

Review Assignment and Note for Module F 2006

Review relevant sections on ethics and justice in B. S. Chimni's International Refugee Law: A Reader and comment on the importance of these two issues in rehabilitation and care of Refugee.

Nir Dahal

Refugees are those persons who cross an international border and protected by international humanitarian and human rights law. B. S. Chimni in his book entitled "International Refugee Law: A Reader" included various ethical elements regarding well founded fear, persecution, religion, nationality, minority race, political opinion, social group: gender, unaccompanied children, economic migrants etc. These elements should be taken into consideration during rehabilitation and care of Refugee. Chimni has illustrated different circumstances and compared these circumstances with established international guidelines.

Well founded fear is a crucial phrase that is included in the definition of refugee. It has subjective as well as objective meaning. In subjective approach, fear is opinions and feelings of terror in which refugee's emotional reaction to persecutory events should be highlighted. Similarly, in objective approach, refugee's credibility is evaluated on the basis of activities engaged in within the host country. Chimni suggested that these two approaches should be evaluated and integrated in a balance when considering refugee status.

Persecution is a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group. Furthermore, persecution may be defined as the sustained or systemic violation of basic human rights demonstrative of a failure of state protection. Two considerations are important when caring and rehabilitating refugee: (1) the nature of harm and (2) the reasons of harm. The first point is sensible enough; surely neither international law nor the dramatic relief provided by US asylum law need concern itself with minor inconveniences inflicted upon individuals, regardless of the motive of the inflictor. The second point, however, requires further reflection. Persecution connotes unacceptable, unjustified, abhorrent infliction of harm, not simply a particular degree of harm.

Persecution for 'reasons of religion' may assume various forms, e.g. prohibition of membership of a religious community, of worship in private or in public, of religious instruction, or serious measures of discrimination imposed on persons because they practice their religion or belong to a particular religious community. Mere a membership of a particular religious community will normally not be enough to substantiate a claim to refugee status. There may, however, be special circumstances where mere membership can be a sufficient ground.

Persecution for reasons of nationality may consist of adverse attitudes and measures directed against a national (ethnic, linguistic) minority and in certain circumstances the fact of belonging to such a minority may in itself give rise to well-founded fear of persecution. In most cases persecution for reason of nationality is feared by persons belonging to a national minority.

Discrimination for reasons of race has found world-wide condemnation as one of the most striking violations of human rights. Racial discrimination represents an important element in determining the existence of persecution. Discrimination on racial grounds will frequently amount to persecution in the sense of the 1951 Convention. This will be the case if, as a result of racial discriminations, a person's human dignity is affected to such an extent as to be incompatible with the most elementary and inalienable human rights, or where the disregard of racial barriers is subject to serious consequences.

Persecution 'for reasons of political opinion' implies that an applicant holds an opinion that either has been expressed or has come to the attention of the authorities. There may, however, also be situations in which the applicant has not given any expression to his opinions. Due to the strength of his convictions, however, it may be reasonable to assume that his opinions will sooner or later find expression and that the applicant will, as a result, come into conflict with the authorities. Where this can reasonably be assume, the applicant can be considered to have fear of persecution for reasons of political opinion.

A 'particular social group' normally comprises 'persons of similar background, habits or social status'. Membership of such a particular social group may be at the root of persecution because there is no confidence in the group's loyalty to the Government or because the political outlook, antecedents or economic activity of its members or the very existence of the social group as such, is held to be an obstacle to the Government's policies. There must be special circumstances where mere membership can be a sufficient ground to fear persecution.

Apart from the above criteria for considering refugee issue, Chimni highlighted gender, unaccompanied children and economic migrants should be protected when classifying and protecting refugee.

Review relevant sections on ethics and justice in B.S. Chimni's International Refugee Law: A Reader and comment on the importance of these two issues in rehabilitation and care of refugees. (Module F)

S. Y. Surendra Kumar

This essential book covers wide range of issues related to International Refugee Law and IDPs. Although, there are no direct references or specific chapters on ethics and justice, however the significance of these two issues is directly/indirectly highlights while dealing with vital issues. For instances:

(a) *while determining the status of refugee* based on “well-founded fear of Persecution” two legal cases are given (pp.22-25) in which ethics was not taken into consideration and justice was not done. In the first case, the Court of Appeal [UK] refused to grant asylum to Sri Lanka Tamil. The Court held that fear should be based on “true, objective facts that could be ascertained by an objective observer...and not on the facts known to applicants”. In the second case, four Sri Lankan Tamils applicants, who were refused asylum by the immigration authorities and wanted to challenge the decision. The House of Lords ruled that the UN handbook on refugee’s determination procedures had “no binding force in either municipal or international law” and it endorsed that the applicants were illegal entrants. As a result in both the cases asylum was denied, despite the UNHCR intervention. In this regard, it is rightly pointed out by Lyotard that verdict to two cases is an “extreme form of injustice in which the injury suffered by the victim is accompanied by a deprivation of the means to prove it” (p.26).

(b) *On the principle of burden-sharing* (pp.146-151) *and the Law of State Responsibility* (pp.296-329), which is an international obligation on States to take necessary measures to assist, admit asylum seekers and mitigate the scourge of refugees. Although, this is legal principle which the states cannot ignore, however, in the recent times, many countries [particularly western states] have violated if not rejected this principle, which amounts to denial of the core principle of *non-refoulemen* (p.151). It is in this context, that the international community and the UN agencies should lighten the burden of host States [financially], show loyalty, solidarity and do justice to the vulnerable groups. Subsequently, the States should consider mitigating the suffering of refugees and IDPs as moral and ethical duty than as burden.

(c) *On finding Durable solutions*, couple of cases are given (p.342 & 343), in which proper justice was done to thousands people through resettlement. In the first case, the Uganda President Idi Amin expelled most of the Asian minorities, who had lived for decades. However, the UNHCR, IOM, ICRC and UNDP provided the humanitarian assistances and in just few months all the expelled people were resettled in 25 different countries. In this case the Uganda President acted unethically and fortunately the international community provided justice to those refugees. In the second case, after the fall of Saigon in 1975, 100s of people fled to neighboring countries, however as it intensified the neighboring refused to entertain. At this juncture international community provided assistances and resettled 1000s of new arrivals by providing justice. Unfortunately, the neighboring did not show any solidarity to flight of refugees rather considered the refugees as burden.

Subsequently, in the 8 Chapter (pp.462-539), various readings dealing with cases have been given in which justice was done based on ethical values, like *The Story of Rehabilitation* (pp.480-484), K.C. Saha, “Landmark Chakma Peace Accord – A Model for permanent Solution of Refugee Problem” (pp.502-505), the *Supreme Court of India Original Civil Jurisdiction* (pp.505-514)and so on.

Importance of Ethics and Justice in rehabilitation and care of refugees:

Ethics and Justice are one of the main pillars of humanitarianism. These two aspects should be given adequate importance in rehabilitation and care of refugees for reasons such as:

- As most of the States authority tent to determine the status of refugees/IDPs or grant asylum purely based on the legal perspective and not based on humanity.
- Many countries have not signed/ratified the UN convention on Refugees and protocols, as a result they are not bound by the convention. Moreover, some countries still consider the refugees as burden [financial and security].
- In most cases, prior to displacement of innocent people, adequate alternatives are not explored and reasonable compensation were/are not given. These groups neither challenge the injustice done to them.
- In the process of displacement and rehabilitating, the States to certain extent does not protect the basic human rights like right to life, dignity, liberty and security of the affected persons, for the reason that these refugees are considered to be “non-people, invisible and silent” and are not part of vote bank for the government/political parties.
- Despite UN convention, international community and agencies, still there are large numbers refugees and IDPs spread across the world. One of the vital reasons is lack of solidarity and loyalty shown by the states and people to the vulnerable groups.

Thus, to overcome the above stated drawbacks ethics and justice should be given importance to address the plight of refugees. If these two aspects are not considered, until then the scourge of vulnerable groups would continue.

After reading Ranibar Samaddar’s article on “Power, Fear, Ethics” in Refugee Watch critically discuss “fear” as a factor in the displacement of vulnerable groups (Module F)

Dushanthi Fernando

This article of Ranabir Samaddar, discusses the main reasons as to why we should pay more attention to the issues of power, fear and ethics in the studies of humanitarian politics. In terms of fear, the author highlights the need to re-define fear and the need of adoption of politics that are guided by ethics of care. Throughout the article we find linkages built between displacement and humanitarian Law, justice and international politics and the different stratum of fear faced by Internally Displaced Persons (IDPs) and Refugees.

In the article we find reference to the term "well grounded fear" that becomes a determining factor to either become a refugee or an IDP. But the question remains, what kind of fear lead people to flee their homes and leave their comforts behind?

In many instances when a war, may it be civil or other, strikes a country many people are forced to leave their homes in fear for their lives and for those of their loved ones - family and friends. Their homes and towns may be destroyed; their access to facilities and supplies cut off, their lives endangered by bombs, fighting, and militant groups. In countries like Sri Lanka, India and Pakistan this is not rare case. Mass flights of people flee every time there is a major outbreak of fighting/violence.

Another would be the occurrence of natural disasters, in the form of a flood; hurricane or earthquake people are often forced to immediately evacuate their homes. They may have to leave behind all of their possessions and immediately seek shelter elsewhere that leads them to a fear of an uncertain future. A prime example of this would be the impact of Tsunami of December 2004 in Sri Lanka, where over half a million people were left displaced and in the aftermath some of the victims were subjected to various forms of violence such as rape and abuse.

Breaking out of ethnic, religious or cultural violence within the populace of a country where people are discriminated against, persecuted, tortured, threatened and excluded from society for a variety of reasons. Similarly, living in authoritarian countries, where democracy, freedom of thought and expression and freedom of religion do not exist, people are discriminated against may fear for their lives, safety and security.

When people have no choice but to leave their homes, they face an uncertain future, relying on the assistance and goodwill of others- governments, aid agencies, local communities, which for some become demeaning but necessary to stay alive. Refugees and IDPs both flee seeking a better life, better prospects, good living standards and security despite the underlying root cause is fear of induced violence.

Despite the fact that these fears are legitimate reasons for emigration on humanitarian grounds and are based on emotions, it might not be the case when it comes to rule of law. As the author indicates "In order to understand the problematic we must distinguish between what are legal doctrines, systems and sentiments." Humanitarianism as described in this article provides authority for relevant institutions to evaluate the possibilities and nature of fear on individual basis. International and national authorities seek the possibility of generalizing and standardizing fear. Politics of humanitarianism and international bodies of authority have failed to understand that fear is not measurable an object, on which evaluation of a persons or their right to life should depend on.

A critical analysis of politics of humanitarianism policies reveals how the current international humanitarian regime encompasses a striking inequality in terms of gender, ethnicity, religion and other. The application of a narrow definition of fear excludes instances where fear of violence is tangible and significant for the individuals who wish to find protection. As the author goes on to state " the geography and politics of fear is thus perched on power that influences in a substantive manner the ways in which discourses of fears are manufactured through institutionalized politics with the effect that fear reinforces the exercise of power." Why do states take such stances?

This is exactly what the article refers to as politicization of violence in the context of humanitarianism. States on the receiving end of the migrating populace safeguard themselves by imposing migration controls in a very legitimate manner by implementing forced deportations and detentions to keep asylum seekers, illegal migrants at bay consequently encouraging illegal practices such as human trafficking to take place. Political views and policies on giving refuge, should adopt practices that are guided by ethics of care and reconciliation. As the author states "Though in the world of refugee studies, sentiments come last, in the world of humanitarian ethic sentiments come first."

Vulnerable populations cannot enjoy their rights with out having their basic rights met. Right to Life is of utmost importance to any human being. Notwithstanding the fact that emotions should not be the only determining factor in deciding the fate of migrants, the need to revise the existing international policies of humanitarianism is crucial in order to ensure the protection of the affected persons.

After reading Ranibar Samaddar's article on "Power, Fear, Ethics" in Refugee Watch critically discuss "fear" as a factor in the displacement of vulnerable groups (Module F)

Elizabeth Snyder

Ranabir Samaddar proceeds from the premise that refugee studies have failed to adequately address the issues of power, fear and ethics. He contends further that, without proper attention to these three key issues, human rights and humanitarian action lose both their moral compass and their primary focus—the pursuit of justice for the persecuted and displaced.

Samaddar situates his discussion of fear and vulnerability within the framework of the 1951 UN Convention Regarding Refugees. Written in the aftermath of World War II and the early days of the Cold War, the Convention requires a 'well-founded fear' of persecution on the part of those seeking refuge. Persecution is based on *who* the refugee is (race, nationality, social group) or *what* s/he believes (religion, political opinion) (UNHCR 1993:14). This definition of the refugee has, as one scholar writes, 'added a substantial measure of humanity' to the postwar world and established an important landmark for international human rights law (Steinbock 1999:14). At the same time, the 1951 Convention fails to address the unique challenges of the current age—increased refugee flows, the collapse of colonial empires, the partition of existing states, and the emergence of new ones. In addition to these new external challenges, the provision of temporary shelter and basic services are not enough. Equally important are the moral imperatives of care, hospitality and responsibility. Samaddar warns that humanitarian policy, when reified, legalized and institutionalized, can quickly become inhumane.

A primary deficit of current refugee law is the inability, or refusal, to acknowledge different sources and expressions of fear. UNHCR requires that the evaluation of refugee status involve both subjective and objective determinants. The claimant's personal feelings of persecution must be supported by substantial external evidence of an imminent threat. The assessment of well-founded fear is likewise contingent on individual personalities. What is psychologically intolerable for one person may not be for another (UNHCR 1979). This mix of subjectivity and objectivity, group affiliation and personal psychologies, makes the determination of validity highly problematic, if not suspect. When is fear reasonable? When is it exaggerated? Is exaggerated fear reasonable in the context of individual experience? James Hathaway offers convincing arguments that the UN's reliance on both objective and subjective factors is essentially flawed. To base refugee status on a verifiable fear is to deny not only the subjective reality of the claimant, but the complex interaction of social, psychic and historical factors (Hathaway 1991:17). Patricia Truitt underscores this erasure of subjectivity by exposing the increasing 'invisibility' of the refugee within the asylum process. She argues that refugee-granting agencies disenfranchise claimants, treating them as unreliable witnesses to their own persecution (Truitt 1996:80).

Samaddar draws similar attention to the neglect of the subject in determinations of refugee status. He eloquently depicts the role of the judge, who like Kafka's elusive interrogators, appropriates for himself the 'sovereign authority to interpret, assess, and declare the past pain of the refugee and his fear of future torture' (Samaddar 2001). Pain, fear and trauma are transferred into a legalistic framework of rights, regulations and procedures. This 'translation of fear into knowledge and reason' becomes, in effect, another form of injustice suffered by the one seeking refuge. The refugee becomes victimized by the very law that exists to protect her. Costas Douzinas and Ronnie Warrington discuss this dynamic in terms of a 'double-bind': if the refugee cannot provide objective proof of her fear, she is lying; if she can readily articulate her fear, she is free of overwhelming anxiety. In short, 'fear is either reasonable and can be understood by the judge or is unreasonable and therefore non-existent' (Douzinas & Warrington 1995:209). Ironically, and sometimes tragically, the psychic defense against traumatic experience involves a period of latency, in which the true magnitude of the suffering is inaccessible to conscious awareness. The subject can neither remember the event nor bear witness of it to others. This 'unspeakability' of trauma is often intensified for female refugees.

A further deficit of existing refugee law is its failure to address the vulnerability of women. Samaddar points to the gender blindness of humanitarian policy and underscores how the denial of women's experience often masquerades as neutrality, universality and equality. In the case of the UN, a non-gendered concept of fear has resulted in procedural guidelines that fail to acknowledge women's forms of persecution: rape, sex slavery, exploitative labor practices, honor killings. The threat of death or loss of liberty are valid grounds for asylum; the threat of sexual violence or human trafficking is not. Samaddar reveals how the oppression of women is transferred, albeit in a different guise, from their home country to their place of refuge. In both contexts, male-dominated structures—whether patriarchal custom or liberal humanitarianism—determine women's fate. This failure to acknowledge gender-specific vulnerabilities has several important implications. It obstructs women's access to asylum. It marginalizes gender-based crimes. And, it turns the female refugee into a 'political non-subject' (Samaddar 2001).

What is clearly missing from the legal-humanitarian framework is an understanding of, and sensitivity towards, the complexity of refugee experience. Do women who fear genital mutilation deserve status as refugees? Should changes be made to asylum hearings that are themselves fear-inducing? Should claimants be forced to recount, and thereby relive, painful or humiliating experiences? Samaddar reminds us that, ultimately, it is the 'bizarre scenario' of bureaucratic procedures and hierarchies that produces the alien (Samaddar 2001). The refugee escapes from a state of citizenship into a state of statelessness governed by international laws. This geographical-political limbo is not a place of refuge; it is yet another source of fear. What is also clear from Samaddar's analysis is that the 'politics of fear' governing the treatment of refugees is not limited to the asylum seeker. Rather, fear informs the process through which asylum is granted, or denied. The power of states to determine the fate of refugees is embedded in a broader cultural politics shaped by notions of race, religion, sexual orientation, political tradition, even health and hygiene. Fear of the Other can be as powerful and palpable as the refugee's well-founded fear of persecution.

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After reading Ranibar Samaddar's article on "Power, Fear, Ethics" in Refugee Watch critically discuss "fear" as a factor in the displacement of vulnerable groups (Module F)

Jason Miller

The *Oxford Dictionary* defines 'fear' as "panic or distress caused by a sense of impending danger, pain, etc." What does this mean, and how does it function as a factor in the displacement of vulnerable groups? How does it impact upon the lives of millions of people around the world who have been either forced from their homes or have made the conscious decision to leave for reasons that are beyond their control? What role does fear play once they have found refuge elsewhere?

In considering these questions, we need to examine fear as it exists at different stages of the displacement cycle. The first of these is the fear that lead to the initial displacement; that "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion", as it is defined under Article 1.A.(2) of the Convention Relating to the Status of Refugees (1951). What do displaced persons flee from the fear of? Ask yourself this question: what would force you to abandon your home, your livelihood, the majority of your possessions and your homeland? The answer is fear; fear for your life, your safety, your freedom. No one wishes to live under conditions of fear, so when that fear becomes too great, displacement usually ensues.

The second type of fear is that which follows displacement: the fear of the alien world to which they flee and where their existence is often unwanted and discriminated against. For those who cross an international border into a neighbouring country as refugees, owing to factors such as racism and xenophobia, they are frequently subjected to further persecution, not only by the communities that they enter into, but also by the very systems charged with providing them with shelter. The citizens and governments of many countries which have seen repeated incidents of large-scale refugee flows across its frontiers often look for sources upon which to place blame for many existing problems. Refugees, while protected under various international conventions, are rarely considered to have equal rights compared to the citizens of the countries to which they flee, and are an obvious and easy target upon whom to lay blame. Such disparities only increase the fear felt by refugees. As Samaddar has pointed out, many refugees upon crossing a border find themselves "confused, traumatised, and nervous shelter seekers who travel rarely with supportive documents, false or no papers, and land in alien systems which are in Judge Geoffery Care's words 'frequently hostile or incredulous' hosts."

A third point to consider is the role of fear in the process of refugee status determination. Before being granted status as a refugee, one must demonstrate that they suffer from a "well-founded fear" of persecution. Fear however, is a subjective concept. What one person finds fearful another will not. For instance, a person who suffers from acrophobia (the fear of heights) will be debilitated at height, whereas someone not afflicted with acrophobia will feel no such anxiety. In the process of refugee status determination, the existing protocols rely more on the individual's eloquence and ability to articulate their fear and less on the subjective level of fear that they experience. An individual must therefore convince the relevant authorities that their fear is "well-founded" to be considered eligible for refugee status; in the words of Samaddar, "If fear is well-founded, it must match up to the language of the law, justice and the judge; if not, the refugee is lying. If the refugee is inarticulate, he is not in fear." If the fear is deemed not to be "well-founded", refugee status is denied, acknowledging that, "fear may not lead to care for it has not been legally measured as adequate to be deserving of care".

Fear, above all other things, is thus central not only to displacement, but also to any subsequent determination of refugee status. Fear not only drives people from their homes, but also determines their right to be granted refuge under the present refugee status procedures. If fear is subjective, who then has the right to determine an individual's right to refuge based

solely upon their demonstrated level of fear? Should a lack of eloquence result in denial of care? In his paper, Samaddar correctly recognizes this quandary in stating that *"the protection regime is still unable to administer quick and proper care to the millions fleeing from ethnic violence and state terror in a situation when some states by way of prioritising refugee issues decide to ignore some cases while taking up others in a completely disproportionate manner."*

Critically analyze Peter Penz's article on "Development, Displacement and International Ethics", and comment how ethical is to displace people for reasons of development?

Nanda Kishor M. S

Development and displacement have been two concepts which are considered to be interrelated by the large section of the population although it is not the case in the reality. The whole discourse about why should we care for those who are the victims of the forced displacement begins with a note on ethical commitment from all those who are not part of it, in the context partly means who are not the direct sufferers of the displacement. There are all the chances of one denying going by the ethical value as it has been assumed. The above statement is made keeping in view of certain empirical findings, where people don't even bother about the person next house although he is suffering badly. The concept of ethical commitment can be an assumption but not something on which we can rely and do something for those who are the victims of displacement.

One can never deny the reality that if ethical commitment is truly achieved then there are all chances of getting solidarity without restricting itself to any particular boundary, but all the problem starts with when that will be achieved. Ethical commitment is considered to be one of the highest values of a human being. It is to highlight the highest good of human being a statement like "caring the other however may be the caring for the self. Today with the influence of market and the fast driven development on one hand and people becoming more and more selfish and getting involved in ones own work and family so much, there is very less time left for him to think of the others as it has not been affecting him directly. There should be an alternative mechanism which can work better but without losing its base at ethics, because it is hard to convince people on the lines of ethics.

At the very outset, the primary concern of the whole discourse is to disclose that the victims have inevitably found a rescue point that is being the concept of care and rehabilitation. So the whole paper moves at this line and concentrates on what way the problem of development causing displacement can be contested.

Peter Penz speaks about the importance of "moral reasoning" and initiating organized responses; it does feel that a greater level of understanding and concern for the society is needed when there is a requirement of organized responses. "To expect altruistic responses at this level is difficult if not ruled out fully. To make people to realize that the concern they show towards the victims is something extraordinary"^[1] is a Herculean task as that needs an effort as much it is put in the concept of the displaced and making the government to realize the reality. The act of mobilizing should be of high level where the general public is made aware of the problem and mobilization happens automatically. There are examples where it started with small group and then the participation took place at a large scale due to which the purpose of organizing themselves has been served (Narmada Bachao Andolan).

Before getting into the three types of argument made by Peter Penz, there are few other concepts which need clarification and justification as to deal with the notions like how ethical it is to displace people in the name of development. If this exercise is done then to a large extent it will build its own mechanism to contest the problem. On the other hand this will lead to receive positive responses from the general public and the concerned authorities; ultimately it is the general public who had to be made to feel.

Being a country which has promised to adopt Democracy and the Republican spirit to its functioning should answer to a situation like displacement which is more of a created situation. At every point of time it should be kept in mind, that the problem has not been invited by the victims but imposed. So the whole argument revolves around vulnerability of the victims. Vulnerability at different levels has to be answered and we can come up with some of those questions which have to be answered.

1. Who made the people vulnerable by making them victims?
2. How the victims were forced to be vulnerable?
3. Why it is a general scenario that all the victims who are vulnerable are seen as traitors, especially in the case of refugees, why they have been seen as the victims of the circumstance and due to our own people at the ruling level.

There is a need for justification from the concerned authorities as to what is their stand in this regard and where do they want to put these people. All these questions can be answered only if somebody has comprehensive understanding of the history which will ultimately lead to analyze the problem of displacement. Even the issues of forced migration and refugees can be addressed at large. This can be taken as a pre requisition to address the above mentioned problem, if this precaution is taken then there are possibilities of having a better understanding and landing at relative solutions, I say relative as there can never be a permanent solution.

The line of arguments presented by different theoreticians and such other researches have most of the miserably failed in serving the purpose for what they have been instituted. It is not that all the researches have gone waste and there are no positive positions, there are instances where substantial achievement has been made by different people, but it is to say that all the researches have not moved in the same direction. The concept of failure here refers to that effort where the act of convincing the people and politicians has not happened in respective countries. The concern here is, that of making the people and the policy makers to feel that development which leads to displacement and it is not addressed properly is a negative development. Although there is a good amount work has been done in this area, ironically most of the theories and empirical studies have remained at the level of showing the problem and magnifying the problem but at the convincing level and arriving at relative solutions. To put it in more understandable and plain words, these works have not impressed the concerned to the extent terrorism and communal violence. I consider both terrorism and communal violence as essential violence which can never be tolerated but at the same time even displacement having a veil of displacement which is not addressed at proper level is also violence and it can be called as a organized and government orchestrated violence. Just because it has happened from the side of government that does not mean it can be taken for granted.

Development and displacement at one level has been given a dimension where the victims are projected as one who can't achieve anything and at large they are at the mercy. Here again the concept of self respect sneaks in and it can never be given up by anybody at any level, moreover, there is no necessity to do so as they have not created the situation for themselves. The discourse on displaced people should move in the direction of right based argument. The right based argument has to be given much importance than anything else. The right based argument can be extended from the level of right of citizens to the extent that they have been part of the building the economy although they are not registered workers as the public and private sector employees. Their contribution to the economy can alone be a reason where the displaced in the name of development has to be treated at the lines of right. This has been experienced in cities like Hyderabad for those who did not had any entitlements which were registered but still succeeded in getting proper resettlement and rehabilitation. This whole episode on right based argument can be discussed at length in a different paper. Other arguments based on humanitarian concerns and such other things as it is discussed have become out dated which needs no explanation.

The whole argument is to make an effort to bring the idea of having displacements in the name development out of the mind of the concerned people and make the people to realize that the situation faced by few today can come to any one where market driven forces are working and the governments are becoming agents of different agency helping externally at monetary level. As Cernea highlights, the discourse has to show the impoverishment and other risks faced by the displaced. There is also a need to come out with some solid measures which a policy making agency can take into consideration. If this doesn't happen seriously in a democracy then there is all the possibility of democracy being under threat and that threat directly attacking the people. The country has to make a meticulous move regarding development oriented displacements.

[\[1\]](#) Monroe, Kristen Renwick (1996): The Heart of Altruism: Perceptions of a common Humanity. Princeton University Press.

Critically analyze Peter Penz's article on "Development, Displacement and International Ethics", and comment how ethical is to displace people for reasons of development?

Priyanca Mathur Velath

The essential dilemma within the dialectical relationship between displacement and development is regarding its ethical character. Till date, forced migration studies have seen much debate on this ethical question. However, the need of the hour is not to debate but to take a stand. It is no longer a question of 'how ethical' but whether it is at all ethical to displace people for reasons of development.

At the cost of sounding quite utilitarian, I would like to say that displacement can be ethical only when the displaced people are given, in reality and not just in paper or policy, a life and livelihood better than what they had before. The costs and benefits have to add up. No longer can the Nehruvian 'temples of modern India' be built at the expense of the lives of 'some people who have to suffer for the greater good'. If the sacrifice of a few is sought than the R&R policies and practices of the nation state have to ensure that the compensation of those few is good (and in not just cash!). Penz's theoretical construct of 'Cosmopolitan ethics' sees humanity as part of one global society and states as institutions that may or may not be conducive to the good governance of this society. His 'cosmopolitanism' views international ethics as conceptually prior to the state system and as a basis for evaluating the state system and its propensities. Penz argues for the 'cosmopolitan' approach to determining the moral obligation of foreign participants in the development process.

But I would like to state that rather than foreign obligations it's state obligations that today need to be redefined. Ultimately state responsibility towards good governance has to come to the forefront. When foreign actors like Vedanta and POSCO displace tribals in Orissa unabashedly for their own selfish economic mining interests, those tribals need R&R compensation first from their own nation state which is legally duty bound to uphold their basic human right to a dignified life. Under Penz's 'cosmopolitan' perspective the existence of fallible states means that considerable moral responsibility, beyond that of observing the laws and decisions of host states, falls on foreign participants in development. I find this stand not only

problematic but also fallacy ridden. Yes, foreign actors must have their own share of moral responsibility but the latter has to lie primarily and first with the nation state itself.

Along with the ethical question comes the question of accountability. Responsibility has to be enacted into accountability. Accountability that the R&R policies written down by the states on paper are enacted in practice, so that displaced people are not just made victims of the development process but also their beneficiaries. Only then can displacement be justified in any terms. I agree with Penz when he lays down that certain conditions would need to be met for development-induced displacement to be justified viz., compensation of those displaced, minimizing displacement in the selection of the development outcomes and giving priority to poverty alleviation in determining development strategies.

The question of accountability also brings into play *moral* responsibility. Are morality and ethics different? Aren't states morally responsible for the plight of the people they displace in the name of development? Penz himself identifies three levels of responsibility: causal responsibility, supervisory responsibility and support responsibility. Such responsibility ranges from prevention and restitution to alleviating deprivation (Penz, 2006). But more questions need to be asked today. Who decides what is moral and what is morally owed to the displacement victims? Therein the quintessential 'power' game within issue of ethics and morality in development-induced displacement cannot be divorced. What needs to be reiterated is the human rights angle within the debate on ethics. Displacement can be justified only if rights can be reconstituted. R&R needs to be seen not just as a process but as a right within itself. What the displaced need today is their Right to Development – an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

Additional References –

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After reading Ranibar Samaddar's article on "Power, Fear, Ethics" in Refugee Watch critically discuss "fear" as a factor in the displacement of vulnerable groups (Module F)

Eeva Puumala

When fear becomes an emotional and embodied part of personal biography

Ranibar Samaddar raises the issue of intertwining aspects of shelter seeking or displacement in his text "Power, Fear, Ethics". The question which Samaddar poses in his article, and which I would like to address here – from the point of view of discussing "fear" as a factor in the displacement of vulnerable groups – is: "*How are we to frame pedagogy of the victim, which prizes care, kindness, hospitality and responsibility above procedures, institutions and laws? How to reinstate the refugee in refugee studies?*" (Samaddar 2001) But what actually is fear, and what does being vulnerable mean?

Fear, as it in my view should be understood in refugee studies and asylum policies, does not necessarily refer only to existing circumstances but also to what is to be or what may be approaching. Thus, well founded fear should be estimated not only to the shelter seeker's present state, if she was *de facto* threatened, but if there is reason to believe that this could have been the case had the subject not fled. On the basis of the 1951 Convention "well founded fear" is estimated in terms of factual evidence. But, fear is not always based on facts. Fear is closely related to anxiousness, an experience of "not-yet-ness" (Ahmed 2004: 79). It has a dual relationship to movement; it shrinks the mobility of the body, but simultaneously prepares the body for flight. Thus, the 1951 Convention's term "well founded fear" is highly problematic: it suggests that the body has had to stay in place long enough that its fear has the evidence needed to receive shelter, but this on the other hand requires that the main purpose of fear – preparing the body for flight – has failed and the cause of the fear has actualised.

The power dimension in displacement does not stop in the act of flight; it continues in the international space that the displaced enters by fleeing. Fear is estimated, defined and determined by somebody else than the moving, displaced subject. The decisions have not much to do with ethics and care, not to mention hospitality and solidarity. The burden of proof is on the subject in flight; his narrative is estimated by the same system which produces her as being out of place in the state-centric international politics. Fear then can be analysed as something that penetrates the whole experience of displacement, but which escapes language and reason (comp. to Scarry 1985). It is not an objective, measurable category; and yet this is how it is approached in the 1951 Convention. What about the human costs of this system of international protection? What about the social statuses and subjectivities it produces – illegal immigrants, detainees, deportees and "asylum shoppers"? What about the ontology that lies behind this kind of international politics of peace and conflict and its effects on individuals? What really counts in the politics of the international?

During my own fieldwork among one vulnerable and displaced group in Finland – those asylum seekers who have received a temporary residence permit on the basis that they cannot be currently deported – I have encountered people who have not been able in their interrogation to give grounds and evidence of their fear being "well founded". One of them has just

received a decision after living for over two years in a refugee centre, that he should have been given asylum; that the happenings to him before he fled and to his family after his flight show that his fear had grounds. This also means that his son has now been killed, one of his daughters kidnapped and another one raped and now a mother of the child thus conceived. He suffers from serious depression and has tried to commit suicide. One other man, a "victim" of the Dublin Convention, was just detained without warning or informing him and consequently deported to another EU country; his under-aged children live in Finland with their mother while he faces the threat of being next deported back to Nigeria. His fear has not been found "well founded" in the interrogation. Ethics and care have little to do with the rational process in which the narratives of the displaced, vulnerable individuals are estimated. The 1951 Convention gives the state vast freedom to decide while the burden of these decisions is often carried by the displaced themselves. But why then is fear so difficult to estimate?

I would claim that the evaluation of "well founded fear" is not only difficult but almost impossible, because fear is a relationship. Thus it involves more parties than just the body who experiences it. Hence, fear can be approached both as embodied and emotional; it entails both of these dimensions. Fear is an embodied experience which creates effects on the surface of bodies. It, according to Sara Ahmed (2004: 68) can be understood as a reasonable response to vulnerability; vulnerability perceived as a quality or characteristic of some bodies. It also entails a bodily relation to the world. As briefly mentioned above, fear not only restricts some bodies but it simultaneously expands others – fear is a relationship between bodies. In the situation of shelter seeking the distance between the physical reality of the interrogator and the displaced individual is enormous (comp. to Scarry 1985: 36–37): the interrogator is fearless and not vulnerable, while the shelter seeker has not only fled in fear, but fears for those left behind, fears for the future and what might happen. Fear is thus also a way, in which bodies are related to one another in the networks of power. In this way, displacement as an experience entails fear. And as displacement continues, fear can be a part of refugee's biography, making the displaced a vulnerable self. This would make the notion of ethics and responsibility towards and for the other even more important in refugee protection simultaneously requiring that the refugee is placed at the centre. Thus far, this ideal is still far away from the practice. This complexity of "fear" as a factor in the experiences of displacement is also a reason why the grounds of the institutionalised politics of shelter giving would need to be reinvestigated and -conceptualised both in theory and practice.

Yet, I am tempted to claim that even though hospitality is subject to rules, regimes and doctrines, we are not witnessing to the death of emotions. Some emotions are fading – or rather being faded – away in asylum policies, but others are coming to the fore. Fear, is rising, not only as an all-penetrating experience in displacement, but also in receiving states. The displaced individual is among the first victims of the current 'war on terror'; her fear is secondary to that of the state. This means that she is even more vulnerable than before, and that her fear has now reached a new level. Ethics, solidarity and responsibility have little to do with the harsh reality in estimating "well founded fear" from the individual's point of view. Thus far, the states do not have to justify their fear or give grounds for it. Vulnerable becomes even more vulnerable, while fear continues to grow.

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Critically analyze Peter Penz's article on "Development, Displacement and International Ethics", and comment how ethical is to displace people for reasons of development?

Shiva K Dhungana

Peter Penz in his article "Development, Displacement and International Ethics" deals with the moral human obligation associated with the forced migration caused by the development activities implemented in the process of the growth of so-called human civilization. Written in a complicated manner, with a blend of theoretical foundation, such as ethics of state sovereignty and cosmopolitan ethics, and empirical evidences of forced displacement in Bangladesh, this paper argues for the cosmopolitan approach to determining the moral obligations of foreigners in the development process. The issue here is to analyse state and global ethic.

Penz argues that the state has the moral obligation for the displaced due to development as well as environmental degradation. He insists that moral rationale of state is that they protect the interest of the people, while moral concern for the people of other countries is relevant.

While presenting the case of the displacement of the people from Chittagong Hill Tracts in Bangladesh as an example of development induced displacement, he argues that there is element of coercion in all the displacement. Citing the CHT case, he argues that forced migration makes people worse off. So it is objectionable, even if some treat displacement as something unavoidable. However, Penz fails to discuss the obligations of local and global civil society.

Penz discusses three methodologies of applied ethics in order to consolidate his theoretical interpretation of the ethics. He argues that the difference between Rawlsian social contract theorists and utilitarian non philosophers tend to analyse things

in term of concrete issues. Views may either be of potential ethicists or that of the community. The former runs the risk of being arbitrary and the latter is in conformity with the community.

There is a third approach which does not commit to a particular normative theory. The three normative perceptions are:

- a) The public interest perspective of utilitarianism that tends to weigh the issue of displacement with cost-benefit analysis in favor of so-called common good.
- b) The self-determination perspective of libertarianism that treats displacement as immoral because it coerces people.
- c) The equal sharing perspective of egalitarianism which focuses on distribution of costs and benefits in favour of the poor and argues that the community should have control of decision making.

While discussing the moral obligation of foreign participants in development process, he finds two layers of ethics in inter-state and intra-state. H argues that the citizens of one state do not directly enter moral relationship with another state.

He recalls the fact that the participation of foreign agencies can not be ruled out but they should operate within the laws and directives of the host states. The foreign countries have obligation to the people of home country or together with their obligation to the rules and laws of the host countries. National sovereignty does not recognize the weakness of the state in the face of the power of the foreign capital.

He discusses the fundamental of the state border formation and argues that the state borders were historically set not on the basis of ethnic and linguistic groupings but on the basis of resources. Ethnic wars show the weakness of statehood. States are not always moral and competent to give social justice. They may fail due to policies that serve only the ethics of the society or if the protecting state institutions are weak.

There are two kinds of foreign participants in development. One is business organizations and the other is the NGOs which protect and advance the interest of the people. He argues that the host state should see to it that productive activities operate within a frame where they do not harm people. As there is limit of the state to harness economic processes, NGOs are expected to pursue action beyond state policy. The aim of business is to contribute to productivity by engaging in profitable activities. So their moral responsibility is to avoid doing harm to the people to benefit from development.

Increasing investment in mega projects such as the dams and other infrastructure projects in developing countries, one might argue that the displacement might be unavoidable for the larger interest. However, the question of ethic comes into play, when one looks at how the victims of displacement are treated once they are uprooted from their native places. This becomes even serious when the issue of displacement is messed up with the dirt of the politics in the developing countries, especially South Asia. I would like to end up my argument by mentioning the case of victims of Sardar Sarovar Project in India, where a single word for the right of the displaced will irk the so-called better-off of the society. If they can not address the plight of the victims, then they have no right to uproot them from their indigenous places, for whatsoever reason.

Review relevant sections on ethics and justice in B. S. Chimni's International Refugee Law: A Reader and comment on the importance of these two issues in rehabilitation and care of Refugee.

Neha Bhat

Note: we assume that currently durable solutions policies do not effectively include ethics and justice or refugee rights considerations. We move a step further to address how the varying justifications can be compromised, if at all they can be.

As widely documented in International Refugee Law literature, three durable solutions exist within the international legal regime: Third Country Resettlement, Voluntary Repatriation and Local Integration. In his collection of readings on 'Durable Solutions', Prof. Chimni presents to us readings which trace the changing nature of Durable Solutions employed by receiving countries— a strongly discernible move from Third Country Resettlement to Voluntary Repatriation. This move is strongly buttressed by apprehensions over declining state sovereignty, changing labour market dynamics, increased trans-boundary movement of persons as well as heightened xenophobic and racist tensions across the world. A good example is the European Union where intra Union freedom of movement has been strongly furthered as against a stringent restrictive entry and migration policy for non-Union persons.

The shift from Third Country Resettlement towards Voluntary Repatriation mirrors decreased engagement with questions of care, protection and rehabilitation affecting refugee groups on part of the host countries as well as relief organizations. Initially, the western hemisphere ranked Resettlement as a choice *higher* than Voluntary Repatriation, even when the IRO provided for Voluntary Repatriation as the only recognized means of Durable Solution. Such a move points towards the increased influence domestic social political and economic variables exert in the framing of refugee policies. Local integration on the other hand has not been a favored solution, given the opposed interests that it has to balance.

Christina Boswell^[1] categorizes the measures based on their ethical justifications as those influenced either as the *liberal universalist* approach, where a 'duty' to protect, rehabilitate and ensure rights exists if there are displaced individuals in need of care and protection. The second approach is the *nationalism* approach that brings back into focus the special claims of a particular national group. Needless to say, both these ethical theories are well reflected within the readings presented to us, exhibiting a clear divide between the concerns that comprise both these understandings.

While assessing Durable Solutions mechanisms, a few other things must be borne in mind. International Human Rights documents (Article 13 of the UDHR read with Articles 26, 31 to 34, Refugee Convention 1951) recognize the three modes of Durable Solutions, *without* prescribing any hierarchy therewith. Although the Right to Return and Right to Freedom of Movement do suggest a bias in favour of Voluntary Repatriation, it must be borne in mind that all the three modes of Durable Solutions are not mutually exclusive options but each of the solutions has to be adopted in a situations where appropriately required.

It is essential, from the perspective of the refugee population, to ensure that in the process of re-integration, assimilation and 'finding' a solution, the customs and rituals as well as social economic and political rights of the refugee groups are given due consideration. However at the same time, in order to avoid the dissatisfaction on part of host and local population, states have also to ensure that measures adopted by them are not in detriment or do not provide higher security to the refugee groups. Ensuring care and justice within the durable solutions necessitates not only rejecting such durable solutions are not feasible but also guaranteeing minimal conflict between the rights of the population groups affected.

While today it might be essential to implement a higher number of Voluntary Repatriation programs, the subjectivity of the test of 'voluntariness' makes it very difficult to judge whether a program is in reality, coerced or voluntary. Further, the conditions of country of origin, if not conducive to assimilation and integration of the returnees, can lead to either dissatisfaction with the return or trigger another bout of outward flux. An example is the Voluntary Repatriation facilitated in Sri Lanka by UNHCR India. Repatriation was halted and recommenced on account of violence in Sri Lanka in 1992. Large numbers of the repatriated Sri Lankans also returned back to Tamil Nadu after an erstwhile ceasefire between the Sri Lankan government and LTTE was withdrawn.

The burden of facilitating durable solutions is higher when relief organizations and countries have been involved with these solutions for a long period of time. This would imply that the move from absolute leniency with regard to immigration and entry policies to the currently applicable stringent measures is constraining the adjustment space available to refugee populations and relief organizations that facilitate durable solutions but also exhibit a rampant disregard for refugee rights. In such a situation, each of the actors, the host countries, relief organizations and even the refugee populations will have to reach a compromise to evenly balance the considerations.

^[1] Boswell Christina, The Liberal Dilemma in the Ethics of Refugee Policy, Institute for Peace Research and Security Policy, University of Hamburg, March 2002 available online at <http://www.isanet.org/noarchive/boswell.html>.

After reading Ranibar Samaddar's article on "Power, Fear, Ethics" in Refugee Watch critically discuss "fear" as a factor in the displacement of vulnerable groups (Module F)

Malkit Singh

Ranabir Samadar, Power, Fear and Ethics, Refugee watch, 14, June 2001.

Most of us read about the protection and care of the refugee provided by the UN agencies and international laws. The appeal of Thuingaleno Muviah, (the leader of the Naga insurgent organization fighting for Naga independence, the nationalist socialist council of Nagaland) as a status of refugee was rejected by the UNHCR. Because the appeal was made on the political grounds, distinct from the Humanitarian one. Thai immigration authorities decided to prosecute him on criminal charges of possessing fake documents and to enter Thailand illegally.

After his arrest, Muviah appealed to the UNHCR office in Bangkok for his recognition as refugee, because he feared that his deportation might lead to the denial of basic human rights of fair trial. Indian government may prosecute him under the draconian laws, which is against the rule of law and Universal declaration of Human Rights. Muviah also made it clear that he opted as a rebellion as a last resort, because the government suppressed the democratic ways of protest. However, the UNHCR officials were not convinced.

The rejection of Muviah appeal by the UNHCR posed problems to the humanitarianism politics and the ethics of care and justice, on the name of whom a large chunk of International politics has been done. It was not only the violation of Universal Declaration of Human rights and International covenants on Civil and Political rights. Nevertheless, it was a clear example of the influence of power and the notion of the burden of hospitality, while providing a shelter and care to the refugees. It showed that the humanitarianism and ethics of care and justice are influenced by the other political considerations.

Prof Samadar in this article elaborates that how the location of power affects the International law and humanitarianism, while providing the shelter to the refugees. He also mentions to the inadequacies and limitations of the refugee studies and legal framework that failed to present the overarching understanding of the issue. Samdar argued that the population has flown since the time immemorial. It is deeply enrooted in the human history. However, the linking of refugees problems only with modernity and to the find of solutions of refugee's problems under the conditions of modernity by letting the history in oblivion makes the problem further complex.

He article vividly depict the concept of euro-centrism and discrimination of some of refugee conventions, which do not address the phenomena's of postcolonial states. The refugee of partition and the victims of nation-building project of South – Asia have no space in the euro-centric treaties. The creation of non- entrée regime in Europe for non-Europeans and force repatriation of the victims of environmental and economic disastrous recently. Further enhanced the problem of the victims of WTO and Structural Adjustment Programme regime. The fortress of Europe and policy of forced repatriation lead to a large number of avoidable deaths.

Author also illuminates that how the power and gender centric interpretation of violence and fear, became a denial of justice to the victims of structural violence. The majority of refugee population, which includes the women and ethnic minorities, has been denied to the recognition of the specificities of the fear and violence. Because the legislative humanitarianism and ethics of care and protection are not ready to accept the specificity of suffering of the large majority of refugees. Prof further elaborates that legal interpretation of fear makes it clear that fear has to become fact-based phenomena. However, fear is very much concerned with the psychoanalysis and emotion. The "well founded facts of fear" of 1951 Refugee convention become irrelevant, when one has to match his fears up to the language of law, justice and judge.

Ultimately, it is pointed out that there is a need to sort out the problem of forced migration. It should be moved beyond the "assembly line of humanitarianism" and "Calculated hospitality" and to address the "state of rightlessness" that refugees often lived.

After reading Ranibar Samaddar's article on "Power, Fear, Ethics" in Refugee Watch critically discuss "fear" as a factor in the displacement of vulnerable groups (Module F)

Uma Joshi

There is no doubt fear is a factor of displacement especially vulnerable groups but not always and at any situation. The Convention Relating to Status of Refugees 1951 states "well founded fear being of persecuted". It means if people have fear s/he may flee or displace. According to convention it's very difficult to define fear as a well-founded. Some people say that fear is substantive and objective. To be a fear only substantive is not enough there should be objective too.

We have so many examples peoples have fled due to fear especially vulnerable groups. Vulnerable groups always do not have access to legal, executive, legislative as well as politics. They couldn't manage their fear. It's very difficult because there are many types of fear which couldn't recognize first. If they knew the fear they wouldn't know how to solve.

Internally displaced persons may be in transit from one place to another, may be in hiding, may be forced toward unhealthy or inhospitable environments, or face other circumstances that make them especially vulnerable.

Internally displaced populations, and especially groups like children, the elderly, or pregnant women, may experience profound psychosocial distress related to displacement.

The social organization of displaced communities may have been destroyed or damaged by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles or face particular vulnerabilities. Removal from sources of income and livelihood may add to physical and psychosocial vulnerability for displaced people.

Vulnerable group likes children are for the most vulnerable, powerless and innocent victims of fear and being prosecuted. Likewise females are also affected by these factors or fears. Women faced serious problems like sexual harassment, rape. Basic needs for survival force them to involve in prostitution profession. Some had witnessed killings and atrocities and had lost close family members.

Being prosecuted, vulnerable groups, they also face serious security risk. Many have suffered from sexual violence and psychological and physical trauma. And it's true that vulnerable groups mostly are illiterate, poor as well as unaware of their rights. They have no access to protect bodies of state. Without no access to the state vulnerable groups face so many problems.

It is human nature to avoid any kinds of mishap. So, whenever there is violation, fear of natural disaster, environmental disturbance, there is potentiality of human casualties. Society will be paralyzed and resistance becomes impossible in such situation. So to stay away from such potential mishap, people leave there resident for safer place. The induced violence of the state, private armies, systematic discriminatory instructions, environment disaster, and development catastrophe are main cause of disturbances in human life. According to the United Nation Guiding Principle on Internally displacement,

People displaced because of armed conflict, violence, human rights violations – including looting, burning or destruction of property and assets, brutality, torture, harassment, fear of being killed, kidnapping of family members, forced recruitment of family member to armed forces, militia or rebel group, ethnic cleansing, political persecution. Disasters associated with natural hazards – including: flood, fire, drought, landslide, typhoon, volcano eruption, earthquake, tsunami, etc. People may lose their property in the disaster or are unable to return to it immediately due to damaged social infrastructure and services. Environmental degradation, including, changed water- rivers, lakes or shorelines, toxic chemical spill or diffusion into the atmosphere, deforestation etc. leading to loss of habitat, who have lost their livelihoods due to dwindling grazing land as a result of prolonged drought or urban encroachment. Development activities: usually state-supported development projects such as oil exploitation, dam construction or other infrastructure for development; causing people to lose their homes with insufficient or no compensation (might specifically affect include, Roma, urban poor, and other marginalized groups).

At last but not least, Ranabir Samaddar's article "Power, Fear, Ethics" explained about many types of fear as well as fear reinforces the exercise of power which is also important cause of displacement of vulnerable groups because they can't use power due to access in state's mechanism. When some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged persons, additional safeguards have been included to protect the rights and welfare of them.

All aforesaid causes and reasons prove that fear is a factor of displacement of vulnerable groups.

Review relevant sections on ethics and justice in B.S. Chimni's International Refugee Law: A Reader and comment on the importance of these two issues in rehabilitation and care of refugees.

Dilip Gogoi

As observed by B.S. Chimni in his book- *International Refugee Law: A Reader* essentially covers a wide range of issues related to International Refugee Law and Internally Displaced Persons (IDPs), but surprisingly there are no direct references or specific chapters on ethics and justice. However their significance has been directly and in some places indirectly highlighted while dealing with vital issues, like the issue on the status of the refugee based on 'well founded fear of persecution', in which ethics was not taken into consideration and justice was not done.

Refugees, as mentioned are people who cross international border and are protected by international humanitarian and human rights law. Chimni includes various ethical elements, religion, nationality, minority race, social groups, gender etc. in his topics of discussion and has illustrated different circumstances, where actually, ethics was ignored and these refugee populations were subjugated, in violation of International Humanitarian Law. So one can here observe and offer a possible suggestion that the state should take this international law seriously and rather as obligatory.

The states should abide by the necessary obligations and take necessary measures to assist, admit asylum seekers, and mitigate the scourge of refugees. This is a legal principle, which the states cannot ignore, but recently especially the western countries have violated, though not rejected this principle. That is why it has been suggested that it is in such context that the international community and the UN agencies should take up matters in their own hands and thereby reduce the burden of host countries and recipient societies. Subsequently, the states and international agencies should also consider mitigating the suffering of the refugees and IDPs as moral and ethical duties rather than a burden.

Hence, it has been rightly emphasized and analysed that doing so would actually be beneficial and would help the refugee population of the world to assert their rights and regain their lost dignity as well as prestige