1992) conceptualisation of “social production” of “bureaucratic indifference” to the distress and agony of the fellow undesirables. Fassin arguably suggests that the response of individual states to such human needs and suffering is never indifferent; rather it is constituted by “passions and norms of feelings and stereotypes”. Kallius, Monterescu and Rajaram (2016: 10) suggests the need to move away from analysis of refugee crisis based on “event based temporality of *crisis* that dehistoricizes both context and agency” and instead focus on deconstructing the linkage between refugee administration and the deeply embedded “economic, political and cultural process that maintain the illusion of a coherent state”.

### **GCR and the Post-Colonial Practices of Sanctuary in South Asia**

The Global Compact of Refugees is purportedly an attempt to develop an organised approach for the administration and management of burgeoning number of refugees and migrants created due to conflict and wars, human right violations, targeted persecutions and adverse environmental impact due to climate change. Contrary to the situation during post world war era, the number of refugees who seek refuge and settlement in the countries of Europe and global north are relatively low in comparison to the 85 percent<sup>2</sup> hosted by countries of global south. The global south in general and specifically south Asia has the unique disposition of both generating a significant number of refugees as well as hosting an equal or more refugees within their territories. In the context of having only limited access to safe places for permanent resettlement or inability to contrive conditions that facilitate sustainable repatriation, the refugee population poses an inimitable predicament for countries of global south. Scholars like Howard Adelman posits that the “western liberal state” does not have absolute sovereign right to grant/ deny asylum and offer assistance to vulnerable sections like refugees and stateless people, but rather such a sovereign right is qualified with respect to the rights of such vulnerable individuals (Adelman, 1988). Irrespective of the distinct category of refugee that these vulnerable belong to, the plausibility of repatriation/resettlement elsewhere forged a common attribute to the

asylum that they sought. The temporal characteristic of ‘asylum’ in that case ceased to be one of permanence, but was seen as a temporary shelter before the refugees undertook repatriation/resettlement. Then the country of first asylum becomes different from the country of resettlement that eventually creates resilient permanent asylum. Such a contrast between temporary and permanent solution caused the global policy architects to base the notion of protection to be limited to the binary of temporary ‘asylum’ and durable character of ‘refuge’. The disproportionate concern in GCR to ease the difficulties of host state in managing the migrants through extending prospects for resettlement in third countries is reflective of this binary of global protection framework.

Except for its underbelly, most of Europe and other developed countries of global north -being the country of first asylum is less as only a few of them are in immediate proximity to conflict zones. The relatively less instances of first asylum is also due to the extensive border policing and practices of externalising asylum and border security apart from concerted policy decisions of containment. In south Asia and south East Asia, and some of its African counterparts, the distinction between country of first asylum and country of permanent resettlement has rarefied for most of the refugees. Specifically in south Asia, the country of origin for most of them is culturally or ethnically contiguous with countries in which they seek asylum. Like the case of Rohingya refugees fleeing to Bangladesh to escape the persecution by Burmese government or Afghan refugees in Pakistan, an affinity to the host state based on kinship or culture is rather common in the South Asian context mainly due to the their post colonial historiography. This creates protracted situations under which both asylum is sought and grant in the global south. Conflict areas like the conflict in Afghanistan, Myanmar or Sri Lanka being in immediate vicinity of the host states have only exacerbated the refugee influx. The notion of sanctuary has existed from time immemorial, only the context for seeking sanctuary and modalities and principles for providing sanctuary would have varied from time to time across all societies of different cultures. The western tradition of providing sanctuary can be observed in both the biblical reference of God’s provision of sanctuary to Cain, and the Old Testament indication on Hebrew establishment of cities of refuge. Similar references of sanctuary and asylum classical Greek works like Homer and in scripts of Cicero where the conditions in which asylum is sought and sanctuary is provided are sparingly discussed along with the rights of incumbent ‘foreigners’ (Isayev, 2017). Practice of sanctuary necessitates a closer introspection of crossing of borders that hyphenates the concept of hospitality with practice of providing sanctuary. Along with providing sanctuary, nature of interaction between the host and guest was instrumental in appraising the level of civilization that any society would have achieved over the time. In conceiving hospitality as quintessentially culture itself, Derrida postulates how extension of hospitality as a practice from time immemorial. Whether it’s the Greek custom of hospitality called *Xenia* as depicted in classics like Iliad and Odyssey, African epic Sundiata or sanskrit couplets from Taittiriya Upanishad- the ancient practices of hospitality were

rooted on the notion that god could visit you by masquerading as a stranger. The treatment that one gave their guest as a host hence had a fragment of divinity accompanying it. Such hospitality was considered as *hospitium*,<sup>3</sup> which was seen as a deific right of the guest where as a duty of the host. Over the period of time, such hospitality associated with provision of sanctuary became a standard practice that cemented as customs, conventions and traditions. The Hindu rituals of worship is based on the premonition that god is the divine guest who deserves the utmost hospitality from the host. The ancient and medieval practices of providing sanctuary proves that managing the collective influx of refugees or migrants were once functioning outside the ambit of the legal institution of state. Institutions like church provided asylum on the grounds of “genuine suffering, religious affinity and politics (Stevens, 2004). Across all cultures, offering of hospitality to those who seek refuge were based on conscientious compulsion, kinship based affinity or even strategic reciprocity.

In Derridean view, Levinas supposed the strangeness involved in welcoming and then loving a stranger to eventually reach a hypothetical juncture that involves the host and the guest (Makris, 2015). This juncture hypothesizes a scenario where the host becomes ‘hostage’ to the love reciprocated by the guest, precluding any possibility of ‘possessively possessing’ the guest (Isayev, 2017: 80) and there by casting the guest to a domain of perpetual exile (Doukhan, 2014). In a world where human exile is the perpetual reality (Levinas, 1969) and where no one can deem to be a material possession of another, the strangeness in loving the stranger thus transmutes to an abstruse yet unparalleled relationship of hospitality. Levinasian ethics of hospitality is thus the unconditional welcoming and love for the complete stranger-the utmost ‘other’. In conceiving it as unconditional, hospitality constitutes an act of generosity such that in Derridean terms it also entails responsibility to the other. It is an imperceptible connection that brings ‘self’ and ‘other’ towards a range of proximity conditioned by the permanence of perpetual exile that humans are caught in. Levinasian hospitality can be summed as an amalgamation of both ‘ethics of hospitality’ and ‘politics of hospitality’ in which “the right of man” has its relevance only in relation to the “right of the other man”.<sup>4</sup> Jacques Derrida conceptualised hospitality as an ambivalent concept that showed willingness to invite the other or rather as a desire to receive a sign of invitation from the other, where both guest and host intercedes border as a zone of demarcation between two diverse spheres. Conceived so, hospitality is not to be mistaken as a mere altruistic gesture imbedded in compassion to the fellow human- it contains in itself simultaneously the notion of colossal cordiality where guest is treated no less than any king. Such an unquestioned acceptance and welcoming of the stranger itself makes the act of hospitality covertly political. It is here that Derrida’s differentiation of ‘law of unconditional hospitality’ with respect to the conditional ‘laws of hospitality’ becomes tenable. The conditional laws of hospitality and law of unconditional hospitality are mutually constitutive. But with the cementing of nation-state as the corner-stone of the international political order, sovereign authority of

the state started prioritising national security over the evolved principles on the basis of which sanctuary was provided and hospitality was offered. It is here that it is necessary to move away from the meta-philosophical conceptualisation of hospitality and to understand hospitality as a performative act of “political responsibility” (Schiff, 2018).

The notion of ‘responsibility’ in global justice has been addressed by Iris Marion Young (2006) where she proposes a ‘social connection model’ in contrast to the existent ‘liability model’. While ‘liability model’ implicates those who have directly contributed to the harm to be responsible for the same, the ‘social connection model’ delineates the responsibility for the harm caused to all or any agents who have contributed to the harm and thereby facilitated the structural conditions that has produced the injustice. Jade Larissa Schiff (2018) has placed the marginalisation and exclusion of refugees within the current nation-state framework within the “structural injustice” paradigm put forth by Young and advocates the need for a “political responsibility” for the sufferings of refugees based on the ‘social connection model’ (Schiff, 2018:737). In presuming that such subjectivity of refugee to suffering is not homogenous, she suggests the need to introspect the “political responsibility of hospitality” for the everyday practices of state that perpetuates such structural injustice routinely rather than limiting ourselves to a general political responsibility for the refugee situations like in Syria or Afghanistan. Parekh (2013) argues that the ‘harm’ done to refugees and stateless people is both “legal/political harm” that entails the denial of citizenship and an “ontological harm” that involves the denial of “fundamental human qualities”<sup>5</sup>. In equating the ‘structural injustice’ with harms subjected on refugees, Schiff goes beyond the framework of “refugee regime” as conceptualised by Serena Parekh (2017) and introspects the “broader international political, social, and economic conditions that thrust refugees into situations of structural disadvantage” (Schiff, 2018:741). Conventions of protection regime like GCR entail various aspects of collective participation in the “schemes of co-operation” such as the common goals to preserve security, peace and global order status-quo to which refugees poses an inherent threat. Despite of the WoS multi-stakeholder approach, Global convention of refugees display a biased top-down approach of protection that prioritizes the concerns of host countries under the veil of refugee protection. Hence a larger group of actors including the privileged citizens and subjects of host countries need to claim the political responsibility for the misery and plight of refugees. Such a responsibility can be differentiated from the moral responsibility that is conceptualised in the works of Levinas and Derrida as the ethics of “unconditional hospitality”. As put forth by Schiff (2018:747), “the responsibility of hospitality is political in Young’s sense—it involves coordinated actions to pursue aims and realize projects: in this case, the project of hospitality itself”. Parekh (2017) argument mirrors the same opinion where she says that the harm inflicted on refugees is structural caused by cumulative results of self-interested actions of many agents. She postulates the need for developed countries to take more accountability based on a paradigmatic shift where responsibility should be located in finding apt

remedies than devising it based on causative factors (Parekh 2017:105). It is a 'common but differentiated' principle of responsibility as followed in the climate change protection regime that needs to be simulated here in refugee protection as well. The responsibility is shared equally by all states and citizens, but also not equally as the burden of responsibility should be more on the comparatively stable countries of north. Irrespective of their resource base and strategic limitations, countries of global south such as South Asia through the provision of sanctuary, have been demonstrating their share of 'political responsibility'.

Benhabib envisions Kantian right to hospitality as a positive moral right that is midway between human rights and civil rights, rather than as an act emanating from altruism for the vulnerable<sup>6</sup>. While Kant considers only 'right to admission' of a refugee as radiating from right to hospitality as essential, Benhabib takes it a step further in outlining the notion of 'just membership' where right to first entry for refugees should be recognized. Walzer (2008:163) argues for the admission of refugees on the basis that, if not taken in they would be persecuted and killed in their state of origin. Hence he postulates that our moral responsibility towards them can only be satiated by providing them admission. Parekh (2013) opines that the emphasis on 'ethics of admission' of refugees is narrow, and needs to focus on the effort to reduce the "ontological deprivation" such that even stateless people are included in the ambit of protection. While countries of global north through externalisation of border management and refugee administration, displays a strategic mechanism of "calculated kindness" (Loescher, 1986), global south and south Asia have opened their borders to refugees in rather an uncalculated manner, as a culture of hospitality based on their legacy of providing sanctuary. The idea of humanitarianism that is based on morality, justice and mutual aid becomes the centre in terms of letting the refugees enter.

Providing sanctuary is imbedded in cultural norms of individual nations of South Asia, "though their adaptations involve an inherent variation due to the differences in the modalities of laws, rules and regulations that are applied on an everyday basis"<sup>7</sup>. The shared attribute among the individual nation states of South Asia in provision of sanctuary is then "the varying degrees of inclusion and exclusion" created through "permitting total unrestricted entry and access compared to relative degrees of closure" to those who seek such protection. Here the hospitality provided "constantly negotiates the spatial factor where by 'being inside' is privileged over 'coming from outside' where inside and outside is constantly positioned against each other" (Chowdhory, Poyil & Kajla, 2019). Those who have been inside consolidate themselves to 'us' by constantly differentiating them from the 'other' outsiders.

It is imperative to understand the trajectory of protection that was evolved in the subcontinent during the colonial period and its postcolonial imprints later. Though migration was frequent in the colonial period, such mobility was prominently to meet the needs of the empire. Movement of migrant labour across the border to work in the plantations, or for imperial

military expeditions was in alignment with imperial motive of appropriating the colonial resources for benefit of the crown. Hence the notion of protection or sanctuary was irrelevant in such population flows. The strategic alliances given to rulers of princely states and petty kingdoms also were not per se deemed to be the protection necessitated by the practices of political sanctuary. The way in which the “imperial lineage” became instrumental was in shaping the “constellations of territory, authority and rights” (Samaddar, 2015) of modern nation state to carve its ideal citizen. The consolidation of erstwhile imperial borders to the territory of an independent nation was coherent with the transition of ‘colonial subject’ to the ‘political subject’ of a sovereign nation-state. But unlike the homogenous western nation-state, the newly independent nation states formed out of the violent partition of erstwhile empire had created splintered identities with multiple faultlines along ethnicity, language and culture. This pre-empted an ambiguous belonging for these political subjects who internalised the territorial borders of their new nation-states as sacrosanct. The construct of citizenship facilitated the perpetuation of the “territorial gaze” of distinguishing between ‘us’ and ‘them’ depending on the side of the border one was located. The vestiges of the same colonial legacy is instrumental in understanding how our citizenship law was a temporal and spatial project that tried to imbibe the essentialities of a modern nation-state which was habituated to ‘exclude and limit’ rather than to ‘include and embrace’ (Chowdhory, Poyil & Kajla, 2019). GCR which is in its essence only a logical extension to the existing protection regime, then requires a post colonial rumination as it lacks an attempt to revamp and reconfigure the protection regime from the specific reality of global south. Satvinder Juss (2013) rightly postulates that the post-colonial critique of international legal refugee framework exposes the asymmetric power relation between the ‘coloniser’ and the ‘colonised’, where even the coloniser have essentially co-opted the notion of ‘other’ in their constant effort to distinguish themselves from the colonized subject- only to be perpetuated in multiple forms of power relations even now. Eurocentric bias of international protection regime mediated by global north “classifies, discriminates and differentiates” the refugee as “West’s ‘others’” (Juss, 2013:318). The reciprocal relation of “post colonial power” with “principle of responsibility” is what defines the contours of the refugee protection regime for countries that are caught up in the “margins of international system (Samaddar 2017:48). Samaddar (2017) argues the need for a “post-colonial framing of responsibility” as the existing legal description of refugee does not take into consideration the “decolonisation, partition, structural reforms, environmental disasters, neoliberal development” and nation-building of various countries of global south.

The affinity for various primordial identities like ethnicity and religion is significant in the constitution of citizenship and this need to be introspected through a post-colonial lens to understand how the very same citizenship that is vital for political inclusion becomes vital in segregation, differentiation and repudiation even for refugees who seek protection. The protection regime for refugees in India still conflates them with foreigners through the *Foreigner's Act, 1946* which is an overt illustration of how the colonial past still shapes



and appries the post-colonial present of these South Asian countries (Chowdhory, Poyil&Kajla, 2019). When analysed empirically, it can be ascertained that the determination of the refugee status by these nations more than often is not based on the variables of legal refugee frameworks, or not by an impartial assessment of distinctions and concerns of various individual asylum seekers per se, but rather on a case to case basis of their collective identity of nation/community/religion by heavily weighing in the kinship affinity or strategic relations with the country of origin of these refugees. While the claimant Tamil refugees from Sri Lanka without valid travel documents were accorded the refugee status in India, same was not given to the Sikhs and Hindus who fled Afghanistan. As Samaddar (2003) points out refugee policy for any country is an account of how it “takes care and limits care” to a segment of people who are not its citizens. So having a concerted refugee policy or not having one at all is just a reflection of how any nation state wields and extends its power to include and exclude.

An objective evaluation of the protection of framework in various countries would help in ascertaining the political subjectivity of a refugee in South Asia. Similar to the existing understanding on refugees, the state centric narrative depicts them within the dichotomy of victimhood and security threat. Such dichotomous existence of refugees that deny them any agency has been acknowledged in various scholarly literatures (Barber 1997; Loescher 2005; Adelman 1998; Saleyhan 2008). By indicating the mobilization of Rohingyas in Bangladesh for demanding “working rights and moving away from camp grounds”, scholars like Murshid (2014:9) has analysed the inclination of refugees to collectively organize so as to demand amendments which in turn refutes their limited dichotomous understanding as essentially as a state construct. The state narrative of refugees being a security threat can then very well be considered as a prelude to marginalize and exclude them as the ‘absolute other’.

The very existence of refugees challenges the established notion of belonging anchored on citizenship in a state. In the post-colonial shaped countries of South Asia, “state formation process” facilitated the creations of “boundaries of belonging” by providing rights to its citizens and simultaneously excluding others (Chowdhory, 2018: 20). Chowdhory (2018) postulates the necessity to engage on state building process in individual countries vis-à-vis their citizenship rights, so as to determine how their exclusion both from country of origin and/or country of refuge impact their repatriation. ‘Belonging’ is then conceptualised with respect to their affinity and linkage with ‘home’ that in turn caused the configuration/ re-configuration of the refugee identity during exile. Sustainable and durable repatriation of the refugee is dependent on the “change in circumstances in the country of origin” and their “ties with home/homeland” (Chowdhory, 2018:36). Porous borders of individual countries of subcontinent that increases proximity between country of origin and exile, their shared post-colonial legacy, overlapping cultural affinity across the borders- all of these tend to conjure a notion of ‘belonging’ that is different for the refugees of global south. When GCR proposes to “support conditions in countries of

origin for return in safety and dignity” without emphasizing on any substantial ‘change in circumstances’ that caused these refugees to undertake forced migration on the first place, it dilutes the very essence of ‘voluntary repatriation’. “The success of repatriation and possible reconstruction is contingent on the ‘successful’ accommodation of returnee populations in countries of origin” (Chowdhory, 2018:35). Without taking into consideration the conditions that inculcate an ambiguous ‘belonging’ in country of exile and requirement for ‘changed circumstances’ in country of origin that is a prerequisite for successful repatriation, GCR only mirrors the concerns of global north to keep the refugees from crossing and entering their borders. GCR thus lives up to its name- it is only a global compact *on* refugees for paranoid host countries of global north, without taking any substantial effort to be a global compact *for* refugees.

## Notes

<sup>1</sup> Shared Responsibility, Shared Humanity”, Communiqué from the International Refugee Congress, 2018) <http://jhrmk.org/index.php/2018/05/18/international-refugee-congress-2018-shared-responsibility-shared-humanity/?lang=en>

<sup>2</sup> UN High Commissioner for Refugees (UNHCR), ‘Global Trends: Forced Displacement in 2017’ (19 June 2017)

<http://www.refworld.org/docid/5b2d1a867.html>

<sup>3</sup>[http://penelope.uchicago.edu/Thayer/E/Roman/Texts/secondary/SMIGRA\\*/Hospitium.html](http://penelope.uchicago.edu/Thayer/E/Roman/Texts/secondary/SMIGRA*/Hospitium.html)

<sup>4</sup> Emmanuel Levinas, *Alterity and Transcendence*, pp. 127-128

<sup>5</sup> Serena Parekh, Beyond the ethics of admission: Stateless people, refugee camps and moral obligations, *Philosophy Social Criticism* published online 28 August 2013 DOI: 10.1177/0191453713498254

<sup>6</sup> Seyla Benhabib, ‘The Law of Peoples, Distributive Justice, and Migrations’ [2004] 72(5) *Fordham Law Review* 1761, 1779.

<sup>7</sup> Excerpt from Asia dialogue post article

<https://theasiadialogue.com/2019/11/20/conceptualising-hospitality-in-refugee-management-in-india/>

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# Laws of Asylum and Protection: The Indian Experience in a South Asian Context

By

**Simon Behrman** \*

## **Introduction: Asylum in South Asia and in International Law**

There is no refugee protection regime in South Asia; but does that mean there is no refugee protection? At present, the 1951 Refugee Convention and its sister 1967 Protocol Relating to the Status of Refugees, the cornerstones of international refugee law, have been ratified by 148 states.<sup>1</sup> There are additional regional instruments relating to refugees in Africa (the 1969 OAU Refugee Convention), Latin America (the 1984 Cartagena Declaration), and Europe (2011 Qualification Directive).<sup>2</sup> South Asia is one of two major regions that exists outside of this regime (the other being the Middle East). And yet, at least three South Asian states (India, Pakistan and Bangladesh) were founded upon the basis of some of the largest forced displacements in human history; the 14 million who crossed the borders in 1947 with the creation of India and Pakistan is far and away the largest ever recorded. Bangladesh too was created in the midst of its own refugee crisis as some 9 million crossed into India during the struggle for independence with Pakistan in 1971. Sri Lanka and Nepal too have witnessed large refugee movements, in the former between itself and the southern Indian state of Tamil Nadu, and with the latter, refugees from Tibet and Bhutan. Today Pakistan and Bangladesh are amongst the top ten hosting nations for refugees globally, with the former currently accommodating around 1.4 million people mainly from Afghanistan, and the latter around 900,000 mainly from Myanmar.<sup>3</sup> These numbers far outstrip those taken in by most parties to the 1951 Refugee Convention and the 1967 Protocol. Indeed, of the top 10 hosting nations for refugees in 2018, only five were parties to the 1951 Convention.<sup>4</sup> And one of those, Turkey, only formally recognizes refugees coming from Europe, in other words, almost none at all today. Yet, in spite of that, Turkey is currently

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Refugee Watch, 54, December 2019

hosting the largest number of refugees in the world.

This situation presents a paradox that has largely gone unexplored in academic literature. Why have states that are not bound to observe the rights accorded by those treaties the most generous in granting asylum than the ones that are? If the objective is to facilitate access to asylum for refugees, then it appears that international refugee law is a hindrance rather than a help to refugees. While the states of South Asia are far more open when it comes to numbers, it is often the case that refugees do not possess the same level of rights in the region as compared with those who find sanctuary in states that are parties to the refugee law treaties. Is there perhaps a trade-off between the numbers of refugees that states are willing to take in and the standard of rights that are accorded to them? Moreover, what characterizes refugee reception in 1951 Convention states is individual status determination; every asylum-seeker having to prove their own bona fides as refugees, according to the legal definition.

By contrast, South Asian asylum has been largely based on mass inflows and collective status. What are some of the problems and challenges of each approach?

South Asia stands apart from the international refugee law regime in at least two ways. First, as already mentioned, by not acceding to the international refugee treaties, and indeed with an absence of any domestic refugee laws either. As such, there is no fixed definition of a refugee. In a piece of post-colonial irony, India, Pakistan and Bangladesh all share the same Foreigners Act, passed in 1946 under British rule of the as yet undivided territory. Under the terms of this legislation refugees are lumped together with all non-citizens in matters of entry, residency and deportation. But critically, this is not in the form of a ban. Article 3(1) of these common pieces of legislation places absolute discretion in the hands of the central government of each state as to decisions on entry, stay or deportation. Thus, in South Asia the refugee question is solely a political question. The relative flexibility of India's refugee policy was summed up by Nehru in 1959 when he identified three principles underlying India's treatment of refugees: 'refugees will be accorded a humane welcome; the refugee issue is a bilateral issue; and the refugees should return to their homeland once normalcy returns there.'<sup>5</sup>No definition of a refugee was stated by Nehru, yet a humane welcome is guaranteed. The principle of bilateral relations with other states preserves the question as one of state discretion, but also of political interest.

In contrast, in states that operate under refugee law asylum has become an administrative matter, albeit coloured by political prejudices and pressures. One of the implications for refugees in refugee law countries is that they must each individually negotiate a complex legal procedure, and then shoehorn themselves into fitting the parameters of the legal definition of refugee. In many instances, when including all the various avenues of appeal, this process can take many years, during which asylum-seekers are usually denied access to most benefits and to the right to work. For refugees in South Asia some groups face similar purgatory such as the Chakmas whose status in India has been largely precarious for many decades, whereas other groups

have been welcomed, settled and granted citizenship fairly quickly, as with the Tibetans. As we shall see further below, the vagaries of refugee reception in South Asia largely depend on the backgrounds of the refugees and the historical moment of their flight.

As already mentioned the second major difference between asylum in South Asia and in refugee law countries is that in the former it tends to be granted on a group basis rather than through individual status determination, as is standard elsewhere. This avoids the burdensome process of applying for asylum that faces most refugees in countries with refugee law. It also avoids the kind of border bottlenecks that we see in Greek and Italian islands, at Calais, at the US/Mexican border or in certain Pacific islands. The group approach can also have the effect of maintaining a certain collective identity based in exile, whereas under the legal framework refugees become both atomized but also lumped together in the amorphous mass of 'refugees' that ignores their specific cultures, their political identities etc.

Refugee identity has been a problem that lies at the crux of refugee law and the refugee experience even before the 1951 Convention. The first line of Hannah Arendt's classic text 'We Refugees', written when she was herself a newly arrived refugee in the US, expresses the resistance to being reduced to a label: 'In the first place, we do not like to be called "refugees".'<sup>6</sup> One of the significant effects of refugee law, as it evolved in the years after Arendt wrote that piece, has been to trap refugees within a very peculiar identity. This is done first by creating a legal definition that determines who does or does not qualify for protection; those fleeing political persecution qualify, those fleeing the general effects of war do not; those who cross international borders are refugees, while those who do not are merely internally displaced persons. More than three decades after the 1951 Convention came into effect, Andrew Shacknove, sometime lawyer for the UNHCR, was moved to interrogate the meaning of the term 'refugee'.<sup>7</sup> He showed that its meaning had become unnecessarily reduced to its legal cypher, and that its scope should be widened to include all those for whom normal social bonds have been lost. As such, this can include people fleeing the effects of severe economic deprivation and natural disasters as well as those escaping persecution. Indeed, much of the jurisprudence around the 1951 Convention has revolved around determining the parameters of the 'refugee'. For the asylum-seekers themselves, their struggle from the moment they enter the putative country of asylum is to convince officials, lawyers and judges that their experiences enable them to reach the high bar of refugee status. That, for forced migrants, is the price of protection, at least in countries that adhere to international refugee law.

Finally, one also cannot speak of asylum in South Asia without discussing the question of resources. The region has suffered from a relative lack of resources while also accommodating the largest numbers of refugees. It is a matter of record that India, Pakistan and Bangladesh have struggled to ensure basic provisions, most acutely in 1947 and 1971.<sup>8</sup> In many cases, though, refugees were provided with at least the bare necessity of rations and rehabilitated with gifts of land, as with the Chakmas in Arunachal Pradesh, or

the Tibetans in Kerala. This emphasis on care and rehabilitation, in spite of such objective difficulties, is one that is notably absent in many other parts of the world including the richest countries which also happen to be integrated into the international refugee law regime.

Thus, what marks out asylum in India along with the rest of South Asia, as compared to the international refugee law regime, is a flexibility of approach, with politics to the fore when it comes to determining the right of access and the standard of care accorded to each group of forced migrants. This has benefited some groups and disadvantaged others. It makes the initial entry into the country of asylum relatively straightforward, but makes the conditions of stay often highly precarious. Legal processes are avoided in the moment of flight, but can end up dragging on for many years when it comes to maintaining a right to stay or the protection of basic rights. The question that arises is whether or not refugee law, whose purpose is to sift the refugee from the migrant, can thus be an effective tool of protection?

### **Asylum as a State-Building/Reinforcing Tool**

Historically, refugees have been welcomed in many instances on the basis of solidarity with co-religionists, with people who share a common language or ethnic heritage. In the modern era this has often been framed in the context of the nation-state and rivalries between them based on religious or political disputes. The term refugee originates with the arrival of large numbers of Protestants in the UK and the Netherlands fleeing persecution in France in the 17<sup>th</sup> Century. Likewise, the USA was founded by the descendants of refugees from religious persecution in England, and continued to welcome others escaping repression in Europe right through to the late 19<sup>th</sup> Century. More recently the Cold War refugees from both sides were welcomed as proof of their rival state's evilness and their own role as beacons for humanity. In the case of Partition in South Asia this meant that often the people who crossed over from one side to the other were not considered 'refugees' as they were simply coming 'home' to build the nation.<sup>9</sup> In 1971 despite the enormous pressures on resources represented by the arrival of millions of people in just a few months, the people of West Bengal were largely welcoming to people who were, until the carving up of the state by the British in 1905 and then again into different nations in 1947, had been one. With the victory of the liberation movement and the establishment of Bangladesh, most of the estimated 9 million refugees returned to build the new nation. In addition, to nation-building of course, there were also strong linguistic and religious ties that acted as push and pull factors in these mass migrations.

But nation-building is a doubled edged sword for refugees as it can just as easily be used to exclude and to include. As Navine Murshid has written, one of the major characteristics of asylum in South Asia since independence has been its deployment as a tool of regional politics.<sup>10</sup> The rivalry between India and Pakistan has governed the reception of the largest refugee arrivals in 1947 and 1971. Pakistan's generous hosting of Afghan



refugees has been since 1979 largely been a product of its pro-US stance, first in terms of rivalry with the Soviet Union, and then again post-9/11. Equally, India's relatively generous reception of Tibetan refugees has been a means to temper the geo-political rival, China. While this has benefitted these groups of refugees, it has also placed them and others in the vulnerable position of being dispensable when their presence unsettles the state's political outlook. Take the example of the Biharis: mostly Urdu-speaking Muslims who had moved during Partition from Bihar and West Bengal into what was then East Pakistan. With the establishment of Bangladesh they found themselves as a non-Bengali minority suspected of loyalty to their fellow Urdu-speakers in Pakistan. Almost half a century later some 300,000 Biharis find themselves still trapped between a Bengali nation that does not want them, and a Pakistan that no longer needs to take in more Muslims to build their nation. The Rohingyas present an even more acute example of this problem, as a people whose identity and history disrupts the post-colonial division of the sub-continent.<sup>11</sup> Excluded from citizenship in Myanmar, the lands that they have called home for the past two centuries, but who due to the changing policies of British colonialism, the division of the region into separate nations, and a series of persecutions, have found themselves as linguistic, ethnic and religious outcasts in Myanmar, Bangladesh and India.

In short, the post-colonial nation has included and excluded refugees in South Asia. However, this is far from being a phenomenon specific to the region. Europe experienced its own 'unmixing of peoples' following the collapse of the great multi-ethnic empires – Austro-Hungary, Ottoman, Russian – following World War I. The solution for the minorities stranded in the new ethnically-based nation states was conceived of within a legal framework, from the Nansen Passport through to various refugee treaties leading up to World War II. Is this what South Asia has been missing? Would regionally-based treaties solve the problem of statelessness and protection? We should be wary of any rose-tinted view of the historical development of refugee law, as it developed during that time. For James Hathaway the interwar period in Europe was one in which 'refugees were defined in largely *juridical* terms', so as to remedy the fact that a mass of stateless persons in Europe was creating 'a malfunction in the international legal system',<sup>12</sup> while Claudena Skran suggests that, as well as assisting some refugees to travel, the Nansen Passport 'would help governments to count and monitor their refugee populations'.<sup>13</sup> Gérard Noiriel points out the relative ease with which the Nansen Passport was instituted in the years after the First World War was possible only because European states believed that it would facilitate the mass repatriation of refugees caused by the war and the revolutionary upheavals in Russia.<sup>14</sup> In short, the Nansen Passport system, and its successors, were primarily about stabilising, monitoring and controlling the movement of refugees. Insofar as it had a humanitarian effect in facilitating greater ease of movement to refugees who would otherwise have been without travel documents, this was a secondary aim. Moreover, such a scheme was only necessary because of the plethora of border controls that had become the norm across Europe over the preceding decades. Yet South Asia

has maintained relatively open borders that have allowed the mass movement of refugees. One of the primary rationales for international refugee law is to facilitate the entry of refugees to states of asylum. But so long as the borders of South Asian states remain open, such a framework seems unnecessary. Access to asylum, certainly via land borders, is arguably not the key issue facing refugees in South Asia. Rather the issue is protection, care and access to basic rights once in the country of asylum. Before interrogating this question further, it is necessary to first address the issue of why South Asia is not part of international refugee law, and why that legal regime does not solve the weaknesses of asylum as practiced in the region.

### **The Euro-Centric Origins of International Refugee Law**

There is little mystery about why the newly independent South Asian's nations did not sign up to the 1951 Refugee Convention at its inception. Many of the European and North American state delegates to the Conference of Plenipotentiaries that drafted the 1951 Convention were particularly concerned to ensure the creation of a legal regime 'primarily designed to create secure conditions such as would facilitate the sharing of the refugee burden.'<sup>15</sup> There appears to have been a trade-off in the negotiations over Article 1, the 'key' to the system of rights for refugees under international law, which delineates who does or does not fall within the definition of a 'refugee'.<sup>16</sup> In return for a settled universal definition the temporal and geographical limitations (relating to events in Europe prior to 1951) had to be put in place.<sup>17</sup> The French delegation, following concerns expressed within the French government that they would have to receive too many refugees, successfully insisted on these restrictions being included in the final draft.<sup>18</sup> The US delegation, among others, objected to a universal definition as it would force states to sign a 'blank check'. They pointed to the numbers of Palestinian refugees and those who had fled as a result of Indian Partition as examples of why a more specific definition was necessary. The Italian delegate expressed horror at the idea that European nations would have to accept refugees as a result of national movements in the East.<sup>19</sup> The Israeli delegate also made it explicit that 'persecution' should exclude anyone merely fleeing a war situation.<sup>20</sup> It was left to the Pakistani delegate to express his government's opposition to a refugee convention that excluded all non-Europeans from protection, such as the millions who had so recently suffered as a result of Partition.<sup>21</sup> Indeed, it appears that the Pakistani and Indian delegation played a full role in the Conference of Plenipotentiaries in its initial stages, with several interventions recorded in the travaux préparatoires prior to the agreement over the refugee definition. However, once it became clear that the text would not give refugees outside of Europe the same rights as those from Europe, the Indian and Pakistani delegates withdrew from the negotiations and of course did not sign the final treaty.<sup>22</sup>

It is therefore clear that the Convention refugee has its origins not in concern for refugees *per se*, but rather as part of a compromise intended to assuage the concerns of states, especially European ones, that they would be

inundated with masses of unwanted asylum-seekers. In particular, the Western bias of the Convention is obvious in statements such as the following made in 1966 by UNHCR:

The limitation did not give rise to any particular problem when the 1951 Convention was first adopted, since at that time the 1951 Convention extended in practice to all known groups of refugees.<sup>23</sup>

This claim is highly disingenuous, as the Convention allowed for the exclusion of non-European refugee situations, thus ignoring at least three other major refugee crises of the time: in addition to Partition there were the 800,000 Palestinians forced from their homes by the Zionists in the following year; and the refugees created by the outbreak of war on the Korean peninsula in 1950, with estimates of their number reaching a million or more.<sup>24</sup> For geopolitical reasons to do with the Cold War, the UN, at the behest of Western states, was prepared to set up specific agencies to assist the Palestinians and Koreans, but those in South Asia were denied aid, in spite of repeated requests from India and Pakistan.<sup>25</sup>

Thus, the specific restrictions on recognizing refugees from outside of Europe, plus the focus on political persecution, was intended to exclude any recognition or responsibility to the millions of forced migrants outside of the continent, and specifically ignored the mass event of Partition. In addition, the criteria strongly implied that the refugee definition had to be evidentially supported on an individual rather than a group basis. Whilst this was feasible in the post-conflict situation of Europe, with most refugees arriving from the Soviet Bloc coming in relatively small numbers or already *in situ*, this obviously did not fit the mass character of forced migration in South Asia at the time. Indeed, the individualized basis of refugee status determination under the 1951 Convention has increasingly proved unworkable or worse, an effective barrier, to asylum for people from the Global South, who are usually fleeing armed conflict and other forms of social breakdown, rather than individualized political persecution.

## Recent Legal Developments in India

For a number of years there were efforts to promote accession to the 1951 Convention or to develop national refugee laws in India and other countries in the region. The most sustained effort was begun under the auspices of the South Asian Association for Regional Co-operation in Law (SAARCLAW) in 1996, when the former Chief Justice of India P.N. Bhagwati led a commission that drafted a Model National Law on Refugees.<sup>26</sup> The idea was that this draft could then form the basis for legislation in each country in the region. In fact, the Model Law attempted to incorporate the basic elements of the 1951 Convention, in large part verbatim. There were two distinctions. The first was the inclusion of the broader definition of a refugee included in the regional refugee agreements of Africa and Latin America that includes people fleeing general conditions of social breakdown as well as those in fear of

persecution.<sup>27</sup> The second difference was that the Model Law provided a much thinner version of the rights accorded to refugees in the Convention in terms of the right to work, access to education or welfare. For example, whereas Article 23 of the Convention grants equality of welfare provision with nationals of the state, the Model Law makes no such commitment. In India there were a number of attempts to pass the Model Law through the Lok Sabha, most recently in 2015.<sup>28</sup>

This process appears largely dormant today, and indeed given the current government in India, appears to have little chance of progress for the foreseeable future. Indeed, at the time of writing, the omission of some 2 million people from the National Register of Citizens (NRC) in Assam suggests the direction of travel for any policy involving immigrants and refugees. In a more complex manner the recently passed Citizenship (Amendment) Act poses a particular challenge for advocates of asylum in India.<sup>29</sup> On the one hand it grants citizenship retrospectively to all Hindu, Sikh, Buddhist, Jain, Parsi or Christian persons who have arrived in India from Afghanistan, Bangladesh or Pakistan prior to 2015. In doing so, the Modi government has at a stroke allowed for the legal regularisation of a great many people who fled these neighboring countries as persecuted religious minorities. On the other hand, the major group notable by its absence from this Act is Muslims. Amongst others, this excludes the Rohingyas, who are probably the group in South Asia most in need of asylum at the moment. The Act also leaves out other significant groups of refugees such as Sri Lankan Tamils, and Tibetan Buddhists. While this blatant discrimination on the part of a nationalist-chauvinist Hindutva government is being rightly resisted, it must also be acknowledged that Indian governments of all political stripes have played favourites with refugees depending on their national origin and their ethnic and religious identity. This is an inescapable feature of an asylum policy framed in political terms. In other words, value judgments as to who is deserving of asylum are difficult to avoid.

Yet, the question remains, would something along the lines of the Model National Law and/or accession to international refugee law treaties, compromise or enhance asylum provision in the region? Would a specific tradition of asylum that has, all things considered, largely been successful under the strain of events such as those that occurred in 1947 and 1971, be compromised by shoehorning itself into the international refugee law regime? If political, ethnic and religious solidarity have been the driving forces of asylum in South Asia rather than a purely legalistic approach, to what extent could that be seen as having had a positive or negative effect on refugees themselves? These are some of the questions I explore further below in assessing the history and present of asylum policies and practices in South Asia.

## **Human Rights as the Way Forward?**

In South Asia where there are no legal definitions of a refugee at play, forced migrants do not face the rigors of individualized refugee status determination

on arrival. Further, the question of who may qualify for protection is left open. The crises facing refugees seeking asylum in Convention countries have been mostly about attempts to surmount the rigid legal barriers erected under refugee law, whether it be in the Mediterranean, in the Pacific archipelago of Australian holding camps, or at the US/Mexico border, in which asylum-seekers struggle to mark themselves out from the immigrant mass as 'deserving' of entry and protection. By contrast this has not been a feature of the South Asian experience. Much larger numbers of forced migrants, from Partition through to the Tibetans in the 1950s and 60s, East Pakistanis in 1971, Afghans from the late 70s onwards, Tamils and Bhutanese in the 1980s and more recently the Rohingyas, have negotiated borders in the sub-continent with far greater ease. The focus instead has been on the level of care and rehabilitation once they have reached their countries of refuge, of their human rights in exile.

Some 16 years ago Ranabir Samaddar posed the question as to whether there can be 'a policy for hospitality, a policy to be kind'?<sup>30</sup> When we consider that refugee law is normally framed as a means by which the state decides who gets protection or not, then the question naturally arises of 'how are we to look at the form of the power of a State to rule and to care, which though connected as they are with each other, appear as separate and distinct activities, but actually build on each other?'<sup>31</sup> The standard answer to the conundrum is to advocate for an extension of basic human rights; only the power of the state can be effective in guaranteeing protection from rights abuses. The case law involving the Chakmas residing in Arunachal Pradesh demonstrates the potential in this approach.

The Chakmas are in many ways symptomatic of both the positive and negative aspects of asylum as practiced in South Asia. On the one hand, from the 1960s onwards they were able to find easy access to India, having suffered discrimination and worse in East Pakistan/Bangladesh, and many were granted land on which to settle in what was then the North East Frontier Agency (NEFA), now known as the state of Arunachal Pradesh. The top-down rehabilitation of Chakmas in Arunachal Pradesh, however, represented an incursion upon protected tribal areas in the province in which others are normally not allowed to settle or acquire land. The result has been long-standing tensions between the tribal communities and the Chakmas which culminated in orders to quit by the state government and violence directed against the Chakmas beginning in the 1980s. Most recently, there have been protests there against the Citizenship (Amendment) Act 2019, not for the law's exclusion of Muslims, but for its potential inclusion of the Chakmas. Although citizenship had originally been denied to the Chakmas following the Supreme Court's decision in *State of Arunachal Pradesh v Khudiram Chakma*,<sup>32</sup> things changed with the establishment of the National Human Rights Commission in 1993 under the legal mandate of the Protection of Human Rights Act of the same year. Following the 1994 Supreme Court decision and renewed pressure on the Chakmas to move from their homes, the NHRC took up their case which culminated in the landmark case of *National Human Rights Commission v State of Arunachal Pradesh*.<sup>33</sup> On a technical point the

Supreme Court clarified that many of the Chakmas were in fact entitled to Indian citizenship. The much broader issue decided, however, was that Article 21 of the Indian Constitution, which guarantees the protection of life and liberty, was applicable to all persons residing in India, not just citizens. In practical terms, this meant that the state government was bound to provide security against the xenophobic vigilante attacks that had plagued them for years, and the Chakmas could not be evicted from their lands without due process, which included the period while citizenship applications were pending. In addition, the state government was ordered to provide all the necessary paperwork for the central government to consider citizenship applications for the Chakmas. While violence towards the Chakmas has become less acute, it took a further Supreme Court decision for the process of citizenship to finally be granted in 2017.<sup>34</sup>

Despite the long drawn out legal process with the Chakmas, it is possible to conceive of effective protection for refugees by applying and enforcing human rights norms. However, it must be noted that the Chakmas benefitted from being found eligible for citizenship under the 1955 Citizenship Act, which would not be applicable to many other groups of refugees such as the Biharis, Sri Lankan Tamils or the Rohingyas. The exclusion of these groups has only further been strengthened under the 2019 Act. In addition, application of Article 21 of the Constitution only guarantees the basic rights of life and liberty, but does not cover many other rights that are critical for a viable and dignified life, such as access to healthcare, education and the right to work. Agitation for a human rights laws that do grant these things to citizen and non-citizens alike might therefore be the aim, but given the hardnationalist turn witnessed with the advent of the current government in India, we must consider this aim in the context of political strategy as much, if not more than a legal one.

### **Hospitality or Solidarity?**

When we pose the question of refugee protection in India and elsewhere in South Asia, we must reckon with the endpoint of a process that began with colonial divisions between and manipulation of ethnic, religious and linguistic groups in the sub-continent, the establishment of nation-states based on these divisions, which in turn has led to an ethno-nationalist polity in which minority groups face an increasingly unmediated assault on their basic human rights. In this context, we must engage with traditions of asylum based on hospitality and solidarity that do not remain beholden to state policy. These two groundings have important distinctions and they each lead to different road towards protection, even if the end result may be the same.

Hospitality is grounded in a universalist aspiration in which we must always be open to the Other, welcoming them as fellow human beings with as much right to be there as ourselves. How does this approach translate into law? Is such a framing even possible when law itself is based on a contest between various individual and group rights? More concretely, in South Asia how would such unconditional openness cope with the desire of vulnerable

tribal groups to maintain their identities and cultures together with the arrival of large numbers of refugees as was the case with the Chakmas in Arunachal Pradesh? How would a willingness to accept Muslims, Hindus, Buddhists etc. be squared with a desire to maintain states created with the express aim of creating homelands for one or the other? In short, is it realistic to imagine a cosmopolitan hospitality mapped onto a nationalist division of the sub-continent? That was the Nehruist dream for India, but why has it failed? Was such a failure inevitable with Partition? There may indeed be a great irony that the mass refugee flows of 1947 created the demographic conditions for the eventual closing of asylum in the region that we are perhaps witnessing today.

Asylum as solidarity is another way to advance the cause of refugee protection. In contrast to hospitality, there is no claim to universality, rather it is about the extension of support and identification with others who we share a language, culture, religion or political aims. This has certainly been the basis for asylum in South Asia since independence. It also characterized support for refugees globally during the Cold War, and as far back as the Protestants who fled France to the Netherlands and England in the 17<sup>th</sup> Century, and even to the movements of populations during the internecine wars in Ancient Greece.<sup>35</sup> While potentially exclusionary, it also keeps open the prospect of protection as a political matter. If we understand the political as a form of discourse that can never be closed, as in Jacques Rancière's formulation of it as permanent 'dissensus', then a space always remains open in which the cause of protection for any group can be agitated for and advanced.<sup>36</sup> Solidarity can be deployed by states for their own purposes, as with Partition itself, Pakistan's hosting of Afghan refugees following the Soviet invasion in 1979, or with India's welcome to the Tibetans. The priorities of a Hindutva government have arguably led to the parallel generosity and exclusion that characterizes the Citizenship (Amendment) Act 2019. Perhaps one of the reasons why the position of certain groups of refugees, whether they be the Chakmas, the Biharis or the Rohingyas have found themselves devoid of such support is because of a lack of grassroots solidarity. In other words, asylum-as-solidarity in South Asia has remained largely a function of state policy, as a means for state-building and a tool of regional politics. As such, just as with refugee law, the humanitarian aspect of asylum is but a secondary aspect, the primary one in this case being state formation and regional hegemony. The question therefore is, given that neither law nor state-centred solidarity places the refugee at its heart, can we conceive of asylum in a way that does? It could be argued that a form of grassroots asylum in which refugees themselves agitate for their own rights, with support from civil society, is the way forward. The campaign of the Chakmas together with the human rights sector could be seen as one such instance.

For the last few years, an interesting challenge has been posed by the Modi government with its proposed amendment to the 1955 Citizenship Act. In essence, it seeks to formalize a policy of granting citizenship to non-Muslim, especially Hindu minorities from other South Asian nations. The challenge is simply this: a generous offer of permanent settlement and belonging is being offered to hundreds of thousands of migrants and refugees

who have long suffered from discrimination and a precarious status. Yet this is being done on the basis of discrimination towards one specific group: Muslims. In some ways this reminds me of the EU policy of free movement within, at the expense of violently resisting the arrivals of non-Europeans. In Europe, many progressives have been seduced by the promise of 'free movement' of Europeans and have thus bound themselves to the EU as a project, thus legitimizing the EU's many politically reactionary aspects. One possible response to the 2019 Act is to insist on an objective framework that ignores ethnic and political backgrounds. I simply offer as a warning the effect of the 1980 Refugee Act in the US. In principle, it was intended to prevent the government from offering preferential treatment to people coming from Communist countries and other enemies of the US, at the expense of those from repressive states allied to US interests. The outcome instead was that throughout the 1980s the disparity continued, only now hidden behind a supposedly objective legal framework.<sup>37</sup>

## Conclusion

Asylum in South Asia since 1947 has been characterised by nation-building, geo-political rivalries, expressions of solidarity for people of the same ethnic, religious or linguistic background, along with impulses towards care and protection when faced with large numbers of people fleeing acute danger. Throughout this period borders have been relatively porous, thus avoiding the kind of crisis-inducing obstacles to movement seen in many other parts of the world, especially those at the centre of the international refugee law regime in Europe, North America and Australia. When considering the role of law in terms of refugee protection, its absence in South Asia has not hindered access to asylum. However, this legal gap has often left refugees vulnerable to changes in the political weather, and to long-term precarity in the countries of asylum. Yet, international refugee law is not the panacea that is often supposed. The great benefits of rights bestowed under the various treaties are difficult to access as the barrier to entry is so narrowly circumscribed. As is clear from the negotiations that led to the 1951 Refugee Convention, there was a trade-off between agreeing to these rights with a restrictive definition of a refugee. Moreover, it is left to the state to decide on the legal process by which refugee status determination is granted. Given the crises created for refugees who tried to traverse the closed borders of Europe in the 1920s and 30s right through to the violence imposed on forced migrants trying to enter the EU, Australia and the US today as they are faced with evermore arduous processes to reach the bar of refugee status, advocates for refugees in South Asia must ask themselves what the price of refugee law, either at national or international level would be. The common criticism levelled at refugee policy in South Asia is that it is largely dictated by political factors. But looking at how asylum is being practiced under the Trump administration, with the Fortress Europe policy of the EU or the Pacific Solution deployed by Australia, it is not necessarily the case that international refugee law provides quite the shield for refugees that many assume. Therefore, the problem of



asylum in South Asia may not be too little law and too much politics, but rather a need to think more creatively about the interaction between the two. In particular, there is a need to avoid asylum being reduced just to state-centred or state-directed priorities, especially at a time when ethno-nationalism is increasingly becoming the driving force in regional and global politics.

## Notes

<sup>1</sup>UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137; UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267.

<sup>2</sup>Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention")*, 10 September 1969, 1001 U.N.T.S. 45; *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984; Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, 20 December 2011, OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU.

<sup>3</sup> UNHCR, *Global Trends: Forced Displacement in 2018* (UNHCR 2019) 18, 20.

<sup>4</sup> UNHCR, *Global Trends: Forced Displacement in 2018* (UNHCR 2019) 17

<sup>5</sup> V. Suryanarayan and G. Ramaseshan, 'Citizenship without bias', *The Hindu*, 25 August 2016, available at <https://www.thehindu.com/opinion/op-ed/Citizenship-without-bias/article14587201.ece>

<sup>6</sup> Hannah Arendt, 'We Refugees' in H. Lambert (ed.) *International Refugee Law* (Routledge 2016) 3.

<sup>7</sup> Andrew E. Shacknove [1985] 'Who is a Refugee?' *Ethics* 95.2.

<sup>8</sup> See, for example, K.C. Saha, 'The Genocide of 1971 and the Refugee' in R. Samaddar (ed.) *Refugees and the State: Practices of Asylum and Care in India, 1947-2000* (Sage 2003).

<sup>9</sup> Ritu Menon, 'The Birth of Social Security Commitments: What Happened in the West', in R. Samaddar (ed.) *Refugees and the State: Practices of Asylum and Care in India, 1947-2000* (Sage 2003) 156.

<sup>10</sup> Navine Murshid, *The Politics of Refugees in South Asia: Identity, Resistance, Manipulation* (Routledge 2015).

<sup>11</sup> For an illuminating history of the Rohingya from the colonial period up to the present day, see Jacques P. Leider, 'Competing Identities and the Hybridized History of the Rohingyas', in R. Egreteau and F. Robinne (eds), *Metamorphosis: Studies in Social and Political Change in Myanmar* (National University of Singapore 2016).

<sup>12</sup> James C Hathaway, 'The Evolution of Refugee Status in International Law: 1920-1950' (1984) 33 *International and Comparative Law Quarterly* 348, 349, 358.

<sup>13</sup> Claudena Skran, 'Historical Development of International Refugee Law' in Andreas Zimmermann (ed), *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary* (OUP 2011) 7.

<sup>14</sup> Gérard Noiriel, *Réfugiés et sans-papiers: La République face au droit d'asile XIXe-XXe siècles* (Hachette 1998) 106.

- <sup>15</sup>Stephanie Schmahl, 'Article 1B 1951 Convention' in Andreas Zimmermann (ed), *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary* (OUP 2011) 469.
- <sup>16</sup>Einarsen T, 'Drafting History of the 1951 Convention and the 1967 Protocol' in Andreas Zimmermann (ed), *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary* (OUP 2011) 40.
- <sup>17</sup>Einarsen T, 'Drafting History of the 1951 Convention and the 1967 Protocol' in Andreas Zimmermann (ed), *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary* (OUP 2011) 55.
- <sup>18</sup>Noiriel (n 14) 144.
- <sup>19</sup>Einarsen (n 16) 60.
- <sup>20</sup>Einarsen (n 16) 61-62.
- <sup>21</sup>Einarsen (n 16) 57.
- <sup>22</sup> The Indian and Pakistani delegates made a number of interventions around a proposed French draft of the Preamble. Specifically, this was in response to the inclusion of a paragraph that expressed a 'hope' that states would go beyond the restriction in the legally binding text referring to 'events in Europe before 1 January 1951'. Both delegates appear to raise concerns about the 'pious' and non-binding nature of this expansion of the refugee definition contained in the draft Article 1 of the Convention. See, Paul Weis, *The Refugee Convention, 1951: The Travaux Préparatoires analysed, with a commentary by the late Dr Paul Weis* (CUP 1995), 12-19.
- <sup>23</sup> UNHCR, UN Doc A/AC.96/346 (1966), para.2.
- <sup>24</sup> The Convention allowed states voluntarily to accept non-European refugees, but this was not a binding commitment as it was with European refugees.
- <sup>25</sup>Loescher G, *Beyond Charity: International Cooperation and the Global Refugee Crisis* (OUP 1993) 62.
- <sup>26</sup> 'Model National Law on Refugees', [2001] *ISIL Yearbook of International Humanitarian and Refugee Law* 19
- <sup>27</sup> 'Model National Law on Refugees', [2001] *ISIL Yearbook of International Humanitarian and Refugee Law* 19
- Article 3(b).
- <sup>28</sup> Shuvro Prosun Sarker, *Refugee Law in India: The Road From Ambiguity to Protection* (Palgrave Macmillan 2017) 161-162.
- <sup>29</sup> Bill No. 370 of 2019
- <sup>30</sup> Ranabir Samaddar, 'Power and Care: Building the New Indian State' in R. Samaddar (ed.) *Refugees and the State: Practices of Asylum and Care in India, 1947-2000* (Sage 2003) 23.
- <sup>31</sup> Ranabir Samaddar, 'Power and Care: Building the New Indian State' in R. Samaddar (ed.) *Refugees and the State: Practices of Asylum and Care in India, 1947-2000* (Sage 2003) 23.
- <sup>32</sup> AIR 1994 SC 1461
- <sup>33</sup> 1996 1 SCC 742
- <sup>34</sup> Supreme Court of India, WP (Civil) No. 510 of 2007, Decided on 17 September 2015.
- <sup>35</sup> Simon Behrman, *Law and Asylum: Space, Subject, Resistance* (Routledge 2018), chapters 1 and 2.
- <sup>36</sup> Jacques Rancière, *Disagreement: Politics and Philosophy* (University of Minnesota, 1999).
- <sup>37</sup> Behrman (n 35), 117-122.

# **The Imagined Terrain: Return, Citizenship and Justice in the Eyes of Rohingya Refugee Women**

By

**Meghna Guhathakurta \***

## **Introduction**

Refugees emerge often as a consequence of exclusionary processes within a state that systemically differentiate and discriminate segments of population on the basis of religion, race, ethnicity and caste. Such trends are especially pervasive in newly created states, societies in transition and unstable societies. But even when they cross the boundaries of their country of origin refugees and displaced people typically find themselves subject to a range of policies, practices and powers over which they have no say. The lives of refugees are intimately and dramatically shaped by actors -states, international organizations, humanitarian agencies, local host communities among others - who make decisions that affect their well-being but are rarely accountable to their interests or goals.

Neither do refugees form a monolithic group with common interests. There are differences of interest and perspective between long term refugees in a protracted situation and those who have arrived in a context of an immediate situation of violence. Differences also occur on the basis of age, gender, religion and ethnicity.

In the context of the recent Rohingya refugee influx into Bangladesh from Myanmar since August 25<sup>th</sup> 2017, 52% of the refugees have been estimated to be women. They are usually not consulted on important issues of return, repatriation, citizenship and justice. On top of that 300,000 refugees were previously settled in makeshift sites and settlements in host communities. This paper attempts to elicit and unearth the perspectives of Rohingya refugee women on issues of return to the homeland, meaning of citizenship and justice. A reading of their responses will we believe shed light

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Refugee Watch, 54, December 2019

on the potentiality for women to take a more proactive role in peace-building in the future. The paper further highlights the need for stakeholders and institutions to recognize such a role.

## Return

When the influx of Rohingya refugees to Bangladesh began in 25<sup>th</sup> August 2017 the issue of return was the least in peoples' mind. As the victims recounted horrors to humanitarian agencies, NGOs and journalists, the immediate thinking was that of providing them with shelter, food and treatment. Local, national and international agencies were all engaged in this mode. The question of return started to be discussed after several months when refugees were more or less stabilized, their entry to Bangladesh recorded and the parameters of their mobility defined by the receiving state.<sup>1</sup>

Needless to say the discourses of return varied. So far three discourses of return could be discerned from the existing narratives: the Government of Bangladesh, the international community and the refugees.

For the Government of Bangladesh the issue of return and repatriation was not new as for Bangladesh the Rohingya refugee crisis was a protracted one which stemmed from the Nagamin military operations in Myanmar in 1978. The next influx came in the eighties in the aftermath of the new citizenship laws adopted by Myanmar in 1982 which during the implementation stripped Rohingyas of their citizenship (Walton 2017). These intermittent flights have only temporarily solved their problems as they found themselves facing rising hostilities among the host population.

The Government of Bangladesh too till the recent influx have been reticent about receiving refugees that have found their way within its territory but were not registered within its official camps managed in collaboration with UNHCR. The reason that the Government gave for not registering the large number of undocumented Rohingyas was that it would only contribute to the 'pull factor' i.e. that it would only provide more incentive to people to flee the borders and hence create a security threat. In such an atmosphere the support of the international community has been fragile and limited to a coterie of humanitarian agencies journalists and academicians. The recent influx as a result of the "clearance operations" as termed by Myanmar Government however has created a watershed in past Government policies.

*Returning to Myanmar and fear of refoulement*

*"Bangladesh is not my home. We need to go home"*

*"When I think about being returned my whole-body shakes and shakes"*

In a field report of Research Initiatives, Bangladesh (RIB, 2018) an unequivocal belief of women refugees was reflected that it is too soon to consider returning to Myanmar. In February 2017, a woman explained "houses are burning right now and more people arrive every day," while in June one women said "there is only ash where we called home." The topic of returning to Myanmar is an emotive one and the constant talk of repatriation is distressing for some as there is a real fear of being forced to return. There are clear memories of being forcibly returned in the 90's which is causing a

general distrust of UNHCR and the authorities. One woman explained how she had fled to Bangladesh in the 70s, and 90s and 2017 – “I am three times a refugee.” She remembered being forced to stand in two lines before being loaded on to a truck and sent across the border into northern Rakhine; “two years later my brother was arrested and we have never seen him since”. The Rohingya refugees are closely following developments in repatriation but policies are often made without taking into consideration their lived realities. Further, women often have to rely on their husbands or children to provide them with news, leaving them vulnerable to rumour and misinformation that add to their distress. More needs to be done to engage Rohingya women directly in discussions about repatriation and future needs (RIB, 2018).

### **Hope for Eventual Return**

However a clear hope was expressed by the women that one day return to Myanmar under the right conditions. The thought of staying in the camps in Bangladesh was deeply distressing, with many emphasizing the temporality of the situation and questioning, the dire conditions. When describing their hopes for the future nearly all women expressed a strong desire to return home – “I want to see my children get married in Rakhine, and have my body buried in Rakhine land.” But women acknowledged that the weight of the uncertainty “makes it very hard to be happy” (RIB, 2018).

Women who have been in Bangladesh since the early 1990’s were less hopeful of returning to Rakhine asking “if returning is possible, why hasn’t it happened before now?”. Women who were born in Bangladesh are even less inclined to want to return to Myanmar, suggesting that “living with the rights that Bangladesh people have” would be their strong preference. Moreover many had developed marital relationships with local Bangladeshis and were living within a self-constructed community. These groups of women referred to a more imaginary homeland, rather than concrete experiences. They found it difficult to describe what conditions they would want to see in Rakhine State in order to return. Rohingyas who have lived in Bangladesh since the 1990s were not included in the recent bilateral MoU on repatriation signed between Bangladesh and Myanmar and options for their resettlement or integration into Bangladesh must be explored.

### **Security**

*“In Myanmar I never realized I could live in peace like this”  
“Even though I have nothing now, at least I can sleep”*

### **Security in Northern Rakhine**

Safety was consistently raised as the most important requirement for ‘safe, voluntary and dignified return’. Many women insisted that despite the harsh conditions in the camps, they feel relatively safe. As if to underscore the point

one woman claimed “even if [Myanmar] kept us in these conditions but we had this level of safety, 100% of people would go back.” (RIB, 2018)

The women all agreed that they would need to see changes on the ground before believing it was safe to return; they would not take Myanmar’s word since “words mean nothing.” Some indicators that Myanmar is serious about providing safe return would include:

- a. releasing the Rohingya boys and men who have been arrested;
- b. closing the camps in central Rakhine; and
- c. allowing the Rohingya who remain in northern Rakhine State to work and move safely without threat of extortion, abuse or arbitrary arrest.

The women agreed that they would need family or friends back in Myanmar to confirm it was safe to return. Recent arrivals also mentioned that UNHCR would need to be involved and that there would need to be UN peacekeepers. The requirement for there to be UN Peacekeepers in northern Rakhine is widely supported among both Rohingya men and women, but not well understood. The Myanmar Government on the other hand has been opposed to have any international actors observing or participating in relief or development activities in the Rakhine with national supervision. The Rohingya women explained that they do not want the same security actors in northern Rakhine who were present during the violence over the last 2 years, and there is a strong preference for an international security presence.

## Citizenship

The issue of citizenship has been at the root of the Rohingya problem. Although flows of Rohingya population have been coming into Bangladesh from the seventies due to military operations like the Nagamin operations it was the enactment of the 1982 Citizenship Act that caused the disenfranchisement of the Rohingya from the state of Myanmar. This is a law that focused on lineage and national races, and categorised people in Burma into three categories; citizens, associate citizens, and naturalised citizens. This law was denounced by the Rohingya for denying them citizenship and turning them into “resident foreigners” or “Bengalis”, as they were not included in any of the three categories mentioned in the law. Professor Mathew Walton, is of the opinion that the law did *not* actually “strip” citizenship from the Rohingya, but that in *the implementation of* the law, many authorities refused to re-register “Bengalis”, who submitted their documents, but instead had “white cards” issued to them, thereby allocating them a “non-citizen” identification (Walton, 2016).

The issue of citizenship was reflected in the Advisory Commission on Rakhine State popularized in the media as the Kofi Anan Commission. At the behest of the Ministry of the Office of the State Counselor of the Republic of the Union of Myanmar and in collaboration with the Kofi Annan Foundation, the Advisory Commission on Rakhine State was founded in September 2016 as a neutral and impartial body which aimed to propose concrete measures for

improving the welfare of all people in Rakhine state. In August 2017, it presented its final report “Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine”. The Commission was composed of six local and three international experts, and chaired by Kofi Annan. (Advisory Commission of the Rakhine State, 2017)

In its work, it considered humanitarian and developmental issues, access to basic services, legal questions including citizenship and the assurance of basic rights, and security to all people in all communities. Hence the issue of citizenship of the Rohingyas was central to its recommendations. According to the report, the current approach to citizenship violates international law.

It was in the backdrop of the release of the report that the Myanmar military unleashed the most fearful part of what it called the “clearance operations” against the Rohingyas, in the context of a major armed raid by ARSA a homegrown militant unit of the Rohingyas. The resultant atrocity however was termed as “ethnic cleansing and crimes against humanity and mass atrocities with genocidal intent in independent fact finding mission reports of UN agencies. (The Guardian, August 27, 2018)

Women refugees with whom we conversed with had their own interpretation of citizenship issues that traversed both an emotive sense of belonging as well as more grounded perceptions of documentation and terminologies.

*“In Rakhine people would tell us ‘you are only here for a short period’, In Bangladesh they also tell us, ‘you are only here for a short period’”.*

*“we are invisible in Burma, we have no identity”*

## **Belonging**

The women said they feel like “unwanted guests” in both Myanmar and Bangladesh and there was a strong desire to belong, “be wanted”, and be treated as equals. As explained by the Rohingya women, the main indicators of belonging include:

- a. being treated the same as other ethnic groups;
- b. being allowed to practice their religion freely;
- c. having the term Rohingya accepted and used;
- d. being provided with citizenship documentation.

Acceptance of Rohingya leadership by the Myanmar government would be another indicator that they belong. Currently there are no Rohingya leaders who are allowed to take formal positions within Myanmar’s political system. The women used the term ‘king’ or ‘raja’ when referring to leadership and explained that they need a “Muslim king” like the Rakhine have a “Rakhine king.” They believed that there was greater freedom in the camps in Bangladesh than in Rakhine because a “Muslim king” was allowing it.

## Terminology and Documents

The women strongly associated the violence and persecution they have experienced with the lack of citizenship documentation. Their current path to citizenship involves accepting a “National Verification Card” (“NVC”). This has been widely rejected by Rohingya because it does not provide citizenship or recognise their ethnicity and is seen as reinforcing the false claim that they are immigrants from Bangladesh.

One woman explained that “when we have the ID we were safe. When they took the ID away, the violence started”. Today, there appears to be an almost universal agreement within the Rohingya refugee community that they will not return to Myanmar without full citizenship and acceptance of the term Rohingya. One woman asked, “here in Bangladesh we are called Rohingya, the world calls us Rohingya, why in Myanmar are we not Rohingya?” Another woman explained how and when their grandfathers had ID cards with the term ‘Rohingya Muslims’ they lived in peace; when their fathers had ID cards with the term ‘Muslim’ they only experienced a few problems; but when they had a card that called them Bengali they were persecuted – “we gained recognition in Myanmar, but for *not belonging*”.

There is no faith that the Rohingya would enjoy full rights in Myanmar without accompanying documentation. The National Verification Card was rejected by the women who said they “want the same card and same name as their forefathers”. The NVC is believed to be a “document for foreigners”; the women indicated that Rohingya who have been issued with an NVC in northern Rakhine are still unable to move freely, cannot own land, and cannot register cattle in their own names.

The women expressed a strong desire to have the citizenship documentation provided before they are repatriated. They do not trust that it would be given once they return home. “We will march back with that card in our hand”, exclaimed one woman. The women said many people have family lists and property licenses with them in Bangladesh but noted that “even if we don’t have it, the government has copies.”

## Rights and Freedoms

*“look at the Bangladeshi families, how beautiful they keep their homes. They can send their children to school, watch them become full adults. Instead we have uncertainty all around us”*

The women all agreed that they need to have “the same rights as everyone else in Myanmar”, but two rights were emphasized more than others: the right to practice religion freely, and the right to own your house and property.



### **Right to Own land**

The home or family compound was truly the woman's domain in northern Rakhine, yet ownership was never secure. Being able to own a property would provide women with a strong sense of empowerment and control – over their lives and their children's futures. One woman commented “if you give us the land we will raise our children strong, educated and peaceful”. The emphasis on ownership and property is also indicative of a deeper desire to belong, as one woman commented “*Rakhine can say this is my land, my house, my country. We can't say that*”.(RIB, 2018)

### **Right to Practice Religion**

Being Muslim is a significant source of identity for Rohingya women, and they are proud of the Islamic faith. They want to be able to practice their religion freely and hold their celebrations in public. There was a strong assertion that unless Myanmar accepted them as Muslims, rebuilt all the mosques, and allowed them to practice publically, then they would not want to return.

In 2012, the closure of mosques and madrasas, and prohibitions on prayer restricted the most fundamental and personal religious activities for the Rohingyas. Islamic practices could not openly be passed on to children; praying and attending mosques could happen only covertly or surreptitiously. The devout continued these activities, but if caught could be subjected to extortion or severe punishment. Men could be put into prison if caught praying. Rohingyas voiced their protest against such measures by stating that it affected their belief system deeply. They felt that they were being debarred from following the instructions of Allah.

However, this focus on the importance of religion needs to be contextualized. Religion has become the main source of identity, leadership, education and organization within Rohingya culture – largely because all other forms were prohibited. As such, women have a tendency to express themselves using religious terms or by reference to religious practices. For example, many women spoke of the importance of being allowed to go to the mosque to pray, which reflects a broader desire for freedom of movement. Similarly, the importance of employment and education was also expressed in religious terms. Many women said they wanted their children to become Hafiz because it was the only type of education that resulted in a paid job in northern Rakhine (RIB, 2018).

### **Mental Health**

Women who have arrived in Bangladesh in the last nine months are carrying a heavy burden of grief and trauma. This is now being compounded by the conditions in the camps, fears about imminent monsoon season, and uncertainty about their futures. As a result, many women described themselves as feeling “hopeless” and “unable to smile again”. Many women live in *pardah* and those over the age of 12 do not spend much time out of

their shelters, leaving only if there is a specific task such as collecting aid or going to the health clinic. This means that for almost 24 hours a day Rohingya women in their shelters “with only our thoughts”, talking about the violence in Rakhine, comforting each other, and worrying about what the future months hold. While some women have attended counseling, many have not and they would benefit from more professional support.

## Justice

Following the release of report of the UN Independent International Fact-Finding Mission on Myanmar on August 27, which strongly recommended that Myanmar's top military generals, must be investigated and prosecuted for genocide in the north of Rakhine State, as well as for crimes against humanity and war crimes in Rakhine, the UN Special Adviser on the Prevention of Genocide Adama Dieng urged the International Criminal Court (ICC) Prosecutor Fatou Bensouda to consider ICC's recommendation of opening an investigation into the atrocities against Rohingyas.

Dieng said deportation can constitute a crime against humanity under international law. The chamber also ruled that the court would have jurisdiction over other crimes committed, such as the crime of persecution, if at least one element of the crimes within the jurisdiction of the court -- or part of such a crime -- has been committed on the territory of a state party to the statute.

The decision followed a request by the prosecutor of the ICC on April 9, 2018, in which the prosecutor sought a ruling from the Pre-Trial Chamber on the jurisdiction of the court in a situation in which persons are deported from the territory of a state which is not party to the Rome Statute of the ICC into the territory of a state which is a party to the statute. While Myanmar is not a party to the statute, Bangladesh is. (The Daily Star, September 10, 2018)

Myanmar “resolutely” rejected the ruling from the International Criminal Court (ICC) which said that the body had jurisdiction over alleged deportations of Rohingya Muslims to Bangladesh as a possible crime against humanity. On the other hand it was stated by the various sources that the violence and deportations were planned before 25 August which counters Myanmar's outrageous protestations that its activities were merely a response to alleged attacks against security forces on that day by a group referred to as the Arakan Rohingya Salvation Army (ARSA).

## Women' Perceptions of Justice

*“Our souls already died in Myanmar; we came to Bangladesh only with our bodies”*  
*“All my family died. I also died in my soul; my soul also burned.”*

Women in the camps had various perceptions of justice. Some as the above quotations illustrate were so demoralized that they could not even a sense of

justice. One woman said, “Justice? We have no one to go to for justice. When prodded on further she could at the most answer that it is all Allah’s will.

Others have a different view of justice from ones that directly related to direct violence committed against them. They referred to the recognition of their identity: “*We want peace in our country. They should accept us as Rohingya. They were accusing us that we were not from Myanmar. They should never say it to us again. We should get this kind of justice.*” (ICC-RoC46(3)-01/18-26 19-06-2018 1/32 EO PT).

Their restrictions on mobility was the basis for all other forms of discrimination and persecutory treatment, and the ideology which underpinned the deportation of the Rohingya to Bangladesh. Victims recounted the many ways in which this had impacted their daily lives in the Rakhine state: it prevented them from seeing friends and family; from attending personal events such as funerals; and from accessing medical treatment. The movement restrictions also hindered the most basic economic activity: farmers were unable to access their land; shopkeepers could not run their shops. To do any of these things money had to be paid to the village chair. Curfews were imposed preventing Rohingya from leaving their homes at night, as well as prohibitions on gathering in groups. Shops were made to close at night. Villagers were not to light their houses, and this compounded barriers to education by preventing reading or study at night.

## Conclusion

It has become standard to talk of ‘durable solutions’ in the international refugee discourse and yet as the above evidence shows, such solutions are hardly ever based on the ground realities and perceptions of refugees themselves, least of all those like women, children or minorities whose voices hardly ever reach the ears of key decision-makers. Even when consultations with refugees are held, they usually have to do with managerial issues which relate to their existence as refugees in a host county, never on more political issues of return, citizenship and justice. Yet women who in this instance forms the majority of refugee population have well defined views, opinions and imaginaries of solution that are both grounded and relevant. It is about time that national and international stakeholders paid attention to incorporating their views into an overall strategy and address the need to build and transform their agencies on political issues of return, citizenship and justice that form the root of their problems.

## Notes

<sup>1</sup> Rohingya refugees as of Nov. 1<sup>st</sup> are estimated as 923,000 , out of which 629,000 are located in Kutupalong-Balukhali expansion site 280,000 in other camps and sites, and about 14,000 in host communities. About 27 camps are set up from Teknaf Upazila in the South to Kutupalong in Ukhia Upazila in the north of Cox’s Bazaar district. No refugees are to be allowed to move north of this boundary without permission as per instruction of the Govt. of Bangladesh.

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# Labour in Borderland: Ichhamati River in North 24 Parganas

By

**Shatabdi Das**\*

## Introduction

The Ichhamati – a tidal river is a case example of a trans-boundary river that makes up the international front between India and Bangladesh for about 21 km. An imaginary border in the middle of the river Ichhamati divides the two countries - India and Bangladesh at several stretches of the river course, while the water of Ichhamati glides between the high and low tides dividing the dwellers of the two countries on both sides of its banks. Alluvium deposit along the river bank enhances the soil quality making it ideal for cropping and also for brick construction; people from Bangladesh often cross onto the western bank of the river on the Indian side through land port or across the river front to find work at the brickfields, pottery workshops, small businesses and often engage in trafficking of goods and cattle; some earn a living by fishing the waters of the river at times sailing close to the international boundary, which raises risks of legal actions and vulnerability in a transitional riverine ecosystem for workers.

Development of Basirhat and Taki municipal towns dates back to the late nineteenth century. Influences of zamindari rule shaped the settlements situated along the trans-boundary river Ichhamati - the channel width at Taki being a maximum of 1 km with a mere, less than ten minute boat ride from one bank to the other. Owing to its historical past and the ecological niche of tidal inlets that enmeshes an ecosystem composed by golpata forest known as the mini-Sundarban, this region attracts tourists round the year in representing the northern fringe of Sundarban Biosphere Reserve with an uncanny resemblance to the tidal network of the delta down south, through which the Ichhamati river follows its course towards the sea. The prospects of tourism, work opportunities at kiln brickfields, micro-scale industries like pottery, small

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Refugee Watch, 54, December 2019

businesses, work for daily wage labourers and helper of masons together with the options of livelihood for fishermen at the river front, usher in prominent opportunities of work for labour migrants. This research endeavours to follow the footprints of migrants in an attempt to understand the role played by river in shaping the development of border settlements and how dependence on a river serving as borderland affects the life and economy of workers and inhabitants residing in its spatial domain.

### **Location of the Study Area**

The district of North 24 Parganas comprises five sub-divisions that hold 22 Community Development Blocks (CD Blocks) and 48 urban units including statutory towns (STs), municipalities and cantonment board.<sup>1</sup>

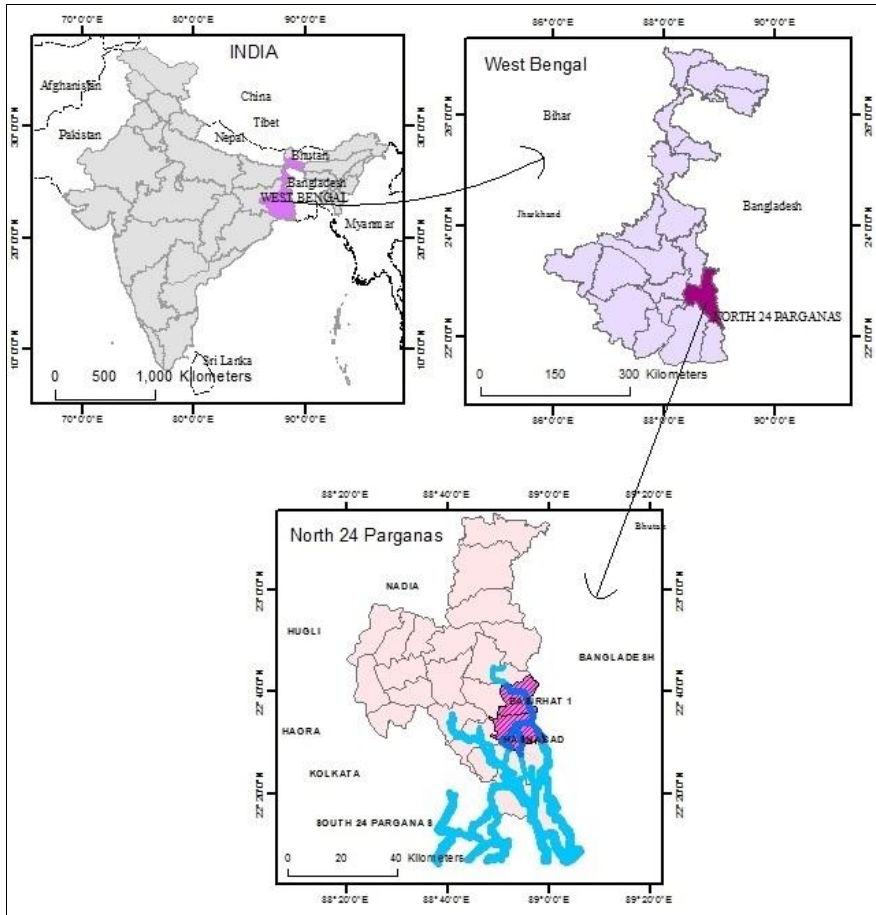
The study area in this research sprawls across the CD Blocks of Basirhat - I and Hasnabad and the area housing the two municipal towns of Basirhat and Taki (situated in between the two fore-mentioned blocks) stretching along a part of the river course - the strand of Ichhamati etching out the international boundary between India and Bangladesh for close to 20 km from Hasnabad (near the confluence of Bidyadhari) to Basirhat (near Soladanga) in Basirhat Sub-division of North 24 Parganas district of West Bengal on the Indian side; while bounding part of the Satkhira district under the Khulna division of Bangladesh.

### **Materials and Methods**

Data collected from the Census office, Census handbooks and industrial reports of Government of West Bengal was analysed for comprehending the trend of demographic changes, migration and dominant economic engagements in the study area.

### **Location of the Study Area**

Survey was conducted among several families living in Ward number 11 of Taki municipality which is the most populous ward (holding 10.03 percent of the town's total population) and also in Wards 2, 3, 4, 5, 6 and 10 located close to the bank of river Ichhamati, along with localities of Basirhat municipality and Hasnabad. The field survey enabled the understanding of the socio-economic attributes of migrants who came from Bangladesh and settled with livelihoods on the Indian side. Ethnographic interaction with local residents who earn their livelihood as fruit sellers, potters, shop keepers, guest house staff, labourers in the brickfields and livelihood earners in the transport sector like toto, auto-rikshaw and motorised van drivers, in Basirhat, Taki and Hasnabad, helped obtain first-hand information on the changing trend of migration among workers in the border region. Excerpts from the interactions with Border Security Force personnel on their responsibilities and the difficulties faced in maintenance of law and peace supported the interpretation of the causal factors of migration and its outcomes in the settlements located



**Map 1:** Source: *Survey of India 2019; and prepared by the author*

close to the International Border (IB). Field study helped the analysis of the trend of labour migration and the attributes of local economy that help support livelihood of the labourers migrating across the borderland of river into the urban localities on the bank of river Ichhamati in the Basirhat subdivision of North 24 Parganas district.

## Discussion

Borders emerge as zones of territorial distinction that engender state identities, characterised by network of exchanges and movement of people and goods. Land along and across rivers have featured themes of precarious life, labour and migration of people coping with impoverishment and relying on the life-sustaining systems that are rivers.<sup>2</sup> The northern fringe of the Sundarban Biosphere Reserve in Hasnabad and parts of Taki municipality appear in the form of dense woodland of mangroves, keya and hogla standing with the vulnerabilities that the unique ecological niche invite from

anthropogenic advances in the form of embankment construction and land acquisition for economic practices.<sup>3</sup> International immigration is determined by political, economic, social and environmental conditions. Transnational flow of population is responsible for reconstituting borderlands into a social space, often characterised by ambiguous territoriality and borderless economy.<sup>4</sup> Reasoning with the legal-illegal divide by authority or state power and the opportunities of delineation of control and access to territory at borders encapsulates a complex concept.<sup>5</sup> Despite states controlling and moulding mobility at borders,<sup>6</sup> these tend to become zones that are characterised by transnational population, particularly the transitional spaces of border region. Governance and jurisdiction largely control labour mobility across borders,<sup>7</sup> although traipsing transnational boundaries unlawfully also act as vulnerable trajectories for labour mobility.

Notions of illicitness, social denial, trans-border legitimacy, illegal trade, trafficking and violence amass at interfaces of undocumented border crossings - remaining exemplary when one turns to the borderlands of India and Bangladesh.<sup>8</sup> The border between India and Bangladesh hold instances of aggrieved past, being spaces of disintegration, exhibiting issues of security, communal discord, militarisation and humanitarian crisis;<sup>9</sup> this border has remained infamous for the complexities of manning and keeping of security,<sup>10</sup> inherent in the lingering emotions and relations that inhabitants on both sides of border hold onto even after decades. R. Samaddar while enquiring on forced migration in post-colonial context bring to light the fact that entitlements and humanitarianism take very different forms whenever one focuses on borderland migration, the Bengal-Bangladesh border historically having been coloured by perils of partition, riots, forced movements.<sup>11</sup>

### **River Ichhamati as Borderland and Evolution of Border Towns in Riparian 24 Parganas**

Ichhamati is not only a tidal creek but also an irregular, sinuous distributary channel that has been cut-off from the Padma-Mathabhanga-Churni river system by interferences and encroachment due to human activities.<sup>12</sup> Several stretches along the river course have been occupied and forcibly converted into land for cultivation.<sup>13</sup> Bibhutibhushan Bandopadhyay's novel 'Ichhamati' published in 1950 evokes life on the banks of the river, the role of a river in supporting and thriving of the settlements dotting its strand and how the social lives of people living along the bank of Ichhamati have been influenced by the riverine ecosystem<sup>14</sup> and economic opportunities that the river dynamics have to offer. The river bounds India and Bangladesh on its west and east banks respectively – its channel divided into two segments mid-river along several stretches of its course by the administrative boundary of both nations.

The agglomeration of 24 *mahals* making up the 24 Parganas whose rights the East India Company had ceded in 1757 from the then Nawab of Bengal Mir Zaffar Ali Khan,<sup>15</sup> initially had people coming in from Chota Nagpur plateau and neighbouring districts;<sup>16</sup> it was later divided into the two



districts of North and South 24 Parganas in 1983.<sup>17</sup> Once the land of *mahajans*, with a history of *zamindari rule* more than 150 years old - the agglomeration of Taki-Hasnabad-Basirhat was accessible earlier only by waterway through the Ichhamati-Padma river system.<sup>18</sup> The Ichhamati is one of the major rivers in the district whose navigable channel flowing in a south-east direction along its strand is lined by Basirhat, Taki, Hasnabad and other settlements where trade was practiced mainly by boats.<sup>19</sup>

Basirhat, a distortion of 'Basurhat' (originating from the town being a market centre), was commissioned as a municipal town in 1869 and Taki was established as a municipality in late 1880s. Historical narratives of old families in the area attribute the name 'Taki' to 'Tjaks' – the local name for islands formed at the bends along the course of river Ichhamati.<sup>20</sup> Hasnabad had been reclaimed from Sundarban forest fringes to convert jungle-swamps into land suitable for cultivation and human settlement.<sup>21</sup> Ichhamati river had served as the lifeline of transportation and communication between the settlements of Taki and Hasnabad, before the expansion of railways in the middle of twentieth century. Hasnabad used to play the role of a rural commercial centre which supplied paddy, rice, fish, prawn to Taki and its suburbs. Taki and Hasnabad used to be major fish exporting centres to Kolkata, while Basirhat was known for rice export. It was not before 1962 that Basirhat, Taki and Hasnabad became famous as rice and fish markets respectively and eventually got connected directly to Sealdah in Kolkata and other towns along the rail route serving Bongaon by metre gauge train track laid by Martin and Burn.<sup>22</sup>

In early nineteenth century labourers had been brought into the Sundarban fringe area located in North 24 Parganas under the reign of zamindars and talukdars, for clearing forested land. Although development of trade, commerce and transport in Kolkata as well as its hinterland led to immigrants settling down with new employment (resulting into population growth), rural areas of Basirhat sub-division were not much affected by industrialisation-led urbanisation initially. Till 1951, more than nine lakh refugees had settled in 24 Parganas from Bangladesh (then East Bengal). The decade of 1951-1961 and the years 1971 and 1981 in the wake of the struggle for independence of Bangladesh, recorded large number of immigrants in the then 24 Parganas, which was in the form of influx of almost eight lakh refugees. Population growth had been an outcome of infiltration into Basirhat, Bongaon which are located close to the international boundary that India shares with Bangladesh. Surrounded by rural settlements and stretches of Sundarban's ecological niche Basirhat-I and Hasnabad CD Blocks and Basirhat and Taki municipalities reflect lower urban population sizes than the urban areas of the other sub-divisions of the district because of slow infrastructural development and the longer distance to Kolkata when compared to Barasat and Rajarhat.<sup>23</sup>

### Migration Across the Riverine Borderland of Ichhamati

Borders although delimited keeping in mind security and containment, they inevitably go hand-in-hand with goods and population flow; and with it crop-up the issues of illegal aliens, minorities, drug caravans, destitute labour, financial violations<sup>24</sup> that demarcate the spatial domains that are borderlands with an unique environ. Borderlands often become vulnerable spaces by reason of the indulgence of traffickers affecting the lives of people<sup>25</sup> or those involved in trade of undocumented goods and perpetrators who unrightfully immigrate – some in search of work and better livelihood means.

Bangladesh has always remained the homeland of a large number of migrants in India. Shortages of labour, inequality of economic opportunities have been major drivers of migration other than conflict and political turmoil. The Collector's report for the year 1869-70, describes Basirhat and Taki as boat-halting stations with large markets (locally known as bazaars).<sup>26</sup> River Ichhamati's banks have remained renowned for trade in molasses<sup>27</sup> since the late nineteenth century – a practice that is rapidly fading out of prominence today.<sup>28</sup> Migrant population in the district who had come from Odisha found work as palanquin-bearers and domestic help. Large number of migrants had come to the then 24 Parganas from several parts of Medinipur district, following the cyclones of 1824 and 1834; they were tagged '*bhasa*' owing to the fact that they had come floating. There had been a few Brahmins who had come from Kannauj and settled down with land holdings and as grain merchants performing business; however such group of people had returned back to their homeland after modest income.<sup>29</sup> A small number had also come to the district to work as labourers in transport sector.<sup>30</sup>

Political background and liberation war of Bangladesh accounted for the mass of migrants who had settled in India by the river Ichhamati in 1970s. Between 1971 and 1981 an estimate of 5, 00,000 Bangladeshis had taken up residence in West Bengal. Nearly 4,50,000 illegal immigrants had been detained and sent back from Bangladesh by the Border Security Force (BSF), the state police and the Mobile Task Force (MTF) during the decade.<sup>31</sup> Census figures bring out the fact that among other districts of West Bengal, 24 Parganas had figured as place of residence for large number of migrants prompted by the ease of crossing across the river Ichhamati by boats. Out-migration from Bangladesh to the border districts of India was controlled by famine conditions of 1974-75 with an increasing rate of outmigration from 9 to 31 per 1000.<sup>32</sup>

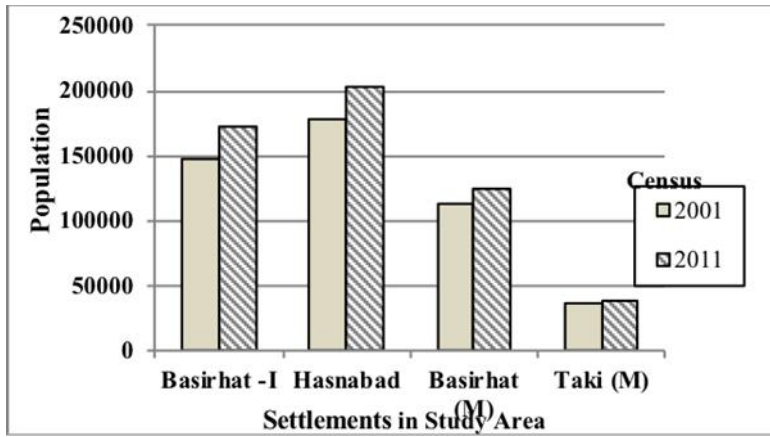
Field Survey (2019) brought to the forefront, learning on the migrations of 1978-79, when many migrated from Bangladesh to Morichjhapi escaping hostilities and later settled in Taki-Hasnabad after purchasing land in early twenty-first century. Residents (including Indians and individuals who had migrated from Bangladesh with their families) recall scenes from the decade of 1970s speckled with refugees and immigrants squatting along roads, people dying under the sun – sights that brought on panic among Indian locals and children specifically.

Loss of homes, dispossession and search of work led many to traverse the borders across tidal channels and settle in the deltaic territory of Sundarban that mostly composes the South 24 Parganas district and southern provinces of the North 24 Parganas district.<sup>33</sup> Environmental factors like poor water management, lack of flood control, depletion of natural resources, erratic cropping pattern have also been significant drivers of migration<sup>34</sup> forcing people to move out from the border region of deltaic Bangladesh into India looking for better prospects of livelihood and work.

Data of 1971 Census shows that maximum international migrants in 24 Parganas were from Bangladesh - then East Pakistan (among other South Asian countries like Afghanistan, Myanmar, Sri Lanka, Nepal, Pakistan, Malaysia). In 1971, highest number of migrants came from rural localities of Kolkata, followed by Haora, Hugli and Nadia. Among the Indian states, the highest percentage of migrants had come from Uttar Pradesh (UP) followed by Odisha – greater proportion of migrants came from rural areas of UP, whereas migrants from Odisha hailed in larger number from urban settlements of the state.<sup>35</sup>

In 1991, the highest number of migrants in North 24 Parganas district belonged to the Indian states of Bihar, Odisha and Uttar Pradesh. The Census years 1991 and 2001 recorded the maximum number of immigrants in the district from Bangladesh when compared to other countries. There had been enumeration of 3.33 lakh and 5.65 lakh Bangladeshi migrants in the rural and urban areas of North 24 Parganas district respectively.<sup>36</sup> In 2001, the number of migrants from Bangladesh enumerated in rural and urban areas of the district were 15.78 lakh and 14.52 lakh respectively – pointing to an increase of close to 10 lakh migrants in the district in the decade of 1991-2001.<sup>37</sup> North and South 24 Parganas together record 64 percent of its migrants moving due to economic reasons such as unsustainable agriculture and lack of economic opportunities at the place of origin. Agricultural engagements such as sowing, transplanting, harvesting, winnowing provide work to female migrants shifting from rural to rural areas of the district.<sup>38</sup> Boundaries of administrative units within the district have been reorganised after 1981 Census and post-1991 Census, there have also been changes in the categories of enumeration for migrant population. North 24 Parganas district was constituted from within the 24 Parganas district in 1983<sup>39</sup> and there was delineation of Basirhat – I and II as separate blocks since 1991 Census. Such considerations make it difficult to analyse data on the basis of uniform parameter such as administrative divisions as spatial units; therefore 1991, 2001 and 2011 Census data was mainly studied to comprehend the trend of demographic changes in the study area.

Figure 1: Population Growth in the Study Area, 2001 to 2011



Source: *Census of India 2001 and 2011*

Jharkhand was the source of the largest rural migrant population coming into North 24 Parganas in 2001, followed by Bihar, Odisha and Uttar Pradesh. In case of urban areas of the district, highest number of migrants was from Bihar, followed by Uttar Pradesh, Jharkhand and Odisha. This distinct trend in case of the place of origin of migrants could be attributed to the fact that Bihar and Uttar Pradesh with lower level of urbanisation push migrants to urban areas of this destination district. Migrants have held a greater share of the population in urban areas in both the Census years of 1991 and 2001.<sup>40</sup> Census data indicates that in case of migrants shifting and settling in the district from outside the state of Bengal, females hold a larger share in rural areas may be due to social reasons – marriage being common; whereas male migrants have a higher count in urban areas because they mostly migrate by themselves leaving families behind in villages. Interestingly the proportion of male and females among Bangladeshi migrants does not show very contrasting differences in rural and urban areas.<sup>41</sup>

Table 1: Migrants in North 24 Parganas District, 1991

Trajectory of Migration	Migrants from within West Bengal					Migrants from outside West Bengal				
	Persons	Male	Share of Male Migrants (%)	Female	Share of Female Migrants (%)	Persons	Male	Share of Male Migrants (%)	Female	Share of Female Migrants (%)
Rural-Rural	3124231	1623044	51.95	1501187	48.05	20190	11570	57.31	8620	42.69
Rural-Urban	244114	99740	40.86	144374	59.14	191237	126790	66.30	64447	33.70

Urban -Rural	67590	22370	33.10	45220	66.90	5050	2800	55.45	2250	44.55
Urban - Urban	2625753	1403724	53.46	1222029	46.54	84420	47040	55.72	37380	44.28

Source: *Census of India, Migration Tables, D series 1991*

**Table 2: Migrants in Rural Areas of North 24 Parganas District, 2001**

Birth Place	Persons	Male	Share of Male Migrant (%)	Female	Share of Female Migrants (%)
Within West Bengal	554,63,409	285,09,556	51.40	269,53,853	48.60
Outside West Bengal	6,78,906	2,53,663	37.36	4,25,243	62.64
Bangladesh	15,78,141	8,40,389	53.25	7,37,752	46.75

Source: *Census of India, Migration Tables, D series 2001*

**Table 3: Migrants in Urban Areas of North 24 Parganas District, 2001**

Birth Place	Persons	Male	Share of Male Migrants (%)	Female	Share of Female Migrants (%)
Within West Bengal	191,30,426	99,67,845	52.10	91,62,581	47.90
Outside West Bengal	18,13,026	10,98,556	60.59	7,14,470	39.41
Bangladesh	14,52,986	7,65,866	52.71	6,87,120	47.29

Source: *Census of India, Migration Tables, D series 2001*

In Taki municipal town, border patrolling is at ease only on the last day of the festival of Durga Puja, when boats with flags of both countries come together in the middle (halfway from both banks on Indian and Bangladesh sides) of the river for idol immersion. Armed personnel of Indian Border Security Force and Bangladesh Border Guard (BBG) patrol in speedboats for keeping vigil over the celebrations. The municipal town of Taki shares a span of roughly 10 km of Ichhamati's strand as International Border with Satkhira district of Bangladesh on the opposite bank of the river. Restrictions have been imposed on the elaborate festive processions in recent years that prevent people from either country from disembarking at the bank of the other nation, which earlier led the path to infiltration or unlawful movement of population across international boundary shared by India with Bangladesh. Crowd of onlookers and intruders in large numbers sailing in boats often concealed behind masks of celebration indulge in thoroughfare, crimes, through the violation of security and protection at border. Local people

complain of racket of illicit liquor and Bangladeshi currency exchange by offenders.<sup>42</sup>

An estimate of 10 million cattle is smuggled into Bangladesh either across waterway or land border.<sup>43</sup> Border guards record only 30 to 40 percent of the estimated infiltrators and cattle smugglers returning back to their native countries, while a sizeable population either escape to Kolkata looking for means of earning a living, or else stay back with livelihood by working at several unauthorised brick kilns and sometimes after working for one year return back to Bangladesh during the idol immersion ceremony by disguising themselves as spectators among the celebrating crowd.<sup>44</sup>

People continue to swim underwater for crossing the tides of Ichhamati river from Bangladesh to India, smuggling cattle, snuff and trafficking goods;<sup>45</sup> while news of smuggling such as the cases of foreign birds,<sup>46</sup> onion and other vegetable smuggling through land ports of Ghojadanga (near Basirhat) and Petrapole (near Bongaon) in North 24 Parganas, surfacing over time, enforce firm surveillance at the border check points.<sup>47</sup> In 2018, newspapers reported that protests on the Bangladesh side of the border against uprisings in the country held up trucks exporting goods.<sup>48</sup> Field survey divulged how such blockades of trucks in-waiting could culminate into situation of chaos and confusion thereby providing opportunities to through-farers of passage across border in disguise. With imposition of restrictions on free passage during idol immersion at festivals and strict vigilance at watch towers of observation posts along the west bank of river Ichhamati on the Indian side, as well as boat patrolling by both border guards of Bangladesh and Indian security force personnel, cases of infiltration are few every month; though incidents of touts aiding unauthorised border crossing across river Ichhamati without documents of identity under the dark covers of night for payments of INR 1000 to INR 3000 flare tension among the inhabitants of Taki.<sup>49</sup>

As van Schendel points out rightly, borderlands facilitating unauthorised migration give rise to challenges for state authority in identifying and confining 'foreigners' spatially; during field study, local residents voiced their concern about unlawful migration into the municipal and CD Block neighbourhoods on account of incidences of financial arrangements with the so-called 'unauthorised immigrants' and slack on the part of those entrusted with the assurance of security. The role of 'migration brokers' at borderlands today, tempting inhabitants of Bangladesh who look forward to economic prospects and social security to journey to the neighbouring country of India, find mention in the narratives of migrant families who had settled down in India during liberation war of 1971 in addition to residents who have been staying in the area for last three generations. Relatives coming to stay at the homes of people living adjacent to the river bank are required to keep their ID cards along with them and there is checking at the Golpata check point (that leads to the Ichhamati river front) for fishermen, small business owners, traders, shopkeepers, casual labourers for security reasons and to keep surveillance and control illegal movement of migrants or infiltrators.<sup>50</sup>

Low tide helps people approach forested banks for collection of honey, fuel wood and fish in the estuarine stretch of the river where the water meanders inland towards Basirhat.<sup>51</sup> Economic reasons at present serve as the major cause of migration in the borderland of Ichhamati in North 24 Parganas. Migration is largely seasonal with many also shifting out of their habitats under the influence of climate change.

### **Work for Migrants**

Excerpts from the reports of local officers of Sundarban in 1770s reveal that settlements had a temporary nature, following the sowing and reaping seasons when men visited this part of Bengal. In 1872, manufacturers of lime from shells were numbered at 643, fishermen and boatmen were 49,709 in 24 Parganas; 817 aboriginals '*bbuiyas*' were working as day-labourers.<sup>52</sup> Wage labourers locally known as '*mojur*' not employed in field work got wages paid, that varied from rupees 6 to 8 in a day, depending on the season.<sup>53</sup> In 1971, there was higher proportion of male workers among cultivators and agricultural labourers (the major category of workers) in the district. Highest number of migrant workers came from Bihar followed by Odisha and Uttar Pradesh.<sup>54</sup>

Sen and Dasgupta (2008) in their work allude to occupational dislocation predominantly commanding the status of labour.<sup>55</sup> In tune with recent recruitment trend in manufacturing industries where workers obtain employment mostly as contracted labourers in addition to people engaged as informal workers in unorganised sector, the riverine ecology of Ichhamati provides ample opportunities of work for casual labourers in the environs of built-up spaces of settlements together with contracted labourers at the production premises of brickfields. Brickfields are the largest source of income for labour migrants in the study area; while migrants also work as agricultural labourers and casual labourers earning daily wages. Brickfields around 200 in number on the left bank of river Ichhamati present ample economic opportunities for migrants who work as unskilled and casual labourers, approaching the riverine settlements either across the river front or the Indian border check post at Ghoadanga on the old Satkhira road close to the municipal town of Basirhat. The brickfield industries have been known to collect water from the river indiscriminately for production, interfering with the natural hydrodynamics of the river. Civic amenities, financial and social security, accessibility to market and healthcare attract migrants to the region.<sup>56</sup>

More than 1000 fishermen sail the waters of the river for catch - fish auction market also acts as a hub of earning. Fishing and related small businesses run well in the Taki-Hasnabad-Thubu-Basirhat stretch; the income of families generally varies with family size.<sup>57</sup> Basirhat has always been the largest producer of fish among the remaining sub-divisions of the district. Mineral-based industries such as brick field industry and tile-making units hold the second highest share (13.15 percent) among industries in the region, with Basirhat having the highest concentration of clay-brick factories owing to its location on the bank of river Ichhamati. A large proportion of workers in

Basirhat are engaged in brickfield industries.<sup>58</sup> Migrant labourers at the brickfields belong to Gujarat, Uttar Pradesh, Bihar, Jharkhand in addition to those coming across the riverine border from Bangladesh; some get paid monthly whereas others receive wages on the basis of their work in manufacturing bricks. Labourers at work sometimes get help from family members while at work, in case they are settled with family near the brickfields. Soil collection for production of brick incurs cost, especially when acquired from land owned by local families.<sup>59</sup> Clayey soil is used for construction of idols, pottery, brick and tile-slabs.<sup>60</sup> Higher ground locally known as '*chaamtā*' along river embankments used to be worked earlier as one-crop fields but remain uncropped now.<sup>61</sup> Intrusion from tidal inlets makes water saline thereby rendering land unsuitable for agriculture. Hasnabad has the lowest cropping intensity among the CD Blocks of the district. Reserves of brackish water are used as fisheries and for shrimp cultivation.<sup>62</sup> Net area under effective pisciculture is 2257 hectares in Hasnabad and 1227 hectares in Basirhat with 20,439 and 11,205 engaged in pisciculture in Hasnabad and Basirhat respectively.<sup>63</sup> Land is also occupied by production units for kiln bricks and orchards. Household industries like pottery, tailoring, repairing, bidi-making held around 8 percent of workers and traders engaged in businesses like furniture, idol-making, wholesale constituted 11 percent among rural workers; whereas the figures were 5 percent and 27 percent respectively for workers in urban areas. Basirhat and Taki municipalities have only 6.65 and 6.19 percent of workers engaged in agriculture; most of the main workers belong to the category of non-agricultural non household industry related activities.<sup>64</sup>

In recent decade poultry-farming, bee-harvesting, pisciculture, micro and small scale industries like weaving, soap manufacturing, hand-made paper production, match-stick factories have come up due to the availability of cheap labour in the region. Occupations of blacksmith, carpentry, masonry and rickshaw-pulling are common. However, one downside to this scenario is that, with literacy rate and educational institutes on the rise, the educated and skilled younger population has to combat unemployment<sup>65</sup> and many move out of the district to the metropolitan region of Kolkata or else outside Bengal looking for jobs and improved infrastructural facilities.<sup>66</sup> The municipal area even today suffers from water-scarcity with piped tap connections from Public Health Engineering Department (PHED) failing to supply sufficient volume of water to the houses of the wards; families that are financially well-off are able to purchase barrels of packaged water. Power-cuts of two-three hours at a stretch add to the difficulties of families living in the municipality area. Since 2017, *toto-driving* providing intra-city connectivity (on sharing-basis) and inter-city trips (on reservation) has become one of the flourishing businesses in transport sector backed by the development of tourism.<sup>67</sup>

Field study threw light on the plight of local economic condition, especially the industries losing business in the area. Tobacco production '*bidi-shilpa*' used to be a small cottage industry. With time, workers engaged in 'tying tobacco leaf' to produce the roll for smoke realised that working as labourer in construction sector or as helper of masons brought higher income



of INR 550 for a day's work compared to INR 400 for working as labourer preparing tobacco. The society of weavers who used to earn their living by sewing and weaving linen for hospitals has now become a dying professional group.<sup>68</sup> Export of timber and firewood, trade of forest produce such as reeds, cane, thatching leaf, shell-lime, honey, besides the trade of paddy, rice and jaggery locally known as 'gur' made from the juice of sugarcane and date-palm held the market in 1870s.<sup>69</sup> Today, for 'shuilis' who were the labourers engaged in concocting jaggery or 'gur' (typically in winters), the production process has almost turned into a lost art and jaggery is now usually diluted with sugar syrup as date palm trees have reduced in number. Jute fields cover large parcels of land in the outskirts of Taki and Basirhat municipalities, but due to drop in the demand of jute and its decreased use in the form of jute bags, jute sacks and failure of government to revive the market for jute (through Jute Corporation of India), has placed jute cultivation and production in decline. Villages surrounding the study area have large number of landless labourers and casual labourers working on daily wage-basis. In the localities under Panchayat administration, families owning land practice subsistence farming and sell off the surplus to live contented lives. Women's self-employment groups have supported and uplifted women's economic and social conditions in the area – many of whom are entrepreneurs and manage their own snack stalls, grocery and tea and sweet shops, or engage themselves in sewing and tailoring to support their families.<sup>70</sup>

**Table 4: Workers in the Study Area, 2001 and 2011**

CD Block/ Town	Years	Population	Total Workers	Share of Workers (%)	Main Workers	Agricultural Labourers	Household Industry Workers	Other Workers
Basirhat I	2001	147741	48644	32.93	41791	7938	4555	21543
	2011	1,71,613	63,503	37	52754	12,552	4,311	27,934
Hasnabad	2001	177521	65765	37.05	53713	11121	8241	25567
	2011	2,03,262	80,077	39.40	65669	17,049	7,242	32,838
Basirhat (M)	2001	113159	35503	31.37	32812	1290	1405	29226
	2011	125254	43,051	34.37	40064	1,291	1,552	36,189
Taki (M)	2001	37305	12976	34.78	11995	518	466	10787
	2011	38263	13,451	35.15	12028	266	340	11,237

Source: *Census of India 2011*

In the district the labour force participation rate (35.68 percent in 2011) is slightly lower than the national average of 39.49 percent.<sup>71</sup> Workers held 33.45 percent out of total population of the district in 2001 and it increased to 35.68 percent in 2011.<sup>72</sup> Agricultural labourers and household industry workers hold a lower share than other workers.<sup>73</sup> A large part of migrant

labourers work as casual wage labourers and as unskilled labourer in the brickfields of Taki, Hasnabad and Basirhat. Ethnographic interaction with local residents during field survey helped learn that, the municipal wards situated close to the fertile river bank of Ichhamati, have a number of residences where families had migrated from Bangladesh and settled in the neighbourhood in 1970s and '80s after the Liberation War of Bangladesh. Most remember their journey by boat across river Ichhamati from areas close to the Bangladesh border such as Kaliganj (near border) while many others came from Jessore and found work in the brickfields as migrant labourers due to the dearth of legal framework at that time. Das Factory in Taki has migrant labourers engaged in their production unit who reside as permanent residents with ID cards, whereas a number of migrant labourers under contract leave at the end of their term of work. There are families who migrated to India during '70s war for security issues and stayed back in India with work, engaging in professions of healthcare, medicine, government services and business - people who had initially come from Jessore to Bongaon and then in 1990s shifted to towns like Krishnanagar, Murshidabad before eventually settling in Hasnabad. A number of migrant families have members working as casual labourers with daily wages, who are engaged in forestry, gardening, pond-cutting, wilderness clearance and pruning, earning around INR 5000 on an average monthly basis.<sup>74</sup>

### **3. Findings and Concluding Remarks**

The history of river Ichhamati drawing up the international boundary between India and Bangladesh is painted with accounts of the river bank being made home by migrants due to political reasons besides economic causes – a river being a life sustaining system. People who migrated between 1970 and 1980 had mostly settled down permanently in towns and villages of the riparian stretches with work in agriculture, household industry, construction and service. Dearth of well-paying work and security issues in Bangladesh often push immigrants to cross the international boundary that is the river Ichhamati into Taki town and land port near Basirhat town to move in to India – finding work at brickfields, as labourers and helping hands of masons, fishermen or working as skilled casual labourers for the population residing in the settlements of Hasnabad, Basirhat and Taki. Some have the ease of accessibility to the Sundarban Reserve Forest thriving with natural resources that the flora and fauna offer and fall prey at the hands of smugglers and traffickers of goods; while others exposed to transport options disappear in the crowds of the metropolitan area of Kolkata-Haora.

Trend of migration in the study area conforms to the theory of developed economy pulling labourers who migrate with expectations of higher wages; historically politics, security and social conditions acted as the major control factor that had heavily influenced the demography of the entire district. Labour welfare issues do not receive much positive thrust due to the lack of documentation and reservation of health protection schemes for workers on the ground of economic engagement being casual and contractual

to a large extent. Plight of work conditions especially in the polluting environment of brickfields where workers are exposed to heat, dust and exhaust from kilns along with dearth of consent for environmental protection norms for the sixty and more brickfields declared illegal by the West Bengal Pollution Control Board (WBPCB) recently in the district, raise concerns on protection of workers and the sustenance of safe work options in the future. The riverine settlements in the borderland act as transit for people escaping into metropolitan region to evade the penalties imposed on infiltrators, smugglers and traffickers of goods and cattle alike.

The ecosystem of river Ichhamati in the Taki-Hasnabad-Basirhat realm provides ample opportunities of work and the ease of accessing the banks across the international boundary curving along the meander of the river, although with life risk, often takes the shape of people indulging in unlawfully crossing IB either by underwater swimming or smuggling by boat. Local resources such as the clay-loamy soil facilitate the sculpting of idols, pottery and forging of bricks which act as a dominant industry in the area. Daily wage earners working as casual labourers in forestry, maintenance, construction sector as contracted labour in masonry, or labourers in brickfield and pottery workshops despite earning modest and sometimes even meagre wages find themselves living satisfied and peaceful lives. The efforts of border security forces at preventing infiltrators from moving across the tides sometimes falls short in keeping count of rule-breakers acquitted or left untraced after they cross over the check posts either with false-forged documents or to never return back to their native land of Bangladesh because they have better access to economic options on the Indian side.

The babla trees and mangroves that used to hold the river bank firm are now replaced by structures of brick and bamboo with the increase in number of hotels and guest houses that have led to expansion of trade and commerce and dwindle of ecological balance. With much of river Ichhamati being lost to encroachment due to construction and infrastructure projects many contractual labourers and fishermen are on the verge of losing livelihood, including people trailing across the riverine borderland in search of work. Thereby, protection of environment that would sustain future economies and initiatives for safeguard of cross-border migrants (more so in case of forced migration) from violence and loss of legal identity and traffickers on humanitarian grounds become imperative.

## Notes

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<sup>3</sup> Sutirtha Bedajna, "Ecology and Livelihood in the Sundarbans," in *Political Ecology of Survival: Life and Labour in the River Lands of East and North-East India*, ed. Madhurilata Basu, Rajat Roy and Ranabir Samaddar (New Delhi: Orient Blackswan, 2018), 38-66.

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<sup>17</sup> Government of West Bengal, "History: North 24 Parganas District," Office of the District Magistrate, accessed May 20, 2019, [http://www.north24parganas.gov.in/about\\_district/history](http://www.north24parganas.gov.in/about_district/history)

<sup>18</sup> Pranabendranath Bandyopadhyay, *Heerak Jayanti Smarak Grantha* (Taki: National District Library, 2018).

<sup>19</sup> W. W. Hunter, *A Statistical Account of Bengal: Volume I Districts of the 24 Parganas and Sundarbans* (London: Trubner and Co., 1875), 25-26.

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<sup>21</sup> Sipra Biswas, "Fishing water bodies bheries and their impacts on socio-economic life in North 24 Parganas district West Bengal," (PhD diss., University of Calcutta, 2015).

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<sup>23</sup> Rajat Halder, "Pattern of demographic changes in relation to development of Bongaon Basirhat and Barasat sub divisions of North 24 Parganas district during the period 1951 to 2010," 45-119.

<sup>24</sup> Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal* (New Delhi: Sage, 1999).

<sup>25</sup> Paula Banerjee, "Continuum of Violence: The Case of Indo-Bangladesh Border," *Policies and Practices* 68 (January 2015): 37-55.

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<sup>27</sup> *Ibid*, 35.

<sup>28</sup> Field Survey 2019

<sup>29</sup> W. W. Hunter, *A Statistical Account of Bengal: Volume I Districts of the 24 Parganas and Sundarbans*, 51.

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<sup>40</sup> See Tables 1, 2 and 3.

<sup>41</sup> Government of West Bengal, *District Census Handbook: North 24 Parganas* (Kolkata: Directorate of Census Operations West Bengal, 1991); Government of West Bengal, *District Census Handbook: North 24 Parganas* (Kolkata: Directorate of Census Operations West Bengal, 2001).

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- <sup>53</sup> *Ibid*, 338.
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# Neo-liberalism, Migration, and the Rise of Populism in the Contemporary World

By

**Ravi Arvind Palat \***

*“One day denying equal protection based on birthplace may well seem just as anachronistic and wrong as denying civil rights based on skin color, gender, or sexual orientation.”*

- Reece Jones.<sup>1</sup>

In 1984, when campaigning for re-election, President Ronald Reagan famously claimed, “Latinos are Republicans, they just don’t know it yet.”<sup>2</sup> His reasoning was that because immigrants from Mexico and other Central and Latin American countries were predominantly Catholic, they shared the Republican Party’s conservative focus on family, religion, and tradition. Democrats were far more ambivalent towards immigration: viewing immigrants as likely to depress working class wages. Paul Krugman, wrote in the *New York Times* in 2006, “immigration reduces the wages of domestic workers who compete with immigrants” and made a distinction between the “South Asian engineers who move to Silicon Valley...generating benefits much larger than their wages” and “Mexican migrants who haven’t completed high school.”<sup>3</sup> The same year, the then-junior Senator from Illinois, Barack Obama, complained that when he saw Mexican flags waved at proimmigration demonstrations, I sometimes feel a flush of patriotic resentment. When I am forced to use a translator to communicate with the guy fixing my car, I feel a certain frustration.<sup>4</sup>

Nine years later, Donald Trump launched his campaign for the presidency of the United States by claiming When Mexico sends its people, they’re not sending their best. They’re not sending you. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.<sup>5</sup>

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Refugee Watch, 54, December 2019

How did this transformation happen? How did the Republican Party, which under Reagan enacted an Immigration Reform Act that gave amnesty to 3.2 million undocumented migrants, retreat from a technocratic approach to ‘immigration’ to what Adam Tooze calls “a stone age approach”<sup>6</sup>: building walls, detaining migrants, refusing asylum, tearing children from their families, and imprisoning them in appalling conditions? Why did the Democratic Party give up its long-standing reservations about migration and adopt the technocratic approach that the Republicans had abandoned? In European terms, concern with migration is so central to Brexit—the United Kingdom’s withdrawal from the European Union—that the Conservative and Unionist Party is going against its business constituency and may even permit Northern Ireland to be outside the United Kingdom’s customs union while the Labour Party largely wanted to remain in the EU even if constituents in most of the seats it held favored Brexit.<sup>7</sup>

However, unexpected the decision of voters in the United Kingdom to withdraw from the EU in the referendum of June 2016, and the election of Trump to the U.S. presidency five months later may have appeared, these are explicable in the context of the rise of neo-liberalism and the end of ‘actually existing socialism.’ The coincidence of the end of the post-Second World War boom with the shift to export-oriented industrialization by several low- and middle-income states in Asia and Latin America and improvements in transportation, information and communications technologies, and associated production processes facilitated the separation of production operations from coordination and control and enabled enterprises to locate facilities across the globe to take advantage of wage and cost differentials.<sup>8</sup> This led to increasing pressure on workers in high-income economies as deindustrialization cut the ground from under trade unions and well-paid manufacturing jobs were progressively eliminated. Correspondingly, a flight of capital towards finance increased inequalities in wealth and income. The changed architecture of world manufacturing and trade enabled some countries to register impressive rates of economic growth over the last three decades, while it also increased inequalities in income and wealth both within and between countries. This implied that the best way for a person in a poor country to improve their real incomes, as Branko Milanovic and others have argued, is to move to a rich country.<sup>9</sup>

Additionally, the ‘end of actually existing socialism’ and the breakup of the Soviet Union and Yugoslavia led to a sharp increase in migration. The number of people in the world displaced and living outside their country of origin, according to the United Nations, rose from 152 million in 1990 to 173 million in 2000<sup>10</sup> to 232 million in 2013 and 244 million in 2015. This is certainly an undercount as many migrants are without documents. In 2016, the Pew Research Center estimated that if all international migrants—that is people living outside the country of their birth lived in a single country, that would be the fifth largest country by population! If internally displaced migrants—some 763 million—are included, then displaced peoples amount to almost a billion, one-seventh of the global population.<sup>11</sup> A 2018 study sponsored by Citibank found that the share of international migrants as a

percentage of world population which had remained remarkably stable at around 2 per cent for a century between 1890 and 1990, rose by a percentage point after the collapse of the Soviet Union and the creation of a large number of new states in its former territory and following the breakup of Yugoslavia.<sup>12</sup>

This unprecedented rise in international migration was also fueled by climate change that rendered unviable long-established patterns of livelihood. In 2018, the United Nations World Water Assessment Programme estimated that since 1992, 4.2 billion people have been affected by droughts, storms, and floods. In the same year, the UN High Commissioner for Refugees figured that since 2008, 22.5 million people had to move from their homes due to extreme climate related events like droughts and hurricanes. Even the brutal civil war that rages on in Syria has been attributed to the worst drought in the region's history between 2007 and 2010 which forced people to the cities where their only source of income was from the rival militias.<sup>13</sup>

Second, China's shift to a market economy in 1978 and the fall of the Soviet Union in 1991 not only ended the ideological divide that had characterized much of the twentieth century but also changed the ecology of global security. During the Cold War, the two superpowers had largely maintained order within their spheres of influence. The dissolution of the Soviet Union unraveled this security architecture as demonstrated by Iraqi President Saddam Hussein's short-lived invasion of Kuwait soon after the Soviet demise.<sup>14</sup> Even though this was rolled back, it signaled the beginnings of a rise in violence across the globe which forced people to move for their own security. Additionally, European involvement in the civil wars in Libya and Syria were the immediate cause of a flood of refugees across the Mediterranean and to the rise of extreme nationalist and anti-immigrant parties across the continent from Poland and Hungary to France and to Brexit. Indeed, though the issue of migration has largely been framed as a problem for high-income states, most international migrants have actually moved to low- and middle-income states: especially, Turkey, Pakistan, Lebanon, Jordan, Iran, Ethiopia, and Kenya.<sup>15</sup>

Finally, the 'end of actually existing socialism' also rendered anachronistic the political divisions in the North Atlantic between conservative and social democratic parties. The turn to neoliberalism had already begun to erase domestic ideological differences but after the collapse of the Soviet Union, social democratic parties implemented more far reaching changes than the conservatives had contemplated. The virtual identity of political positions between the major parties that had shared power since the end of the Second World War lay the stage for the rise of xenophobic, nationalist populist politicians.

We begin here by briefly silhouetting changes in the global political economy since the early 1970s and the erosion of the Keynesian welfare state. The transborder expansion of manufacturing operations and the downgrading of industrial production enabled a successful conservative assault on trade unions. The corresponding shift of capital to finance, along with an increase in managerial positions to better coordinate manufacturing operations spread

over the globe caused widening inequalities. The decline of trade unions and the end of ‘actually existing socialism,’ we show in the second section, led to a convergence in policies between conservative and social democratic parties on both sides of the Atlantic and rendered the political divisions of the post-Second World War dispensation anachronistic. The end of the Cold War also led to more intervention by NATO forces in the Mediterranean and the Middle East which destabilized the region and produced a flood of refugees. A growth in the number of refugees, as shown in the third section, was also the result of the imposition of ‘free trade’ policies on low- and middle-income states as their agrarian sectors could not compete with farm products from high income states, as well as due to climate change. Finally, these three factors—growing inequalities in wealth, a political convergence between dominant political parties, and the growth of migrants—led to the rise of populist leaders who drew on disenfranchised and disenchanting working class constituencies by blaming the ‘elites’ while pursuing an agenda for their billionaire patrons.<sup>16</sup>

While much of the analysis presented here is applicable to a broad range of countries, limitations of space compel me to confine the discussion largely to the United States and the United Kingdom. These constraints also preclude a finer analysis of the impact of climate change on migration.

### **Neo-liberalism and the Twilight of Equality**

By the late 1960s and the early 1970s, the post-war burst of prosperity based on state intervention in the economy and income redistribution that had delivered rising incomes to a generation had run out of steam. Increased competitive pressures after the rebuilding of the war-devastated economies of Japan and Europe, the rise of nationalism in Asia and Africa, increased demands by women and ethnic minorities for equal rights in high-income states, and for the United States the cost of its war in Vietnam, had cumulatively torpedoed the ‘golden age of capitalism’ based on the embedded liberalism of Keynes. By abrogating the convertibility of the greenback to gold—on which the Bretton Woods system of exchange rates was based—in 1971, the United States was able to release an unlimited supply of dollars and shift competitive pressures to high-income economies in Western Europe and Japan. “The dollar is our currency,” John Connally the US Treasury Secretary famously quipped at a meeting of finance ministers, “but your problem.”<sup>17</sup>

Hikes in oil prices that followed soon after led to a rapid expansion of supranational currencies which enabled middle-income states, especially those under one-party or military regimes to embark on a debt-led program of industrialization, celebrated as the Newly Industrializing Countries (NICs), which also led to a transfer of manufacturing operations from high-income economies. The inflationary pressures resulting from the low dollar policy, however, made long-term investment decisions by large firms increasingly hazardous and threatened the role of the dollar as world money. To rein in inflation, the U.S. Federal Reserve under Paul Volker, raised its domestic interest rates above the world average. The resulting flow of capital to the

United States had three important consequences. First, the diversion of capital flows choked off streams of cheap credit to low- and middle-income states that had instituted debt-led industrialization programs and led to a series of debt crises afflicting the NICs in Latin America, Eastern Europe, and Africa. Subject to the ministrations of the World Bank and the International Monetary Fund, these debtor states transferred large sums of money to the richer states—the equivalent of six Marshall Plans in eight years by some estimates.<sup>18</sup> These expropriations not only increased global liquidity but also compelled a wholesale dismantling of national regulations in the indebted states and further intensified the transnational expansion of corporate production and procurement networks. Second, as capital inflows raised the value of the currencies of high-income states, it intensified the pressure on their manufacturing sectors and bolstered the flight to finance. The rise of supranational currencies and the increasing deregulation over financial flows had transformed the profit nexus: finance rather than manufacturing was the locus of the bulk of profits even for non-financial firms.<sup>19</sup> Finally, the fall of currency values in many low- and middle-income states, and the greater competitiveness of their industrial sectors, undercut the privileged position of skilled labor in high-income economies as waves of layoffs and plant closures swept across their industrial heartlands and new industries were located in green field sites often employing large numbers of first generation industrial workers, especially immigrants.<sup>20</sup>

The off-shoring of manufacturing operations was further accelerated after the end of the Cold War by technological developments in communications and engineering that enabled corporations to split production processes into part-processes and distribute these across the globe to take advantage of wage and cost differentials. Rather than low- and middle-income states inviting corporations based in wealthier states to transfer technology, the latter were now actively seeking to off-shore their manufacturing operations. Or, as Branko Milanovic puts it:

The tables, in some sense, have turned: it is now the nation where the mother company is located that tries to prevent the company from transferring its best technology to the periphery. Innovation rents, received by the leaders in new technologies are being dissipated away from the center. This is one of the key reasons why people in the rich world often complain about outsourcing....The people who are cut out from the benefits are workers in the rich countries. This change is also one of the main reasons why today's globalization is accompanied by labor's loss of bargaining power in rich countries and the stagnation of wages for less-skilled workers.<sup>21</sup>

At the same time, with the increasing use of automation, robotics, and numerically-controlled machines in production, wages began to account for an increasingly smaller proportion of the total cost of production. The Centre for Research on Socio-Cultural Change at the University of Manchester, for instance, found that Apple spent \$178.40 to assemble an iPhone 4 in 2012 but labor costs only amounted to \$7.10 while the company's profit on each phone was \$452.<sup>22</sup> Even if this profit margin was at the far end

of the spectrum, due to intense competitive pressures and the relocation of production to lower-wage sites, manufacturing profits are very low and capital flows increasingly towards financial speculation.

If industrialization had led to an increase in wealth in industrializing countries for almost a century and a half, from the mid-nineteenth century to the 1970s, exemplified by the growth of middle classes, the downgrading of manufacturing in the hierarchy of wealth has increased income inequalities. Indeed, a steady growth in managerial employees and their compensation, suggests that managers captured corporate income that had previously been allocated to unionized workers.<sup>23</sup> In its 2019 *Inequality Report*, Oxfam calculated that the wealth of the poorest 50 per cent of the world population, 3.8 billion people, declined by 11 per cent in 2018. In contrast, a billionaire was created every two days! In 2018, it reported that the 26 richest people, down from 43 the previous year, owned as much as the poorest half of humanity.<sup>24</sup> Income inequality in the United States is the highest it has been since the Census Bureau started tracking it more than half a century ago—after adjusting for inflation, the median household income is the same as it was 20 years ago, while the Gini co-efficient rose from 0.397 in 1967 to 0.485 in 2018. In no European state was the Gini co-efficient greater than 0.38 in 2018.<sup>25</sup>

The trans-border expansion of production has turned upside down the *New York Times* columnist Thomas Friedman's claim that it had made the world "flat" in the sense that Indian workers were catching up to ones in the United States, that the "American Dream" had arrived in the subcontinent. Fifteen years after his book was published very little has changed for the Indian worker—over 80 percent of them still eke out a precarious living in the informal sector while 73 percent of the country's wealth is controlled by the country's top one percent. In the United States, however, some 60 million are working in the "gig economy," working multiple jobs with no benefits or security much like the Indians and in a decade the majority of workers would be toiling in this sector. The world, in other words, has flattened but not at the higher levels prophesied by Friedman but by a lowering of living standards world-wide. It is widening inequalities in income and wealth and the worsening living conditions for historically advantaged sections of the working class that has set the stage for populist leaders from Donald Trump and Boris Johnson to exploit race, ethnic, and religious fissures "promising historically advantaged sections of working class communities a return to a mythic past, while running their respective economies on the advice of CEOs who prefer their workers pliable and, ultimately easy to dismiss."<sup>26</sup>

An important paradox in the growth of income inequalities in every country in the world is that global inequality has decreased. This was because the drive to lower manufacturing costs and footloose companies had undermined trade unions and exerted a downward pressure on wages everywhere. However, the trans border expansion of economic activities benefitted the middle classes in the "emerging market economies" most notably in China, India, Mexico, Indonesia, and Thailand. The sheer demographic size of these states shifted global inequality downwards even if

each of these countries experienced greater levels of inequality within their own borders. They are the great victors of the current patterning of economic activities even though they do not yet possess the resources and political and social attitudes of the trans-Atlantic middle class. Conversely, if China and India are excluded, then global inequality rises dramatically.<sup>27</sup> According to Jeff Halper's *War Against the People*. "the ratio of per capita GDP between the richest and poorest nations went from a ratio of 22:1 at the beginning of the twentieth century to 267:1 by the year 2000."<sup>28</sup>

If the inequality between countries was reducing due to the demographic size of the middle classes in the "emerging market economies," especially those in Asia, the growth of inequality within states meant that citizens in poorer states, whose forms of livelihood had been destroyed by the restructuring of economic relations, had a powerful incentive to migrate to the richer countries which enjoyed a "citizenship rent." Just as Saudi Arabia and other OPEC states enjoy a rent because they sit on large reservoirs of oil, citizens of the wealthier countries by virtue of their residence and citizenship enjoyed privileges:

- (a) a much greater set of economic opportunities best reflected in higher wages and more interesting jobs; (b) a claim over the stream of valuable social benefits; and (c) certain nonfinancial rights linked to existing institutions (e.g., the right to a fair trial and to nondiscrimination).<sup>29</sup>

As increasing household income data became available, analysts like Milanovic ordered household level data into 100 percentiles for 118 countries, and found that the "citizenship premium" enjoyed by the average national citizen of the United States over that of the poorest country, Congo, was 9,200 percent: "just by being born in the United States rather than in Congo, a person would multiply her income by 93 times." Moreover, if only the income of the lowest 10 per cent of the population is considered, Sweden's "citizenship premium" shoots up to 10,400 per cent over that of the Congo.<sup>30</sup> Moving to a rich country is hence the best way for an individual to raise incomes.

The changed geography of manufacturing and the downgrading of industrialization in the hierarchy of wealth illustrated a fundamental change in political conditions. During the Great Depression of the late 1920s and early 1930s, when the growth of inequalities and income and wealth had led to a radicalization of the poor and to the growth of social democratic parties on both sides of the Atlantic, the flight of manufacturing jobs from high-income states since the 1970s has undermining of labor organizations and to a rightward shift in politics. As we shall see in the next section, this was also linked to the end of 'actually existing socialism' in the Soviet Union and China.



## Things Fall Apart

- *"We are going to do something terrible to you. You will no longer have an enemy."*  
Georgy Arkadyevich Arbatov.<sup>31</sup>

The fiscal crisis and the ensuing widespread economic restructuring in North America and high-income states in Western Europe, especially the de-industrialization of older manufacturing heartlands, led to a right-ward shift in politics as financial constraints pressured governments to cut spending and turn towards the markets while the decline of trade unions undermined social democratic parties. China's turn towards a market economy and the collapse of the Soviet Union further eroded the foundations of the post-Second World War political order on both sides of the Atlantic.

Constraints on government budgets led to a growing acceptance of the failure of state regulations and of the importance of markets as an alternative to the public provision of benefits and subsidies. Keynesian demand-management was abandoned and neoliberal economists advocated competition, curbs on trade unions, and control over debt and inflation. Emblematic of this was the Labour Party in the U.K. abandoning its goal of full employment. Prime Minister James Callaghan said at their annual Party Conference in 1976:

We used to think that you could spend your way out of a recession and increase employment by cutting taxes and boosting government spending. I tell you in all candour that that option no longer exists, and in so far as it ever did exist, it only worked on each occasion since the war by injecting a bigger dose of inflation into the economy, followed by a higher level of unemployment as the next step.<sup>32</sup>

In the United States, despite the Democrats holding almost 70 percent of the seats in the House of Representatives and having a filibuster-proof majority in the Senate, the Carter Administration prioritized curbing inflation over reducing unemployment. Though he had campaigned on a platform for single-payer health care, and had signed the Humphrey-Hawkins Act that had mandated full employment, President Carter focus was primarily on reining in inflation—notably the 'Volcker shock' that raised interest rates which brought down inflation from 13 percent in 1980 to 3 percent by 1983 but at the cost of unemployment surging from 7 to 10 percent during the same period.<sup>33</sup>

The election of the conservative governments of Margaret Thatcher in the United Kingdom and Ronald Reagan in the United States led to greater de-regulation of economies and to assaults against trade unions as they also enacted tax cuts, thereby widening income and wealth inequalities. In the United States, the decline of trade unions in the corporate sector as a result of de-industrialization had been paralleled by the militancy of public sector unions in the 1970s: but Reagan's defeat of the Professional Air Traffic Controllers (PATCO) strike in 1981 saw unions lose their bargaining clout across the board.<sup>34</sup> Thatcher instigated a strike by coal miners in 1984, which

despite getting considerable public support, fizzled out after a year—and broke the back of the British labor movement.<sup>35</sup> The closure of industries and mines, or their relocation to green field sites and the recruitment of non-union labor broke up working class communities and solidarities that had been forged over time. Or, as Alan Budd, chief economic advisor to Prime Minister Thatcher bluntly put it:

Rising unemployment was a very desirable way of reducing the strength of the working class...What was engineered—in Marxist terms—was a crisis in capitalism which re-created a ‘reserve army of labor’ and allowed the capitalists to make a high rate of profit ever since.”<sup>36</sup>

Paralleling the eclipse of trade unions, business organizations and affiliated think tanks like the Hoover Institution and the American Enterprise Institute in the United States and the Centre for Policy Studies and the Adam Smith Institute in the United Kingdom produced a series of technical reports and empirical studies to promote market friendly policies to complement the “small government” programs championed by conservative governments. This ideology gained credibility as the economies of the Soviet Union and the centrally-planned economies of Eastern Europe went into a tailspin, a trajectory that China avoided because it had instituted market-oriented reforms over a decade earlier.

And on the left, economic constraints since the early 1970s, and the hollowing out of long-established manufacturing sectors had weakened unions and the social democratic parties which were based on them.<sup>37</sup> Rather than the language of revolution and structural change, their leaders had moved towards a political center that had shifted substantially to the right. Indeed, some of the hardest blows on the welfare state were delivered by the social democratic parties that had initially instituted welfarism! In the United States, the Democratic Leadership Council formed after Reagan’s landslide victory in 1984 began to formulate a “Third Way”, moving away from the ideals of the New Deal: in the ‘new information age,’ they claimed, “the old isms and the old ways don’t work anymore.”<sup>38</sup> And when President William Jefferson Clinton was elected, vowing to “end welfare as we know it,” he dismantled Aid to Families with Dependent Children as well as repealing the Glass-Steagall Act that had separated investment banking from retail banking and giving Wall Street the largest tax break in its history.<sup>39</sup> Similarly, so deeply had Thatcher transformed politics in the United Kingdom, that in his successful 1997 parliamentary campaign, Tony Blair, the Labor Party leader claimed that the distinction between “workers and management” was no longer relevant and promised that “British law will remain the most restrictive on trade unions in the Western world.”<sup>40</sup>

The jettisoning of core constituencies was not peculiar to the United Kingdom and the United States: other social democratic parties followed suit as in the case of the Fourth Labour government in New Zealand, Bob Hawke’s Labor government in Australia and Francois Mitterrand’s Socialist government in France. In Germany, reunification postponed the change till

2004 when the Social Democratic Party (SPD) Chancellor. Gerhard Schröder implemented the controversial Hartz IV measure cutting social welfare benefits substantially and fundamentally reorganizing the balance between private initiative and public services: “We will cut state services, promote individual responsibility and demand more personal performance from every individual.”<sup>41</sup> From 2005, the SPD in fact has been in a *Große Koalition* (“Grand Coalition”) with the Christian Democrats (CDU) in three governments, even though after the elections of 2013, it could have formed a centre-left government with the Greens and *Die Linke* (“The Left”). Bipartisan consensus was seen again in the bailout of the big bankers in the United States and the United Kingdom during the financial crisis of 2008 while letting main street go bust.<sup>42</sup>

This convergence of major political parties in dominant two-party systems on both sides of the Atlantic was expedited by the end of the Cold War and they seemed anachronistic after the Soviet Union dissolved in 1990:

Why in Italy have a system of coalitions built around a permanent Christian Democratic majority if there is no Cold War? What is there now to hold a Gaullist party together in France, or even the CDU in Germany? Why should the US Republican Party continue to be bound by the constraints of a ‘bilateral foreign policy’? The consequence of these self-doubts is that the major conservative parties in the pan-European world are crumbling, torn apart by divisions between economic liberalism and social conservatism, whether of the kind that wishes the state to rectify the degraded morality of the citizenry or the kind that retains a paternalist concern for social safety-nets.<sup>43</sup>

Or, as Georgy Arbatov, the director of the Soviet Institute for U.S. Canada Studies prophesied in 1988, once the Soviet Union disappears as the enemy, the politics of the Western alliance will inevitably fracture: “It’s historical, it’s human, you have to have an enemy. So much was built of this role of the enemy. Your foreign policy, quite a bit of your economy, even your feelings about your country. To have a really good empire, you have to have a really evil empire.”<sup>44</sup>

The convergence of mainstream political parties and their move towards the market was to have a major impact on the rise of populism as we shall see. However, the end of the Cold War and the implementation of market friendly policies across the board—sometimes forced on reluctant governments by international financial institutions—was, in large part, the cause of a sharp rise in international migrations.

## Season of Migration to the North

*“Under the capitalist system, in order that England may live in comparative comfort, a hundred million Indians must live on the verge of starvation—an evil state of affairs, but you acquiesce in it every time you step into a taxi or eat a plate of strawberries and cream.”*

- George Orwell.<sup>45</sup>

The geopolitical arrangements of the Cold War had effectively partitioned the globe into two broad spheres of influence—despite the efforts of many states newly-independent after the Second World War to create a ‘non-aligned’ bloc. The two superpowers—the United States and the Soviet Union—implicitly agreed not to directly intervene militarily in each other’s sphere of influence even if they loudly denounced each other. The collapse of the Soviet Union put paid to this arrangement. Freed from the constraints of the bipolar Cold War arrangement, Saddam Hussein attempted to annex Kuwait in 1991.<sup>46</sup> Marshalling a world-wide coalition, the United States quickly rolled back Iraqi aggression and imposed severe sanctions on the country.

This was followed by NATO intervention in the Yugoslav civil wars. The attacks on the Pentagon and the twin towers of the World Trade Center in New York by al-Qaida in 2001 led not only to the U.S. invasion and occupation of Afghanistan but also prompted the George W. Bush administration to invade and occupy Iraq and threaten regimes elsewhere. Eight years later, uprisings in the Arab world resulted in NATO forces destroying the Libyan armed forces and intervening in the Syrian civil war. The collapse of the Libyan regime and the fragmentation of power in that state, which had acted as a barrier stemming African migrants from crossing the Mediterranean to Europe, opened the floodgates. Simultaneously, ferocious civil war in Iraq and Syria, also provoked a massive outflow of people seeking safety—leading to a massive influx of refugees to Europe.

Unlike the wars in the Middle East and Africa that push people to Europe, the flow of weapons from the United States across its southern borders is a major factor in the escalation of violence in Central America. The political muscle of the National Rifle Association that resists any controls on the sales of weapons enables the sale of guns to gangs and drug cartels. In 2014, authorities in Mexico captured 15,397 weapons and sent them to the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives to determine their origins: 71 per cent were from the United States as were 64 per cent of weapons seized in the Caribbean.<sup>47</sup> After the Obama administration got Congressional approval to send \$750 million in aid to Central America, the homicide rate in Honduras dropped by half between 2013 and 2017 even though it was still eight times higher than in the United States. The Trump administration, however, slashed this aid budget by 35 per cent!<sup>48</sup>

In Africa, years of structural adjustments imposed by international financial institutions had led to cuts in public spending—cuts in subsidies, removal of price controls, elimination of import substitution strategies, privatization of state enterprises—and by reducing purchasing power, this had in turn reduced effective demand for many products. Further pressures to open markets, and inability to compete with subsidized agricultural imports from North America and Europe impacted small and subsistence farmers. The resultant sharp increase in urban populations was accompanied by waves of migration to big cities in the more prosperous states where migrants concentrated in the informal sector undercut people in the domestic sector while the eclipse of pan-Africanism and non-alignment led to a surge in protectionist sentiments.<sup>49</sup> This is especially true in Johannesburg which has

emerged as the command-and-control center for foreign investors to “seek the guidance of South African expertise already engaged in the continent.”<sup>50</sup> In low- and middle-income states, free trade devastated agriculture as their small farmers could not compete with subsidized farm imports from North America and the European Union. This was demonstrated by the massive flow of Mexicans to the United States after the implementation of North American Free Trade Agreement (NAFTA) negotiated by President George H. W. Bush and ratified by the Clinton Administration with the support of Republican members of the U.S. Congress. The flood of subsidized American farm products drove 1.1 million Mexican small farmers and 1.4 million others who were dependent on the small farms out of work between 1995 and 2005; and wages dropped so sharply that farm labor incomes were one-third of their levels before NAFTA. Additionally, the expansion of big-box U.S. stores eliminated over 28,000 small and medium-sized businesses and large hotels displaced entire fishing communities. As a result, the number of undocumented Mexicans living in the United States shot up from 4.8 million in 1993 to 11.7 million in 2012.<sup>51</sup> NAFTA also set up factories to produce goods for duty-free export—the *maquiladoras*—where the average weekly pay was about US\$44 which didn’t come close to a living wage.<sup>52</sup> It was hence no wonder that Mexicans streamed into the United States—in 2000, at the height of Mexican immigration, some 1.5 million were detained at the border.<sup>53</sup> Eventually, economic opportunities provided, among others, by remittances by migrants including better educational attainment for their children, and an aging society led to a decline in illegal migrations to the North as Mexicans on temporary H-2A work visas replaced aging undocumented workers.<sup>54</sup>

If an aging population, access to more temporary work visas, and some economic growth led to a reduction in Mexican migration to the United States, the implementation of a Central American Free Trade Agreement (CAFTA) eleven years after NAFTA led to a similar worsening of economic conditions in Guatemala, Honduras, and El Salvador: while less than 75,000 Mexicans were detained at the US border in the first three months of 2019, the corresponding figure of Guatemalans was 132,000 and it has less than one-seventh of the Mexican population!<sup>55</sup>

A decline in Mexican migration to the United States—and even a net emigration of Mexicans—was paralleled by a rise in undocumented migrations from other Central American states, especially after CAFTA came into force in 2005. After economic conditions worsened with the financial crisis of 2008, U.S. immigration removals, even enlisting the Mexican government to prevent other Central Americans crossing into the United States increased dramatically, earning President Barack Obama the title of “Deporter in Chief.”<sup>56</sup> In 2018, about 87 per cent of undocumented migrants detained at the U.S. southern border were from El Salvador, Honduras, and Guatemala with Guatemalans being the largest single group—between October 2018 and May 2019, some 211,000 of them were caught.<sup>57</sup> Exports of subsidized US maize and grain devastated their rural areas, especially subsistence and small-scale cultivators, and the landless. Though the agricultural sector contributes only 9 per cent of regional GDP, almost 30 per cent of the working

population are engaged in it.<sup>58</sup> From being a net agricultural exporter to the U.S. in the 6 years before the agreement was implemented, Honduras became a net importer in the next 6 years.<sup>59</sup> Though Guatemalan agricultural exports doubled between 2005 and 2017 to \$5.8 billion, it was largely accounted by bananas, coffee, and pineapples grown by the large commercial sectors which had the resources to mechanize and utilize fertilizers and other inputs. For small producers, an 86 percent drop in coffee prices since 2015 due to the expansion of cheap, mechanical harvesting in Brazil and the growth of exports from countries like Colombia, Honduras, and Vietnam compounded the difficulties caused by the strength of the U.S. dollar which raised production costs. Increased supplies of coffee drove down the price of coffee to \$1.20 per pound when estimated costs of production in Guatemala is \$1.93 per pound. Since subsistence farmers accounted for 60 per cent of the population in Central America but only 7 per cent of them owned their lands, they had no incentive to stay especially since the regional median age is only 26.9 years,<sup>60</sup> and the country also recorded a 40 percent fall in clothing production which meant that displaced cultivators were not being absorbed into the manufacturing sector.<sup>61</sup>

In the United Kingdom, Margaret Thatcher's dismantling of the unions and the closure of mines and shipyards had led to increased demands for cheap, low-skilled workers, especially from the subcontinent as it did not have a low wage reservoir of poor migrants on its southern borders. But, after 2004, it was soon to acquire a large pool of cheap laborers from the 'New Europe' in Eastern Europe who supported the invasion of Iraq. To guard against too rapid a demographic change, the EU had negotiated agreements with the Eastern European countries it had admitted to slowly phase-in free movement. Prime Minister Blair overrode these arrangements to reward them for supporting the invasion.<sup>62</sup>

Climate change is the third factor prompting an increase in migrations to the Global North which is responsible for the bulk of greenhouse gas emissions even though its impact is felt most in the Global South. World Resources Institute estimated that the United States accounted for 27 per cent of global carbon dioxide emissions between 1850 and 2011, followed closely by the European Union which was responsible for 25 per cent. China was next with 11 percent. The Internal Displacement Monitoring Centre estimated that some 22.5 million were displaced between 2008 and 2015 due to climate-related issues. "Projected estimates of the number of people who will be displaced in the future vary widely, ranging from 25 million to 1 billion by 2050, but the most common estimate is 200 million, based on a study by the Institute for Environment and Human Security of the United Nations University."<sup>63</sup> In 2016, the UN recorded 65.6 million people forcibly pushed from their homes; projections of people who are likely to be displaced in the future by climate change range from 150 million to 1 billion by 2050.<sup>64</sup>

Once again, while the Global North is responsible for most of the greenhouse gasses responsible for global warming, the greatest impact of climate change is felt in the Global South. Similarly, the demands for goods from the Global North puts pressure on people on the Global South for

whom, as we saw above, moving to high-income states is the easiest way to better their living conditions.

## Rise of Populism

The effect of conservative parties championing ‘small government’ in favor of market forces was to project society as a universal market-place rather than a polis or civil sphere; to see human beings as competitive profit-and-loss calculators rather than as citizens with inalienable rights and obligations. So pervasive has this become over the last three decades that we have become salesmen and saleswoman of ourselves: when students look to colleges, they study the ranking of institutions in *Kiplinger’s Personal Finance*, the *Princeton Review*, or *Forbes* to see their return on investment based on job placement and income enhancement rather on developing their interests or becoming better citizens; in social media, “followers,” “likes,” and “retweets” rank every activity—numbers matter more than the qualification of the followers, likers and retweeters!<sup>65</sup> These instances embody the very premise of neoliberalism: that competition is the only legitimate principle of human activity. This obviously helped the rich persuade themselves that their fortunes were due to their merit ignoring the education, inheritance, and class, that helped secure their wealth. But it also makes the poor blame themselves when they can do little to change their circumstances; they don’t have a job because of their shortcomings rather than structural unemployment; it is their fault that their kids get fat not because the school has lost its playground.

Margaret Thatcher famously said in 1987: “you know, there's no such thing as society. There are individual men and women and there are families.”<sup>66</sup> Once society is eliminated in favor of individuals and families, then social hierarchies of inclusion and exclusion, as are categories of class, gender, race, and ethnicity; and inequalities are due to the inadequacies of the individual.<sup>67</sup>

Thus, the claim that “there is no such thing as society” does far more than challenge social democracy and welfare states as forms of market interference that create “dependency” and wrongful “entitlement.” It does more than propagate the notion that taxes are theft, rather than material by which common life and public things are sustained. It does more than blame the poor for their condition or the “nature” of minorities and women of all races for their tiny numbers in elite professions and positions. Freedom without society destroys the lexicon by which freedom is made democratic, paired with social consciousness, and nested in political equality. Freedom without society is a pure instrument of power, shorn of concern for others, the world, or the future.<sup>68</sup>

Perhaps this is best symbolized by the high debt-to-income ratios in the United States which now approximates about 100 per cent of average household income—with extreme regional variations: on the two coasts and in Appalachia, it now approximates three of four times annual household income. Rather than seeing this as a collective experience, indebtedness is

seen as an “intrinsically individual one: every debtor has a quantitatively specific credit score...and the crisis for her or him takes the form of difficulty in paying the bills.”<sup>69</sup> Though indebtedness is the result of economic restructuring, it does not lead to collective action: it forms the basis of support for charismatic leaders and for a protectionist nationalism they espouse.

The convergence of policies between major political forces in two-party systems across the Atlantic increasingly separated them from their traditional constituencies. In the United States, in September 2008, when the George W. Bush Administration negotiated with the Democratic Party leadership to put forward a measure to aid financial institutions—the Troubled Asset Relief Program (TARP)—it was initially defeated because a majority of Republicans in the House of Representatives refused to support it. When it was eventually passed after amendments to bring many Democrats on board, it was still opposed by a majority of Republicans underlining a fissure between business interests and the Republican “base.”<sup>70</sup> President Obama continued the support for financial institutions—indeed his first Secretary of the Treasury, Timothy Geithner, as Chair of the New York Federal Reserve in 2008, was one of the principal architects of TARP—even as he afforded no relief to underwater mortgages. Confronted with the financial crisis, he accelerated the deportation of undocumented migrants—deporting more than 2.5 million, more than any other president.<sup>71</sup> In the United Kingdom, where de-regulation had turned the City of London into what Peter Gowan called “Wall Street’s Guantanamo”—where US banks could do what they couldn’t do at home<sup>72</sup>—Blair’s New Labour likewise spent over £200 billion in quantitative easing to rescue them and the deficit rose to 12.8 percent of GDP—higher than that of Greece! At the same time, tax cuts and implementation of austerity measures meant that in 2010, properties were being repossessed at the rate of one every 11 minutes!<sup>73</sup>

The bailout of financial institutions and resentment against increased migration transformed the political landscape dramatically. The Republican revolt against the mainstream wing of the party—symbolized by the Tea Party movement—drew on the disenchantment of the party’s supporters with three decades of neoliberal restructuring, stagnating real incomes, growing inequality, extensive losses in housing values, skyrocketing personal debt and increasing job insecurity with the growth of the ‘gig’ economy.<sup>74</sup> Allied with billionaire patrons and extremely conservative think-tanks, state-level Republicans had turned to remaking their economies by transforming the mid-West into ‘right-to-work’ states like those in the Deep South, to shift tax burdens from high-income constituents to the poor, to channel resentment against the Federal government against moderate and ‘establishment’ Republicans.<sup>75</sup> The same disenchantment among Democratic voters led to support for Senator Bernie Sanders and other more left-wing candidates in the 2016 party primaries and in the 2018 mid-term elections. In the United Kingdom, the rise of the UK Independence Party and the growing support for Brexit drove a wedge between the Conservative Party and its business constituency and marginalized the more moderate ‘One Nation’ Conservatives in favor of the Brexiteers. Though the Labour Party advocated a ‘critical



Remain' strategy, overall two-thirds of the working class voted to leave the European Union, with especially large margins in the rust belt of the north of England, the Midlands, and Wales.<sup>76</sup> In France, the Center-Right Les Republicans and the Center-Left Socialists were both marginalized by Emmanuel Macron's new formation, *La République en Marche* which won the 2017 presidential elections and its major challenger, Marine Le Pen's *Rassemblement National* which won the largest number of votes in the 2019 elections to the European Union from France.<sup>77</sup> And in Germany, the *Alternative für Deutschland*, a nationalist and anti-immigrant party, has grown rapidly since 2013 and is the main opposition party in the Bundestag, drawing support primarily from the CDU especially in the former East Germany.<sup>78</sup> Their economic conditions worsening, the populist right—Trump in the United States, the National Front under Marine Le Pen in France, the Brexiteers in the UK, the Alternative for Germany—captured the working class, not the unionized factory proletariat that had been dissipated by de-industrialization “but its atomized successor, eking out a precarious living on short-term contracts in smaller enterprises, generationally removed from its predecessor in daily experience and surrounding culture.”<sup>79</sup> The populists appeal to this historically advantaged middle and working class was clothed in longings for a mythic past. This old industrial working class and the middle class face chronic economic insecurity as jobs are downsized or sent overseas and feel excluded from the benefits of a welfare state distributed through affirmative action and other programs in an age of austerity. This enables populist nationalists to mobilize them positively through religion and cultural nationalism, and negatively through coded messages of racism, homophobia, and anti-feminism:

“Make America Great Again” (Trump). “France for the French” (Le Pen and the National Front), “Take Back Control” (Brexit), “Our Culture, Our Home, Our Germany.” (Alternative for Germany), “Pure Poland, White Poland” (Poland's Law and Justice Party, “Keep Sweden Swedish” (Swedish Democrats).<sup>80</sup>

Distinctive of this populism, and what separated it from other protest groups, was the *reactiveness* of its base, a following that did not take the initiative itself but had to be mobilized by the leaders.<sup>81</sup>

Crucially, such slogans appealed not to the big cities but to the de-industrialized towns and rural areas which have disproportionate representation in both the United States and the United Kingdom with their first past the post, single-member constituencies.<sup>82</sup> In these depopulated and economically depressed areas, with the decline of manufacturing and mining, the local bourgeoisie also decamped. There were, hence, no visibly large accumulations of wealth that people could imagine re-appropriating. Instead, the people erroneously imagine their taxes being appropriated by people in distant cities with desk jobs and by immigrants.<sup>83</sup> A survey found that people in the United States thought one-fourth of migrants were unemployed when the actual percentage was closer to one-twentieth.<sup>84</sup> Moreover, the Social

Security Administration reported that in 2010, undocumented immigrants paid \$13 billion in payroll taxes but received only \$1 billion in benefits.<sup>85</sup> In the United Kingdom, a study by Bocconi University's Italo Colontone and Piero Stanig indicated that there was no correlation between the number of migrants in a constituency and the extent to which constituents voted to leave the European Union but that there was a very strong relationship between the leave vote and the displacement of local jobs and businesses due to imports.<sup>86</sup> The capture of conservative political parties by populist politicians also changed the tenor of their parties. A very large number of Republican leaders had opposed Trump in the runup to the 2016 U.S. presidential elections,<sup>87</sup> but after the elections, the "base" of their party was so loyal to him that even the slightest hint of defiance would seal the electoral demise of any Republican! Hence, like meek sheep they abandoned the fiscal discipline and free trade policies they had long advocated—his repudiation of free trade agreements, his attacks on major domestic corporations. Most significantly, the Republican-controlled Senate even refused to hear witnesses in Trump's impeachment trial, signaling the breakdown of the constitutional checks and balances. In the United Kingdom, 74 percent of the MPs including leaders of all three major parties, the Bank of England and the Confederation of British Industry had all opposed Brexit but once the Leave vote won the referendum, opposing Brexit became political suicide, especially for Conservatives. This meant that after the Tory ultra-Right scuttled Prime Minister Theresa May's attempts to negotiate an exit from the EU, her successor, Boris Johnson was able to ram through an agreement after a landslide victory that saw the Labour Party decimated in its northern strongholds—the Red Walls. But this agreement effectively left Northern Ireland in the EU's customs union, thereby introducing a border in the Irish Sea and breaking a taboo for the Tories. Despite storming Labour's Red Wall, it is unlikely that the Tories would reverse the policy of austerity to favor its new constituents.

In sum, the downgrading of industrial production in the hierarchy of wealth and the end of 'actually existing socialism' have uprooted the foundations of the political arrangements that had evolved since the Industrial Revolution. The growing weakness of the industrial working class has weakened trade unions and social democratic parties. As webs of production and trade span national borders, these processes have led to increased migrations. Together they have resulted in the rise of populist leaders who prey on the insecurities of the dispossessed while furthering the interests of the very rich—an unstable world order that spawns racism, nationalism, and xenophobia.

## Notes

<sup>1</sup>Reece Jones, *Violent Borders: Refugees and the Right to Move* (London: Verso, 2016), p. 137.

<sup>2</sup>*Roanoke Times*, "Editorial: On Immigration Republicans Abandon Reagan," 6 February 2018.

<sup>3</sup> Paul Krugman, "Notes on Immigration," *New York Times*, 27 March, 2006; Peter Beinart, "How the Democrats Lost Their Way on Immigration," *The Atlantic* July/August. 2017.

<sup>4</sup> Quoted in *ibid.*

<sup>5</sup> Michelle Ye Hee Lee, "Donald Trump's False Comments Connecting Mexican Immigrants and Crime," *Washington Post*, 8 July 2015.

<sup>6</sup> Adam Tooze "Trump & the New Protectionist Alignment" to America's Political Economy, 17 March, 2017, <https://adamtooze.com/2017/03/17/americas-political-economy-trump-new-protectionist-alignment/>.

<sup>7</sup> Of the 232 seats Labour held in the House of Commons, voters in 148 seats voted to Leave the EU, but 65 percent of Labour voters opted for Remain, Susan Watkins, "Britain's Decade of Crisis," *New Left Review*, no. 121, Jan-Feb (2020) pp.15, n. 26.

<sup>8</sup> Branko Milanovic, *Capitalism, Alone: The Future of the System That Rules the World* (Cambridge, MA: Harvard University Press, 2019), pp. 150-53.

<sup>9</sup> Ravi Arvind Palat, *Capitalist Restructuring and the Pacific Rim* (London: Routledge, 2004), pp. 114-54.

<sup>10</sup> Part of this increase is an artifice since more than one-tenth of this number are people who, after the disintegration of the Soviet Union and Yugoslavia, were born in one country but were living in another even though they had not moved physically Branko Milanovic, *Global Inequality: A New Approach to the Age of Globalization* (Cambridge, MA: Harvard Univ. Press, 2016), p. 149.

<sup>11</sup> Todd Miller, *Empire of Borders: The Expansion of the US Border around the World* (London: Verso, 2019), pp. 25-26; Suketu Mehta, *This Is Our Land: An Immigrant's Manifesto* (New York: Farrar, Straus & Giroux, 2019), p. 9; Milanovic, *Global Inequality*, p. 149.

<sup>12</sup> Citi GPS: Global Perspectives and Solutions, "Migration and the Economy: Economic Realities, Social Impacts, and Political Choices," (2018; <https://ir.citi.com/FBbeXUKehK94DM2ktog5Yjj4Eh9MKmlJH34Poe7ZhEFhORBQvjK8I1BVlhg%2BCNS4WRzN1yW9UoM%3D>).

<sup>13</sup> Mehta, *This Is Our Land*, pp. 102-05.

<sup>14</sup> Immanuel Wallerstein, "The Cold War and Third World: The Good Old Days?," *Economic and Political Weekly* XXVI, no. 17 (1991) p.1105.

<sup>15</sup> Geoffrey York, "Poor nations shoulder bulk of record refugee numbers: UNHCR," *Globe & Mail*, 20 June, 2016.

<sup>16</sup> Cas Mudde, "The Populist Zeitgeist," *Government and Opposition* XXXIX, no. 4, Autumn (2004).

<sup>17</sup> Quoted in Paul Volcker and Christine Harper, *Keeping at It: The Quest for Sound Money and Good Government* (New York: Hachette, 2018).

<sup>18</sup> Ravi Arvind Palat, "Convenient Fictions: A Comment on Öniş and Bayram," *New Perspectives on Turkey*, no. 39 (2008) p.88.

<sup>19</sup> Greta R. Krippner, *Capitalizing on Crisis: The Political Origins of the Rise of Finance* (Cambridge, MA: Harvard Univ. Press, 2012).

<sup>20</sup> Palat, *Capitalist Restructuring*, pp. 114-54.

<sup>21</sup> Milanovic, *Capitalism*, p. 152.

<sup>22</sup> Julie Froud et al., "Apple Business Model: Financialization across the Pacific," (Manchester 2012).

<sup>23</sup> Adam Goldstein, "Revenge of the Managers: Labor Cost-Cutting and the Paradoxical Resurgence of Managerialism in the Shareholder Value Era, 1984 to 2001," *American Sociological Review* LXXVII, no. 2 (2012).

<sup>24</sup> Akhil Kumar, "Nine Richest Indians Own Wealth Equivalent to Bottom 50% of the Country," *The Wire*, <https://thewire.in/rights/9-richest-indians-now-own-wealth-equivalent-to-bottom-50-of-the-population>

<sup>25</sup> Taylor Telford, "Income inequality in America is the highest it's been since Census Bureau started tracking it, data shows," *Washington Post*, 26 September 2019

<sup>26</sup> Patrick Inglis, "What Tom Friedman got wrong about India's economy—and America's," *Washington Post*, 25 August 2019.

<sup>27</sup> Milanovic, *Global Inequality*, p. 122.

<sup>28</sup> Miller, *Empire of Borders*: 22. Angus Maddison, similarly estimated that in 1960 an average person in the world's richest countries was 33 times richer than the average person in the poorest countries but by 2000, the former were a 134 times richer, Mehta, *This Is Our Land*, p. 85.

<sup>29</sup> Milanovic, *Capitalism*, p. 155.

<sup>30</sup> Milanovic, *Global Inequality*, pp. 133-34.

<sup>31</sup> *Telegraph*, 14 November 2010; Jean Davidson, "UCI Scientists Told Moscow's Aim Is To Deprive U.S. of Foe," *Los Angeles Times*, 12 December 1988.

<sup>32</sup> Quoted in Daniel Stedman Jones, *Masters of the Universe: Hayek, Friedman, and the Birth of Neoliberal Politics* (Princeton, NU: Princeton Univ. Press, 2014), p. 242.

<sup>33</sup> Robert Reinhold, "Carter Proposes U.S. Health Plan," *New York Times*, 16 April 1976; Erik Loomis, "The Case for a Federal Jobs Guarantee," *New York Times*, 25 April 2018.

<sup>34</sup> Joseph A. McCartin, *Collision Course: Ronald Reagan, the Air Traffic Controllers, and the Strike That Changed America* (New York: Oxford Univ. Press).

<sup>35</sup> David Harvey, *A Brief History of Neoliberalism* (New York: Oxford Univ. Press, 2005): 59; Ravi Arvind Palat, "Much Ado About Nothing? World-Historical Implications of the Re-Emergence of China and India," *International Critical Thought* II, no. 2 (2012) p.148.

<sup>36</sup> David McNally, *Global Slump: The Economics and Politics of Crisis and Resistance* (Oakland, CA: PM Press, 2011), p. 115.

<sup>37</sup> Correspondingly, in the United States, labor-affiliated political action committees (PACs) actually contributed marginally more to congressional campaigns than corporate PACs in 1978 but the latter rose by \$20 million to \$55.2 million (in 2014 adjusted dollars) in 1980 while labor PACs increased by only \$2 million to \$37.9 million. By 2014, the differences had magnified: \$178.1 million by corporate PACs vs. \$50.7 by labor PACs, Curtlynn Kramer, "Vital Stats: The Widening Gap between Corporate and Labor Pac Spending," (Washington D.C.2017; [https://www.brookings.edu/blog/fixgov/2017/03/31/vital-stats-corporate-and-labor-pac-spending/..](https://www.brookings.edu/blog/fixgov/2017/03/31/vital-stats-corporate-and-labor-pac-spending/)

<sup>38</sup> Quoted in Matt Bruenig, "Neoliberals Used to Call Themselves New Democrats: A History Lesson for Jonathan Chait," *Jacobin*, December 22 2017.

<sup>39</sup> Duane Townsend, "How Neoliberalism Destroyed the Democratic Party," *Community Independent Journal*, 27 February 2020.

<sup>40</sup> See Palat, "Much Ado," p.148.. Stuart Hall, "New Labour has Picked up Where Thatcherism Left Off," *Guardian*, 6 August 2003; Phil McDuff, "Blair Built on Thatcher's Legacy. That's a Simple Fact," *Guardian*, 18 January 2020.

<sup>41</sup> Adam Tooze, "Which Is Worse," *London Review of Books* XLI, no. 14, July 18 (2019).. These measures marked the end of Germany's social welfare system which had ranked workers by their income and skill levels and then matched job offers to their status. The new reforms linked benefits to their previous income only for a year after

which they would be entitled only to a monthly benefit of €374 (raised now to €424) unless they accepted positions with lower pay than their previous jobs.

<sup>42</sup>Dylan Riley, "What Is Trump?," *New Left Review*, no. 114, Nov-Dec (2018) p.18.

<sup>43</sup>Immanuel Wallerstein, "The Albatross of Racism," *London Review of Books* XXII, no. 10 (2000).

<sup>44</sup>Davidson, "UCI Scientists Told Moscow's Aim Is To Deprive U.S. of Foe."

<sup>45</sup>Quoted in Bruce Robbins, *The Beneficiary* (Durham, NC: Duke Univ. Press, 2017), p. 9.

<sup>46</sup>Wallerstein, "Cold War," p.1105; Immanuel Wallerstein, "The World-System after the Cold War," *Journal of Peace Research* XXX, no. 1 (1993) p.5.

<sup>47</sup>Mehta, *This Is Our Land*, p. 94.. In 2006, when the U.N. General Assembly voted on creating a committee to study the possibility of a treaty regulating small arms exports, the US was the only country to oppose it *ibid.*, 96.

<sup>48</sup>*Ibid.*, 97-98.. Claudia Mendoza & Mary Beth Sheridan, "Honduras is poor, violent and unstable. The Trump administration wants it to accept more asylum seekers," *Washington Post*, 12 September 2019.

<sup>49</sup>Saul Tobias, "Neoliberal Globalization and the Politics of Migration in Sub-Saharan Africa," *Journal of International and Global Studies* IV, no. 1, November (2012).

<sup>50</sup>Sharad Chari, "African Extraction, Indian Ocean Critique," *South Atlantic Quarterly* CXIV, no. 1, January (2015) p.86.

<sup>51</sup>Miller, *Empire of Borders*, p. 159.

<sup>52</sup>Miller, *Empire of Borders*, p. 74.

<sup>53</sup>Sieff, "Why Mexican migration is slowing."

<sup>54</sup>The median age in Mexico was 21 in 1995 and is expected to be 30 in 2020. In 2018, over 300,000 Mexicans received H-2A visas, Sieff, "Why is Mexican migration slowing."

<sup>55</sup>Kevin Sieff, "Why is Mexican migration slowing while Guatemalan and Honduran migration is surging?" *Washington Post*, 29 April, 2009

<sup>56</sup>Hilary Goodfriend, "Migrants on the Frontlines of the Class War," *Jacobin*, 25 September 2019.

<sup>57</sup>Kyla Peterson "The 'Push' Factor: Central American Farmers, Free Trade, and Migration" to New Security Brief, April 17, 2019,

<https://www.newsecuritybeat.org/2019/04/push-factor-central-american-farmers-free-trade-migration/>.. Kevin Sieff, "The migration problem is a coffee problem?," *Washington Post*, 11 June, 2019.

<sup>58</sup>Kyla Peterson "The 'Push' Factor: Central American Farmers, Free Trade, and Migration" to New Security Brief, April 17, 2019,

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<sup>59</sup>Miller, *Empire of Borders*, p. 158..

<sup>60</sup>Peterson "'Push' Factor"; Sieff, "Migration problem."

<sup>61</sup>Miller, *Empire of Borders*, p. 158.

<sup>62</sup>Susan Watkins, "Casting Off?," *New Left Review*, no. 100, July-Aug (2016) p.9.

<sup>63</sup>Miller, *Empire of Borders*, pp. 197-98.

<sup>64</sup>Miller, *Empire of Borders*, p. 26.

<sup>65</sup>Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015), p. 23; Philip Mirowski, "Neoliberalism: The Movement That Dare Not Speak Its Name," *American Affairs* II, no. 1, Spring (2018).

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<sup>76</sup>Daniel Finn, "Corbyn, Labour, and the Brexit Crisis," *New Left Review*, no. 118, July-Aug (2019) p.14; Watkins, "Casting Off," p.21; Hazeldine, "Rustbelt," p.54.

<sup>77</sup> In the 2017 presidential election, the *Parti Socialiste* came in fifth! In the European elections in 2019, *Rassemblement National* secured 23.3 percent of the votes in France and *La République en Marche*, 22.4 percent, Didier Fassin, "Macron's War," *London Review of Books* XLI, no. 13, 4 July (2019).

<sup>78</sup>Tooze, "Which Is Worse."

<sup>79</sup>Perry Anderson, "The French Spring," *New Left Review*, no. 105, May-June (2017) pp.16-17.. Under Marine Le Pen, the National Front received 37 per cent of the working class vote in the first round of the French presidential elections in 2017 and 56 per cent in the second round.

<sup>80</sup>Brown, *In the Ruins*.#5

<sup>81</sup>Mudde, "Popular Zeitgeist."

<sup>82</sup> In the United States, between 2008 and 2017, 99 percent of population growth occurred in counties with at least one town with over 50,000. Hence, rural areas experienced declines in property and sales taxes and 70.6 percent of completely rural counties voted for Trump, Monica Potts, "In the Land of Self-Defeat," *New York Times*, 4 October 2019; see also Arlie Russell Hochschild, *Strangers in Their Own Land: Anger and Mourning on the American Right* (New York: New Press, 2016).. In the UK, where constituencies hadn't been changed since the 1980s, despite population flows to the south, small town northern constituencies had electoral rolls with less than 64,000 while in the south they were over 80,000, Watkins, "Decade," p.13.

<sup>83</sup>Duncan P. Thomas, "Sifting through the Ruins," *Jacobin*, 15 December 2019; Hazeldine, "Rustbelt," p.66.

<sup>84</sup>Mehta, *This Is Our Land*, p. 118.

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# Memories of the Forgotten

By

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**Seifu, Yordanos Almaz. 2018. *Wayfarers: Travel Journal*, translated from the Amheric by Hiwot Tadesse, Addis Ababa: published with help of Fredrich Ebert Stiftung.**

**Khosravi, Shahram. 2010 'Illegal' Traveller: An Auto-Ethnography of Borders. Basingstoke, Hampshire: Palgrave MacMillan.**

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## I

Migrants as *migrants* are forgotten soon. They are remembered as persons, as individuals. But perhaps one generation will remember them as migrants, relate to them as migrants; perhaps their neighbours, friends and colleagues will share their stories, recall them through their migrant narratives, and when they will die, or even before they die, they will have become “normal”. Their migrant personhood will slowly move into neglect and oblivion. Only among their relatives back home (if there still will be a home from where they had emigrated), and if they are lucky, they will be recalled as emigrants. On exceptional occasions when reunions will take place the migrants will return in person or appear from the clouds of memory.

This is strange because migrants retain the memories of their journeys a lot. They remember the details. They also revisit the objects of memory – not only as real life objects, such as persons or some artefacts as souvenirs, but memories of places and mobility too. Perhaps a bus journey, or taking shelter in an unknown house, being robbed or being taken care of, the last money being stolen or appearing to the penniless unanticipated, stitching a

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Refugee Watch, 54, December 2019

small packet of money on the hem of a dress or the shawl, promised and betrayed, jailed, questioned and interrogated by the guards at the airport, border outpost, station, and back home at the police station when trying to return – these all are images of mobility retained by memory. Migrants revisit their memories by narrating them, recording them, tracing their paths, reorganising them, reordering them, and preserving and displaying them in a particular manner, and it is through this labour of memory that their migrant personhood and the accompanying stories of their journey, logistical paths, and the fault lines, all will become public documents of society. Is it not ironic that we familiarise ourselves with migrants through their memories more than through our direct attempts to know them? Directly they are *persons*, through their acts of memory they become *migrants*. It is always a battle between the normalcy of a settled society and the mediating, unsettling memories of the footloose.

These three books are tied here for reading the traces of memory. They collectively and in their individually distinct ways shed light on this irony. Yordanos Almaz Seifu's travel journal, *Wayfarers*, tells us of the desperate escape of an Ethiopian to South Africa to join the huge labour market in Johannesburg. He is sold, he is taken to a rampaging boat wherefrom human bodies forming extra-load are thrown down to the sea; he is taken to numerous police stations where he is beaten, interrogated, and finally let off to reach Johannesburg at last in whose refugee markets he manages to vanish. Written last year, it speaks of our time of subaltern globalisation. Shahram Khosravi's *'Illegal' Traveller: An Auto-Ethnography of Borders*, a sensation when it came out nearly a decade back is of the same genre telling us the ways of escape, the networks of body shopping and smuggling in the postcolonial world, the flesh markets of Karachi, Delhi, and other cities which devour migrants like Khosravi, the teeming thousands of Afghan construction workers in Iran, passport forgers of various countries, money lenders, immigration officials, and the family members back home who will wait to hear the news of the emigrant reaching "successfully" the place of destination, "establishing" him/herself, so that the emigrant could now communicate with safety and peace of mind. These accounts will take you to the sub-Saharan world of Ethiopia, the tender and semi-poetic world of Ispahan, and tell you what religion has meant to the life of the footloose. Finally, W.G. Sebald's *The Emigrants* takes you to the pre-Second World War time of flight from Germany – in this case to England, and the life long effort of an emigrant to get back the lost world, search out the relatives dead and still alive, and recover the lives and thoughts of men and women who irrevocably belonged to Germany of the 1930-50s, and never proceeded beyond even when some of them had physically left Germany. Memory for Sebald, a German, is like a network of small holes and tunnels underground. You may begin at one point, but you will move through the endless connections to times, places, persons, and memories from which you cannot come back. Time will slowly recede. You will forget even your identity as an emigrant. You will meet past characters in that dream world. Gradually, you



will be dissolved within the time and realm of memory. A final displacement of life, if that is what immigration would finally mean.

In Sebald's *Emigrants* memory succeeds in appearing as pure, when politics dies, all circumstances die, and only persons with acts of memory, those recalling and being recalled live, and in this way memories in place of persons become living characters, they become pure. In Yordanos Almaz Seifu's *Wayfarers* and Shahram Khosravi's, *'Illegal' Traveller* also, this transmogrification happens, though to a lesser extent. There too memory after a point becomes pure. There is no violence in that act of recalling. Murders, escape, mercy, shelter, meeting unknowns for moments never to meet them again, betrayal, and love – all are recounted as episodes of a world that is beyond the storyteller now, a world that will be always there with him/her, but gone now. Seifu and Khosravi have no grudge against the so-called human smugglers even, who appear only as the characters of destiny facilitating mobile beings. It is as if a displaced world, which you knew, you know, but which has passed you. It is a surreal world, out there – on the outside of our life, but inside our memory, a kind of image that is precariously perched on the inside/outside of our existence.

Is this metaphysics? To that question we have to only re-read Saadat Hasan Manto's *Toba Tek Singh* (1955) or Bertolt Brecht's *Mother Courage and Her Children* (1939). In both narratives of displacement due to war and violence, politics only provides the template, but as the mediator it vanishes as soon as its function of mediating is over. Art achieves its purity. So to the question famously put by Adorno, if there can be poetry after Auschwitz, we have to point to these acts of literature. Likewise, these three narratives – at times feebly, at times mightily – attain purity when they attain aesthetic selves. Sebald's *Emigrants* from this angle is unique; it tells us in an unparalleled way that world of memory which is at once inside and outside of the world we live in. But the other two narratives also convey us the sense that the migrant is one who lives in our time, but for whom the past is always a passage. A passage that will never arrive, and hence will be always recalled.

Thus the three narratives never, for even once, tell us of arrival, of reaching the golden West or democracy or a state of peace. *Wayfarers* tells us of the migrant's arriving at the flesh market in Johannesburg, which the labour market there actually is, where the migrant labourer must wake up each morning at the wee hours to toil through the day, be robbed by other migrants, and still earn a living. Khosravi's *Illegal Traveller* likewise does not celebrate the arrival of the immigrant in Stockholm from Ispahan through Karachi, Delhi, and other cities and towns, but it finally tells of the migrant in Stockholm being shot by a racist xenophobe there. The narrative of escape and survival does not end. And, of course Sebald never left Germany even though he was lifelong in Manchester – a Manchester that will still remind you of the city in Frederick Engels' time in 1844 – old industrial Manchester, through which Sebald must recover the pre-war Germany.

For centuries of modernity man remained what s/he was for the bourgeoisie: a living institution of stability, investment, labour, income, and life with the additional capacity of settling down and stabilising the all around.

Modern man became an animal whose occupation placed his/her existence as a living being as a flag of stability. All that happened in the tumultuous sea was not allowed to affect this global narrative of stability. The migrant was the abnormal. This bourgeois myth is now called into question by the three narratives. We must not be surprised that these narratives, particularly of Seifu and Khosravi, are narratives of illegality. Law is always authorised in the language of fixity, rules, stability; mobility is thus the opposite of law. You cannot be lawfully mobile for long. You must then die like Bishan of Manto's *Toba Tek Singh* on the border of legality and illegality. The illegal is never illegal. As Seifu chronicles, the illegal is always semi-legal, skirting the borders of legality, entering and exiting the legal world at will or as life takes you along by its tailcoat. You may die, as Seifu discovers in Johannesburg, and there will be perhaps no one at hand to reach the news of your death to the relatives back home. But you may die with the knowledge that there will be others around you to mourn your death. Again, recall in Brecht's play the death of Mother Courage's daughter, with villagers asking the Mother to move on and leave the dangerous war field assuring her, leave her, "We'll mind her, see she gets proper burial. Don't you worry about that." Similar migrants, similar lives, similar world of reality and hallucination – this is the chiaroscuro of the migrant universe. It is there, almost within our reach, but always beyond, below the surface of law and visibility. These three accounts teach us of the laws of visibility and invisibility, connected to our knowledge of the still and the passing.

Yet the laws of visibility and invisibility do not operate in the same way. Sebald's characters are from a dignified world and time, when civility still made sense. Sebald never says, they were Jews in Nazi Germany. They had self-respect and with dignity they made their ways in this world. Physical hurdles, sorrows, punishments, sufferings, the trauma of escape and escape routes do not feature in Sebald's recollection. The reader only gets page after page of exquisite prose of daily life of protestant characters whose sense of work, life, and family virtues push traces of politics behind, and erase the marks of a contentious time. Sebald does it by orchestrating a multiplicity of voices to produce a coherent discourse of the emigrant. Putting on the mask of the narrator he throws away the identity of an author, indeed he recoils even from suggesting that there is any question of subjectivity involved. The narrative is the *other* of the character – of the narrator, also of any fundamental profile called the emigrant. Through this kind of Kafkaesque narration, Sebald achieves the impossible. He is able to tell us of the emigrants without portraying any fundamental kind of subjectivity which we can associate with emigrants. Does it mean that there is no difference between an emigrant and a native/settler? No, it only means that the history is in the practice of migrating and the consequences of it on life, and not in any fundamental identity of a particular type of individual. Thus the migrant figures appear regularly: such as the former Maasai chieftain who cooks in the probably unlicensed Wadi Halfa café in Manchester, Elaine, the maid in the Selwyns' house, who reminds you of an inmate of an asylum, and who occupies the hidden world of the servants' passageways, the school where Max Ferber is

sent, Paul Bereyter, a school master, who teaches a quarter of his lessons outside the syllabus and outside the school when possible, and again Max Ferber who spends his days closeted in a studio in the Manchester docks and continues to work as he always has, despite his work fetching high prices and articles on him appearing in Sunday supplements. Paul Bereyter, the school teacher of course dies. He commits suicide. "A short distance from S, where the railway track curves out of a willow copse into the open fields, he had lain himself down in front of a train... Almost by way of an aside, the obituary ad, with no further explanation, that during the Third Reich Paul Bereyter had been prevented from practising his chose profession." (Sebald 1996, 27). And, then "The gleaming bands of steel, the crossbars of the sleepers, the spruce trees on the hillside above the village of Alstadten, the arc of the mountains he knew so well, were a blur before his short sighted eyes..." (Sebald 1996, 29). In that moment of death, "*ending up on the railways*", (Sebald 1996, 63, italics in the original), the emigrant dies.

In the escapes of the Iranian and the Ethiopian, invisibility however is not achieved in that way. Here, far removed from the literary tropes, the migrant becomes one of the countless cogs in the wheels of global commodity chains and supply networks, where the migrant must relinquish any identity. The Ethiopian migrant must be scared of the Johannesburg based marauding Ethiopian gangs of looters, smugglers, and extortionists, friends must be constantly suspected, any identity must be accepted as fleeting. The only visibility is one of presence as an informal labourer in the vast army of informal workers in South Africa.

The big lesson from reading these three books is that we cannot allow our judgement of migrant people to be too much influenced by the sentimental stories of identity and affinity. The footloose is like a neurotic, denizen of a world where psychic reality takes the place of actual reality. We have no doubt that the psychic reality initially coincided with the factual, and the migrant did at least initially what s/he had intended to do. But then, the deed of moving on became the thought in as much as the reality of thought substituted the deed. In this way, the book of memory of the footloose never closes definitively. Memory is the most enduring ethnography of the border. Never ending, always moving on, at times sleepwalking – in this way migrant memory is always crossing borders. The migrant memory will never end.

## II

Think of the road then as the subject. Roads shape memory. Roads recall the characters that trod them. The characters made the road. Roads create rivals. When the migrant crosses the sea, the sea is the perilous road. You do not have the license to use this road. You are the stowaway. Imagine the ship is still in port and the stowaway has not been found. Desperate search by local authorities, masters, members of the crew, and guards engaged by local agents have produced no result. You manage to sail as the ship departs. The ship then goes from place to place. At times you know your destination, at times you do not know. As Seifu writes, at times you have your guys in the

destination as standby. At times you get the right information about them, at times you find no one. You will never know who they were to be, those who did not turn up. But at times you do not know if at all there was someone to really come to take you and accompany you to your next destination, or it was only a promise of the road. What remains then of the vagaries of the journey in your memory? Nothing human, but the road, the journey, and you will agree that the migrant is not the subject, but the road is the subject of memory. It is this materiality, at once phantom like as much as real, that defies the law of subjectification. This probably explains the enigma I alluded to at the outset. Perhaps at the end we can say memory is the home the migrant finally reaches. Yet since objectification and commodification are the law of bourgeois life, museum will be the home of the refugees and the migrants. I recall when I saw a migrants' museum in Cologne and then at Adelaide, I was immediately struck by the ordinariness of the exhibits – a box, a pair of shoes, suitcase, a pen, a guitar, a plate and a bowl, and the like, and my own realisation of how an identity had been already given to these objects, artefacts of everyday life, so that I would start imagining those objects as used or worn by a Turkish cobbler in the Rhine or a woman left by a British miner escaping to the wilderness of South Australia in search of gold. In many ways then the objectification of memory on which so much of art, film, and literature of the present migration crisis is based is complicit in the making of the bourgeois life. The objectification of migrant memory aims to make the migrant an outsider to society. In fact this has been a process continuing through centuries, only accelerated in the bourgeois age. Stories of war and forced displacement have shaped Western civilisation since Virgil's "Aeneid." The origin story of Rome is a tale of Mediterranean migration — departing from the coast of Anatolia, the starting point of many of today's Syrian refugees — and foreshadows other societies founded by emigrants, evacuees, and aliens. Moses, Jesus and Muhammad were all refugees. The Thanksgiving holiday is a celebration of refugees, who fled from England to the Netherlands, then to Plymouth Rock. Yet objectification and commodification are normalisation, for who remembers that Marilyn Monroe and Clint Eastwood, perfect Americans, were the inheritors of the Pilgrims?

Migrant memory is thus very much like a fragmented geography of the world and the mind. It is scattered geography of routes — through mountains, hills, snowfields, deserts, narrow lanes, railway tracks, homes, prisons, camps, schools, UN or immigration offices, checkpoints, family, workplace, and time. Memory is thus like an assemblage. Indeed, migratory paths are re-drawn through the assemblages of tactics involving migrant escapes, but more importantly migrant-hunts that turn migrant bodies into targets of capture. These cartographies, uneven and fragmented in nature, reorganise the network of events, sequences, associations, agencies, and enable the figure called the migrant to live in dual time — the real-time of living, also the transmogrified time through which the sequence of events and persons go as passing shots.

With the expansion of migration infrastructure, forms of mediation multiply. Migration at the end of the day is a passage. It is a passage mediated

by roads, hills, seas, camps, work places, and human associations. Mediation becomes the message of migration. It comes to occupy the deepest layer of memory. In this way, memory too travels along these roads and seas.

In Khosravi's account, the attempt to kill him comes at the very end. He barely hints at the fact that even after that he continued to help other illegal travellers. But the strain is unmistakable: the journey from Ispahan to Stockholm was accidental, and he does not know if the journey has ended. Melancholia confronts the readers with the meaning of the road, the passage, which as Khosravi tells us through the narrative, was accidental, and therefore gives no guarantee to the migrant that it has ended. Melancholia in this way leaves the reader with an open wound. The road will bring back to you who have trodden it memories you may not like. Precisely because melancholia stays with you alternatively with the courage to get on with life and go further, melancholia triggers memory. Memory is the hero. But it is not memory of a particular individual, but of the road, the journey, the passage. It is the same with Sebald's characters. Individual characters that an émigré meets are only a pretext. The text is the search, the journey, multiplying.

We are thus problematising the very notion of the subject. It is true that till the last moment there remains one boundary – the much spoken boundary of self that makes it apart from others. Others are objects, the self wants to defy objectification. Yet is it not surprising, or perhaps not, that this boundary is effaced through the operation of memory, a combination of the real and the virtual? In *The Emigrants* Sebald rarely speaks of his self. His account is like a camera moving on and focusing on others – the longest surviving member of a large, extended family, the instructions that a survivor leaves, the ways to reach the places, objects, and persons narrated by a survivor or recorded in her testament, the places and the times associated with these journeys. Sebald succeeds in almost excluding himself in these recollections. His self is truly invisible. The others of his book could belong to say anyone else's account, whereas in Yordanos Almaz Seifu's *Travel Journal*, there is no way the reader can take Seifu out of the account and yet think of the others inhabiting the pages of his memory. It is a rough world of a survivor. Shahram Khosravi's *'Illegal' Traveller* is by admission an auto-ethnography, but less rough, perhaps tendered by the roots of Ispahan. Still, while admitting that there is a border in the landscape of memory - between the self and other – do these three books collectively cross the border? We can leave this judgement to the reader, save saying that the wellspring of memory is always in a series of border crossings, and at times the self has to die – a kind of sacrificial death to bring to life the identity of others. After all, when the books will be closed and put down, you will not remember so much the Ethiopian Seifu or the Iranian Khosravi, but the shadowy world of mobility and deaths of countless characters trying to survive and dying in the ebb and tide of memory.

## III

Before concluding we must push the point further. The special thing about these three books is that they are able to destroy or say erase the migrant as the subject. The stake in their accounts should have been in subject's being, these are after all autobiographies, but the subject is able to access the truth of migration only by turning to others. This turning away of the gaze from oneself to others must be carried out as the possibility of a necessary knowledge of migration, flight, and the road the migrant will take. In these accounts therefore there is no curiosity, the desire to know bad things about others, while there is no overwhelming concern about what is happening inside oneself. The migrant is probably the classic stoic. This turning the gaze away from oneself becomes the necessary condition of truth. This is the reason why Sebald's account becomes an ethical account, as if we as migrants have been able to grasp the secret of existence; we can grasp how precarious as migrants we are. If the migrant is saying, "This is what I am", he has achieved the position of a double subjectivity, in Michel Foucault's words "a subject of enunciation" and "a subject of his/her own actions".

Let me explain this a bit: In the second story of the *The Emigrants* there is a photograph (Sebald 1996, 27) that shows railroad tracks disappearing into the woods, where Paul Bereyter— we come back to him again - ends his life, but at the same the photograph leads us at the end to a possible scenario that will exclude us. The railroad tracks will not only eternally remind us of Paul Bereyter's fate, but it will also tell us of a heterotopic space of self and others, victims and actors, the dying and the to-be-soon-dead and the living – the life histories that collectively make a migrant. The migrant, Shahram Khosravi also effectively shows, participates simultaneously in the life histories and discourses (of migration, exile, and belonging), and emerges in this way as a literary figure inquiring into the problematic of memory in human life. The clue to this ability to represent life and discourse is in the enigma called memory (often and necessarily traumatic) to which the migrant as a figure stands as testimony. You can only say that the migrant will have to die to escape this cross of double responsibility, or double representation. Thus Paul Bereyter dies, Seifu nearly dies a number of times, Khosravi is shot and almost dies and miraculously survives. With only death will end the responsibility of double representation.

We all know literary subjectivity is a construct. Yet, this tells us nothing deep, it is a cliché, for the migrant as a protagonist and a narrator must act out and at the same time must continuously confront the truth of the migrant life. If this is how the migrant will have to die, it will be also the mode of subject-formation. The hidden correspondence between apparently isolated random events in the migrant life (for instance in Seifu's and Khosravi's lives) is in the chain of mobile phenomena, which ironically only a specific life history can embody. Hence only the multiple indeterminacies and heterogeneity of a migrant life make the migrant life unique as an act of representation – of life, and of discourse.

This is of course life as precarious existence. However, the access to the truth of precarious existence is ensured by a technique of knowledge that has effaced the subject of precarious life.

What do we mean by a technique of knowledge here? It is the act of writing, and a specific technique of writing. From the ancient time grammarians and certain philosophers like the Stoics know how to compose without allowing the self to dominate the writings. Rules therefore became important. While with the assault of literature grammar as a collection of rules of writing eclipsed for a while, we can now see the re-emergence of a technique of writing that will shift the gaze away from the self yet throwing the light of truth on the self. To the problem then famously put by Foucault, “Who is an Author?”, we may forward the proposition that the migrant is an author, who will write but will always write of others and the roads s/he took, and thereby will have negotiated the aporia of author’s subjectivity. Foucault as you know said that Marx or Freud produced not writing, but occasioned the birth of a discourse. While we may say and as he suggested that the discourse opened up Marx’s or Freud’s written texts, we may also say that these discourses functioned as prison houses of those texts. This may happen with autobiographies that draw their legitimacy from specific events which lead to a particular pattern, a discourse. Fortunately, these three writings do not seem to fall into a given pattern, say either of autobiographies or outpouring of souls by migrants and refugees. Is it not then an irony that an act of writing becomes an evidence of memory, and through a specific technique memory erases the self? Is it what Foucault would have called “counter-memory”?

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ISSN 2347 – 405X

**December 2019**