

**BEING RECOGNIZED AS CITIZENS:  
A HUMAN SECURITY DILEMMA IN SOUTH AND  
SOUTHEAST ASIA**

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<b>TABLE OF CONTENTS</b>	<b>i</b>
<b>EXECUTIVE SUMMARY</b>	<b>ii</b>
<b>I. OVERVIEW: CITIZENSHIP IN THE REGION</b>	<b>1</b>
NATURE OF THE PROBLEM	
COMMONALITIES, TRENDS OR ISSUES	
<b>II. CASE # 1: BHUTAN DENIES CITIZENSHIP TO ETHNIC NEPALESE</b>	<b>3</b>
CONTEXT OF CASE	
CONFLICT AND THE DENIAL OF CITIZENSHIP	
MIGRATION AND THE DENIAL OF CITIZENSHIP	
POVERTY AND THE DENIAL OF CITIZENSHIP	
<b>III. CASE # 2: SRI LANKA DENIES CITIZENSHIP TO ETHNIC (ESTATE TAMILS) INDIANS</b>	<b>6</b>
CONTEXT OF CASE	
CONFLICT AND THE DENIAL OF CITIZENSHIP	
MIGRATION AND THE DENIAL OF CITIZENSHIP	
POVERTY AND THE DENIAL OF CITIZENSHIP	
<b>IV. CASE # 3: THE BIHARI ARE DENIED CITIZENSHIP IN BANGLADESH AND PAKISTAN</b>	<b>10</b>
CONTEXT OF CASE	
CONFLICT AND THE DENIAL OF CITIZENSHIP	
MIGRATION AND THE DENIAL OF CITIZENSHIP	
POVERTY AND THE DENIAL OF CITIZENSHIP	
<b>V. CASE #4: MYANMAR DENIES CITIZENSHIP TO ETHNIC RHOHINGYAS</b>	<b>13</b>
CONTEXT OF CASE	
CONFLICT AND THE DENIAL OF CITIZENSHIP	
MIGRATION AND THE DENIAL OF CITIZENSHIP	
POVERTY AND THE DENIAL OF CITIZENSHIP	
<b>VI. ETHNIC CHINESE IN SOUTHEAST ASIA</b>	<b>18</b>
<b>VII. LESSONS LEARNED</b>	<b>20</b>
GENERAL CONCLUSIONS	
POLICY IMPLICATIONS	
<b>References</b>	<b>24</b>
<b>Annex 1</b> MATRIX	<b>26</b>
<b>Annex 2</b> MAPS	<b>31</b>



## Executive Summary

This paper demonstrates that citizenship and its manipulation in South and Southeast Asia over the last 50 years has had a profound impact on the human security<sup>1</sup> of millions of people. In the wake of independence that began with the 1947 partition of the Indian subcontinent, several post-colonial states enacted restrictive citizenship legislation and designed discriminatory policies that targeted ethnic minorities, many of whom eventually became stateless. Some groups remained in stateless limbo for generations – over 40 years for the Estate Tamils in Sri Lanka, 30 years for the Biharis in Bangladesh, 25 years for the Rohingyas in Myanmar and 10 years for the Lhotshampas in Nepal. In this paper the relationship between citizenship denial and conflict, immigration and poverty is explored using these four ethnic groups as case studies. In addition, the study also examines how citizenship manipulation has affected ethnic Chinese minorities in Indonesia.

Conflict is defined broadly both in scope and magnitude. On one end of the conflict spectrum is the low-level economic tension created by the influx of thousands of Estate Tamils in India, and on the other end is the violent crack down that ensued when the Bhutanese Lhotshampas demonstrated against the Bhutanese efforts to deny them citizenship.

Although there are inevitably myriad of factors contributing to the mass movement of people, the denial of citizenship has played a major role in the constant flows of people throughout South Asia. In a period of fifteen years, over 500,000 stateless Rohingyas of Myanmar twice fled back and forth between Bangladesh and Myanmar. In a forty-year period, over 500,000 stateless Estate Tamils in Sri Lanka were repatriated to India and an estimated 100,000 Lhotshampas fled to Nepal from Bhutan.

Poverty is discussed in all four primary cases by looking at how citizenship denial has deprived people of their livelihood in the context of: material assets (employment, ownership of property); bodily health (freedom from hunger and disease); bodily integrity (freedom from violence, freedom of movement); political representation and accountability (ability to influence those in power); and women and children. Anecdotal evidence indicates that the denial of citizenship has had a devastating impact in all the above mentioned categories. For example, the Rohingya in Myanmar, who have been denied citizenship, have also been denied access to commercial markets, healthcare facilities and educational opportunities.

In general, if the state is not committed to allowing citizens to exercise the rights and prerogatives of citizenship and instead utilizes citizenship as an instrument to limit threats to the all-powerful state, citizenship then becomes an obstacle to what it is meant to achieve: inclusiveness, belonging, membership.

For the most part, the states discussed in his paper, both those perpetuating and receiving stateless groups, have not shown a commitment to the core principles of democracy and human

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<sup>1</sup> Defined by the Commission on Human Security's working definition as: The objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfillment.

rights. The fundamental objective to expand inclusiveness has not been evident in the way in which governments in South Asia have administered citizenship. Policy recommendations designed to address citizenship hinge upon a commitment to inclusiveness and the core principles of democracy and human rights. With that in mind the following recommendations have been outlined:

- i. **Promote reforms aimed at strengthening democratic institutions** achieving a more responsive and participatory system of governance and rule of law by implementing a comprehensive program including projects designed to empower non-governmental actors and create political will among the reform-minded governmental actors.
- ii. **Support third party involvement**, through external bi-lateral and multi-lateral inputs, to highlight the plight of the oppressed group and the need to reach a solution. In addition, the involvement of a prominent, internationally respected figure appointed to help negotiate a settlement could raise the level of public awareness and apply pressure on the states to reach a mutually agreeable solution.
- iii. **Repeal or amend citizenship laws to reflect internationally accepted norms and practices.** Legal assistance provided by UN agencies and NGOs experienced in working with citizenship laws in other places such as the American Bar Association's Central and East European Law Initiative could prove effective.
- iv. **The rights of children should be protected** by granting all children the right to nationality, whether they are stateless in a receiving country, or stateless within their own.

# **The Impact of Citizenship Denial on: conflict, movement of people and poverty in South and Southeast Asia**

## **I. Overview: Citizenship in the region(s)**

### **a. Nature of the problem**

Citizenship, exclusionary in its very nature by determining who belongs and who does not, has been used consistently throughout South and Southeast Asia as a political instrument. It has posed a long-term pervasive threat to the fundamental human security of millions of people who for more than fifty years have been without effective protection from its abuse. The willful denial of citizenship to large groups of people in Bhutan, Bangladesh, Myanmar<sup>2</sup>, Sri Lanka and India has left its indelible mark on the region.

While the paper emphasizes regional implications of denied citizenship of four distinct ethnic groups in South Asia, there are many more examples in both Southeast Asia and South Asia, which illustrate the long-term impact of the denial of citizenship. The reasons for selecting the Estate Tamils, Biharis, Rohingyas and Lhotshampas as case studies are twofold: Firstly, the sheer number of people affected by citizenship denial, and secondly, the degree to which neighboring states or receiving states have managed the large influxes of groups who have been denied citizenship.

“The South Asian states had to deal with the problem of statelessness almost immediately after achieving political independence...The post colonial states in South Asia were born expelling a large number of people and the state system, as it stands today in the region, is perched precariously on the creation of minorities, stateless populations and the continuing exodus of victims of various kind of violence.”<sup>3</sup>

### **b. Commonalities, trends or issues**

#### **i. Historical context**

Decolonization and the declaration of political independence marked by the partitioning of the Indian sub-continent, started a trend toward citizenship denial, statelessness and mass movement of people, exacerbating regional tension among several South Asian countries. Deliberate efforts by newly formed states excluded large groups of people from social, economic and political structures.

Since the 1947 partition of the Indian sub-continent into independent Pakistan and India, approximately 35 to 40 million people have moved across national boundaries in India, Pakistan, Bangladesh, Sri Lanka and Nepal, affecting internal stability and regional security

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<sup>2</sup> Throughout the paper Burma and Myanmar are used interchangeably

<sup>3</sup> Siwakoti, Gopal Krishna. Statistics of Refugee Influx in South Asia: “Developing a More Global Regime.”

relations among South Asian states. Most of the millions of people who have crossed borders over the last fifty years consist of rejected peoples, including citizens and non-citizens forced to leave as a result of state initiated persecution, or unwanted legal or illegal migrants, who are unwelcome and are often asked or forced to leave.<sup>4</sup>

ii. Post colonial Citizenship laws created and altered to exclude large groups of people who pose threats to the ruling elite.

Following the process of decolonization and the subsequent creation of newly independent states in South Asia, governments began to change their citizenship laws and introduce severe restrictions to retaining, acquiring or re-acquiring citizenship, creating millions of stateless persons.

In post-colonial Bhutan, Pakistan, Myanmar and Sri Lanka, the trend has been for the state to seek control by utilizing a strong central government to determine citizenship based on the pursuit of a nationalist ideology aimed to exclude segments of society who refuse to submit to the nationalist line. “The imposition of a narrow statist definition of membership and the South Asian reality of multiple social and political identities within the polity made possible the emergence of stateless groups in South Asia”.<sup>5</sup>

Similarly Southeast Asian countries such as Indonesia and Vietnam have created a population of “second class citizens” by denying migrants citizenship and curtailing the rights of migrants who have citizenship in an effort to preserve the ethnic balance and national identity of the ruling elite.<sup>6</sup>

iii. Long-term policy thrust toward closing borders and excluding even those with ethnic ties from citizenship in South Asia

The people of South Asia, historically have moved about the area freely with little regard for legal interpretations of citizenship. However, over the last fifty years a general policy thrust within South Asia has been to close borders and more clearly define who is and who is not a citizen. Regional conflict emerges when governments attempt to repatriate their excluded groups to countries where they may have an ethnic connection, but who pose a burden to the receiving country. Pakistan has been reluctant to accept the Biharis for fear they could disrupt the already tenuous ethnic balance. Both India and Nepal have expressed concern about the economic and environmental problems caused by the repatriation of economically deprived Estate Tamils and Lhotshampas into their respective societies.

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<sup>4</sup> Weiner, Myron. 1991. “Rejected Peoples and Unwanted Migrants, The Impact of Migration on Politics and Security of South Asia.” P.3

<sup>5</sup> Khan, Gerrard. “Citizenship and statelessness in South Asia”. New Issues in Refugee Research, Working Paper No. 47.

<sup>6</sup> Vietnam and Indonesia are not covered as case studies in the paper, but are outlined in the matrix because both cases highlight particular implications of denied citizenship. In the case of Vietnam the affect of conflict on the citizenship of the ethnic Chinese is outlined and in the case of Indonesia the long-term implications of migration on citizenship and the creation of second class citizens is explored.

## II. CASE# 1 - Bhutan denies citizenship to ethnic Nepalese

“Students of today are citizens of tomorrow is a saying that is exactly the opposite of us. We want to add to the production of our country but we have no right.”

*Bhutanese refugee student in Nepal refugee camp*

### a. Context of case

Nearly 100,000 ethnic Nepalese from Bhutan, many of whom lived in Bhutan for generations, have been living in refugee camps in Nepal effectively stateless for over ten years. In the late 1980s they were stripped of their citizenship and pushed out of Bhutan by its government following the implementation of “Bhutanisation.” The Bhutanese government has maintained that the majority of the refugees are not Bhutanese citizens while the Nepalese government, which has been host to the refugees, refutes this claim and refuses to grant them permanent asylum or citizenship in Nepal.

Approximately 90% of Bhutan is divided among three ethnic groups: the Buddhist practicing Ngalons and Sarchops, who are collectively called the Drukpas and speak closely related languages and the ethnic Nepalese (Lhotshampas), who practice Hinduism. The powerful monarchy of Bhutan is headed by a Ngalon King. Ngalons and Sarchops primarily control the government. The ethnic Nepalese or Lhotshampas, who began to migrate into southern Bhutan in the 19<sup>th</sup> century and continued to do so until the 1970s with no opposition from the ruling monarchy, traditionally have had little participation in state affairs.

Under the 1958 Nationality Law, Nepalese migrants were eligible for Bhutanese citizenship if they owned land and had resided in Bhutan for at least 10 years.<sup>7</sup>

In 1977 the law was changed to include more restrictive criteria. The residency requirement doubled from 10 to 20 years and the revision also included a new clause, which required applicants to write and speak the language of the state, Drukpa Dzongkha, as well as have some historical knowledge of Bhutan.

Following the 1977 revision of the 1958 Nationality Law, the monarchy imposed the 1985 Citizenship Act, which was even more restrictive than the 1977 revised law. In addition to the inclusion of a language requirement and a strong understanding of Bhutanese history, culture and traditions, the updated Act required anyone who had only one Bhutanese parent and born after 1958 to apply for naturalization.<sup>8</sup> The 1985 Act also called for a national census to be taken. To confirm Bhutanese citizenship, the 1988 census asked all ethnic Nepalese to produce documentation of their residency in Bhutan. Many ethnic Nepalese, a large percentage of whom were illiterate, failed to produce the necessary evidence to prove their citizenship. By 1992 an estimated 100,000 Lhotshampas had left Bhutan and eventually settled in camps in Nepal.

### b. Relationship between conflict and the denial of citizenship

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<sup>7</sup> Piper, Tessa. ‘The Exodus of Ethnic Nepalese from Bhutan,’ (Writenet, 1995), <http://www.unhcr.ch/reworld/country/writnet/writenet/wribtn.htr>

<sup>8</sup> Khan, Gerrard

By the late 1980s Lhotshampa citizens, feeling increasingly marginalized by the stringent citizenship requirements and the intrusive government imposed measures, which included the removal of Nepalese language from school curriculums and other acts targeting Nepalese identity, rebelled against the repressive policies in a series of demonstrations calling for democratic reforms. Violent conflict erupted, followed by a series of arrests, atrocities and the forceful eviction of the Lhotshampas.

The government's response to quell the growing opposition was to expel those ethnic Nepalese who could not validate their citizenship as well as intimidate those who could produce the proper documentation. Terror was inflicted on the demonstrators and ethnic Nepalese members of the National Assembly were imprisoned.<sup>9</sup> The state effectively thwarted internal opposition to their nationalist policies by revoking their citizenship and removing the Nepalese-speaking people from Bhutan.

Although there have been eleven ministerial level bilateral talks between Bhutan and Nepal over the issue of repatriation, for the last ten years, Nepal and Bhutan have adopted divergent approaches to the status of the refugees, complicating the repatriation process. The primary obstacle preventing the return of refugees to Bhutan has been differing-views over categorization between the two countries. Early on four categories were accepted by both parties: 1) forcibly evicted persons; 2) Bhutanese who emigrated; 3) non-Bhutanese people; and 4) Bhutanese with criminal records. However, difficulty in harmonizing category two, those who emigrated from Bhutan, has been a major factor preventing the Nepalese-speaking people from returning to Bhutan. The Bhutanese have continued to invoke its 1985 Citizenship Act, which stipulates that emigration automatically results in the forfeiture of citizenship. Meanwhile, Nepal contends that if Bhutan insists on not accepting its people on the grounds of emigration and if any other host country refuses to accept them as citizens, then the refugees continue to live under a condition of statelessness.<sup>10</sup>

### **c. Relationship between Migration and the denial of citizenship?**

An arbitrary change in citizenship law may leave hundreds of thousands of people stateless and in turn cause them to take flight. The condition of statelessness can therefore be both the cause and the consequence of forced migration. Stateless victims in South and Southeast Asia, usually distrusted minorities with limited rights, suffer state-initiated discrimination violence and repression leading to massive movements of people. Statelessness can be a consequence of forced migration when people are deprived of citizenship but do not qualify for a new one.<sup>11</sup>

By 1992 the Bhutanese army had forced over 100,000 ethnic Nepalese to east India who eventually made their way to camps in east Nepal.<sup>12</sup> The refugees in the camps claim they are victims of the Bhutanese government's discrimination policy, while the Bhutanese government maintains that the refugees are in fact illegal immigrants from Nepal who left the country voluntarily and therefore renounced their nationality under Bhutanese citizenship law.<sup>13</sup> Bhutan's citizenship law allows for the removal of nationality without making such loss of nationality contingent on the acquisition of another one, thereby arbitrarily depriving those who left, voluntarily or otherwise, of citizenship.

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<sup>9</sup> Ibid.

<sup>10</sup> Baral, Lok Raj, March 31, 1997, "No Paradise Beyond the Borders" – The Telegraph.

<sup>11</sup> Martin, Susan, July 2000, "Forced Migration and the Evolving Humanitarian Regime" The Journal of Humanitarian Assistance.

<sup>12</sup> Ibid.

<sup>13</sup> Amnesty International

While Nepal has hosted the Lhotshampas for over 10 years, acknowledging economic and environmental strains, it has also refused to grant the refugees permanent asylum or citizenship in spite of the clear ethnic connection. Yet this ethnic connection, a common language and social identity, is likely the reason the Nepali administration has not evicted or forcibly repatriated them to Bhutan. Thus, for the Lhotshampas, citizenship denial was a primary factor in their forced migration and their forced migration had led to their current status of statelessness in Nepal.

It is likely that the longer it takes to reach a mutually acceptable solution to the Lhotshampa refugee crisis, the greater the chances for increased economic burdens, political liabilities and foreign policy complications for both Nepal and Bhutan. In addition, the presence of thousands of stateless people living in refugee camps in Nepal has significant implications for the security, environment and socio-economic harmony in the area.

Further complicating repatriation efforts of the Lhotshampa refugees, the Bhutanese government has resettled ethnic Bhutanese on the lands owned and left behind by the refugees, violating land ownership rights of the original occupants.

#### **d. Relationship between Poverty and the denial of citizenship**

“In the camp we are given all the things we need. Here we are lucky to get the chance to study. However we are not happy to spend our lives as refugees because at every step we come across many difficulties.”

*Bhutanese refugee student in refugee camp in Nepal*

In almost all cases, poverty breeds poverty unless there is an empowerment mechanism that enables one to overcome such adversity. It requires, however, the ability to tap a mechanism of empowerment such as access to free education. For those who do not have the benefits of citizenship, it becomes all the more difficult to overcome the affects of poverty, particularly if the population has been rendered stateless by its own country and relegated to camps in nearby countries where there appears to be little hope for integration. The Lhotshampas living in refugee camps in Nepal face enormous psychological barriers and legal impediments to the reduction of their poverty.

#### Material assets

Over 100,000 Lhotshampa refugees are housed in seven camps in Nepal. Refugees are not allowed to work outside the camps and largely depend on external assistance. Although the refugee population participates in camp management and are involved in income generating projects, the lack of permanency and inability to own property fosters a sense of insecurity. Insecurity heightened by the potential danger of aid fatigue from the international donor community and humanitarian agencies since a decade long attempt to repatriate the refugees has thus far failed.

#### Bodily Health

Although there are health facilities in the camps, the long-term effects of being forced to live in camps contributes to the deterioration of mental and physical health.

### Bodily Integrity

“I am a refugee student... refugee means that you have nothing with you. We are people who do not have a house to live in, people who do not have land and properties. A refugee just has their empty body. We are like beggar men and this makes us sad. Only by studying can we gain something for our future.”

*Bhutanese refugee student at camp in Nepal*

### Political representation and accountability

Nepal is not a signatory to the UN Refugee Convention and considers the majority of the Lhotshampa refugees to be illegal immigrants who may be arrested and detained at any time. Nepal has allowed UNHCR to conduct refugee status determinations, however a person recognized as a refugee under the agency’s mandate still has no legal status, no rights in Nepal and no prospects of local integration.<sup>14</sup>

Despite being excluded from the Bhutan/Nepal negotiations and banned from political activity in the camps, the Lhotshampa refugee leaders have mobilized support among the refugee community to insist on repatriation to Bhutan.<sup>15</sup>

### Women and children

“Now we have spent 7 years in the camp. My friends are here but it is not a place the we call home.”

*Bhutanese refugee student Nepal*

Women participate in camp management and income generating projects, and children have access to education in the camps, but at the end of the day a whole generation of children have been born and raised in camps and know of nothing else.

Leading up to the Lhotshampa mass exodus shortly before the 1985 Citizenship Act, the government introduced the 1977 Marriage Act, which declared all foreign wives of Bhutanese citizens as non-citizens, even though most of them had been granted citizenship under previous citizenship laws. Hence, thousands of children, born out of marriages between Lhotshampa husbands and Nepali-speaking wives from Nepal or India, were denied citizenship. They along with their parents were evicted.

## **III. CASE #2 Sri Lanka denies citizenship to ethnic (Estate Tamil) Indians**

### **a. Context of case**

Not unlike Bhutan’s effort to secure a state controlled national identity, the indigenous Sinhalese-controlled government of Sri Lanka enacted citizenship legislation aimed to deliberately disenfranchise the ethnic Indian Estate Tamils. By eliminating the threat to Sinhalese national identity posed by a

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<sup>14</sup> United States Committee for Refugees, 2002, Worldwide Refugee Information, Country Report: Nepal.

<sup>15</sup> Pattanaik, Smruti, “Nepal Bhutan Talks and the Repatriation of Bhutanese Refugees,” <http://www.isda-india.org/anjan9-11.html>.

segment of the population considered by many to “occupy the lowest socio-economic strata of Sri Lankan society,”<sup>16</sup> the government sought to secure its centrist position.

In Sri Lanka two distinct Tamil populations exist: the Sri Lanka Tamils who settled in the northern parts of Sri Lanka as far back as the tenth century and make up approximately eleven percent of the total population in Sri Lanka, and the Sri Lankan Indians called Estate Tamils, who were brought to Sri Lanka by the British in the nineteenth century to work on tea plantations and constitute about nine percent of the population. The Estate Tamils speak a different dialect from the Sri Lankan Tamils and have different cultural habits.<sup>17</sup>

The Estate Tamil migrants represented British colonialism and were never welcomed by many Sri Lankan Sinhalese, the predominant ethnic group. As far back as 1928 the Sinhalese political leaders rejected British efforts to grant the Estate Tamils voting rights. Although the British did not consider the Indian migrants to be a threat to the Sinhalese national identity, the Sinhalese felt otherwise. In fact, the Sinhalese endorsed the notion that they had every right to expel the ethnic Indian Estate Tamil population because they did not regard the colonial policy of admitting Estate Tamils into Sri Lanka as legitimate.<sup>18</sup>

Shortly after independence, the newly independent state of Sri Lanka enacted the 1948 Ceylon Citizenship Act, which required that the applicant’s father or both the applicant and the applicant’s grandfather had to be born in Sri Lanka. This ruled out many of the Tamil estate workers who had been living and working in Sri Lanka for generations, but, due to their tradition of returning to India to get married and have children, many had not been born in Sri Lanka. In addition, proof of descent was difficult to provide because official birth registration was not instituted until 1897, making it difficult to document the birth of grandfathers.

Following the 1948 Ceylon Citizenship Act, the Indian and Pakistani Residents Act of 1949 was enacted. Initially this appeared to be less restrictive calling for a seven or ten year ‘uninterrupted residence’ requirement. This meant, however, that those who periodically returned to India were automatically disqualified. Additionally, the 1949 Act stated that applicants had to have an income level beyond the reach of the majority of Estate Tamils.<sup>19</sup> The combination of both Acts contributed to the disenfranchisement and marginalization of an estimated 95% of the of the Estate Tamils who the government of Sri Lanka contended were British, not Sri Lankan, citizens.<sup>20</sup>

#### **b. Relationship between conflict and the denial of citizenship?**

In Sri Lanka as in Bhutan, the denial of citizenship to a minority group was used as an instrument to assist the state in its pursuit of a monolithic nationalist ideology aimed at protecting or creating a national identity. Conflict arose not only between the state and its intended victims who rejected the notion of being forced to leave their homes, but also between states affected by the forced migration.

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<sup>16</sup> Sahadeven, P., “India and the Overseas Indians; The Case of Sri Lanka, (Kalinga Publications: New Dehli, 1995), chapter 4.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Sahadeven, P.

<sup>20</sup> Ibid.

The responsibility of integrating thousands of Estate Tamils into its already strained economy created tension between India and Sri Lanka. In spite of India's opposition, Sri Lanka supported the repatriation of Estate Tamils to India who did not qualify for Sri Lankan citizenship.<sup>21</sup>

India, on the other hand, continued to negotiate with Sri Lanka until the 1954 signing of the Nehru-Katlawala Pact, which stated that India would accept those Estate Tamils who desired Indian citizenship. India did not, however, accept the Sri Lankan position that those who were not eligible for Sri Lankan citizenship automatically receive Indian citizenship. This position left 900,000 people stateless in Sri Lanka.<sup>22</sup>

For many years the Sri Lankan government hesitated to forcibly repatriate Estate Tamils due to the national security threat posed by India. By the 1980s, the problems between the Sri Lankan Sinhalese government and the Sri Lankan Tamils<sup>23</sup> (non-Estate) changed the relationship between the two states. The Sri Lankan Tamils resisting the repressive policies of the Sinhalese-led government, including education and employment preferences for the Sinhalese majority, pressed for regional autonomy in the north. Their effort to gain greater independence eventually escalated into a full-scale civil war.<sup>24</sup> By the mid 1980s India intervened in the conflict supporting the Sri Lankan Tamils. Fearful that India's support of the Sri Lankan Tamil militants might lead to India's greater involvement in the war, the Sinhalese government enacted expansive legislation granting citizenship to those Estate Tamils who remained stateless and who had thus far not been pulled into the conflict by the Sri Lankan Tamils or India.

### **c. Relationship between migration and the denial of citizenship?**

“Governments drive huge populations across international borders by depriving them of citizenship in their own countries, creating refugee crises and generating armed conflict. The breakup of states, the political tensions of war and intercommunal violence, and the creation of new states all provide scenarios in which holding on to or acquiring citizenship may turn on race or ethnicity and the whim of those in power”.

Human Rights Watch, 2001 report on “Nationality and Statelessness”.

The denial of citizenship in Sri Lanka has caused the slow but deliberate movement of hundreds of thousands of people from Sri Lanka to India. In 1962, fourteen years after the first citizenship act that paved the way for the repatriation of Sri Lankan Indians, only 134,188 out of an estimated 900,000 Estate Tamil Indians had received citizenship.<sup>25</sup> The majority of the disenfranchised, stateless Estate Tamils remained in Sri Lanka until 1964 when the Indo-Ceylon Pact, otherwise known as the Sirima-Shastri Agreement, was signed. Under the 1964 Pact, India agreed to repatriate 525,000 stateless Estate

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<sup>21</sup> The term repatriation is used loosely here and throughout the paper. It does not represent a return as much as a movement, because, in fact, many of the people who have been “repatriated” are moving to locations where they have never been before.

<sup>22</sup> Wiener, Myron

<sup>23</sup> The deprivation of the citizenship rights affected only the Indian Estate Tamils in Sri Lanka, a group which does not lay any claims to rights of self determination, or to the rights to traditional homelands. On the other hand, the Sri Lankan Tamils who claim such rights were never deprived of their citizenship.

<sup>24</sup> Khan, Gerrard.

<sup>25</sup> Tilakaratna, Bernard. “The D. S. Senanayake Govt. — Gaining of independence and some aspects of its foreign policy”.

Tamils and Sri Lanka agreed to grant citizenship to 300,000.<sup>26</sup>

In 1974, ten years after the Indo-Ceylon Pact, the prime ministers of Sri Lanka and India met again to settle the problem of those who remained stateless in Sri Lanka. Under the 1974 Sirimavo-Ghandi Pact, the two governments agreed to divide the remaining 150,000 stateless Tamils between the two countries. That brought the total number slated for Sri Lankan citizenship up from 300,000 to 375,000, and for Indian citizenship from 525,000 to 600,000. Then in 1988, due to the internal political conflict between the Sinhalese-led government and the Sri Lankan Tamils in the north, and a desire to appease the Indian government and limit their involvement in the conflict, the Sri Lankan government passed legislation granting citizenship to the remainder of the Estate Tamils.

In spite of Sri Lankan legislation granting Estate Tamils citizenship, statelessness continues to persist. The government has yet to issue their citizenship certificates to thousands of Estate Tamils, who under the 1988 citizenship law revision qualified for Sri Lankan citizenship, but who remain disenfranchised. . Reportedly, many of the Estate Tamils would prefer to remain stateless in Sri Lanka than pursue Indian citizenship.

In addition, fear of leaving Sri Lanka, even if it means acquiring citizenship in a new country, is exacerbated by reports of disgruntled Estate Tamils who were repatriated to South India against their will. Although granted Indian citizenship, many of the estimated 500,000 who were repatriated to India are regarded as “second class” citizens and treated with hostility. Many have expressed desire to return to Sri Lanka.<sup>27</sup>

#### **d. Relationship between poverty and denial of citizenship”**

##### Material Assets

The Estate Tamils, despite being a major contributor to the Sri Lankan economy, constitute one of the most marginalized groups of the country’s labor force.<sup>28</sup> The social stigma attached to the estate workers upon their arrival in Sri Lanka in the early part of the 19<sup>th</sup> century still lingers. A large number Estate Tamils remain unable to obtain Sri Lankan citizenship and according to social indicators, they are among the poorest ethnic groups in Sri Lanka.<sup>29</sup> The state has continued to ignore aspects of infrastructure and human resource development that would directly benefit the Estate Tamils.

##### Bodily Health

Access to proper health care for many of the Estate Tamils remains significant problem. Poor roads make it difficult for Estate Tamils to reach health care centers that remain few and far between. Infant and maternal mortality rates are disproportionately high among Estate Tamil women compared to the rest of the country.

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<sup>26</sup> Khan, Gerrard

<sup>27</sup> Valentine, Daniel, “Chapters in the Anthropology of Violence, (Princeton University Press: New Jersey, 1996) p. 75.

<sup>28</sup> The export of tea is one of Sri Lanka’s most important exports and the majority of the labor on the tea estates is done by the Tamils.

<sup>29</sup> Subbramanian, Nirupama, Frontline magazine, October 13-26, 2001, “For Greener Pastures”

### Bodily integrity, children and education

Many of the younger generation, eager to leave the confines of the estates where their parents have worked for generations, have educational aspirations and see this as their ticket to life outside the estates.

“Education is the only way in which we can offer mobility to our children and bring them on par with the other communities of Sri Lanka.”

*S. Mohanraj, head of the junior school at the Talawakelle Tamil Mahavidyalaya*<sup>30</sup>

However, the weak educational structure and the poor economic conditions of the workers tends to create a generation of poorly equipped young people with big aspirations. Many of the Estate Tamil students are forced to drop out of school in order to help support their families.

## **IV. CASE #3 - The Bihari are denied citizenship in Bangladesh**

### **a. Context of case**

Similar to the Estate Tamils in Sri Lanka, the Bihari of Bangladesh have been denied citizenship in Bangladesh and have suffered through many years of statelessness.

The Urdu-speaking Bihari Muslims fled India during India’s 1947 independence and became a linguistic minority among the Bengali-speaking majority in East Pakistan. The newly independent state of Pakistan, led by the Urdu-speaking ethnic Punjabis who dominated West Pakistan, took a centrist approach, reducing local government influence as well as limiting the power of those who were not Urdu-speaking ethnic Punjabis including the Bengali-speaking majority in East Pakistan. During this time, the state denied Bengali-speaking people full representation in the government and limited their access to government services and resources.<sup>31</sup> The Biharis, however, who shared linguistic similarities and maintained close ties with the ruling elite in West Pakistan, were granted elevated status in East Pakistan; creating tension with the Bengali majority. Eventually the Bengali leaders began to react to the discriminatory practices of the Punjabi dominated state and demanded greater autonomy. The Biharis opposed the demands of the Bengalis choosing to align themselves with the Punjabis who dominated the central government.

In 1971 when the Pakistani government sent armed forces into East Pakistan to quell Bengali opposition, the Biharis not only supported the government, but also allegedly joined the government’s paramilitary forces and committed some of the worst atrocities in the conflict. When the Bengali majority of East Pakistan seceded from Pakistan to create an independent Bangladesh in 1972, the Bihari minority were initially granted full citizenship rights and equal treatment under Bangladeshi law. This was subsequently ignored by the new government, which claimed that the Biharis were Pakistanis, not Bangladeshis. With their homes destroyed and property confiscated, most Biharis were forced to live in camps and await repatriation to Pakistan where they had never lived, but claimed citizenship. Thirty years later, over 200,000, (some accounts estimate over 400,000) remain in camps in Bangladesh

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<sup>30</sup> Ibid.

<sup>31</sup> Bose, Sugata and Jalal, Ayesha, “Modern South Asia, History, Culture and Political Economy, (Routledge: NY, 1998), Chapter 20.

effectively stateless as a consequence of neither Pakistan nor Bangladesh recognizing them as citizens.<sup>32</sup>

### **b. Relationship between conflict and the denial of citizenship?**

In 1947, with the partition of India, many of the muhajirs, Urdu-speaking Muslims, settled in the Pakistani provinces of Sindh and Karachi, which resulted in violent clashes. These clashes made the Pakistani government hesitant to admit the Bihari, who were also likely to settle in Karachi, because their resettlement could further intensify the conflict between the Sindhis and muhajirs.<sup>33</sup> The plight of the Bihari has received a sympathetic ear from time to time, but continued fear of heightened ethnic conflict and internal instability prevents the Pakistani government from repatriating thousands that remain in camps in Bangladesh.

In practical terms the Biharis occupy a similar position as the Lhotshampas in Nepal and Estate Tamils in Sri Lanka. All three groups have been rendered stateless by citizenship denial, but the circumstances that led to the Bihari statelessness are quite different from the other two cases. The genesis of Bihari statelessness can be traced to pre-Bangladeshi independence and the repressive, discriminatory policies imposed by the Punjabi central administration in West Pakistan, against those who posed a threat to national identity. The conflict that ensued and subsequent Bangladeshi refusal to grant citizenship rights to the Bihari minority can be attributed to the Bangladeshi response to the Bihari's support of and collaboration with the Pakistan military forces during the Bangladeshi independence movement. It would appear then, that the denial of citizenship in Bangladesh was not the result of an effort to preserve or create a state identity as it has been in Nepal and Sri Lanka, but rather born of a desire to punish those who had not supported their independence movement. To this day, the Bihari have had to suffer the consequences of Pakistan's exclusionary policies under which they had been originally spared.

### **c. Relationship between migration and the denial of citizenship?**

After 1971, when the Bengali majority in East Pakistan successfully seceded from Pakistan to create independent Bangladesh, the Biharis lost their citizenship rights and were forced to move into camps to await repatriation to Pakistan. In 1974, after a tripartite agreement was reached among India, Pakistan and Bangladesh, about 170,000 Biharis were resettled in Pakistan.<sup>34</sup> At the time the Pakistani government contended that it had satisfied its legal obligations under the tripartite agreement and therefore was not required to grant citizenship to the Bihari who remained in Bangladesh. In 1999, Pakistan reiterated its position on the Bihari when Prime Minister Nawaz Sharif stated that the Bihari were not Pakistani, but added that Pakistan may accept repatriation on humanitarian grounds.<sup>35</sup> Meanwhile, the Bangladesh government continues to hold the Bihari accountable for abuses perpetuated by the Pakistani government thirty years ago. The Bangladesh government refuses to accept them as citizens, despite the fact that almost all of the Bihari were born in Bangladesh and had never even traveled to Pakistan.<sup>36</sup>

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<sup>32</sup> Wiener, Myron.

<sup>33</sup> Wiener, Myron (year?)

<sup>34</sup> Minority Reports Group, "The Biharis in Bangladesh" (London: 1982).

<sup>35</sup> Nawaz, Sharif, statement quoted in Xinhua News Agency, 3/4/99

<sup>36</sup> Khan, Gerrard.

#### **d. Relationship between poverty and the denial of citizenship?**

##### Material assets

“We live a life even animals would hate,” said a 70 year-old refugee woman living in the one of the 66 Bihari camps spread throughout the Bangladesh. “Earning a living is very tough for us,” said a Bihari woman. “Even if we find work, we are paid less because we are refugees.”<sup>37</sup>

Some Bihari have managed to generate income by finding jobs as mechanics, drivers and factory workers, serving as a source of empowerment.

##### Bodily health

Reportedly, the camp conditions are poor. Sanitation and water supply is inadequate and crime is rampant. Clearly, the stigma attached to being long-term refugees, the majority of whom are restricted to camps, affects the collective mental health of the Bihari population as well.

##### Bodily integrity

Although many Biharis have jobs in the private sector, they are unable to hold official government posts, live in “filthy camps,” and because of their refugee status are socially ostracized. In addition, the majority of the refugees are restricted from living outside the camps, limiting access to job opportunities, education and healthcare.

##### Political representation and accountability

Although the Biharis have no official representation within the government of Bangladesh, there are leaders within the Bihari community who represent the concerns of their people. For instance, there are young Biharis who have managed to attend schools outside the camps. Therefore they have forged relationships with Bengali students and formed alliances with like-minded people who support a youth movement for the reintegration of the Biharis into Bangladesh.

##### Women and children

Women and young children continue to be the most vulnerable to human security threats. For example, young Bihari women allegedly are targeted by sex-traffickers. Limited access to educational opportunities deprives another generation of Biharis the chance to break out cycle of poverty.

Many of the new generation of Biharis, although stateless and living in squalid camps, don’t want to be repatriated to Pakistan. While the leadership represented by the older generation, continues to demand that Pakistan honors its obligations, a growing number of young Bihari, many born in the camps, prefer to live permanently in Bangladesh.

“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.

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<sup>37</sup> Reuters, “New Generation Biharis opt to stay in Bangladesh”

For us, Bangladesh is our motherhood...We are not willing to remain stateless and jobless anymore.”<sup>38</sup>

*Representative of the Stranded Pakistanis Youth Repatriation Movement*

## **V. CASE# 4 Myanmar (Burma) denies citizenship to Rohingyas**

### **a. Context of case**

“I was born in Burma, but the Burmese government says I don’t belong there. I grew up in Bangladesh, but the Bangladesh government says that I cannot stay here. As a Rohyinga, I feel I am caught between a crocodile and a snake.”

Refugee, Nayapara camp, Bangladesh<sup>39</sup>

In some instances, individuals and communities are deprived of their nationality by governmental decree and are subsequently expelled from the country they consider to be their home. This was the case with the ethnic Estate Tamils in Sri Lanka. In other situations, people flee due to restrictive citizenship policies designed to target specific groups of people. These policies persecute, discriminate and blatantly disregard the most basic human rights. Such is the case of the Rohingyas in Myanmar.

Following independence from the British in 1948, the Rohingya Muslims of Myanmar, who were predominantly concentrated in the northern part of Rakhine State (Arakan), claimed a separate ethnic identity and were recognized by the newly independent government.<sup>40</sup> In the 1950s, Rohingyas had representation in parliament and held high level government posts. After the 1962 military take over, however, the Rohingyas were systematically denied their civil, political, economic and social human rights, culminating in Citizenship Act of 1982.

The 1982 Act was clearly designed to exclude the over one million Rohingyas from the rights of citizenship. It stipulated that citizenship would be subdivided into three categories: full, associate and naturalized. It defined “full citizens” as either members of one of the 135 “national races,” which does not include the Rohingya, or individuals who could prove their ancestors had settled in the country before 1823 (the start of the British colonization of Arakan.)<sup>41</sup> A person could be classified as an associate citizen if one of four grandparents was a citizen of another country. (Associate citizenship is thus reserved for former foreign citizens or stateless persons.) The third category of citizenship, citizenship by naturalization can be granted to a person who can prove that he was born in Myanmar and his parents had entered and resided in Myanmar before January 4, 1948. In addition the law stipulates that, “Persons with one parent who is a full, associate or naturalized citizen and one who is a foreigner, with parents who are both naturalized citizens with one parent who is a naturalized and one who is an

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<sup>38</sup> Ibid.

<sup>39</sup> Medecins Sans Frontieres, March 2002, “10 Years For The Rohingya Refugees In Bangladesh: Past, Present and Future.”

<sup>40</sup> Burma was changed to Myanmar, and Arakan to Rakhine, by the military government in 1989.

<sup>41</sup> United Nations Commission on Human Rights. 19<sup>th</sup> March – 27<sup>th</sup> April 2001. Fifty-seventh session. Geneva, Switzerland.

associate citizen can also apply for naturalized citizenship. Applicants for naturalized citizenship must be able to speak one of the national languages well.”<sup>42</sup>

The over-burdensome, draconian 1982 citizenship law further stipulates that only full and naturalized citizens are “entitled to enjoy the rights of the citizen under the law, with the exception from time to time of the rights stipulated by the State.” All forms of citizenship, “except a citizen by birth” may be revoked by the State.

The three categories of citizenship carry with them different rights, though this it is not stipulated in the law directly. Those who hold an associate citizenship cannot own property, cannot be a private teacher, cannot train to be an engineer or doctor, cannot work for a foreign firm, UN agency or foreign embassy, and cannot run for an elected position. The process of actually obtaining proof of citizenship is also troublesome due to poor access to written records, difficulty of traveling in government controlled areas and the general unwillingness of government officials to facilitate registration.<sup>43</sup> Additionally, if a person is successful in acquiring citizenship there is very little he can do, unless he is a full citizen, to prevent the state from arbitrarily revoking this hard-fought status.

#### **b. Relationship between conflict and the denial of citizenship?**

Even before the promulgation of the 1982 citizenship law, color-coded identity cards, signifying status of citizenship, were widely distributed in Myanmar. Those residing lawfully in Myanmar could be divided into four colors: Pink for full citizens, blue for associate citizens and green for naturalized citizens and white for foreigners. The Rohingyas were not issued identity cards as they were told they did not fall under any of these categories.<sup>44</sup> In 1977, when the government of Myanmar launched a country-wide program (Naga Min) to verify the nationality of its citizens, the Rohingyas expressed opposition. Responding to the Rohingya’s growing discontent, government forces entered Arakan sending hundreds of thousands of people fleeing across the border to Bangladesh.<sup>45</sup> The majority were repatriated shortly thereafter; yet another mass exodus occurred twelve years later.

The denial of citizenship for the Rohingya people from Myanmar has had regional implications as well, causing tension far beyond the Myanmar border. While Bangladesh has borne the social and economic brunt of two mass exoduses, other countries, namely Pakistan, Malaysia, Saudi Arabia and the United Arab Emirates have also been affected, as they too have been recipients of Rohingya refugees.<sup>4647</sup>

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<sup>42</sup> “Human Rights in Myanmar.” This report was submitted to the members of the 52<sup>nd</sup> Session of the United Nations General Assembly (UNGA) by Mr. Rajsoomer Lallah, UN Special Rapporteur of the Commission on Human Rights, in accordance with the provision of the 1997 UNGA Resolution on Burma.

<sup>43</sup> Human Rights Watch, World Report

<sup>44</sup> Ahmed, Imtiaz. June 2001. “Bangladesh-Myanmar Relations and the Stateless Rohingyas.”

<sup>45</sup> Although several countries have been the recipients of Rohingya refugees, this case study will focus primarily on Bangladesh.

<sup>46</sup> Some contend that the brunt that Bangladesh has borne is over-estimated because the state is making profit from the Bihari and that the economic tension caused by the hundreds of thousands of people is alleviated by the assistance provided by the international community and the local jobs created by the mass exodus.

<sup>47</sup> Centre for Refugee studies Jadavpur University, Calcutta and Brookings Institution Project on Internal Displacement. February 2001. “The Rohingya: Forced Migration and Statelessness. “Forced Migration in the South Asian Region: Displacement, Human Rights and Conflict Resolution” Paper submitted for publication in a book edited by Omprakash Mishra on “Forced Migration in South Asian Region”.

Regardless of divergent views over the economic and social burdens imposed on Bangladesh by the Rohingyas, the existence of a stateless population has played a major role in defining relations between Bangladesh and Myanmar.

“This is my third time in Bangladesh. The first time I was a young boy. The second time I remember terrible things. We were safe here for a short time after Naga Min, but then the food stopped, and were pushed back on boats to go back to Burma. We were told that all problems in Burma were solved. But now I am back again.”

-65 year-old male refugee in Bangladesh<sup>48</sup>

The potential level of conflict between Myanmar and Bangladesh is raised even higher when one considers the prospect of militant Rohingya groups, increasingly frustrated by Myanmar’s repressive policies, possibly expanding their operations beyond the Arakan region across the border into Bangladesh. Reportedly, there are Bangladeshi forces sympathetic to the Rohingya cause who forward weapons and materials to help them in the fight against Myanmar’s security forces. This adds a whole new dimension to the conflict and could ultimately affect efforts by the Rohingyas to obtain citizenship.<sup>49</sup>

### **c. Relationship between immigration and the denial of citizenship?**

In 1978, as part of the state-sponsored Naga Min program, the army began to pay attention to those who had been labeled illegal immigrants due to their inability to qualify for identity cards. As a result, an estimated 200,000 Rohingya, who had not been granted the state cards and expressed dissatisfaction with the repressive government practices, fled to Bangladesh in fear of the military crackdown. A year later an estimated 180,000 of them were forcibly repatriated under the supervision of the United Nations High Commissioner for Refugees (UNCHR).

After the first wave of Rohingya fled Myanmar and sought refuge in Bangladesh, Bangladeshi officials, with UN mediation, negotiated an agreement with the government of Myanmar on behalf of the Rohingya refugees. The agreement was designed to address the restrictive Myanmar citizenship criteria and stipulated that those who entered Myanmar before 1948 and who had failed to register could now do so. In addition, the agreement clearly stated that those who registered would be permitted to own land and property. Once the agreement was signed, the exodus ceased and the majority of people returned to Myanmar.<sup>50</sup> However, the conditions stipulated in the agreement were not implemented and the situation for the Rohingya did not change upon their return. This eventually led to the second mass exodus twelve years later.

In the early 1990s, forced labor, confiscated land and other forms of persecution by Myanmar’s military regime against the Rohingyas resulted in another exodus of about 250,000 Rohingya into Bangladesh.

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<sup>48</sup> Medicins Sans Fronteieres, March 2002, “10 Years For The Rohingya Refugees In Bangladesh: Past, Present and Future.”

<sup>49</sup> Ahmed, Imtiaz. 2001. “Bangladesh-Myanmar Relations and the Stateless Rohingyas.”

<sup>50</sup> Wiener, Myron

“Our land, house, and animals were taken away, and an army camp was built on our land. When the men went to ask to have at least our animals back they were beaten. The soldiers tried to rape me, but my family and neighbors chased them away. We left without belongings.”

Refugee woman, 35 years-old in Bangladesh<sup>51</sup>

In 1992, the government of Bangladesh carried out a forced repatriation plan without UN involvement amidst international protest. Eventually UNHCR began mass registration sessions and thousands were repatriated to Myanmar from Bangladesh. By 1995, an estimated 200,000 Burmese refugees, most of them Rohingya, were repatriated to their home state of Arakan, based on the assumption that conditions in Arakan were conducive to return.<sup>52</sup> Although the massive repatriation effort was hailed by UNHCR as a success, the cycle of exodus did not end.

In spite of potential for further regional instability provoked by a constant flow of rejected people across the border between Bangladesh and Myanmar, the long-term impact of migration on citizenship has not convinced the government of Myanmar that the recognition of the Rohingyas as citizens is in the best interest not only of the Rohingya people, but of Myanmar as well. By 1996, just as UNHCR was ending its repatriation efforts, an estimated 10,000 Rohingya fled Myanmar seeking asylum in Bangladesh.<sup>53</sup>

In 2002, ten years after the second large exodus of Rohingya, an estimated 230,000 refugees have been repatriated under the supervision of UNHCR, leaving an approximately 20,000 in Bangladesh.<sup>54</sup>

The denial of citizenship and its effective rights has contributed to a constant flow of people across the border between Burma and Bangladesh for over thirty years. After the initial mass exodus of Rohingyas from Myanmar in the 1970s, and the subsequent UNHCR monitored return, the international community expressed concern that the continued denial of citizenship and exposure to wide spread and systematic human rights abuses in Myanmar would not be conducive to reintegration. At the time, the existing conditions in Myanmar were weighed against the conditions of asylum in Bangladesh, where reportedly up to 12,000 refugees had died when the Bangladesh government intentionally reduced food rations in the camps in order to force their return. It was considered by many in the international community that, from a humanitarian point of view, their return to Myanmar was preferable.<sup>55</sup> Needless to say, that option, though perhaps preferable, proved to be intolerable in the long term.

Indeed, the lack of a long-term resolution and the Myanmar government’s resistance to granting citizenship and ending its discriminatory practices, leaves open the possibility for another Rohingya mass exodus.

#### **d. Relationship between poverty and the denial of citizenship?**

The denial of citizenship and key fundamental economic, social and civil political rights deprive people of their livelihood. In the case of the Rohingyas, many, who were forcibly evicted as a consequence of their non-status, repatriated from Bangladesh in the late 1970s and 1990s under the assumption that

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<sup>51</sup> Medicins Sans Frontieres, March 2002, “10 Years For the Rohingya Refugees in Bangladesh: Past, Present and Future.”

<sup>52</sup> UNHCR, June 1995, “Ending a Cycle of Exodus”.

<sup>53</sup> Human Rights Watch, September 1996, “The Rohingya Muslims: Ending a Cycle of Exodus”

<sup>54</sup> Medicins Sans Fronteieres, March 2002, “10 Years For The Rohingya Refugees In Bangladesh: Past, Present and Future.”

<sup>55</sup> Fouinat, Francois, United Nations High Commissioner for Refugees ([www.worldpaper.com](http://www.worldpaper.com))

conditions in Myanmar would improve. Yet the lack of civil and political rights as well as economic and social rights has reinforced a cycle of poverty from which it is increasingly difficult to escape. The government's discriminatory citizenship policies and use of identity cards has severely restricted the movement of the Rohingya people in Myanmar. As a result, they are denied access to commercial markets, healthcare facilities and higher education.

### Material assets

Unwanted in the land of their birth and no longer welcome in the land of their refuge, the Rohingya find themselves truly stateless. Denied citizenship has had profound socio-economic consequences for the Rohingya. Most blatantly it has prevented their access to education, employment as well as ownership of property.

Commerce, for instance, cannot be conducted when a farmer or merchant, who relies on markets outside of his area, cannot travel because he lacks proper identification. In turn, it is virtually impossible for a potential applicant to receive the prerequisite identification if the state refuses to issue the required documentation, or if the potential recipient cannot afford the registration fee, or cannot travel to the place where it is issued. The lack of civil and political rights are inextricably linked to a lack of social and economic rights, which affects access to material assets. Hence, many of the Rohingya have been forced to migrate to avoid persecution and find ways to survive economically since their earning capacity in Myanmar is limited.

However, in Bangladesh, documented Rohingya refugees, although eligible for outside assistance provided by the international community, are not able to work. Thus, their ability to access material assets is severely limited in Bangladesh as it was in Myanmar where their status as "non-citizens" limited their ability to travel, own property and access educational opportunities.

### Bodily health and bodily integrity

Throughout the years, in an attempt to free themselves from threats to their bodily health such as hunger and disease, many of the Rohingya fled Myanmar. However, for many the conditions in the Bangladeshi camps were worse than what they were forced to endure in Burma. Today, the 20,000 Rohingya refugees living in Bangladeshi camps still live in emergency conditions that are substandard and unhealthy. Not allowed to leave the camp freely, they have been confined to overcrowded spaces with insufficient water and inadequate shelter. The majority of the refugees are malnourished. They do not have sufficient food to feed their families, nor are they allowed to work or farm. As a result, 58 percent of the refugee children suffer from chronic malnutrition, exposing them to disease and hampering their physical and mental development.<sup>56</sup>

In many ways, however, the Rohingya living in Bangladeshi camps, with access to international assistance, are better off than the estimated 100,000 undocumented Rohingyas living in Bangladesh who must fend for themselves.

In Myanmar, the lack of identity cards affects almost every aspect of life, posing a profound threat to the human security of those who have suffered at the hands of the oppressive government. As mentioned

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<sup>56</sup> Medecins Sans Frontieres

above, the lack of freedom of movement presents an enormous obstacle to access to education, healthcare and commerce.

"In most countries, babies are registered with the relevant authorities soon after they are born, enabling them to receive a birth certificate. Without such a certificate, it can be very difficult for a person to lay claim to a nationality or to exercise the rights associated with citizenship. Individuals who lack a birth certificate may, for example, find it impossible to leave or return to their own country, register as a voter or gain access to public health and education services..."<sup>57</sup>

### Political representation and accountability

Rohingyas keep trickling back to Bangladesh, despite, albeit limited, international rehabilitation efforts in Myanmar that consist of water, sanitation, health and education projects. There also have been glimpses of a relaxation in the military government's stronghold on political representation, for instance when the Rohingyas were allowed to form political parties and vote during the 1990 elections. For the most part, however, these efforts have been short-lived and insincere. In general, opportunities for empowerment within the existing structures in Myanmar appear to be very limited for those who have been denied citizenship.

### Women and children

For Rohingya women in and out of Myanmar, the situation is particularly grim. There are reports of Rohingya women being trafficked from the camps in Bangladesh. There are also many reports of women being raped and abused by the Burmese military. One Rohingya woman, who is living with her family as an undocumented refugee in Cox's Bazaar in Bangladesh, told her story.

"In Burma, my husband was forced to work for the authorities and sometimes beaten. Many other villagers also experienced the same. The authorities in Burma are very cruel to us, they beat us, they rape our women."<sup>58</sup>

Living in poverty, the Rohingya women are trapped in a situation that puts them at risk of being exploited.

For children in Burma and Bangladesh the lack of access to educational opportunities limits their ability to escape from the cycle of poverty fostered by the denial of citizenship. The lack of a durable solution continues to make women and children vulnerable to abuses in Bangladesh and Burma.

## **VI. Ethnic Chinese in Southeast Asia**

Although this paper has deliberately chosen to focus on four cases of citizenship manipulation and the impact it has had on conflict, migration and poverty, there are many other examples that serve as useful studies in citizenship denial. The two briefly outlined cases below underscore how ethnic Chinese have been the victims of citizenship manipulation in Southeast Asia.

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<sup>57</sup> UNHCR, 1997. "The State of the World's Refugees," Stateless and unregistered children. Box 6.4 of the Chapter on Statelessness and Citizenship.

<sup>58</sup> Aung, Mya Sandi, 2000. The Asia Pacific Advocate. "Trapped and Neglected" Women from Burma in Bangladesh."

The migration of ethnic Chinese to Indonesia and the Indonesian response has had and will continue to have long term implications on citizenship policies and other discriminatory practices targeting ethnic Chinese and other minorities.

Evidence of Chinese immigration to Indonesia goes back to the Dutch colonial period when the Chinese were encouraged to work for plantations and mines in Indonesia during the 19<sup>th</sup> and early 20<sup>th</sup> century. Although many of the over six-million ethnic Chinese in Indonesia are economically well off, as a group they have traditionally experienced social, political and cultural discrimination. In 1990 about 300,000 stateless Chinese were living in Indonesia due to political conflict between China and Indonesia.

In the 1950s, Indonesia gave Chinese migrants the choice of becoming either Chinese or Indonesian citizens, but those who opted for China became stateless after Jakarta froze relations with Peking in 1967. In 1992 a Memorandum of Understanding was signed by the governments of China and Indonesia on the status of ethnic Chinese living in Indonesia, revoking China's claim over the citizenship of the migrants. At that time, the Indonesian government offered the Chinese migrants the opportunity to choose between Indonesian and Chinese citizenship. About 150,000 out of over 200,000 applied for Indonesian citizenship while 40,000 were rejected because they allegedly failed to meet administrative requirements.

Although theoretically the ethnic Chinese are able to practice their culture, language and religion, there continues to be a legitimate fear that such practices could provoke violent anti-Chinese sentiment, of which there have been many instances over the years. Despite the fact that the 1950 citizenship law and a 1958 law on ethnic origins, stipulate that migrants from eastern Asia, who do not actively reject Indonesian citizenship are regarded as Indonesian citizens, a number of stateless ethnic Chinese who along with ethnic Chinese who carry Indonesian citizenship are subject to discrimination and frequently relegated to second class citizen status.<sup>59</sup>

While ineffective citizenship may contribute to conflict, conflict also affects citizenship. In the case of ethnic Chinese from Vietnam, the Vietnam war, which led to the mass exodus of thousands, the process of repatriation has affected the citizenship of those who were recognized as citizens prior to the war as well as those who were not.

From the outset, once the process of repatriation began, the Vietnamese authorities stressed that they would examine each case of those refugees who expressed a desire to return rather than accept any right of refugee return. This meant each refugee had to go through a rather cumbersome and time consuming verification process to facilitate their return. It was stated at the time that all returnees would have to go through this process in the same way other Vietnamese nationals would returning to the country.<sup>60</sup> In practice, however, the verification process targeted mainly those of Chinese origin, who had arrived in Vietnam after the 1949 Chinese revolution, but did not become Vietnamese citizens because they had been offered and accepted Taiwanese citizenship. As opposed to the ethnic Chinese who accepted Vietnamese citizenship following the 1949 revolution as well as those who had settled in Vietnam many years before and had become Vietnamese citizens.<sup>61</sup> In the late 1980s repatriation efforts cleared

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<sup>59</sup> Asian Human Rights Commission, "Denial of Right to a Nationality", February 16, 2001

<sup>60</sup> Amnesty International

<sup>61</sup> In the 1950s Taiwan offered those people who had fled China after the 1949 Revolution citizenship. Those who accepted this offer were issued alien cards by local Vietnamese officials in expectation that they would some day move to Taiwan, but to date that has not happened. These people became known as Taiwanese Chinese and were issued temporary residence

the ethnic Chinese who had fled China post 1949 and accepted Vietnamese citizenship at the time, but most of the ethnic Chinese who had not previously accepted Vietnamese citizenship, awaiting Taiwanese resettlement, were considered “non-nationals” by the Vietnamese authorities and were therefore refused clearance for return.

The role of citizenship in conflict for ethnic Chinese was complicated even further when first country asylum ethnic Chinese, who had Vietnamese citizenship, claimed to be Taiwanese nationals (non Vietnamese citizens) in hopes of third country resettlement. Eventually these people did reapply as Vietnamese nationals and were cleared for return.

## **VII. Lessons Learned**

### **a. General Conclusions**

The few examples discussed in the previous pages are meant to illustrate the impact of citizenship denial on conflict, movement of people and poverty in South and Southeast Asia. Although the emphasis in this paper has been on the regional implications of denied citizenship in South Asia, there are clearly other examples in both Southeast Asia and South Asia, which could serve as useful case studies.

It is often useful to discuss lessons learned in terms of an “if we knew then what we know now – what could have been done differently or similarly” approach and apply the notion of best practices toward addressing some of the major citizenship issues affecting countries in the region. It may turn out, however, to be more academic than pragmatic given the dynamic political forces that have influenced citizenship decisions in South and Southeast Asia.

Today the situation in South Asia remains fluid. There are hundreds of thousands of people in Nepal, India, Sri Lanka, Bangladesh and Burma who remain unprotected, exposed to pervasive threats affecting the long-term fulfillment of their human security. The notion that citizenship rights guarantee the fundamental principles of fairness, justice and inclusiveness within a polity is a solid one. However, if the state is not committed to allowing its citizens to exercise the rights and prerogatives of citizenship, and instead utilizes citizenship as an instrument to promote exclusion, then citizenship becomes a barrier to what it is meant to achieve: inclusiveness, belonging, membership.

Thus, even if the polity is willing to bestow citizenship upon those who have established an effective link, without an institutionalized commitment to the principles of fairness and justice, citizenship is rendered ineffective.

Problems also emerge when excluded groups, regardless of ethnic or cultural links, are not fully accepted by the receiving country. Pakistan opposed the repatriation of the Biharis for fear that a fragile ethnic balance in Pakistan would be disturbed. India was concerned about the economic repercussions posed by the influx of hundreds of thousands of Estate Tamils. Bangladesh took drastic measures to alleviate the burdens posed by the influx of over 200,000 Rohingyas, and Nepal had no desire to offer citizenship or permanent residence status to the Lhotshampas. As a result, such groups remained in

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permits. Their children are also registered as aliens and according to the principle of *jus sanguinis* inherit the citizenship of their parents. Other ethnic Chinese who did not accept the Taiwanese citizenship offer were granted Vietnamese citizenship.

stateless limbo for generations – over 40 years for the Estate Tamils, 30 years for the Biharis and 10 for the Lhotshampas.<sup>62</sup>

It would seem, however, that as a result of the historical, political, social and religious cross border links, both the country perpetrating denationalization and the receiving state have been unable to completely sever ties and absolve themselves from responsibility toward the stateless group. Pakistan has claimed humanitarian, not legal, responsibility for the Bihari. Bangladesh, although it views the Biharis as traitors, provides aid to the Bihari camps. Ultimately, India accepted responsibility for over half of the Sri Lankan Estate Tamils.

It seems evident from the case studies above that those who remain stateless in a receiving country are better positioned to negotiate their fate than those stateless groups who remain in the country that perpetuates their statelessness. This is true for a variety of reasons. First, the presence of stateless groups often affects the bilateral relations of the receiving and perpetuating states and creates security complications, which both states have a vested interest in resolving. Second, it is likely that third party involvement and international pressure will force a resolution to a conflict where more than one state is involved. If, however, the perpetrating state has managed to avoid involvement with a receiver state or if there is no receiver state, room for third party involvement may be limited, given politically sensitive concerns over issues of sovereignty.

In the final analysis the problems associated with citizenship denial – conflict, poverty, migration - will not be solved until, for example the Rohingyas, the Biharis, the Lhotshampas, the Estate Tamils, the ethnic Chinese in Indonesia and many others, are recognized as full-citizens by governments and granted the rights they are currently denied. However, more importantly, without the government's commitment to protecting these rights, groups remain vulnerable, exposed to pervasive human security threats posed by conflict and poverty, and always ready to flee if the alternative is to suffer further.

## **b. Policy implications**

Accepting the assumption that the notion of citizenship ultimately promotes inclusion rather than exclusion is necessary if policy initiatives, designed to remedy citizenship abuses, are to work. For the modern liberal democratic states, “citizenship offers a fundamental framework for both expanding the inclusiveness of our increasingly diverse societies and promoting cohesion amid this diversity.”<sup>63</sup> The way a state administers citizenship reflects its level of commitment to the core principles of democracy, human rights and the fundamental aim to expand inclusiveness.

### **i. Promotion of democracy and human rights**

A prerequisite to an effective administration of citizenship rights entails a state commitment to the protection of those rights. International NGOs, funded through public and private sources, as well as international organizations should continue to address these issues in their democracy and government development projects designed to strengthen democratic institutions. Democratic reform efforts need to

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<sup>62</sup> Khan, Gerrard.

<sup>63</sup> Aleinikoff, T. Alexander and Klusmeyer, Douglas, “Citizenship Policies for an Age of Migration” Carnegie Endowment for International Peace, 2002.

include a comprehensive approach aimed toward achieving a more responsive and participatory system of governance and rule of law, by:

- 1) Strengthening the legislative and political process and making it more accountable to the population it serves. This should include reform efforts aimed at enshrining the protection of human rights within the body of the constitution.
- 2) Developing an independent judicial process,
- 3) developing an institutional capacity to conduct free and fair elections,
- 4) strengthening civil society enabling the population, particularly vulnerable minority groups, to influence public policy, and
- 5) strengthening the local government apparatus giving it the ability to respond to local community concerns.

However, these reforms can only be rendered effective if there is a will among the people. Therefore, it is imperative that creating and developing political will among state actors and empowering the non-governmental actors who could eventually affect change, be a precursor to the projects and initiatives that seek reform.

International organizations and governments willing to fund such initiatives, but can only do so at the invitation of the receiving government, will inevitably have a difficult time directly reaching those beneficiaries who are in greatest need. Although direct assistance aimed toward reforming the most repressive state controlled elements may be difficult, projects related to the empowerment of non-state actors who already have the political will to affect change, could be a useful approach. In addition, privately-funded initiatives, not constrained by government control, could prove effective.

- ii. Third party involvement in calling for institutional reforms ultimately helps to resolve the citizenship dilemma.

The implications of citizenship denial on conflict, particularly if the conflict results in the targeted population migrating across borders, affects the likelihood of finding a long-term solution to the crisis. While neighboring states may be reluctant to involve themselves in resolving discriminatory practices that lead to the persecution of minorities in other states, they are less likely to be indifferent when the minorities flee to their own country. With threatened people seeking refuge across borders, governments perpetuating the migration can no longer retreat behind the protective shield of sovereignty.<sup>64</sup> Moreover, continued international focus on, for example, the plight of the Lhotshampas, is critical. Indigenous and international non-governmental human rights organizations calling attention to the implications of citizenship denial and pressuring state governments, regional institutions and the United Nations through grassroots, media and public advocacy can affect change. For years a series of bilateral ministerial meetings between Bhutan and Nepal yielded very little tangible results. As the international community began to call attention to the fate of over 100,000 Lhotshampa people some gradual movement began to take place.

The appointment of an internationally recognized third party “special envoy” whose remit would be to raise the level of public awareness and apply pressure on the states to reach a mutually agreeable solution, enhances the chances of finding a solution amenable to the states involved and to those who have been deprived of citizenship. The injection of a third party presence into the ongoing Bihari

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<sup>64</sup> Weiner, Myron.

“stranded Pakistani” dilemma, for example, could help with what appears to be an intractable problem. Although both the Pakistanis and Bengalis are unwilling to fully integrate the Bihari into their respective polities for different reasons, the door to a workable solution does not appear to be completely shut. Pakistan has indicated that it would consider accepting more Biharis on humanitarian grounds despite the potential for upsetting a precarious ethnic balance. And there is some evidence, albeit minimal, of younger Bihari integration into Bangladesh. Public and privately funded initiatives aimed at minimizing the threats posed by integration of the Bihari into Pakistan and Bangladesh should be explored.

iii. Repeal exclusionary citizenship laws and practices

If reform efforts successfully address the perpetuating governments’ lack of commitment for the preservation and protection of the principles of democracy and human rights, state laws and practices should be adjusted to reflect internationally accepted norms and standards regarding citizenship. For example, unless the root causes of the forced departure of the Lhotshampa are addressed, a Bhutan-Nepal agreement allowing them to return would be an exercise in futility. Thus, before any long-term resolution to the situation can be reached, Bhutan’s 1985 Citizenship Act as well as other legislation that discriminates against the Lhotshampa needs to be repealed. Moreover, Bhutan should also consider revising its nationality law so that it doesn’t run counter to international principles on statelessness. Presently, Bhutan’s nationality law provides for the removal of nationality once a person has left the country without making such loss of nationality contingent on acquisition of another nationality.<sup>65</sup>

Similarly, the government of Myanmar should immediately amend or repeal the 1982 Citizenship Act “to abolish its over-burdensome requirements for citizens in a manner which has discriminatory effects on racial or ethnic minorities” as described by the U.N. Special Rapporteur to Burma, and grant the Muslims of Arakan State full citizenship and accompanying rights, in particular the right to freedom of movement.<sup>66</sup> Legal assistance could be provided by UN agencies and NGOs experienced in working with citizenship laws. For example, the American Bar Association’s Central and East European Law Initiative, which, with voluntary assistance provided primarily by the American legal community, has worked on revising citizenship laws in central and eastern Europe. Similar work could be done in South Asia.

iv. Rights of the child.

In Bangladesh, Nepal and elsewhere the rights of children need to be especially protected in accordance with the governments’ commitment to children’s rights as indicated by their ratification of the Convention on the Rights of the Child in 1992. In particular, all children should be granted their right to nationality, including the thousands of children born stateless in refugee camps. This, of course, would include the Biharis and Rohingyas in Bangladesh as well as Lhotshampas born in camps in Nepal.

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<sup>65</sup> Amnesty International

<sup>66</sup> Human Rights Watch

## References

Aleinikoff, T. Alexander and Klusmeyer, Douglas, 2002, "Citizenship Policies for an Age of Migration", Carnegie Endowment for International Peace.

Amnesty International. September 2000. "Bhutan: Nationality, expulsion, statelessness and the Right to Return.

Ballard, Brett. April 2002. "Reintegration Programmes for Refugees in South-East Asia". Lessons Learned from UNHCR's experience. UNHCR Evaluation and Policy Analysis Unit and Regional Bureau for Asia and the Pacific.

Batchelor, C. 1988. "Statelessness and the Problem of Resolving Nationality Status. The International Journal of Refugee law.

Central and East European Law Initiative (CEELI)

Centre for Refugee studies Jadavpur University, Calcutta and Brookings Institution Project on Internal Displacement. February 2001. "The Rohingya: Forced Migration and Statelessness. "Forced Migration in the South Asian.

Crossette, Barbara. April 3, 1985. "Thais Hostile to Ethnic Vietnamese". *New York Times*

Human Rights Watch World Report, 2000.

Human Rights Watch World Report, 2001.

Human Rights Watch World Report, 2002.

International Organization for Migration

International Rescue Committee, New York, New York.

Khan, Gerrard. "Citizenship and Statelessness in South Asia". New Issues in Refugee Research. Working Paper No. 47.

Marie, Jean Bernard: International Instruments Relating to Human Rights. Classification and Status of Ratifications as of 1 January 1994. In: HRLJ 51. Kehl am Rhein 1994. P. 56.

National Democratic Institute for International Affairs, Washington, DC.

Open Society Institute (OSI). The Burma Project.

Ritchie, Mark. "Evicted & Excluded: The Struggle for Citizenship and Land Rights by Tribal People in Northern Thailand".

Siwakoti, Gopal Krishna. Statistics of Refugee Influx in South Asia: "Developing a Global More Regime". [www.inhured.org](http://www.inhured.org)

Tan, Eugene. 2001. "From Sojourners to citizens: Managing the Ethnic Chinese Minority in Indonesia and Malaysia". *Ethnic and Racial Studies* Vol. 24 NO. 6. Pp. 949-978.

Tilakaratna, Bernard. "The D. S. Senanayake Govt. — Gaining of independence and some aspects of its foreign policy".

United Nations Commission on Human Rights. 19<sup>th</sup> March – 27<sup>th</sup> April 2001. Fifty-seventh session. Geneva, Switzerland.

United Nations Development Programme

UNHCR. 1997. "The State of the World's Refugees". Stateless and unregistered.

United Nations High Commissioner for Human Rights

Weiner, Myron. 1991. "Rejected Peoples and Unwanted Migrants: The Impact of Migration on the Politics and Security of South Asia". Prepared for the Conference on the Impact of International Migration on the Security and Internal Stability of States, Center for International Studies, MIT.

## Annex 1

Matrix of four case studies and other examples highlighting the impact of denied citizenship on conflict, movement of people and poverty.

Country	Population affected	Dates, Legislation and significant events	Comments
Bangladesh	250,000 Bihari stateless	<p>1947 - Bihari Muslims flee India and settle in East Pakistan among Bengali majority.</p> <p>1972 - Bengali majority secede from East Pakistan to create Bangladesh.</p> <p>1974 - tripartite agreement reached among India, Pakistan and Bangladesh and 170,000 Bihari resettled in Pakistan.</p> <p>2002 – Reportedly, since the 1970s the Bihari population has swelled to 400,000 living in 66 camps across the country. The Bihari, however, put their number at 240,000.</p>	<p>At the time of Bangladesh independence, the Bihari minority were granted full citizenship and guaranteed “equal treatment” by the new Bangali government. However, ignored by new government who then claimed Biharis were Pakistanis, Biharis were relocated to camps in Bangladesh. Some were eventually resettled in Pakistan, but the majority remain in Bangladesh. Pakistan refuses to accept remaining Bihari, fearing ethnic instability.</p>
Bhutan	100,000 Bhutanese Lhotshamp as stateless in Nepal	<p>1958 – National Law of Bhutan, first attempt to define citizenship. Nepalese migrants allowed to take citizenship after ten years of residency.</p> <p>1985 Citizenship Act – makes it mandatory for every Bhutanese of Nepali ethnicity to produce land tax receipts from 1958 to qualify for Bhutanese citizenship plus calls for a census to be taken.</p> <p>1988 – Census taken</p> <p>1990 – Lhotshampas, who are Bhutanese of Nepali descent, begin to leave for India, but eventually end up in Nepal</p> <p>1993 – Bilateral talks between Bhutan and Nepal agree to formation of six-member Joint Ministerial Level Committee.(JMLC)</p> <p>1993 – in Sept. JMLC has first meeting, agree to place refugees in 4 categories.</p> <p>1994- February - 2<sup>nd</sup> JMLC discuss mechanism for verification.</p> <p>1994-June – 4<sup>th</sup> JMLC – 2 countries fail to harmonize position on 4 verification categories.</p>	<p>Various ethnic groups lived in relative harmony for centuries in Bhutan. Since the 1980s the government has implemented racist policies targeting Bhutanese of Nepali descent as a way to force exodus so that Lhtoshampa influence is minimized. Manipulation of citizenship laws result in citizenship denial. The 1985 Citizenship Act is the origin of the refugee crisis and statelessness. After a series of bilateral talks between the two governments, the two parties finally reach an agreement on the verification process. However, the governments still need to harmonize their positions on the categorization process. There are still strong differences on two categories, 1)Bhutanese forcefully evicted 2) Bhutanese who “voluntarily” emigrated.</p>

		<p>2000 – May – 9<sup>th</sup> JMLC – no significant breakthrough</p> <p>2000 –December – 10<sup>th</sup> JMLC - Impasse broken with pressure from int'l community (EU, U.S., UNCHR, UNHCR) – agree to begin joint verification process.</p> <p>2001 - March – Joint Verification Team starts verification process.</p> <p>2001 - August- 11<sup>th</sup> JMLC – process of verification very slow.</p>	
Indonesia	6 million ethnic Chinese-second class citizen status	<p>19<sup>th</sup> century migration of Chinese to Dutch controlled Indonesia.</p> <p>1950 citizenship law and 1958 law on ethnic origins accept migrants from east Asia as citizens.</p> <p>Late 1950s and early 1960s majority of ethnic Chinese accept offer Indonesian citizenship offer, but required to abandon Chinese names.</p> <p>1992 - 200,000 ethnic Chinese remain stateless. 150,000 of these people apply for and are granted citizenship and 50,000 fail to meet administrative requirements.</p>	Indonesia has a history of citizenship denial and lack of effective protection of citizenship rights. Today, while the majority of ethnic Chinese have citizenship, their unofficial second class citizenship status, fed by violent anti-Chinese sentiment, calls to question future human security given the pervasive threats to their well being.
Myanmar (Burma)	Over 1 million Rohingya Muslims stateless in Myanmar	<p>After 1948 Burma independence, Rohingya demand Muslim state within Burma resulting in state crackdown.</p> <p>1950s – government close to recognizing ethnic autonomy.</p> <p>1962 – military takeover denying Rohingya rights.</p> <p>1974 – Emergency Immigration Act, stripping Rohingya of nationality.</p> <p>1977 – Government launches operation (Naga Min) to register citizens and prosecute illegal immigrants triggering 200,000 Rohingya exodus to Bangladesh.</p> <p>1978 – 180,000 Rohingya forcibly repatriated to Burma.</p> <p>1982 Citizenship Act designed to exclude Rohingyas from citizenship rights.</p> <p>Late 1980s early 1990s government builds military establishment in north-west subjecting Rohingya to forced unpaid labor, confiscation</p>	The Rohingya of Burma have suffered government persecution since the time of independence. Exclusionary citizenship laws have rendered them stateless, while continued government persecution has labeled them rejected peoples. Escaping government persecution, there have been two large exoduses to Bangladesh in the last 30 years.

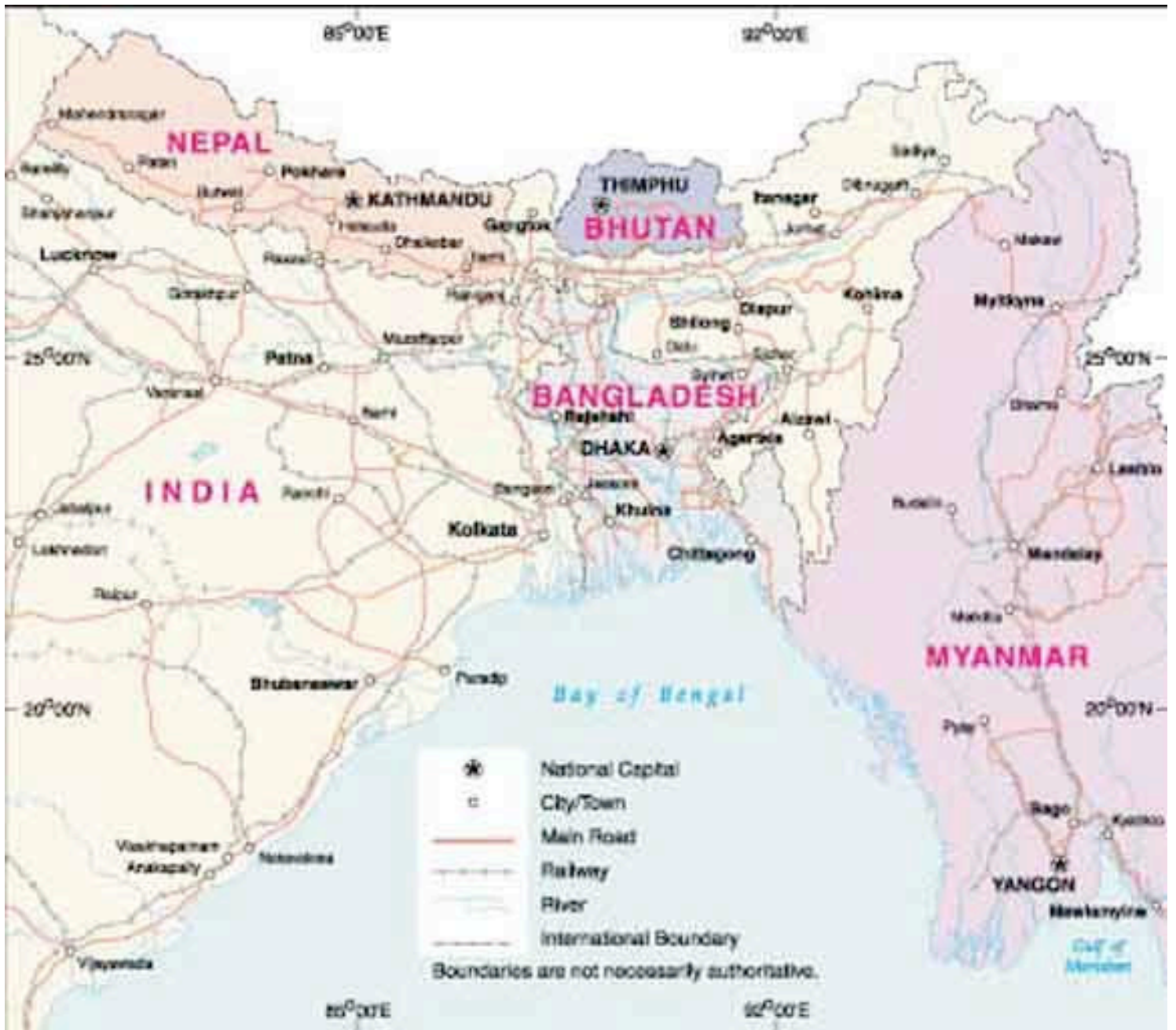
		<p>of land and general persecution of Muslims..</p> <p>1991-1992 -- approx. 250,000 Rohingya flee to Bangladesh.</p> <p>1992 -- the government of Bangladesh without UN involvement forcibly repatriates thousands to Burma</p> <p>2002 -- approx. 20,000 Rohingya remain in Bangladesh camps while approximately 1.5 million are in Rakine (Arakan) state with no legal status.</p>	
Sri Lanka	<p>900,000 Estate Tamils deprived of citizenship and rendered stateless for many years. Thousands still without official documentation 15 years after final agreement.</p>	<p>19<sup>th</sup> century – British bring Indians (Estate Tamils) to Sri Lanka to work of tea plantations.</p> <p>1920s – Sinhalese reject British effort to grant Estate Tamils voting rights.</p> <p>1948 – Independence granted to Sri Lanka</p> <p>1948 -- Ceylon Citizenship Act - defines citizenship based on, <i>jus sanguinis</i> or descent based on father or both grandfathers born on Sri Lankan state territory making it difficult for Estate Tamils to become citizens because of tradition to return to India for marriage and birth of children.</p> <p>1949 -- Indian and Pakistan Residents Act: citizenship qualification calls for 7 to 10 year uninterrupted residence requirement. Combination of both Acts disenfranchises 95% of Estate Tamils.</p> <p>1954 – Nehru-Katlawala Pact states that India would only accept those who want Indian citizenship and does not accept Sri Lankan position that those who don't meet Sri Lankan citizenship criteria would automatically be given Indian citizenship, leaving 900,000 stateless in Sri Lanka.</p> <p>1962 – only 130,000 Estate Tamils given citizenship in India.</p> <p>1964 – Indo-Ceylon Pact, India agrees to repatriate 525,000 stateless East Tamils and Sri Lanka agrees to grant citizenship to 300,000.</p> <p>1974 – Sirimavo-Ghandi Pact, India and Sri Lanka agree to divide 150,000 stateless Estate Tamils between the two countries.</p> <p>1988 – due to internal conflict Sri Lankan</p>	<p>Estate Tamils brought by Brits to Sri Lanka in the 19<sup>th</sup> century.</p> <p>Many years of negotiations between India and Sri Lanka finally reach a resolution. The negotiations have been effected by the status of relations between the two countries at the particular time of the negotiation. In spite of a legislation indicating an end to statelessness for the Estate Tamils, today thousands of Estate Tamils remain stateless in Sri Lanka because administrative difficulties issuing citizenship certificates, among other reasons. Meanwhile, those who have been repatriated, reportedly express dissatisfaction with their current living conditions.</p>

		<p>parliament enacts legislation that grants citizenship to the remaining Estate Tamils.</p> <p>2002 - Thousands awaiting citizenship documentation in Sri Lanka</p>	
Thailand	Over one million Hilltribe people with de facto stateless in Thailand	<p>1999 Hilltribe people protest official and unofficial discrimination</p> <p>An estimated 40 to 60 percent of Thailand's Hilltribe people (approx. 1 million) have been denied citizenship rights despite having been born in Thailand.</p>	<p>The lack of citizenship rights of the Hilltribe people of Thailand has prevented the movement of Hilltribe people from pursuing economic opportunities. Consequently, Hilltribe people are blamed for contributing to environmental degradation. In Hilltribe demonstrations against government's discriminatory practices, protestors demand citizenship rights. Recognizing the plight of the Hilltribes, academics, some government officials and NGOs sympathize with their cause. In some cases the power to grant citizenship has been transferred to local government entities rather than provincial governors, which is seen as a positive sign because it may speed the process.</p>
Vietnam	Citizenship of ethnic Chinese in Vietnam affected by war	<p>1949 – Many ethnic Chinese who fled the Chinese revolution are offered Vietnamese citizenship while others of Chinese descent who fled to Vietnam post 1949 accept Taiwanese offer of citizenship and are issued temporary citizenship status in Vietnam while they await transfer to Taiwan.</p> <p>1960/70s - At the time of the Vietnam war thousands of ethnic Chinese citizens and non-citizens flee Vietnam war and seek refuge in the region.</p> <p>1975 – Repatriation of ethnic Chinese to Vietnam begins. Vietnamese authorities state that each individual case will be examined and that all would be treated the same as Vietnamese nationals.</p> <p>1980s - ethnic Chinese who had fled China post 1949 and who had accepted Vietnamese citizenship are repatriated to Vietnam, while those who had accepted Taiwanese offer of citizenship, but had never been granted Taiwanese citizenship are considered “non nationals” are refused clearance for return.</p>	<p>This case is an example of the impact of conflict on citizenship. The majority of ethnic Chinese who immigrated to Vietnam before the 1949 Chinese revolution were granted Vietnamese citizenship. However, not all ethnic Chinese who fled the 1949 revolution were granted Vietnamese citizenship as some accepted Taiwanese citizenship and awaited eventual resettlement in Taiwan. Many ethnic Vietnamese and ethnic Chinese were forced to flee the Vietnam war and seek refuge in the region. Upon conclusion of the war, returning to Vietnam for the ethnic Chinese without full citizenship became a problem. Many of those who had accepted the Taiwanese offer of citizenship eventually opted for third country resettlement, but when the refugee camps were closed in June 2000, about 300 “non nationals” were still not</p>

		June 2000 -- about 300 “non nationals” not cleared by Vietnamese authorities, are granted permanent residency status by Hong Kong.	cleared by Vietnamese authorities, and were granted permanent residency status by Hong Kong.
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# Annex 2

## SOUTH ASIA





# SOUTHEAST ASIA



