

The Neglected Stateless *Bihari* Community in Bangladesh: Victims of Political and Diplomatic Onslaught

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Abstract

A relatively large number of Pakistanis known as the Bihari community have been stranded in Bangladesh since its independence in 1971. This community which supposed to be repatriated to Pakistan, has been vacillating between hope and despair because of the hopeless repatriation politics existing today. The objective of this paper is to analyze the status of the Bihari people and their socio-political problems in Bangladesh. This paper argues that the Bihari community suffers from identity crisis of being Bangladeshi and Pakistanis or being refugees and minorities that are deprived of fundamental rights. The unresolved repatriation problem is a consequence of deliberate procrastination and political indecision on the part of both Bangladesh and Pakistan governments. Neither of these governments have done much to resolve the problem of the Bihari community.

Introduction

Bangladesh achieved independence from Pakistan in 1971. After independence, a considerable number of non-Bengali citizens in Bangladesh, known as the Biharis who opposed the independence of Bangladesh, wanted to go to Pakistan but could not do so due to complication in the repatriation process. These people are called "Stranded Pakistanis" or the Bihari Community.¹ According to one report, the community is comprised of over 300,000 yet it is not recognized with a clearly defined identity.² They have been living in 66 squalid camps with poor facilities scattered in several areas of Bangladesh for more than three decades.³ Although they are residing in "refugee camps," the United Nations High Commissioner for Refugees (UNHCR) does not recognize them as refugees. Therefore, they are deprived of the benefits and opportunities extended to the refugees by the UNHCR. As a consequence, the stranded Biharis in Bangladesh face multiple problems.

The objective of this paper is to examine the status of the Bihari people in Bangladesh, highlight the sociopolitical impact of their statelessness, and analyze the diplomatic dilemma they have been facing over repatriation. The central thesis of the paper is that the Bihari community in Bangladesh is an 'artificial minority' because they are considered as a distinct group of people who are not part of Bangladesh, but yet living there as unwanted refugees. The unresolved status of the Biharis is a result of deliberate procrastination and political indecision on the part of both Bangladesh and Pakistan. The analysis of the Biharis problem is divided into three following

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¹ The Bihari community is also referred to as *Muhajirs* (defined by the Census of Pakistan, 1951, "a person who has moved into Pakistan as a result of partition or fear of disturbances connected therewith"), Indian-Bangladeshi, non-locals, non-Bangladeshi, stranded Pakistanis or Urdu speaking people. The International Convention on Biharis held in Geneva in 1982 referred to them as non-Bangladeshi or stranded Pakistanis. See, Chowdhury (1992: 296).

² See Country Reports on Human Rights Practices – 2003 (2004).

³ *Bangladesh Observer*, 11 August 1992.

sections. The first section discusses the background to the Biharis' problem and their political status in Bangladesh. The second section discusses the sociopolitical conditions of the Bihari community in Bangladesh. And finally, the third section discusses the diplomatic scuffle over the repatriation of the stranded Biharis.

Background to the Problem

During the Partition of British-India in 1947, around one million Urdu speaking Muslims from the present day Indian provinces of Bihar, Uttar Pradesh, Madhya Pradesh and Rajasthan moved to East Pakistan, which later became Bangladesh.⁴ Their movement to East Pakistan was due to a desire to escape from communal bloodshed and "to preserve their Islamic way of life."⁵ They also saw *Hijrat* (migration) as an escape from the possibility of living in a Hindu majority India.⁶ To their disappointment, when they arrived in East Pakistan, leaving behind their possessions, their familiar environment and professions, they felt alienated in the new society in terms of language, customs, traditions and culture. Although speakers of Pakistan's official language, Urdu, they found themselves as a minority in the majority Bengali-speaking East Pakistan. These differences resulted in the Biharis identifying with West Pakistan whose dominance over the Pakistani state assured them of receiving greater privileges from the Central Government. While Bengalis were overwhelmingly employed in the agricultural sector, the Biharis, as full citizens of Pakistan, came to be involved in the industrial sector, small business, trade and commerce.⁷

The Bihari community never assimilated with the local people and maintained alliance with the West Pakistani regime against the interest of the Bengali people. They supported the adoption of Urdu as the official language in East Pakistan, where the language of the majority was Bengali, and opposed the Bengalis' language movement in 1952. They also supported the issues of United Pakistan in the national and provincial elections in 1970.⁸ During 1971 Bangladeshi war of independence, the Biharis as Urdu-speaking people of non-Bengali origin, collaborated with the West Pakistani regime and opposed the Bengalis' freedom struggle. When Bangladesh finally achieved independence, Bihari people wanted to go to West Pakistan, but could not do so immediately due to complication in repatriation process. This situation left them stranded in Bangladesh. They were promised of repatriation to Pakistan, but this promise was never fully materialized.

Identity of the Biharis in Bangladesh

The stranded Biharis in Bangladesh suffer from identity crisis. In Bangladesh they are viewed as 'foreign' (Pakistanis) that are stranded. They have been temporarily accommodated in "refugee camps," but they are not regarded as refugees in the conventional sense. According to the Article 6(A) (1) of the Statute of UNHCR and Article 1(A) (2) of the Refugee Convention 1951, a "refugee" is a person who belongs to the following three criteria:

- (a) the person is outside the country of his nationality, or in the case of stateless persons, outside the country of habitual residence;
- (b) the person lacks natural protection; and
- (c) the person fears persecution.⁹

⁴ The partition was followed on the basis of Hindu-Muslim communal violence in Calcutta, East Bengal and Bihar, which is popularly known as the Hindu-Muslim Civil War.

⁵ Haider (2003: 525).

⁶ In order to escape from the oppression of the non-Muslims, the religion, Islam, encouraged its followers for "Hijrat." For details, see, *Ibid.*, p. 525.

⁷ *Ibid.*, p. 528.

⁸ *Ibid.*, p. 529.

⁹ Khair (1995: 225).

All these three criteria are apparently applicable to the Biharis in Bangladesh. However, according to the cessation clauses of the 1951 Convention and the UNHCR Statutes of 1950, a person shall stop being a refugee if, among others:

- (1) h/she has voluntarily re-established him/herself in the country which h/she left or outside which h/she remained owing to fear of persecution,

The case of the Bihari Muslims is covered by this clause. Because, firstly, they voluntarily migrated to East Pakistan in 1947 from India; and secondly, in Pakistan they enjoyed protection by the state and were full-fledged citizens after 1951¹⁰ according to Section 3(d) of the Pakistan Citizenship Act, which reads:

At the commencement of this Act every person shall be deemed to be a citizen of Pakistan who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-Pakistan sub-continent outside those territories with the intention of residing permanently in those territories.

Therefore, the case of the Biharis was not considered a refugee situation after the partition of 1947, as they were rehabilitated and naturalized in their newly demarcated territories.

The question of the Biharis' becoming "refugees" had arisen once Bangladesh became separate from Pakistan. All of a sudden these people became stateless as they identified themselves as Pakistanis. But on the one hand, they were not refugees as they were not displaced from their place of residence, and on the other hand, they were stranded outside of their country where their status remained unrecognized. These complexities have given rendered the Biharis in Bangladesh a peculiar status, which can be called "artificial minority."

The term "artificial minority" requires an elaboration on the concept of minority first. The term "minority" is defined in a number of ways. According to the *American Heritage Dictionary of the English Language*, a minority is an ethnic, religious, or other group having a distinctive presence with little power or representation relative to other groups within a society.¹¹

In municipal and international legal systems, "minority" denotes a particular meaning. The term "minority" was first legally defined by the Sub Commission on Prevention of Discrimination and Protection of Minorities in 1977 in Article 27 of International Covenant of Civil & Political Rights (ICCPR) of 1966. The article notes:

Minorities are considered to be a group numerically inferior to the rest of the population of the state, in a non-dominant position, whose members being citizens of a state, possess ethnic beliefs or linguistic characteristics differing from the rest of the population and show if only implicitly, a sense of solidarity directly towards preserving their culture, traditions, religions or language.¹²

According to this definition, the protection of minorities is linked to the criteria of citizenship/nationality, which is usually supported by legal definitions in charters and covenants.

According to the Council of European Commission for Democracy Through Law (CDL) a minority is:

A group which is smaller in number than the rest of the population of a State, whose members have ethnic, religious or linguistic features different from those of the rest of the population, and are guided, if only implicitly, by the will to safeguard their

¹⁰ Rahman (2003: 70).

¹¹ The American Heritage Dictionary of the English Language (2000).

¹² Quoted in Guhathakurta(*Adhunika*, nd).

culture, traditions, religion or language. Any group coming within the terms of this definition shall be treated as an ethnic, religious or linguistic minority.¹³

In this definition, the requirement of citizenship has been omitted because citizenship should not be a requirement for basic human rights.

Analysis of these definitions shows that the term “minority” is a combination of five elements: (1) number, (2) subordinate status, (3) ethnic or religious or linguistic traits, (4) a will/wish to safeguard or preserve or strengthen the patterns of lifestyle, and (5) in some cases citizenship. The most acceptable of these definitions is that minority people, who are in a subordinate position due to their numbers, have to be different by “ethnic or religious or linguistic traits” from the majority people.¹⁴ In the context of the definition of national minority, the Swedish-speaking Finns are the largest linguistic minority in Finland, the Jews are a religious minority in Germany, and South Asians, Chinese and African blacks are ethnic minorities in the United States. In Austria, the Roma are an ethnic minority group, and Asian and West Indians are racial minorities in London.¹⁵ In this way, minority groups in different countries can be identified in multiple ways, but in all cases, these minority groups are part of the larger national identity.

Bengalis form the majority ethnic group in Bangladesh with 85 per cent of the total population. There are also a number of ethnic groups that are considered ethnic minorities. These minority groups are Chakma, Marma, Rakhain, Kol, Vil, and Shaontal. They are ethnically different from the majority Bengalis. They usually live in a particular geographical location (mountainous areas) and maintain their distinct ways of life, culture, religion, language, traditional customs and values. Together they constitute about 15 per cent of the total population. Apart from ethnic identity, religious denomination is also applied to identify minority status. Accordingly, there are various religious minorities in Bangladesh such as Hindus (10.5 per cent), Christians (0.32 per cent) and Buddhists (0.59 per cent).¹⁶

The Bihari community in Bangladesh also has the minority characteristics outlined in the definitions provided earlier. They are ethnically different as they speak in different language. Internally they maintain Bihari cultural values in social life. Due to these characteristics, they maintain a different ethnic identity despite practicing the religion of the Bengali majority. Yet, the Bihari community in Bangladesh is not considered a minority group. The Biharis have been given a peculiar status which is “artificial,” that makes them neither refugees nor minorities. It is artificial because it is a product of an historical legacy of 1947, and of a political context of 1971, which made them live in artificially designated areas (camps) under international agreement. Yet they are literally a “minority” because they are insignificant in number. This arrangement separated them from the rest of the society and gave them an artificial identity.

As noted earlier, due to their crisis of identity, the Bihari people are deprived of both citizenship privileges as well as refugee benefits from the international community. The consequence is that they have to shoulder the impact of this unwanted and unresolved identity in their social, political and economic life.

Social, Economic and Political Conditions of the Stranded Biharis

The ethnic identity *Bihari* has a derogatory meaning in Bangladesh. Since the Biharis are believed to have opposed the independence of Bangladesh, and have collaborated with the Pakistani government in 1971 in the killing of Bengalis, they had to bear enormous social, economic and political consequences immediately after the independence of Bangladesh.

¹³ European Commission for Democracy through Law (1991: 7).

¹⁴ Schermerhorn (1996).

¹⁵ Farley (1995).

¹⁶ Guhathakurta, (*Adhunika*, nd).

Population

Overpopulation and population density are two primary problems in the refugee camps. Since 1971 the community people has almost doubled in number due to high birth rate in the camps.¹⁷ According to a survey report in 1992, the demographic figure of this community was 238,093 in 66 different camps throughout Bangladesh (Table 1). The number of residents has farther risen over time and that created extreme population density, as the number of camps remained unchanged since their construction in 1972.¹⁸ Presently, it is reported that the demographic figure is approximately 300,000 people.¹⁹ However, no proper survey has been done recently. The following map shows the geographical distribution of the Bihari camps in Bangladesh. The living conditions in these overcrowded camps are very squalid. Families of seven to ten members share a small eight by ten feet living space.²⁰ Being frustrated with the camp life, sometimes the Bihari people escape from the camp and try to integrate themselves within the local community. Among them, very few are fortunate enough to survive and ultimately become able to give their children education. In most cases, they fail to survive by themselves and eventually return to the camps due to their inability to adjust to the social and economic conditions.

Table 1

List of Bihari Camps and their Population in Bangladesh

area	No. of families	No. of Persons	area	No. of families	No. of Persons
Dhaka	12,918	69,767	Thakurgaon	NA	NA
Narayanganj	1,452	7,289	Nilphamari	NA	NA
Syedpur	9,017	69,234	Parbotipur	271	1,632
Rangpur	2,538	15,879	Dhaka	1,207	7,763
Chittagong	2,652	17,302	(outside camp)		
Dinajpur	1,542	9,906	Dewanganj	109	578
Khalishpur	2,382	12,394	Rajshahi	1,185	6,829
Jessore	985	5,539	Khulna	1,029	5,864
Mymensingh	435	2,583	Bogra	898	5,319
Faridpur	104	557	Gaibandha	129	788
Rajbari	53	287			
Total	No. of Families: 40,357		No. of Persons: 238,093		

Source: Brief on "Stranded Pakistanis in Bangladesh," Government of Bangladesh, Ministry of Foreign Affairs. URL: www.mofa.gov.bd (accessed 23 June 2007).

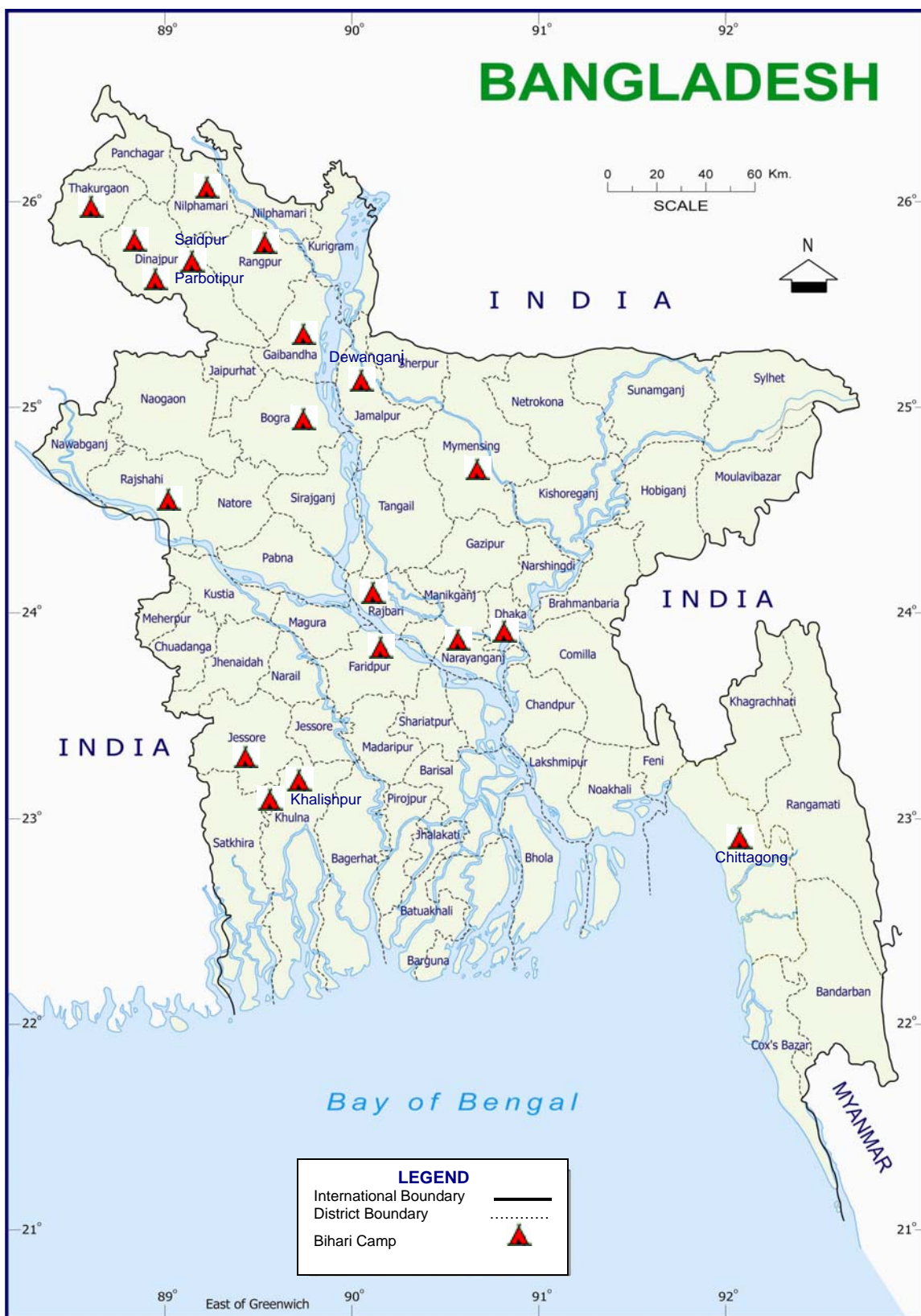
¹⁷ Dhaka Courier (1979: 1-7 December).

¹⁸ The *Daily Janakantha*, 21 August 2000.

¹⁹ Country Reports on Human Rights Practices - 2003 (2004).

²⁰ Tajuddin (1998: 19).

Map: Geographical distribution of the Bihari Camps



Health and Sanitation

The living environment of the camps is very deplorable. It is unhealthy, dirty, damp and unhygienic. The camp authorities are neither able nor serious to maintain a healthy sanitation facility. The drainage system is extremely poor, which causes water logging very easily. Therefore, contagious diseases especially diarrhea and dengue are very common. This condition exists in other camps throughout the country. The municipalities/City Corporation cleaners never enter the camps to clear the garbage. It is only when the camp-dwellers drop their garbage in the dustbins outside the camp, that the City Corporation cleaners will take them out. In addition, the entire camp people share a few common bathrooms and toilets, which are very few compared to the number of people (Table 2).²¹

Table 2
Sanitation in *Geneva Camp* in June 2003

	Block A	Block B	Block C	Block D	Block E	Total
Toilets	69	68	4	67	65	273
Toilets with Shade	8	10	2	8	8	36
Toilets out of order	1 Shade	Nil	Nil	2 Shades	Nil	3 Shades
Bathrooms	8	12	2	8	6	36
Bathrooms without Roof	8	9	2	7	5	31

Source: Author's personal fieldwork in September-November 2002.

According to a recent survey report of *Refugees International*, in Rangpur City (in the northwestern part of Bangladesh), there are only two working wells and ten latrines for the 5,000 residents of Camp Three. The situation is even worse in Mirpur's Millat Camp, where there is only one latrine for 6,000 people.²² Most of the time they need to queue to get their turn. Furthermore, both male and female alike share the same facility, which creates problems for the females. There is no privacy for the females either in toilet or shower facilities. At night, when young ladies need to visit toilet, they take their parents or someone else as their guard. Most of the toilets are without shade, and people need to stand in line for their turn. In the shower rooms ladies sometimes have to wait for hours to take bath in groups of three or four.

Moreover, there is an acute scarcity of safe drinking water in every camp. Deep tube well is the main source of water in camps, but there is also acute shortage of tube well in every camp. For example, in Hatikhana camp (Saidpur) there are only 9 tube wells for 400 families. Therefore, people, like in Adamjee camps, need to collect water from the nearby ponds or walk a long distance to take water. So, water born diseases, such as cholera, typhoid and skin disease are endemic. Recently, some NGOs like Revival of Islamic Heritage Society (Kuwait), Concern, OBAT Helpers and others are helping them out to lessen this problem by distributing some tube wells, though those are inadequate to meet the demand of all residents.

Medical Care

There are about 25,000 people living in Mohammadpur Geneva Camp, which is considered the biggest camp and is comparatively in good position. There is only one medical clinic (Al-Falah Model Clinic) in the camp which is poorly equipped. A survey report on the Bihari camps in the city of Rangpur (in Northern part of Bangladesh) shows similar inadequate medical facility for them. Moreover, in some cases, camps like Adamji do not have a single medical clinic. As a result, infant mortality due to lack of medical care is quite common. The survey found that 60 per

²¹ Based on the fieldwork the author personally conducted in Geneva Camp from September to November in 2002.

²² Refugees International (2004).

cent of infants die before they reach their childhood. Three out of every five newborns die before reaching the age five. Likewise, inaccessibility to proper medical facilities make women vulnerable to unsafe delivery, chronic diseases like polio, Sexually Transmitted Diseases (STD) and other health problems. A lot of women die every year without getting proper medical care. As these people are very poor, they cannot afford to take medical facilities from other government and private institutions.

However, nowadays, some national and international organizations, such as, Dhaka Shishu (children) Hospital funded by Asia Development Bank (ADB), Worldvision Bangladesh and others periodically support the Bihari camp dwellers by providing free medical check up for few parts of the Dhaka based camps. So not all dwellers are benefiting from the few medical aid, as the number of people needing medical care is very large. Furthermore, being poor and uneducated these people are not aware of immunizing their children against most of the lethal and debilitating diseases such as measles, small-pox, DPT, and poliomyelitis. Majority of the people are not aware of family planning. The contraceptive prevalence has been found to be very low in them.

Education

Recently, the Bangladesh government has taken an initiative to improve the rate of child literacy which is called "Reaching Out of School Children" (ROSC), a six-year long project to educate 5 hundred thousand deprived children by 2015.²³ However, this project does not cover the Bihari children in the camps. The Bihari camps have almost no educational facilities. And even if there are schools, the poor people cannot afford to send their children to the school. In many cases, if Bihari families want to send their children to school outside the camps, they fail to enroll because of some technical requirements such as nationality, home address or parents' occupation. Though some of them can manage to get enrolled, they find it very difficult to continue hiding these facts. In some cases, when the school authority comes to know that the student came from the camp, that student will be immediately dismissed. In a few cases, those who are studying outside their community school are basically continuing to hide their Bihari identity.²⁴

The schooling facility inside the camps is extremely inadequate. There are a total of 55 thousand families in various camps throughout the country. This means that average number of members in a family is five. The current number of schools in the camps across the country is 500. It is reported that only one per cent of the Bihari children attends school, which reflects the high rate of illiteracy in the camps. These people are not getting any kind of assistance from the government for their children to get education. It is totally dependent upon the parents' ability. But as the people are very poor in terms of economic condition, they are not able to afford that.

In the Mohammadpur Camp, there is only one school named Non Local Junior High School, established in 1974. The school is from Kindergarten to level eight. The school has only ten teachers, one cleaner and one clerk. The headmaster of this school, Showkat Ali, admitted that in 1993-94 there were around 450 students in the school but the number decreased to only about 150 in 2003.²⁵ The headmaster complained that there is a tendency to decrease the number of students in upper classes and the teachers are not paid regularly. Tuition fees for different classes are 40 to 80 taka (Bangladesh currency)²⁶ per month which is very high for the parents to pay. There is no financial assistance for the students from the government. Recently, some NGOs such as Social and Economic Enhancement Program (SEEP) have provided free education for some students up to class three in primary school. The rest of the school age children do not get this opportunity.

²³ The *Daily Star*, 29 December 2004.

²⁴ Bose and Manchanda (SAFHR, nd).

²⁵ Based on, the interview with the headmaster in the month of October 26, 2002.

²⁶ In April 2005, exchange rate, one \$ = 60 taka.

Life in Camps



Living areas



The very unhygienic drinking water and bath areas



Toilet areas



Facing destruction : what next?
© Audity Falguni



The are weaving dreams for others, and
knitting lives for their own
© Md. Zakir Hossain Munna

Source: the pictures are taken from the following web sites:
<http://www.statelesspeopleinbangladesh.net>; http://www.meghbarta.org/frames/top_sing.html ;
<http://www.obathelpers.org/about.html4.html> , (accessed 10 November 2007).

Economic Life

The economic condition of the Bihari people is extremely poor because of financial insecurity. During the initial years they were mainly dependent on the relief economy, but over the years the amount of relief has decreased significantly. It is reported that the Bangladesh government used to spend about US\$ 250,000 a month to provide basic needs for them which is very inadequate. However, recently this support is significantly reduced and in some cases stopped. For example, there was a monthly distribution of relief materials provided by the government in Bihari camps, but this program has been postponed in most of the camps. In the camps, where the program is still going on, such as Adamjee camps in Narayanganj and five out of twenty-two camps in Saidpur do not get the officially approved ration of 3.23 Kg wheat rather 2.5 Kg and the distribution is also very irregular. In addition, nongovernmental organizations also provide food aid. For instance, the Bangladesh Red Crescent gives a small amount of food aid to each family. Yet, it is reported that this food aid is inadequate against the demand.²⁷

Secondly, people in the camps are confined to the camp boundary and do not own any land outside the camps.²⁸ As the economy of the country is basically agro-based, land ownership is very important. But the Bihari people have no ownership of fixed properties such as land and ponds. The economic condition of the camps located outside Dhaka area is particularly adverse because the opportunity of getting employed in agricultural activities is limited. People in those camps are involved in various activities within the camp boundary. Whereas the camp dwellers in Dhaka city can sometimes get work on daily basis such as rickshaw pullers and construction workers though they often face discrimination and harassment. In an interview with *Refugees International*, one young rickshaw puller in Dhaka said that he earns 100 taka a day. After the end of the day, he pays 40 taka to the owner and the rest 60 taka (about \$1.00) is his earning to feed his family.²⁹

Most Biharis work as daily wage laborers. The Biharis at Millat Camp in Mirpur are working as barbers, sari-makers or doing other petty jobs. Large numbers of them are engaged in producing Benarasi Saree.³⁰ However, recently their saree industries have been losing markets because of the large inflow of imported goods. Besides, the anti-social elements such as rent-seekers from the Bengali community as well as Bihari community often harass them for economic reasons.

There is little economic opportunity for the Biharis in or outside the camps. Jobs in Bangladesh are scarce, and loans for small business supplies like looms and cloth are virtually nonexistent. Those who manage to start business must combat the rampant crime in the camps, both at the hands of fellow Biharis and local Bengalis, who resent the Biharis for ethnic and political reasons. Arson is a weapon of choice of those targeting the camps, and fires spread like monsoon floods devouring homes and lives.³¹

A good number of old people have turned to begging and an estimated 20,000 unmarried girls are vulnerable to human trafficking and forced prostitution for living.³² The camp areas serve as safe havens for many criminals, and as a consequence many camp dwellers are directly involved in various criminal activities to earn their livelihood.

²⁷ Khan (2003).

²⁸ Though these camps are not jail, people can go out and come into whenever they need. But denial from all basic facilities and the identity crisis keep them in an unsecured position. Moreover, a fresh start needs more money which is often time a big hindrance for them.

²⁹ Lynch and Cook (2004).

³⁰ Falguny (2000).

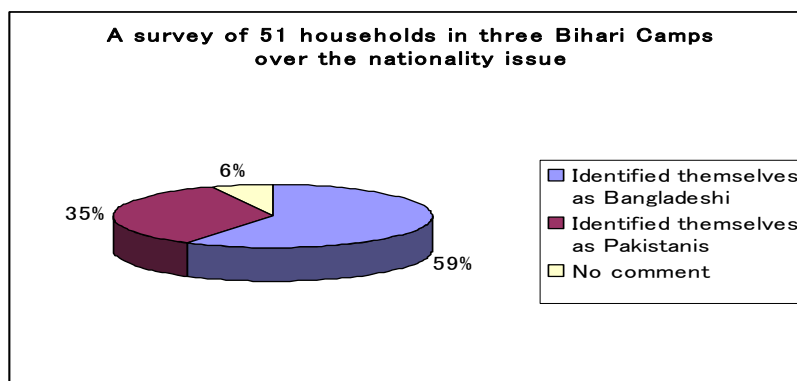
³¹ Refugees International (2003).

³² Ibid.

Internal Political Life

The political life of the stranded Bihari people is also ripped apart by internal political squabbles and factionalism. The political factionalism of the Biharis is as a result of divided loyalties of either supporting or opposing the view of becoming Bangladeshi citizens or going back to Pakistan. The older generation that held the view of returning to Pakistan still dominates the community and tries to persuade the community to support their view. Mr. Alhaj M. Nasim Khan is the leader of the Urdu speaking camp-dwellers all across Bangladesh.³³ He is the chief of *Stranded Pakistani General Repatriation Camp* (SPGRC), which had been established on 2nd December 1977 with the aim of being repatriated to Pakistan one day. The SPGRC Chief organized many demonstrations, hunger strikes and met the Pakistani high officials including heads of the state several times in order to put pressure on Pakistan. But as he failed in many bids to negotiate with both governments of Pakistan and Bangladesh, and as the whole process of repatriation has got sidelined, his popularity decreased. Moreover, in the present time, there is controversy about the leadership of Nasim Khan. Many of the Biharis believe that when the SPGRC was established, there were no influential leaders to represent this Bihari people. At that time, Nasim Khan claimed to be the leader of this organization and is continuing up to this time, as in their society there is no other system to change this.³⁴ Even some Geneva Camp community people complained that Nasim Khan is no longer physically able to lead this community as he has become very old and sick. His son deputizes for him whenever he is sick.

As a result, it is now evident that some Bihari people have established a new frontier, *The Committee for Rehabilitation of Non-Bengalis* with different objectives. The main supporters of this group are basically young people who considered themselves as Bangladeshis though they are poor and passing a very inhuman life in camps.³⁵ They do not want to be repatriated to Pakistan. One representative of the Stranded Pakistanis Youth Repatriation Movement (SPYRM) states that, "By virtue of birth, we are Bangladeshi citizens and we want to live in this country with equal status enjoyed by the Bengali-speaking Bangladeshis."³⁶ Another report on the survey of 51 households in Mohammadpur Geneva Camp, Tejgaon Camp and Mirpur Camp, conducted by Refugees and Migratory Movements Research Unit (RMMRU) in 1993, shows that 59 per cent of Bihari people have identified themselves as Bangladeshi and wanted to get the citizenship of Bangladesh, whereas 35 per cent wanted to go to Pakistan. The rest 6 per cent did not comment on this issue.



Source: prepared by author based on *UDBASTU* (Uprooted), Issue 4, April-June, 1998.

³³ Ahmar (2002).

³⁴ The description is based on the fieldwork the author personally conducted in Geneva Camp in 2002.

³⁵ The Daily *Manabjomin*, 17 January 2000.

³⁶ Heffernan (2002).

Now many of them want a different leadership. They opposed the old leader's dream - to be relocated to Pakistan one day. As the young generation has never set foot on their so-called homeland of Pakistan, to them Bangladesh is their home.³⁷ They demand Bangladeshi citizenship.³⁸ An example of this demand is a petition made to the High Court by a group of four women and six men claiming their citizenship rights. The High Court, in August 2003, declared them citizens of Bangladesh by birth and ruled in favor of their voting rights.³⁹ However, the Bangladesh government is reluctant to abide by the High Court verdict.

The Politics of Bihari Repatriation

In 1972-73, Bangladesh offered the Biharis two options either to stay in Bangladesh as citizens or return to Pakistan through repatriation process handled by the International Committee of the Red Cross (ICRC). Two thirds of the Bihari people opted to return to Pakistan through ICRC as they wanted avoid an uncertain future. But from the very beginning, Pakistan was reluctant to receive this large number of Biharis.

One year after the independence of Bangladesh, the unmanageable situation of the Biharis led the Prime Minister of Bangladesh, Sheikh Mujibur Rahman, to bring the issue before the UN and requested the Secretary General Kurt Waldheim to extend his help to ensure the repatriation of the stranded people. But the Bhutto government, from the very beginning, was reluctant to repatriate the Urdu-speaking Biharis due to domestic resistance and political consideration.

In 1973, the UNHCR became involved in this issue and took practical initiatives which were called a "repatriation program." The International Committee of the Red Cross (ICRC) also worked side by side with the UNHCR. They gathered these people in different camps for their safety and registered them for possible repatriation to Pakistan.

The Simla accord of July 1972 normalized the relationship between India and Pakistan which eventually allowed New Delhi to take the initiative of influencing Dhaka to settle the trilateral problems between India, Pakistan and Bangladesh. Subsequently, the two governments of Pakistan and India, with the agreement of the government of Bangladesh, signed the New Delhi Agreement on 28 August 1973.⁴⁰ In the immediate aftermath of the accord, several phases of repatriation took place. From 1973 to April 1974, with the help of International Committee of Red Cross (ICRC) around 170,000 Bihari people were repatriated to Pakistan for the first time.⁴¹

After the initial repatriation, Pakistan expressed reluctance to accept more liability for the large number of remaining stranded Biharis for repatriation. In June 1974, during the Mujib-Bhutto talks in Bangladesh, Mujib requested Bhutto to take back immediately all stranded people who opted to return to Pakistan. But Bhutto refused to take the responsibility by saying "I have not come to Bangladesh with a blank cheque."⁴² Due to economic pressure, Mujib took the case seriously and raised the issue in the Third World Committee of the United Nations General Assembly (UNGA) in December 1974 and Commonwealth leader's conference in Jamaica in May 1975. But his diplomatic initiative did not come with any positive result. Moreover, the assassination of Sheikh Mujibur Rahman in 1975 slowed down the repatriation diplomacy further.

After the Mujib regime, the military government of General Ziaur Rahman restarted diplomatic efforts with his Pakistani counterpart to solve the issue of stranded Bihari people. Following his

³⁷ Khan (2003).

³⁸ The daily *Holiday*, 26 April 2000.

³⁹ Lynch and Cook (2004).

⁴⁰ Bangladesh was not the signatory of the Delhi Agreement of 1973 as still Pakistan did not recognize it. But Bangladesh delegated its right to India to sign the agreement with Pakistan on behalf of it.

⁴¹ There is confusion about the actual number of Bihari repatriation. From the non-government sources the figure is 170,000 where as, the Foreign Ministry of Bangladesh report disclosed the number was 126,941 people up to 1974.

⁴² Bird and Goldmark (1974).

Pakistan visit in 1977, Pakistan's Foreign Secretary visited Dhaka and agreed to take 25,000 "hardship cases" through the international agencies. Subsequently, 4,790 people out of 25,000 were repatriated.⁴³ But the whole process was stopped again because of Pakistan's internal political instability.

In July 1978, Bangladesh Foreign Secretary visited Pakistan and urged the officials to reactivate the repatriation process. But this time, the Pakistani government reduced the number of Biharis from 25,000 to 16,000.⁴⁴ With the help of UNHCR, another 2800 Biharis had been repatriated in September 1979. It was financed by Saudi Arabia and Libya. During this time, a former British Parliament Member (MP) Lord Ennals played a very important role in solving this situation of these stranded people. In 1980, he met President Zia of Bangladesh and President Zia-ul-Haq of Pakistan which resulted in eventual repatriation of another 7,000 people.⁴⁵

Later, with the initiative of Lord Ennals, the Geneva based International Council of Voluntary Agencies organized a conference in Geneva in December 1982 which is commonly known as the Geneva Conference.⁴⁶ During the conference, twelve different national and international organizations from different countries including Bangladesh had attended except Pakistan. In this conference, the stranded Pakistani people expressed their strong desire to be repatriated to Pakistan. Consequently, Lord Ennals established an international resettlement trust to finance the resettlement procedure of the Biharis.

After a series of different diplomatic initiatives a an important development took place in 1983 when President Zia-ul-Haq publicly announced in Karachi that Pakistan would not have any reservations about the repatriation of stranded Bihari people from Bangladesh, if the necessary fund were provided by donors. Then Foreign Minister of Pakistan paid an official visit to Dhaka and said after the conference that Pakistan was thinking about taking 50,000 more Biharis according to the second Delhi Agreement. In the meantime, with the financial support of Lord Ennal's Resettlement Trust 6,000 Biharis were repatriated and resettled in Lahore in 1984. But Pakistan's slow progress broke the patience of Bangladesh again. Therefore, once again Bangladesh raised the issue in the Islamic Countries Foreign Ministers' Conference (ICFM) in Sana, requesting them to put pressure on Pakistan to take back its people from Bangladesh to Pakistan.⁴⁷ But that diplomatic effort did not work well. Rather, in December 1985, President Zia-ul-Haq during his visit to Dhaka told a delegation of the stranded Biharis that Pakistan had already "fulfilled its legal obligation under the agreement signed in 1973 and further repatriation would only depend on the availability of huge resources required."⁴⁸

In this situation, Pakistan government signed an agreement with Saudi based Humanitarian organization *Rabita Al-Alam-Al-Islam* (RAAI), in July, 1986. Later, they established a trust, named *Rabita Trust Deed*, and appointed President Zia-ul-Haq as Chairman to mobilize funds for the repatriation of the remaining 250,000 stranded Pakistanis from Bangladesh. Initially the Pakistan Government donated RS. 250 million while the RAAI contributed RS. 50 million. The expectation was that the remaining required expenditure would be collected within three years and the repatriation would start immediately after that. Unfortunately, the whole process became stuck again with the sudden death of President Zia-ul-Haq in 1988. Later, the Committee of the Trust was re-established in August 1989, with Mr. Yakub Khan as its chairman, but it could not achieve any remarkable success.

Benazir Bhutto, after becoming Prime Minister of Pakistan in 1988 soon faced some difficulties in resolving the issue of repatriation because of serious domestic challenges from her home

⁴³ Hafiz (1985: 369).

⁴⁴ Haider (2003: 534).

⁴⁵ Ennals (1987: 243).

⁴⁶ Chowdhury (1992: 301).

⁴⁷ The Daily Ittefaq, 2 January 1985.

⁴⁸ Haider (2003: 535).

province of Sind, where Biharis were supposed to be repatriated.⁴⁹ Though she promised to take immediate effective steps but that assurance proved ineffective.

At the beginning of 1989, under the joint initiatives taken by the UNHCR and RAAI, the government of Pakistan agreed to repatriate the first batch of 500 Biharis from Bangladesh.⁵⁰ But at the same time, the Foreign Ministry of Pakistan explained that the collected money under the *Rabita Trust Deed* was only Rs. 300 million which was not sufficient for the total repatriation program.⁵¹ In addition to that, the Senate's adoption of a delay motion on the issue contributed to the further delay the repatriation process.

The Benazir government was under heavy pressure from various Sindhi nationalist organizations such as the Sindh National Alliance, the Awami National Party, the Sindh Student Federation and the Democratic Students' Federation to oppose the process of repatriation of Biharis. The opposition leader, the Chief Minister of Punjab, Nawaz Sharif took advantage of Benazir's dilemma. All these factors influenced the Benazir's government. So, during her Dhaka visit in 1989, she subtly avoided the stranded Pakistani issue by labeling it as a very complex problem. Afterwards, domestic political development in the respective countries hampered the progress of repatriation.

The settlement of Bihari issue proved to be more complex during PM Nawaz Sharif's regime. Despite domestic opposition, Nawaz Sharif speeded up the process of repatriation within a year of taking over power. In this line, the *Rabita Trust Board* (RTB), under the chairmanship of Nawaz Sharif established three committees on November 11, 1991 to accelerate the repatriation process. It agreed that initially a batch of 325 Biharis of 63 families would be repatriated to start the "symbolic repatriation" by December 31, 1992 and subsequently, repatriation would take place phase by phase as funds became available. He gave the assurance that the August 1992 accord would be implemented and that an average of 8,000 repatriates would be settled in every district of Punjab.⁵²

However, because of the increasing domestic protests against the repatriation the government of Pakistan could not keep the word to start "symbolic repatriation" by December 13, 1992. In addition to that, the Pakistan High Commission in Dhaka informed the Bangladesh Foreign Ministry on December 28, 1992 that because of extensive floods in the Punjab province, the process of repatriation would be suspended until January of the following year. The Punjab Chief Minister also postponed his earlier scheduled visit to Bangladesh. Subsequently, a "symbolic repatriation" took place from Adamjee camp with the help of *Rabita Al-Alam-Al-Islam* on January 10, 1993. At this time, a small group of 325 Biharis were repatriated to Pakistan after a long wait. Conversely, "the symbolic repatriation was only the tip of the proverbial iceberg."⁵³ But this process was soon stopped due to the dismissal of Nawaz Sharif government in 1993.

The process of repatriation further suffered a serious set back because of Mrs. Butto's hard-line attitude during her second term in office. From the unhappy experience of Mrs. Bhutto's earlier tenure, the stranded Bihari community became deeply suspicious about the sincerity of Pakistan over early repatriation. The issue remained undecided during the second term of Nawaz Sharif in office, and it stopped making any progress at all after General Pervez Musharraf came to power.

From the above scenario, it is clear that immediately after the 1971 war and in the three decades that followed, Pakistan was under pressure to take these people back. Pakistan took back a substantial number of people, but gradually its moral obligations became weakened because of

⁴⁹ Kaushik (1994: 196).

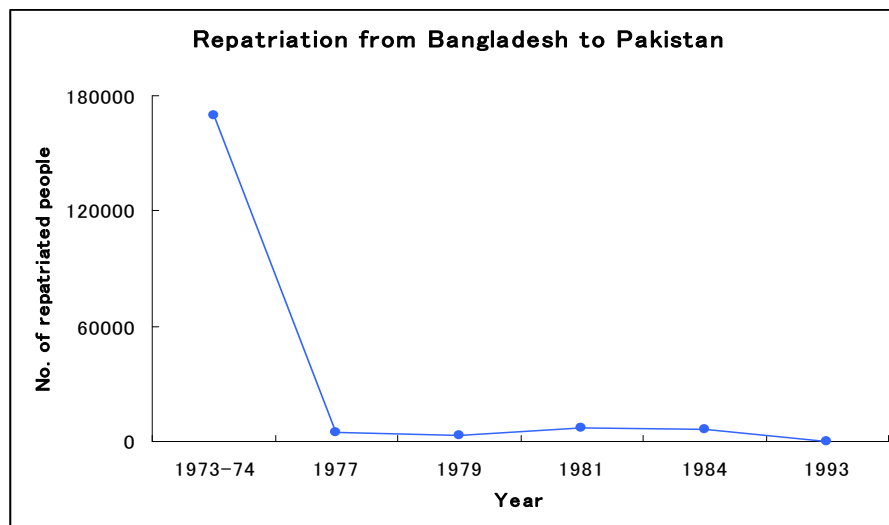
⁵⁰ The Pakistan Times, 18 January 1989.

⁵¹ The Muslim, 23 January 1989.

⁵² PM Nawaz Sharif and PM Khaleda Zia signed an accord on August 10, 1992 at Islamabad, to hasten the process of repatriation and to solve the problem of sharing of assets and liabilities.

⁵³ Kaushik (1994: 209).

domestic political protests, the emphasis on other foreign policy issues, and above all, the unwillingness to take responsibility for these people. All these different political realities motivated Pakistan to change its decisions. Therefore, no repatriation took place from 1993 up to the present time. The following graph shows the picture of repatriation at a glance.⁵⁴



Source: Prepared by author based on various sources.

Conclusion

This paper examined the status of the stranded Bihari people in Bangladesh, highlighted the impact of the stranded status of the Biharis with regards to their socioeconomic and political life, and analyzed diplomatic disputes over their repatriation to Pakistan. Through the analysis it is obvious that the stranded Bihari community in Bangladesh falls under no conventional identity, or category of international standard. They cannot be called refugees because they were not displaced from their homeland in the first place during 1971 war of independence for Bangladesh. They cannot be regarded as minority because they do not constitute a part of the Bangladeshi nation. Yet, they are outside their country, Pakistan, and they are relatively small in number with a distinct identity in Bangladesh. Their peculiar status proves that the conventional definitions of the terms 'refugee' and 'minority' have limitations in describing the Biharis in Bangladesh. In such precarious situations international laws or international bodies proved to be ineffective either in extending humanitarian assistance or in the mediation efforts to solve the problem.

This paper argued that the issue being exclusively bilateral between Bangladesh and Pakistan, and the ways both the countries have dealt with it, the Biharis have taken on an identity, which might be termed as "artificial minority." Evidently, conditions of the stranded Bihari people are due to the domestic sensitivities of both Bangladesh and Pakistan which are hindering either their naturalization in Bangladesh or repatriation to Pakistan. The socioeconomic and political impact of the Biharis, stranded for a long period of time, is certainly enormous. It makes the future of these population uncertain, creates economic pressure, social insecurity and political sensitivities in the host country. The situation calls for an immediate attention of the two concerned countries as well as of international communities to find out practical solutions to the problem.

⁵⁴ UNHCR (2000).

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