CENTRE FOR NEW ECONOMICS STUDIES

CONVERSATIONS IN DEVELOPMENT STUDIES

INTERPRETING THE CONNECTION BETWEEN REFUGEE RIGHTS, STATE POLICY, AND DEVELOPMENTAL PRIORITIES

CONVERSATIONS WITH

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ABOUT CIDS

CIDS (Conversations in Development Studies) is a peer-reviewed, quarterly research publication produced by the research team of Centre for New Economics Studies, O.P. Jindal Global University. The student-led editorial publication features solicit research commentaries from scholars currently working in the cross-sectional areas of development studies. Each published CIDS Issue seeks to offer a comprehensive analysis on a specific theme within the scope of development scholarship.

The editorial team’s vision is to let CIDS organically evolve as a space to broaden the development discourse through conceptual engagement and informed dialogical processes. The commentaries in general, focus on gaining an understanding and appreciation for the subject matter. With varied discourses and perspectives, the CIDS dialogues that translate into text, aim not to advocate but create a platform that allows for ideation in a sustainable and inclusive manner.
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ABOUT THIS ISSUE

Interpreting the Connection between Refugee Rights, State Policy and Developmental Priorities

With millions of people being forced out of their home countries, rendered Stateless, stranded in the seas of uncertainty and insecurity, there is an amplified onus on the whole of humanity to examine the crisis of 'refugees'. The United Nations High Commissioner for Refugees recorded a massive 70.8 million people who were forcibly displaced worldwide, by the end of 2018. Every two seconds, one person gets displaced due to a conflict or a rights violation-based issues. In fact, the world today sees the highest number of refugees ever since the Second World War. Given this backdrop, doubts and concerns regarding the desirable approach towards this distressed community, if they might be called so, have been pouring in from different quarters. Discourse over the electronic as well as the print media is replete with debates surrounding issues of 'rights and duties' (legal, constitutional and moral), 'security', 'unchecked migration', 'resource allocation', 'environmental ramifications' and 'social conflict' to cite a few. In response to these problems, different States have come up with different approaches. On one hand, there are countries like Austria and Hungary that favour austere migrant policies. On the other hand, there have been countries like Germany, Greece and Bulgaria that are relatively more welcoming in this direction. Nations like India have not yet been able to come up with a comprehensive, all-encompassing refugee policy to deal with the problem despite being faced with multiple refugee crises in the past. Given this context of such growing complexity, scale and intensity, the quest for resolution of the looming crisis becomes important and imperative. It is in this light, that this Journal Issue makes a sincere effort to interpret these problems.
The State faces multiple problems with regard to balancing humanitarian obligations and material capacity. At first glance one might come across challenges around providing jobs, shelter, education, and healthcare to the refugee population, however, under the surface there are more complex factors like mental health and trauma that accompany asylum seekers across the globe. Recognizing and allocating resources for such important yet elusive concerns of the refugees, not to mention the concerns of the local population is an important part of the discussion that this Issue aims to address.

The Issue aims to look at the following three aspects: Refugee Rights, State Policy and Developmental Priorities. The rights and laws surrounding refugees in a country affect the day-to-day life of the asylum seekers. In diverse countries like India, implementation of laws and drafting new frameworks include several social aspects like caste, religion, minority, majority etc. The State therefore takes on the responsibility of acting as the link between refugee rights and resource allocation through its policies. The State has to walk a tightrope to address the concerns of its own people, and to offer a respectable quality of life to the asylum seekers. This is where developmental priorities which stands for the plans, agenda and goals of the State authority for achieving social, economic as well as political development of the country comes into play.

The Issue features in-depth conversations with three prolific researchers working across areas of refugee rights, institutional processes in political and economic integration, international humanitarian law (to cite a few).

The first conversation features a dialogue with Dr. Jessica Field (Lecturer in Humanitarian Studies at University College London, London), the second conversation is with Dr. Raffaela Puggioni (Associate Professor, Jindal School of International Affairs, Sonipat), and the third conversation with Dr. Swargajyoti Gohain (Assistant Professor of Sociology and Anthropology, Ashoka University, Sonipat).
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Refugees and Self-reliance in India’s Context

The CIDS team interviewed Dr. Jessica Field because of her specialization in the field of Refugee settlements in urban settings and refugee protection. Dr. Jessica Field is an adjunct associate professor at the Jindal School of International Affairs and a Lecturer in Humanitarian Studies at University College London. Dr. Field’s research explores the politics and history of humanitarianism, primarily in India. Recently, she has been involved with a research project focusing on refugee protection in Delhi, Hyderabad, and Mewat. In her research, she explored the living conditions, a sense of security in these different cities, and the different challenges faced by refugees in their day-to-day lives.

Our conversation with Dr. Field aimed to understand her perspective on how refugees, as well as asylum seekers, are somehow interrelated with the State policy framework and how they affect the government’s development priorities; a secondary objective was also to understand how the State caters to their needs along with the local population.

A significant area in which Dr. Field provided her valuable insight was the self-reliance of the urban refugees, which was the subject of one of her recent articles for the Journal of Refugee Studies, titled ‘Self-reliance as a concept and a spatial practice for urban refugees: The reflections from Delhi, India’, co-authored with Anubhav Dutt Tiwari and Yamini Mookherjee. This conversation can help one to understand the importance of self-reliance in context to India’s refugee population.

Based on your experience and knowledge, how do you think India’s stance on refugees has evolved over the years?

The country has gone through peaks and troughs of refugee protection. I’m sure you have done your research on India’s domestic refugee law i.e. India not being the signatory to the 1951 convention. Its history is one born out of refugee movements with Partition, and since then the Indian government has taken a case-by-case approach with different refugee groups that has depended on geopolitical and domestic issues at the time. The Tibetans and the Sri Lankans have been much more welcome and have integrated relatively more easily, with refugee recognition from the government. Then the other groups either fall within the UNHCR’s mandate or they are not recognized as refugees at all. There have been
some changes in refugee-related protections with the Citizenship Amendment Act in the last six months but still, the government is still dealing with refugee groups depending on their politics.

You spoke about some communities being more accommodated than others in India. How do you think the State can accommodate the interests of multiple stakeholders in the policy vis-a-vis refugees?

I think that your question's angle is really interesting as it suggests there is a kind of zero-sum equation, meaning that there are a finite amount of resources that have to be distributed between those that are within the country and those who came here seeking asylum. This debate sits at the heart of welfare politics and discussions in India and elsewhere, but I don't think refugee protection can be considered that starkly since countries all over the world have an international obligation to protect refugees who are, by default, unable to seek protection in their home or origin country.

As your question is about stakeholders, I would say that it is not just the Indian government that has to step up and take a role in refugee protection. There is also a range of other organizations that have responsibilities, whether that’s UNHCR or other non-governmental organizations, civil society organizations, businesses, and so on. They should be able to step up and support too. But I think the challenging thing in terms of different stakeholders in the Indian refugee protection space is the direct and tacit limitations that the government places on alternative actors supporting refugees.

A key problem is not just the fact that there is not a domestic law to protect refugees, it is also that the current government broadly has quite a cynical or suspicious view of non-governmental organizations. I think that under the current government, some 10,000 NGOs, those suspected of some kind of political activity and/or destabilizing activity, were closed in 2018, or had their ability to accept funding restricted. Of course, the State narrative is that they have not been filing their financial information correctly or had been receiving foreign funds without authorization. This cynicism extends to refugee organizations as well. And there exists, if not a culture of fear, then, a culture of caution that exists among national and local stakeholders involved in refugee protection given the current
government’s attitude. Therefore, to some degree these organisations have to carefully balance their actions and activities with what will be perceived as being alright by the State.

So, I think the real challenge in the Indian context for enhanced refugee protection is from the combined effect of a lack of a domestic asylum framework as well as from the restricted civil society space, where NGOs and other such organizations have to exhibit caution.

**Since you've been talking about the policy framework that the government has been following so far, what would you say about the refugees and asylum seekers that came to India? How does this actually affect the national policy framework?**

Well, it is quite interesting as I have not really considered it in that way, because I've looked a lot at how refugee communities are affected by national policies or State policies. The extent to which they affect policies, I suppose, indirectly shapes public narratives around refugee communities, both negative or positive, and this can influence the State’s sense of priority in creating a refugee policy.

If we talk about the direct effect, then it can be within the ability of all communities to challenge government policy through the courts, and we have seen refugee communities do this. For example, the Chakmas in the 1990s. A case was brought on behalf of the Chakmas which was about whether refugee communities can fall within the constitutional protection of the right to life and personal liberty, and it was argued that they did. This was brought on behalf of a refugee community to the Supreme court, and you have seen in more recent years the Rohingya community doing the same in order to try to prevent deportation.

The Rohingyas brought a case to the Supreme Court that they should be entitled to basic amenities that are necessary for their survival. Since they didn’t have access to things like safe water, toilet facilities, and faced difficulties accessing basic health and education services, etc. they, with

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the help of lawyers, challenged the government in the Supreme Court—which ordered an investigation into the situation. I think that this mechanism is really important and gives refugee communities the potential to shape a State policy or change State policy. I don’t know of many other examples—that might be quite an interesting area of research. But I think legal challenges to policy through the Supreme court is the most obvious thing that springs to my mind.

**Your research focuses on refugee protection in Delhi, Hyderabad, and Mewat. What is your opinion on the conditions of refugees in these cities specifically? Do the conditions differ in some way and is there any difference in each State's policy towards refugees?**

Yes. The main refugee community that I’ve researched with is the Rohingya refugee community who are present in all of these areas. In Delhi, I have also looked at the Afghan refugee community and I’ve visited Chin refugee settlements, who are another refugee group from Myanmar.

But broadly speaking, for the Rohingya, conditions are incredibly challenging. They are an impoverished Muslim minority refugee community that is dependent on basic livelihood opportunities—such as daily wage labour, typically construction, rag picking, and the like—for survival. They sit on the socio-economic margins of society. Like other refugee communities, they don’t have the right to work. So, their only option is in the informal economy and their refugee status means that they are frequently exploited. They are made to work long hours without extra pay, threatened that they will be identified as illegal and put in jail by employers, etc.

A key benefit to living in Delhi is that refugees have better political access to decision-makers and NGOs, such as UNHCR, which are based in Delhi. Hence, they are relatively better off in some ways, then refugees elsewhere—for example, the Rohingya in Jammu—as there is a greater chance of being able to hold organisations to account for basic welfare support. Even then though, due to their precarious socio-economic and legal status, refugee security and well-being rests on a knife-edge.
In Hyderabad, the situation is slightly better. For instance, the land on which the Rohingya community is settled is slightly more spacious. But there are still shanty constructions, and the community relies on paying rent to a private landowner who, at their whim, could increase the rent. Many of these Rohingyas have migrated to Hyderabad as it has a sizeable Muslim community with which they felt welcomed. Once one refugee family settles or migrates to a particular area, it sets the road for others who might want to settle nearby.

In terms of different government policies in relation to the refugees, what I have witnessed while doing research in Hyderabad is that they don’t get any extra-legal recognition in Hyderabad when compared to other places; nor do they get day-to-day recognition by the local government. However, there is a level of State interaction and efforts to support a basic standard of living. Last year, one NGO organized a regular health initiative to check the health and weights of babies within the refugee community. Public health officials were also involved in the health checks, which was a kind of proactive public services involvement that I hadn't seen in Delhi. I don't think it exists in Mewat either. It’s not that the Hyderabad administration is inviting the community to come and settle there or is guaranteeing their safety. The contentious anti-refugee politics and the hype are still present. And the refugee community in Hyderabad themselves feel insecure like in the rest of the country. But there is a comparatively better sense of support there than in other places across the country.

A key thing is that, wherever the Rohingya are settled, they're still very grateful for refuge in India, considering the circumstances in Myanmar and Bangladesh. They, however, feel that the situation could turn on its head at any moment and are very conscious of the government’s threat of deportation.

Some other refugee communities which I've met in Delhi are Sikh and Christian Afghan refugees, who have been in the city for much longer. In comparison with other refugee groups, they are somewhat better off, as many have taken rented accommodation in the Northwest of the city and these communities have very strong self-support welfare organizations that concentrate on education, community building, and so on. Particularly for Sikh Afghan refugees, a part of their stability stems from
historic ties with the community in that area, particularly faith-based ties that go back decades and centuries. Also, the relative wealth that many of these Afghan refugees came with when they arrived in India is something that the Rohingya and Chin refugees don't have.

Keeping in view the restrictions and limitations on NGOs and their work in India, stemming from the culture of caution you mentioned, what do you think is the role that they can play in normalizing refugees within India and integrating them within the society in India?

I think this is something that they are heavily conscious of and work very hard to try and do. But it’s an uphill struggle for NGOs in India to improve public perception of refugees. Recently, I was involved in a workshop with a number of refugee-focused NGOs talking about engagement with the media and how to change that narrative. How to bring some of those positive news stories? And it’s something these organizations have been trying to do for a very long time. But frankly, the media isn’t interested i.e. the national mainstream media is not interested. And that doesn’t mean that the mainstream media are anti-refugee, but those kinds of happy stories of successful livelihoods, fun activities, or successful integration— they’re not news; the mainstream media thrives off of stories of chaos and murder and political intrigue and so on.

Changing the narrative has been incredibly difficult when these stories don't get much purchase in the broader national dialogue. I think refugees’ own organizations are also doing a very good job in this way and I point you towards the Rohingya Human Rights Organisation (ROHRingya), which has its own website and they quite often share stories about their experiences in India and things that they're doing, like the relief operations and community education initiatives.

I think these are the kinds of stories that might contribute in a little way to change public perceptions of refugees, but they are a tiny drop in a massive ocean of noise. I think they will struggle to make much headway in the current political environment. But that’s not to say that the broader public is not sympathetic to refugees because I think they are, in India and globally. It is just unfortunate that it fails to translate at public policy levels.
What do you think are the reasons why India is not a signatory to the 1951 Convention on the status of refugees?

Well, the historical analysis goes that the 1951 Convention was drawn up in the post-war period of World War II. In the first instance, it was only relevant to Europe. It was talking about refugee movements in Europe caused by conflict during the War and had a cut-off date. It was amended later to be more globally focused. But at that time India apparently refused to sign onto it because they felt, quite justifiably, that it was a tool relevant mainly to Europe and, they also feared that it would be a tool that international or Western international organizations could use to interfere in domestic governance. Obviously, looking at the Cold War period, where India was a non-aligned country, there was a very high consciousness of not engaging too much in these so-called international instruments that actually have been considered as biased one way or the other towards different powers.

So that was the original or the early years’ rationale behind India not signing up to the Convention. I think the Indian government broadly over the last seven decades has felt that they don't need an international tool to work out their refugee situation. The best way to engage with refugee communities is to undertake it as a domestic issue that they will determine, as necessary, through bilateral engagements with the refugee-producing country. It also suits their political and geopolitical agenda, i.e., better to deal with it bilaterally rather than at these international forums.

We have spoken about many sections of the Indian society generally being sympathetic towards refugees. What do you think are the major factors that shape a society's attitude towards refugees?

I think it’s the experience of personal connections to displacement or narratives of displacement. There is a feeling of sympathy in India in general conversations, for many as a result of Partition. Whether it was experienced personally or as a generational memory, this has created personal sympathies, empathies, and understandings of what it means to be displaced. That sense of it happening to you or your family creates a personal narrative and a kind of enhanced sympathy for those experiencing it elsewhere.
Also, while certain media narratives about refugees can be negative, I think there is a broader and more general undertone of compassion, human rights, and respect for the protections enshrined in the Indian constitution in other media stories. This helps form general public sympathy for any human when they are in a moment of crisis or persecution, and I think that is where general sympathy comes from.

You’ve done a lot of research on refugees becoming self-reliant in India. What do you think are the major challenges that refugees face in this pursuit?

Documentation! A huge challenge for refugees is not having the right to work or not having the documentation that enables them to get by in the informal economy.

Lots of different migrant groups who have come to India, or are from different parts of India, might not have documentation, but as long as they are perceived as legitimate in India, they will be employed by companies as daily wage laborers regardless of their papers. But as soon as they are perceived as not legitimate in the nation, as explicitly “illegal”, then they are not taken on. Many refugees—Rohingyas in particular—have fallen through numerous documentation gaps that have changed rapidly in the last couple of years and have found themselves frozen out of employment as a consequence. Up until 2017, Rohingyas could find work using their UNHCR refugee cards. Since 2017, those same refugee cards mark them out as apparently “illegal”.

Aadhaar has been a particular hurdle - the way it evolved from a voluntary identification which at least some refugees could initially get hold of, to quickly becoming a mandatory form of documentation which is now inaccessible to all refugees. A key problem is that it is being understood as de facto citizenship documentation.

I think these are major challenges that have gotten in the way of refugees achieving a level of self-reliance. These refugee communities are not seeking to be dependent on the Indian State and take handouts and live off charity. They wish to live with safety and security, with the opportunity to work and provide for their own families and then ideally return to their home country when things become safe again.
When India started initially accepting Rohingya refugees, there was a certain section of society that saw them as security risks. How do you think a State policy can balance its security and humanitarian aspects?

Well, I don't think those are directly in conflict. I think the States have both humanitarian obligations and security obligations. They can develop policies about both of these things, neither of which have to be at the complete expense of the other.

The State is undertaking constant surveillance and polices criminal activity in the country anyway, which involves monitoring particular suspected groups. If the government has sufficient suspicions of wrongdoing, they can monitor suspected individuals or groups, perhaps bank accounts, finance transactions, their movements, and so on. If they have evidence of wrongdoing, they can arrest and charge.

The lack of arrests of Rohingyas for national security offences has proven such security risk apprehensions about this refugee group to be false. If these fears were true, there would be many Rohingya refugees in jail for suspected terrorist or national security offences, as they are heavily surveilled. But there are not.

Regardless, no group should be generalised as a security threat and there is a State obligation to provide protection to those persecuted by their home country. That protection is not without its own scrutiny; the refugee status determination process undertaken by UNHCR itself contains checks and balances that address security concerns.

**Given the current pandemic, what kind of pressure and stress does the Coronavirus put on the refugee population in the country?**

It's really bad at the moment and I've been speaking with my Rohingya refugee friends and contacts over what's happened in the last weeks. The lockdown has affected millions in India, but it has hit particularly hard those that are involved in daily wage labour where literally the money you get on the day is for the food you eat for that day. For any community, refugee or otherwise, if that opportunity to work stops, then the money stops, and thus the ability to put food on the table stops. And that's what
many refugee communities are facing. I suppose as long as they have support from civil society, they will hopefully have some contacts that will enable some charitable donations. But mobility anyway is difficult; the delivery of those donations is quite difficult. I think the longer this goes on, the more challenging it will be and the more life-threatening it is for vulnerable communities, refugees, and others within the country.

**Finally, if you were to give suggestions for India’s refugee policy, what would they be?**

India needs a proper national asylum law. There have been some bills put forward by different members of Parliament that have been excellent and should be passed as law (such as MP Shashi Tharoor’s Asylum Bill, 2015). Beyond that, a set of documentation available to refugee communities, or access to all the existing documentation is needed—something that would enable refugees to do fundamental, basic things to keep themselves on their feet, such as work, access basic amenities, health facilities, education, so on.

So, enabling them access to Aadhaar I think would be a very small shift that might have the potential to improve their lives, their livelihoods, their *self-reliance*, and so on. But that must come with a steadfast guarantee that the biometric data collected will not be used for other purposes. Some fear that the data could be abused if national policies change. For instance, Aadhaar could facilitate the rounding up and deportation of the Rohingya, should the Indian government decide to fulfil its pledge to do so. That is a huge risk.

Giving refugees access to documentation would be an important step in the right direction, but beyond that, an asylum law is necessary.
Challenges to Integration: Lessons from the Italian Experience

Dr Raffaela Puggioni is an Associate Professor at Jindal School of International Affairs, Sonipat. Her work focuses on International Relations (IR) Theory, Migration Studies, Resistance and Border Studies. Our team reached out to Dr Puggioni to gain from her experience and knowledge on the Italian and European migration framework. Her book “Rethinking International Protection: The Sovereign, the State, the Refugee” discusses topics like protection, assistance, and State sovereignty among other things. In our conversation with Dr. Puggioni, the team gained an insight into the Italian context, which faced challenges that India might similarly face in terms of forming a coherent refugee framework, participation of non-state actors, and practical challenges to integration.

Dr Puggioni has written and worked extensively to cover the plight of asylum seekers, the problems they face in terms of reception, and the role of major non-state actors. Dr Puggioni guided the conversation through topics of economic and social protection, role of State and non-state actors, and lessons from Italy’s context that could help to guide a refugee policy framework for India; topics which while venturing away from a State-centric discourse do not completely ignore the importance of State but bring in the importance of including civil society concerns, and the bigger concern of providing opportunities for a refugee population into the discussion.

In the current world order, is there a need for amending the 1951 Convention on refugees? If so, how?

If I offer you a quick answer, it would be a Yes. There are many academics from political science and legal studies that argue that the 1951 Convention is outdated. It is the result of a very particular historical moment. Now the situation has changed. Refugees escaping persecution are not the only asylum seekers anymore. The 1951 Convention does not cover refugees affected by war and famine. In that sense, it definitely needs to be amended.

At the same time, if we give a more pragmatic answer, States at the moment are not willing to change it. If the States do not want to amend it, then we should try to work with the Convention and try to make adjustments in our national systems accordingly, because the convention
is the very starting point of legal definition. What is really needed is a clear, and coherent, response to refugees in terms of social and economic issues. So, in that sense, the Convention does not help. States should work towards economic and social protection.

**What role do you think State and non-state actors play in building a stable discourse for refugees to live normal lives?**

First, instead of saying a ‘stable’ discourse I would say a ‘coherent’ discourse, and the reason I say ‘coherent’ is because when we look at political discourse, everyone agrees that refugees should be protected. The question is when we move to practice, how are refugees protected? Now, the key problem of refugees is protection. For instance, in 2016, I wrote a book with the title ‘Rethinking International Protection’ and what I highlighted is that, when we talk about international protection and refugees' access to protection, we refer to the protection that refugees receive from the international community. My key argument was that under the umbrella of protection, we also include humanitarian assistance, health, charity, territorial access. But the key question is: what exactly is protection? How are we protecting refugees? We need State intervention. States need to ensure that there is a legal, economic and social structure that can effectively protect refugees. Protection is not merely the absence of physical threat, nor some humanitarian assistance, protection is also about integration. For that, we need to recognize that the role of the State in providing protection is crucial.

**Do you think the non-state actors can push the State to come up with more coherent structures for the refugees?**

I do not think so. It actually depends on what we mean by non-state actors and what their role is. We need to recognize that most of non-state actors are charitable and humanitarian organizations, which look at refugees from a humanitarian perspective. In my opinion, this is not enough. Humanitarian assistance is of course needed when refugees arrive in a new country, they need assistance, shelter, and care. But in the long term, it is the State, which should provide protection and not simply charity. So, in that sense, we have to look at how stable the State is, which rights it guarantees to its nationals? We need to distinguish between the protection that the State can provide and the assistance that non-state actors provide
(something that I have argued in my book). The downside of non-state actors is that they tend to look at the refugee population in terms of charity and assistance but, in the long run, it is the State that can provide protection to the refugees.

So now, if by non-state actors, we mean the civil society, the local people, then I will say yes, they know the system, and they should be directly involved. It actually should be them working together with the refugees because they are part of the process and the idea is that both of them benefit. So, we need to integrate a top down approach with a bottom-up approach. Therefore, I won’t recommend depending on humanitarian organizations as they have traditionally viewed the refugee population in terms of charity and that alone will not help in the long term.

**In your work, you mentioned that there is a general lack of economic opportunities for refugees in the host nations. What steps can such States take to rectify this?**

We need to recognize that different States will take different steps. When we look at rich countries, as for instance Western countries, and compare them to developing countries, there is a huge gap. European States themselves have different approaches. In terms of economic opportunities, refugees need to receive more help than the locals. But this might create some tensions with the local population. So, some States have tried to integrate the refugees in the local population instead of creating ad hoc opportunities for the refugees. What we need here is a top down approach. For example, when the State intervenes to create job opportunities and introduce courses for learning the language or have access to education, we are not simply looking at creating opportunities but of integrating refugees to the local realities.

In Italy, for instance, an easy way for the refugees to earn a living is to join the informal market. But the informal market means also exploitation and marginalization. In such a case, we cannot properly talk neither of integration nor of protection. Generally speaking, western countries do not create any ad hoc projects for refugees but they tend to introduce some mechanisms for helping refugees in learning the language and integrating in the local markets after they receive the refugee status.
Did Italy face backlash from its population due to a decrease in economic opportunity? If yes, how did it cope with it?

The case of Italy is quite peculiar, although similar to Spain and Portugal. We have a very big informal market. But also, we have lots of organizations that offer assistance. When Italy started experiencing a high number of refugees, Italian institutions believed that there was no need to take care of them, because there were NGOs, civil society, and churches helping them. But again, all the support was focused around charity, humanitarian attention and care. So, in the long run, this has created problems. In the first 6 months, they created specific opportunities for the refugees, but what we have learned from the past mistakes is that these organizations or the State cannot decide for the refugees. First, they need to know the kind of skills the refugees have. What Italy did was creating opportunities under specific projects that lasted only a short period of time. The refugees were not asked or involved in choosing what best fitted them. This represents the major limitation of humanitarian organizations. They receive funding for particular short-term projects, but they rarely involve refugees or make them part of the decision making process.

In your work, you have briefly referred to *admission, reception, integration, and settlement*. Could you please expand on these?

What I have tried to demonstrate is that the problem is not simply confined to the entry of refugees into the national territory. For instance, when we are looking at the 1951 UN Convention, the focus is primarily on *admission* and on the recognition of the legal status. So, I tried to look at the different stages that refugees go through.

The first is *admission*. Once they enter a foreign territory and apply for asylum, what is going to happen and what are the procedures? Do clear procedures exist? Are they going to be provided legal assistance? Asylum seekers cannot be left on their own and they need legal assistance to acquaint them with the practicalities. For example, in the case of Italy, also applicable to all European countries, once a refugee is admitted into the territory, she or he does not have the opportunity to integrate, until a decision is taken regarding their asylum application. They are hosted in facilities away from everyday day life (of the country). Hence, they are not
going to work or study. So, if the time period for getting a decision is one year, how are the refugees going to take care of themselves without sufficient support?

The second element I looked at was the question of *reception*. Why? Because the Italian law, apart from identifying the time in which the asylum seekers could apply for the refugee status, also provides for specific provisions in terms of temporary assistance. It considers things like their housing, the amount of money they could have been given, the possibility for their children to receive education etc. Again, all these procedures were organized by using a top-down approach, with the State deciding everything. So, in that sense, we can hardly talk of *integration* process. In Italy, in the 1990s, asylum seekers were going to be assisted only for 45 days, which was later extended to 6 months, which is much more reasonable because it gives the refugees more time to learn the language, look at the local economy and see what skills they need to develop.

So, after *reception*, one starts the process of *integration* with some knowledge of the local community. Once the assistance phase is over and refugees are themselves able to go to work, access education, and be part of local life, *integration* ‘in’ the society starts.

Finally, we can talk of settlement, as the long-term process that transform refugees from outsiders into insiders. Once the refugees have been given assistance and help, they should be able to settle in the community with a minimum role of the State.

**What in your opinion, would be the most challenging aspects to address in India’s context?**

In India, the biggest problems will be *reception, integration, and settlement*. The key question in India is ‘what do you want to do with refugees’? Do you want refugees to create another community and reproduce their way of life? Or are you looking towards refugees’ *integration* to the Indian society? This, in fact, is a question for all countries, including other developing countries, and the West. One hopes that refugees at one point should be part of the society. We certainly do not want to make them feel different from us. The question is, how do we create such conditions wherein the
refugees do not feel constantly as a community different from others, which might create some tensions with the locals. And you don’t want the refugees feeling like they are part of a charitable project.

If we look at examples, we will see that the refugees make up the most active part of the society, and not the poorest part of the country. They have education and skills. On one hand, the refugees need to be seen as active individuals and not as people who are constantly in need of passive assistance. India, therefore, needs to not only legally acknowledge refugees but also think about what will happen once they are recognized. On the other hand, the needs and concerns of local people should also be taken into consideration.

There are similarities between India and Italy like both have strong informal structures. Then how does one tackle the problem of top-down approach towards integration?

There are commonalities in terms of informal economy. But, with it comes the problem of exploitation and marginalization; no contract and no protection in working conditions. When we talk of a top-down approach to refugees, we recognize the State has a major role to play in creating and facilitating protection. However, we should not look at the State as an imposer but rather as a facilitator of integration. The idea is that the State has to look at the refugees as active individuals possessing skills and who are willing to use those skills and improve them; and the State should be helping the refugees in doing this. At the same time, the State also needs to consider the locals. Also, while creating working conditions, the education process needs to be looked at. The whole idea of top-down approach to integration is to facilitate and create the social and economic conditions with a vision to make people independent in the long run. This is not just for refugees but for everyone.

The other question, again, is about the bottom-up approach. Here, the idea is to recognize that the State cannot solve all the problems. Ideas in the economic market should come from the people and the State should incentivize this. People should be proposing programs. The State should, as the facilitator, also listen to the local people and try to look into how they can work with the refugees. In that sense, top-down should be understood in terms of ‘working together’ with the wider society. If the
State imposes a particular form of development, it is crucial to involve the wider community, as well as the refugees.

So, one of the bigger concerns in India with regard to the refugee population is the problem of security and Europe has also faced the problem of security and radicalization in the past and they are still tackling it. What are some ways in which they are tackling the security concerns?

If we are talking of Europe, we need to distinguish between the countries that simply talk of security as an instrument to close the borders and believe that refugees pose a threat to conventional security and to the economy, and between those who want to be aware of who is arriving at their borders. The refugees have not really posed any threat to Europe. Most States use this term ‘security’ as a buzzword. There haven’t been any instances of terrorism started by the refugees. Yes, we should be looking at who is entering our borders, but simply to refer to security is very superficial. In India, as well, the word ‘security’ is used in everyday language, but the question is: is India really facing a threat? And what are these threats?

We need to distinguish between those who use ‘security’ as an instrument for advocating the closure of borders, increase military operations and talk about threats and those who refer to specific, and real, threat to our society. From my perspective, if we look at the past 20 years, security has become a buzzword for justifying the closure of borders and keep out refugees. Looking at Europe, we cannot even say that refugees are posing a threat to the economy. It is not reasonable if we are to look at the number of refugees and take into consideration Western economy.

What in your opinion, would be a good starting point in framing a policy for refugees?

We should look at the long term and not at the short-term aspects like the legal perspective surrounding recognition: that is who is a refugee and who is not. Refugee policy should be looked at as a ‘human development’ policy; meaning that we need to look at the capabilities, life conditions and education of the individual, among others. A research conducted in Canada showed that refugees do perform better than the local population
because the former are more determined to improve their life conditions. We should focus on integration as explained above, because it is only through integration that we can avoid confrontations, conflicts, or clashes. We need to take care of the development of both the local population and the refugees.
Ethno-linguistic Identities, Society, and State: Challenges to a Sound Refugee Policy

To understand the recent changes in government-refugee relations and its implications on the development priorities of a nation the CIDS team talked to Dr. Swargajyoti Gobain who is an Assistant professor at Ashoka University, Sonipat. Dr. Gobain holds a keen interest in borders and State, culture and politics, migration and diaspora, indigenous identities, development, and Tibetan Buddhist communities. The team interviewed her to get an insight into the communities and to understand the complex relations between State policymaking, and nations’ development priorities in India’s context. Dr. Gobain’s work on the field with several refugee communities as well as other indigenous communities specifically in India’s north-east provided exclusive on-ground realities which aided a better understanding of the complex relations between the State, refugee, indigenous population and development priorities.

How do you think refugees and asylum seekers in the country affect the national policy framework?

Well, this question is interesting because we can think about something affecting the policy framework if there is a particular provision for that community. There is no law regarding refugees in the country and whatever has been done or how the government has dealt with the refugees so far has always been based upon the particular situation. For instance, when the Tibetans came to India, refugees came from Bangladesh or the case of Sri Lankan Tamils, all these groups were dealt with in a very ad hoc manner. The citizenship Amendment Act which we all know about, that is also retrospectively granting citizenship to people coming to our country.

If there is a concern and concerted effort to come up with a database and develop certain policies about what to do now that we have identified refugees and citizens? How will we deal with the refugees? What about the residence and visa norms? But the big problem is, we don’t even have a citizens’ database because it is tied up with questions of individual privacy; how will we compile databases which will not interfere with individual privacy?
So, all these are very important things. How you conduct such a bureaucratic exercise, enumerating individuals and then dividing them into different categories when the bureaucracy itself has so many loopholes along with the documentation procedures; I think we can come to this question only if these other steps are enumerated and at least tried in a fair and neutral manner because only then can we understand about how to evolve a policy for refugees. Hence, only after achieving the above can we think about involving UNHCR in this process.

So, you mentioned “UNHCR”. How do you think the State and the non-state actors play a role in creating this discourse for refugees to live a normal life?

This is a very important question. First, we need to disaggregate the State into its different components. By State, we understand the ruling party in power, the opposition party, the bureaucracy, and the judiciary. There is a very important role that the State must play, especially concerning the policies. In the previous question, you asked about the policy, right? So, when we have a uniform law, then the State has a crucial role. Being an anthropologist, I read different ethnographies and I look at various empirical examples. The State can play a positive role indeed, but it can play a negative role too. For example, Canada constructed a racist kind of stereotyping of Chinese in the Chinatowns that we know of. We think of these Chinatowns as Chinese ghettos, but this ghettoization was not because the Chinese wanted to be clustered together and isolated from all others.

There was a cholera epidemic in the 1890s and the State i.e. the Vancouver State authorities at that time said that the Chinese people are unhygienic, they live in unsanitary conditions thus, we have to treat them as a separate category and so their treatment by the State should be different. All this enabled a racist stereotyping of Chinese as having certain habits that encouraged racism. And in India also, now that we are going through this COVID 19 epidemic, we can see that the same thing is happening here as well. Talking of Assam and the Nizamuddin Markaz case, Assam did not have many cases and once it was found that some people in Assam had attended the Markaz, they felt that the virus had been taken to Assam by these Muslim immigrants from Bangladesh who had attended the Markaz event. So, the narrative which has been going around has also been
somehow encouraged by the State. These are the areas where the State can play a positive role but instead, it plays a negative role. The State can really mould people's attitude towards refugees.

About the non-state actors, on the other hand, they can play a big role; you can think about the citizens' group, the civil society organizations, but you can think about the refugees also; we can take the example of Tibetan refugees sheltered in Darjeeling, the center is involved in building capacity of the refugees, giving them some skills, trying to help them develop their handicraft skills, also helping them set up their businesses, giving them some sort of earning power. They are trying to dispel this thought among the local people that refugees are completely dependent on the State, but I think stigmas can be dispelled by the refugees themselves through the concept of self-help groups. And if we are talking about the future of the refugees, then however unique this concept (of refugees as a self-help group) might sound, a uniform law taking into consideration all such relevant ideas need to be framed.

Since you mentioned the case of Chinatown. How do you think the refugees who live as a segregated lot within a community get affected as well as discriminated and how can the governments play a role in preventing such discrimination?

There are always such conceptions about refugees as a group of people who migrate and eat away at State resources. The State has a crucial role to play in mediating between the local people and refugee settlements to dispel such negative images. The onus on the refugee groups, of course, is to try and develop self-help groups among themselves like the Tibetan community; because you do not have funds, and the donations from UNHCR have decreased over the last few years. So, all these things are there. Talking of a proactive role, in developing countries, Grameen banks can help in mobilizing capital and help them in start-up ventures like restaurants for example. The State can play a big role in shaping the narrative to mitigate hostility, for, there will be hostility- that is universal. An important part would be the ideology of the State.

Since a lot of your research focuses on the Himalayan belt and the North-Eastern States (Arunachal, Tawang), what do you think are
the factors that shape these societies’ perspective towards the incoming refugees?

Concerns with regards to refugee’s influx in Assam are very different from the rest of India. It is linked to the question of linguistic identity. There is a large number of Bengali speaking refugees from Bangladesh (irrespective of their religion) coming in and the local fear is that if they get citizenship, they will take over the language of the region and there has been a history to this and so the protection of indigenous identity is the main concern. There is history to this from the colonial past which has come back to haunt the Assamese people. When NRC started, it was thought of as a population register to identify citizens and refugees. In fact, the UNHRC also recommends that there should be a proper registration process and filing of the refugees in the sense that if you know the numbers then you can provide the care and the necessary support. This being the first step the second step could be a uniform refugee law protecting the rights of the migrant population. Also, religion should not play a part in determining who, from among the asylum seekers, gets asylum in the country.

What are some ways that are used to integrate refugees into the economy and the society in your knowledge?

Well, there is a very nice documentary called ‘becoming American’. It is about the refugees coming from Indo-China- Vietnam, Laos, Cambodia. It is an ethnographic film about ethnic minorities who were living in those areas and how they helped the American soldiers during the Vietnam war and then after the war since these local people favoured Americans, they were integrated into various cities, and taught American cultural ways. But, the problem in such kind of integration measures is that they are very patronizing because it forces the community to give up their culture and to Americanize. So, this is a bad example of how the assimilation of refugees can happen. But then we have something called 'multiculturalism' in which we can recognize the difference without asking the refugee community to forget the difference and assimilate into the majority culture. So, these are some of the theoretical aspects of integration. With respect to empirical examples, I can talk of India's policy towards Tibetan refugees which has been the most well thought out integration plan so far. Otherwise, there have not been many
comprehensive measures about how to deal with the refugees. Tibetan refugees live in settlements and not camps, they can preserve their culture, they have their own education board, their schools are controlled by the Central Tibetan Administration, they have villages for Tibetan orphans, all such measures allow them to preserve their culture and still integrate into India, if they wish to. Now, whether this will be the model when India decides to have a standard uniform policy is not sure.

Are there integrative measures that have been taken by Assam or any other North-Eastern States that have been burdened by the migrant population?

Unfortunately, apart from civil society groups, the State has not played that role. They have played the opposite role in the form of detention centers and all that. We must remember though that these detention centres are for illegal migrants and not refugees. Refugees are documented migrants while illegal immigrants are undocumented. But in both cases, it is civil society initiatives which have helped the groups to create a better life for themselves.

How do you think the State can strike a balance between security and humanitarian aspects which are aligned with the refugee issue?

I have been thinking about this question myself. The problem is how refugees should be approached from a security angle. But I do not think that refugees present a security threat. So, there is a narrative about reasons to suspect refugees. They have always been suspects because they come from different countries and their loyalties are not known. The U.S. has developed such kind of a narrative that the refugees from West Asia are mostly the ones becoming Islamic State members. But it is a wrong assumption, as reports have proven because many of the terrorists are homegrown (raised in America). So that issue, I think, is overhyped. If you have a concerted law, then you will have a robust and neutral screening mechanism; all applicants for refugee status must go through the State's application. I do not think that kind of security angle must be thought of when we are dealing with the humanitarian aspects of refugees.

Who according to you can be the policy stakeholders vis-à-vis the refugees?
It can be the local people, the local government, State, and central government, civil society groups, international NGOs, UNHCR, and anyone who thinks how to better the lives of the refugees, can be a stakeholder.

The first thing is that you must come up with a standard policy because if you do not have a standard policy, you cannot make anybody happy. There was this example of 90 Tibetan families in Arunachal Pradesh who were given citizenship due to the human rights organization's interference. So, you can see that human rights groups are a stakeholder. Then some human rights organizations complained that if Tibetans from Shyo village are given citizenship, then there are Chakmas and Hajong who have come from West Bengal's Chittagong constituency and that they should be given citizenship. So, you need to consider all the players who are working in the field of refugees or who are an inseparable part of this issue.

**What policies do we have in place currently for the refugees? What changes do we need to bring in them?**

There is not one uniform policy for the Tibetans, Sri Lankan Tamils, Chakmas, Rohingyas. All of them are being treated differently by the State. We do not have a standard policy so if I take these communities individually then I would say that the policy towards the Tibetans has been pretty good. Legal provisions state the criteria that enable the Tibetans to avail Indian citizenship. But they do not have access to documents which are a problem. Also, bureaucracy poses an obstacle for the Tibetans to apply for citizenship. About other refugees, the situation is even worse.

**Since you have been stressing on having a single policy framework for different refugee communities, how practically feasible is it, for a single policy to address the different problems faced by different communities with different ethnicities- Tibetans, Afghans, Sri Lankans, Chakmas, etc.?**

The ethnicity factor is important. For instance, Sri Lankans Tamils were resettled in Tamil Nadu. Likewise, the idea of resettling Chakma Hajongs who are Buddhists and some Tibetans in Arunachal Pradesh. These resettlement programs also gave rise to conflict between the refugees and
the local people. So, this idea that ethnic similarities will help to integrate the refugee population with the local population is not quite correct. You must understand that it is important to look at the ethnic aspect when integrating the refugee population with the local society but that should not be the most important factor here. Ethnicity alone as a factor does not smoothen the bonds between refugees and the local people. In fact, there has been a reverse attitude, globally. By uniform policy I mean the UNHCR guidelines that need to be considered, all these issues have been debated upon such as who are the stakeholders here? What would be the major impacts of such a policy? Even Indian policymakers have talked about this.

Now if you see the 1951 Refugees convention there are different approaches taken by different countries to strike a balanced and feasible solution for refugees around the globe. India can develop its own standard policy.

**How do you think the change in government and change in developmental priorities of the government has affected the development of refugees in the country vis-a-vis the citizens?**

Well, everywhere you can see an anti-immigrant citizenship narrative. Many national leaders are also taking an anti-immigrant stand. This affects the State's policy. If we take CAA it is positive because it offers citizenship and negative because it prevents some community from availing citizenship. I think there is increasing stress on infrastructure development, budget, security, public-private partnership. Investment in education and healthcare for the refugee population, in general, has gone down which in turn has affected refugees.

Developmental priorities have become very quantitative whereas the qualitative aspect is not being addressed. For example, there are hospitals buildings but there are no proper healthcare facilities. Even in the case of developmental priorities for the regular citizens, the focus is on the material aspect and not the qualitative aspect which is the actual services that need to be provided to the people. So, how it would be for the refugees, is worth thinking.
Given the current pandemic situation, what in your opinion could be some challenges that the refugee population might be facing right now?

Starvation due to lockdown, overcrowding, unsanitary conditions are some of the major problems that everyone is facing right now. Both rural and urban poor, especially the urban poor. We do not have a database of the refugees except for some refugees like the Afghan refugees in Delhi or maybe the Tibetan settlements. Since we have not identified all, we can say that all migrants - domestic or international - are in the same situation. The pandemic has severely affected the poor. Even in the case of refugees.
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