

Afghan exiles in vote rush

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Refugees defy diktat

Islamabad, Oct. 4 (Reuters): More than 650,000 Afghan refugees living in Pakistan have registered to vote in their country's first direct presidential polls next weekend, despite warnings not to do so from Islamic militants.

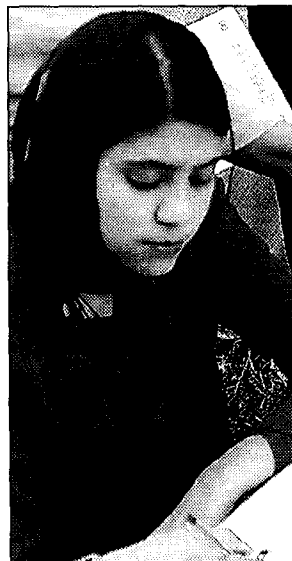
The International Organisation for Migration, a UN affiliate that organised the four-day registration process in Pakistan, said it went off without violence or injuries.

The IOM estimated it had registered more than 650,000 Afghans by the time its offices closed today, but final figures would only be available once data came in from the field overnight. Peter Erben, director of the registration programme, called it a "significant success".

"The response of the Afghan community in Pakistan has been very enthusiastic," he said. The October 9 poll will give Afghans their first chance to elect a leader directly and US-backed President Hamid Karzai, installed after US-led forces overthrew the Taliban in late 2001, is the favourite to win. Afghans are registering to vote in defiance of threats from Taliban guerrillas, who have called the polls a "sham".

Before registration started on Friday, the guerrillas distributed leaflets in refugee camps in Pakistan saying anyone who killed a poll worker would earn a divine reward and those who registered to vote would face punishment.

The IOM said it had the capacity to register up to 800,000 eligible voters at 1,600 sites in Pakistan, out of a total Afghan



A UN official registers details of Afghan refugees in Islamabad. (AFP)

refugee population in the country estimated at two million to three million.

But the registration had to be carried out within a limited timeframe and over a limited area because of a delay in reaching an agreement on procedures between Pakistan and Afghanistan.

Taliban attacks

Afghanistan's historic presidential election is now unstoppable, the US said today, but other officials warned of more attacks by Taliban rebels and their al Qaida allies before Saturday's vote.

In the latest violence, Afghan troops killed at least seven Taliban gunmen today in the southern province of Uruzgan.

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THE TELEGRAPH

5 OCT 2001

Help end gun culture: Pandits

By Shujaat Bukhari

JAMMU, OCT. 4. Emotional pleas from Pandits to end the gun culture in Jammu and Kashmir marked the visit of 18 Pakistani journalists to the Muthi migrant camp here today.

More than 2,500 Pandits gathered to accord the journalists a rousing welcome, and asked them to play a constructive role in restoring peace in the State. As they criss-crossed the lanes and bylanes of the camp, the Pandits, including women and children, received them with smiles and profusely garlanded each of them. "We are really moved by their gesture," a member of the media team said.

As the Pandit families recounted their tales of woe, many of the journalists had a tough time controlling themselves. Omkar Nath, one of the migrants, said hemoved to Jammu along with his family in 1994 after the death of his son in militancy-related violence. "We do not want anything but an end to the gun culture, which has ruined Kashmiris irrespective of their faith. You can play a major role in restoring peace in our homeland," he told the delegation in a choked voice. "Your pen is definitely powerful than gun, though the latter kills a human being instantly. It is your duty to replace the gun with the pen."

Blunt message

Sarwanand Kaul, an elderly migrant, told the Pakistani scribes bluntly that their country was "sponsoring terrorism in Kashmir." He discounted the view of the separatists that it was "a freedom struggle." He said even he would have been part of the "freedom struggle" but for the fact that "it turned out to be a war between Muslims and Hindus."

Mr. Kaul asked the team to go around the State and see for themselves how beautiful it was. "Would the Kashmiri Pan-



A Pakistani journalist interviews Kashmiri migrants at the Muthi Camp in Jammu on Monday. — PTI

dit's leave that paradise and live in this place, which is like a hell for us?" He urged them to portray the "real picture" to people in their country.

The women broke down while narrating the circumstances in which they were forced to leave the valley. Asha Bhat, who lost two of her family

members in violence, said, "We have seen delegations coming here for the last 10 years but nobody has helped us in going back." Her neighbour, Muniji, maintained that only the Pakistanis could put an end to the violence in Kashmir. "It is their government which patronises them," she said. Somawati, an

elderly woman, was in tears as she recalled the tragic deaths of her two sons. A young Pandit, Vikas, who has no memories of Kashmir, said he wanted to see the home where he was born.

"Highlight plight"

The migrants told the delegation members to highlight their plight in Pakistan.

Many Kashmiri Pandit leaders were present. Ashwani Kumar of the Panun Kashmir Movement presented a document to the South Asia Free Media Association (SAFMA) general secretary, Imtiaz Alam.

He reminded the journalists about the constructive role played by the media in India during the Gujarat riots.

"Our genocide is no less than [what happened in] Godhra," he said, adding that they expected justice from the Pakistani media as they were "victims of terrorism in Kashmir."

The general secretary (Indian chapter) of SAFMA, Vinod Sharma, and some local journalists accompanied the Pakistani team.

Boycott them, says Andrabi

By Our Special Correspondent

JAMMU OCT. 4. Dukhtaran-e-Milat (DeM), the radical women's separatist group has asked the separatist political leadership to boycott the 18-member delegation of Pakistani journalists which is now on a six-day visit to Jammu and Kashmir.

The DeM chief, Asiya Andrabi, told reporters at an undisclosed location in Srinagar that the journalists had an objective in visiting Kashmir at this time. "They are here to pursue the proposed "sellout" over Kashmir being adopted by Pervez Musharraf," she alleged. Ms. Andrabi said India never al-

lowed visits by international human rights organisations. "How have they agreed to permit them [Pakistani scribes]," she asked. She alleged that the visiting journalists would project the Kashmiris aspirations in a different way. "They will say that people are fed up with violence, people are happy with Pervez Musharraf's policy, the people of Kashmir see opening of the Srinagar-Muzaffarabad road as an alternative and so on."

Ms. Andrabi alleged the journalists were on a mission to "build opinion in favour of Musharraf's anti-Kashmir policies."

Refugee exodus sparks crisis in Afghanistan

By Rachel Morarjee

Kabul: Aid workers and Afghan officials are struggling to avert a looming humanitarian crisis as thousands of Afghan refugees living in Pakistan pour across the border fleeing Pakistani Army operations to hunt Al Qaida-linked militants.

Over 20,000 refugees have already crossed the border into Afghanistan's insurgency-hit southeastern provinces, many of them leaving Pakistan after decades with only hours to pack what little they can carry, aid workers said.

"Because of the military operations in South Waziristan many refugees have been forced to leave and because they have no time to pack or gather their things they face difficulties when they come back to Afghanistan," UN refugee worker Paul Stromberg said.



The refugees are streaming into the Taliban stronghold of Paktika province where the UN and aid organisations have no presence, said Stromberg, senior repatriation coordinator the United Nations High Commission for Refugees (UNHCR) in Afghanistan.

Afghanistan's southeastern provinces bordering Pakistan are a hotbed of Taliban-led insurgency. The Afghan government, the UN and most aid organisations have pulled out fearing attacks on their workers.

On the other side of the border, Pakistan is stepping up a five month-long campaign to hunt Al Qaida-linked fighters in the quasi-independent tribal areas. The government is closing refugee camps believed to be shelters for hardened mujahidin from Chechnya and Uzbekistan.

The United States has increased pressure on Pakistan to root out Al Qaida linked fighters as US presidential elections draw nearer. US deputy secretary of state Richard Armitage visited Pakistan a week ago to discuss the "war on terror".

A commission set up to probe the US response to the September 11 attacks also released a report on Thursday calling on the US government to increase its aid to Pakistan as part of a global anti-terror strategy. Pakistani forces have already bulldozed two refugee camps, Zarinoor One and Zarinoor Two, in South Waziristan tribal district, and plan to expand military operations to North Waziristan which will leave more refugees caught in the crossfire. AFP

India's refugee law and policy

By Rajeev Dhavan

ON JUNE 20, the world was called upon to observe Refugee Day. It usually rolls by without notice. There are too many commemorative days on our annual calendar. All of them cannot be taken seriously. The 20th century left behind a massive legacy of refugees. The response to this legacy remains incomplete and inadequate. World War I, the Soviet Revolution and other events led to 'crisis responses' for the Russian refugees, Armenians and German refugees. When the International Convention of Refugees was enacted in 1951, it was seen as Euro-centric and, essentially, anti-communist. Indeed, in 1953, India's Foreign Office (through R.K. Nehru) told the office of the United Nations Commissioner for Refugees (UNHCR) that the global refugee policy was essentially part of the Cold War. It took years for the Convention of 1951 to be amended by the Protocol of 1967.

With its open borders, South Asia — like Africa — is a refugee-prone region. India discovered this when absorbing the Tibetan Refugees in 1959, the Bangladeshi refugees in 1971, the Chakma influx in 1963, the Tamil exodus from Sri Lanka in 1983, 1989, and again in 1995, the Afghan refugees from the 1980s, the Myanmar refugees for a similar period and migration and refugee movements from Bangladesh over the years. India's ambivalence towards the UNHCR is characterised by its act of indirectly seeking its assistance through the Red Cross in the 1960s, and later allowing the UNHCR to determine the refugee status of those from beyond South Asia, asking the UNHCR to assist in verifying the voluntariness of the repatriation of the Tamils to Sri Lanka, and permitting an office in Delhi through the UNDP programme. In 1995, India, following Pakistan's example, joined the Executive of the UNHCR. Though welcome, this half-way house seems odd since India refuses to sign the 1951 Convention.

Meanwhile, a series of judgments by the Supreme Court and the Gujarat, Punjab, Gauhati and Tamil Nadu High Courts has reinforced the need for a humane due process for the Chakmas, Sri Lankan and other refugees. Some of the judgments expressly recognise the value and worth of the UNHCR and invite it to involve itself more in the refugee questions in India. Unfortunately, this pro-refugee jurisprudence sits uneasily with the normal law relating to foreigners, which grants the Government near-arbitrary powers of deportation. Fol-

South Asia requires India to take the lead to devise a policy consistent with the region's needs and the capacity to absorb refugees under conditions of global equity.

lowing the Law Commission's 175th Report of 2000, the law was made stricter to treat 'illegal entrants' harshly, irrespective of the cruel circumstances that may occasion their migration. India blows hot and cold when dealing with the UNHCR, making policy statements at its UNHCR meetings in Geneva and negating either joining the Convention or changing its law to provide reliable legal entitlements to refugees in India.

By contrast, Article 17 of the Additional Terrorism Protocol of the South Asian Association for Regional Cooperation of January 2004 permits SAARC nations not to extradite and, per-

force, to protect those being prosecuted or punished on account of their race, religion, nationality, ethnic origin or political opinion. This stand is mystifying. Thus in South Asia, India agreed to the SAARC protocol in 2004. Globally, India steadfastly refuses to join the Convention of 1951 even though it is on the Executive Committee of the UNHCR without being a signatory to the Convention under which the Committee is constituted. Indeed, from 1997, its envoys to the UNHCR have been pleading for a more equitable global regime to participate in a discourse that India does not carry any further.

We need to examine what India's doubts about protecting refugees are all about. The 'Cold War' reasons for not having a global refugee policy have gone cold. Refugees are a global problem. The latest UNHCR statistics show that in 2003, there were 20.55 million displaced persons of international concern, including 10.34 million refugees. Refugees are being created all the time — no less due to America's Afghanistan and Iraq wars. But even otherwise, this is a problem that permanently haunts Africa and South Asia. Europe and Australia want to tighten their immigration walls with all kinds of sophisticated arguments to deal with refugees on a regional, rather than a global, basis. India, instead of leading the debate, is being evasive.

Who are refugees? According to the humanitarian definition, a refugee is someone who has fled his country because he has a well-founded fear of

persecution if he remains. The major obligation of refugee protection is the principle of non-refoulement, which ensures that a person is not returned to a life-threatening situation.

For India to evade such a principle appears subversive of its constitutional principles unless there are weighty reasons for doing so. New Delhi's reasons for resisting refugee protection are paradoxical. On the one hand, its track record in dealing with the Tibetan, the Sri Lankan and the Chakma crises has been exemplary. Its hesitation to provide an intelligible and comprehensive protection to refugees seems to stem from two major considerations, which are artificial ghosts in the machine.

The foremost reason for refusing to concretise a refugee protection policy is the threat of terrorism. There is no reason for sustaining such a fear. Justice P.N. Bhagwati's model law, which the National Human Rights Commission is examining, and the SAARC Anti-Terrorism Protocol of 2004 ensure that suspected 'terrorists' are not treated as refugees. Under the proposed model law, India may exclude even other undesirable persons provided they are not sent back to the country of persecution. The second reason for resisting the model law is that such liberality would precipitate a flood of migrants — especially from Bangladesh. This reason is also fallacious. In fact, a proper 'refugee' law would distinguish between refugees and migrants by a fair, fast and stringent procedure. We should not be misled by the *Sangh Parivar's* misdirected campaigns against Bangladeshi and other Muslims seeking their expulsion from India.

If India wants to play a role in global affairs and make SAARC a success, it must act as a global player entitled to its just seat in the Security Council of the United Nations. But it cannot do so as long it pursues narrow policies. The South Asia region deserves better treatment. For strategic reasons, India was surprisingly quiet when virtually one-sixth of Bhutan's population was forced to leave the country for camps in Nepal. In 2003, Nepal and Bhutan entered into a kind

of agreement whereby Bhutan agreed to take back about 3-5 per cent of its citizens of Nepali origin whilst offering illusory promises to some of the rest. India can help resolve this crisis.

The Afghan crisis brought Hindu and Sikh refugees to India. There are some 8000 such persons in India who can never return to Afghanistan. India will not throw them out. They remain in limbo without citizenship in India. Yet because of the complicated procedures of some potential 2600 applicants, only four have reached the portals of India's home office for consideration. Myanmar refugees have fled their country and are in exile. They languish without protection. The Bangladeshi problem — if, indeed, that is what it is — can only be resolved if India wants to resolve it. India wants a leadership profile but does not assume concomitant responsibilities. The new Government needs to re-examine this issue. External Affairs Minister Natwar Singh's experience combined with National Security Adviser J.N. Dixit's insight from Sri Lanka should support such an initiative.

There is also a need for a change in the law. The model law has not been sufficiently considered by the Union Government. For the last five years, the NHRC has been requesting the Government to provide refugee protection. Its present Chairman, A.S. Anand, has even set up a Committee to examine the law. The argument of terrorism and numbers having been met, there is no reason why the minimal protection against non-refoulement should not be enacted. This can probably be done even through rules. But the argument is not just over the Sri Lankan refugees, the Bangladeshi, the Afghans, the Bhutanese or the Myanmar. It is whether India wants its voice on the world's most persecuted to be heard so as to mould future policy. If India is waiting for a cue from its neighbour, China has joined the convention and enacted refugee protection legislation. African countries have got together to devise both national and regional solutions.

India needs to review its ambivalent refugee law policy, evolve a regional approach and enact rules or legislation to protect persecuted refugees. This is one step towards supporting a humanitarian law for those who need it. As a refugee-prone area, South Asia requires India to take the lead to devise a regional policy consistent with the region's needs and the capacity to absorb refugees under conditions of global equity.

Rafah drive on despite outcry

Associated Press
Rafah, May 20

ISRAEL PUSHED deeper into the Rafah refugee camp on Thursday, undeterred by the international outcry after at least eight Palestinians were killed by Israeli tank fire as they demonstrated against the military operation.

Many of the casualties in Wednesday's attack were children and the sight of their bloodied faces added to the anger around the world, as did the reports of overwhelmed doctors treating dozens of wounded on blood-drenched hospital floors. Israel apologized for the deaths, saying its troops did not deliberately fire on marchers. It also blamed the Palestinians for allowing gunmen to mix with the civilian crowd. Palestinians denounced the attack as a massacre.

The UN Security Council condemned the loss of life and Israel's demolition of homes. The US abstained, the first time in nearly two years that it didn't exercise its veto on a resolution sharply critical of Israel.

Brig Gen Ruth Yaron, the army's chief spokeswoman, said on Thursday that the offensive, the largest in Gaza in years, will continue until troops obliterate weapons-smuggling tunnels and round up militants along the Gaza-Egypt border.

On Thursday, an Israeli missile strike killed three militants in the Rafah camp.



Mourners on Thursday carry the body of a 12-year-old Palestinian girl killed in an Israeli attack in Rafah.

REUTERS

Hours later, troops fired a tank shell and killed two militants near the border.

About 40 Palestinians have been killed since Israeli forces invaded the camp's Tel Sultian neighbor-

hood on Tuesday. Palestinians said most were civilians. Residents have been dealing with power outages and lack of water.

By Thursday morning, the army had taken full con-

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Annan appeal to end operations

CONDEMNING THE killing of Palestinian demonstrators by Israeli forces in Rafah refugee camp, UN Secretary General Kofi Annan has asked Tel Aviv to immediately end its operations in the area.

"I also got a call from chairman Yasser Arafat appealing for assistance from the international community, and pleading with the UN to do something, indicating that the civilians are under threat," he said.

United Nations, PTI

trol of four neighborhoods in the camp, home to nearly 60,000 people.

Early on Thursday, forces demolished a four-story building owned by Islamic jihad leader Nafez Azzam and a small sports club. Residents said at least eight homes had been demolished overnight.

The decision by the United States not to vote the UN resolution critical of Israel reflected the White House's displeasure with the Israeli incursion. Israel appeared unconcerned about the US vote. Raanan Gissin, an aide to Prime Minister Ariel Sharon, attributed the abstention to the "delicate situation in which the United States finds itself today".

Senate trouble over approved Bill on tax cuts

Associated Press
Washington, May 20

A REBELLION among moderate Republican Senators trying to curb tax cuts has thrust the compromise \$2.4-trillion budget for 2005 into deep trouble in the Senate, despite the measure's passage in the House of Representatives.

The House used a mostly party-line 216-213 vote on Wednesday to approve the fiscal blueprint, a modest one-year plan shorn of any long-range policies on deficit-reduction or job creation to minimize controversy. Republican leaders were hoping the House vote and pressure from administration officials would get Senate GOP moderates to relent. "I hope Senators recognize the importance of helping our nation's families and urge them to act quickly to make sure millions of taxpayers don't get hit with a tax hike," Treasury Secretary John Snow said.

Although many House moderates heeded their GOP leaders' appeal for support on the spending measure four of their Senate colleagues were not as ready to accommodate. Sen. Susai Collins, R-Maine, on Wednesday became the last of the group to say she would oppose the budget, leaving GOP leaders two votes shy of what they needed for approval, at least for now.

Palestinian revolt leader convicted

AN ISRAELI court on Thursday convicted Palestinian revolt leader Marwan Barghout of murder in the killings of five Israelis by militants from his Fatah faction, but acquitted him of a role in over 20 other deaths. Barghout, a member of the Palestinian parliament, was convicted by the Tel Aviv district court for direct responsibility in four attacks which killed five people. He had been charged with 26 counts of murder. The prosecution recommended that he receive five life sentences and another 40 years for attempted murder when he appears for sentencing on June 6, the day of his 45th birthday.

Agencies, Tel Aviv

Israelis kill 19 in Gaza

Rafah (Gaza Strip), May 18 (Reuters): Israel's army killed 19 Palestinians today in the heaviest raid inside the Gaza Strip for years as tanks and infantry thrust into Rafah refugee camp, a militant stronghold, despite an international outcry.

The assault drew UN and EU condemnation given Israeli threats to destroy hundreds of Palestinian homes there. Thousands of Palestinian houses have been razed since they began a revolt in occupied territory in 2000, UN figures show.

But the army said there were no plans for any systematic demolition during what it called an open-ended operation to stop the smuggling of weapons through tunnels from nearby Egypt.

US President George W. Bush called the Gaza bloodshed "troubling" but, addressing Jewish-Americans in a tight election campaign, told the powerful pro-Israel lobby group AIPAC that Israel "has every right to defend itself from terror".

A White House spokesman said it was in touch with the Israelis on the humanitarian impact of their incursion and was assured its goal was to stymie smuggling, not level homes.

The raid exacted the highest single-day Palestinian death toll — militants and civilians alike — since May 2002 when 23 were killed in an army sweep into the nearby Khan Younis area.

The Rafah hospital morgue became so overloaded today that five bodies were shifted to veg-



Relatives wait at a hospital morgue in the Gaza town of Najjar to identify the victims killed during clashes in Rafah. (AFP)

etable freezers in a nearby market for preservation, medics said.

Violence has worsened in Gaza since Israeli Prime Minister Ariel Sharon proposed evacuating troops and Jewish settlers in a plan backed by most Israelis and the US, although held up by opposition from hardliners in his Right-wing party.

Militant groups want to claim as a victory any pullout by Israel from territories it captured in the 1967 Middle East war, while the army is determined to smash them first.

Israel had amassed more

forces in Gaza than at any time since occupying it 37 years ago, commentators said, for a raid launched after militants killed 13 soldiers there last week — the biggest blow to the army in two years. Before the ground assault, Israeli helicopter gunships killed seven Palestinians, at least three of them gunmen and another a civilian, outside a mosque, witnesses said.

Other Palestinians, including at least one fighter, were shot dead during street battles. A teenage brother and sister were among the dead, killed on the roof as they fed pigeons and

Gaza army raid

'Every hour, there's shooting'

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hung out washing, residents said.

Palestinian President Yasser Arafat said "a big massacre" had happened in Rafah and called for international intervention to stop Israel's "military escalation and ugly crimes".

Army sources said soldiers had fired only at militants, hitting at least 15 of the gunmen.

Troops took vantage points in bullet-pocked buildings of Rafah's volatile Tel al-Sultan district as soldiers searched house-to-house for militants and battled Palestinian gunmen. Dozens of people were wounded in air attacks and street fighting of "Operation Rainbow", as the army dubbed it. It said three buildings were demolished today.

Militants fired rockets and set off hidden bombs in the cinderblock camp of 90,000 people, including militant bands who try to ambush soldiers patrolling the Egyptian border. Israel's army chief General Moshe Yaalon said: "Rafah has become a gateway for terror through which rocket-propelled grenades and other weapons have passed.

"After we tried to persuade the Palestinian authorities to stop this activity, we were forced to prevent this ourselves." The UN Relief and Works Agency for Palestinian refugees set up tents to take in 1,500 displaced people.

Amnesty International said Israel had destroyed more than 3,000 Palestinian houses during the revolt.

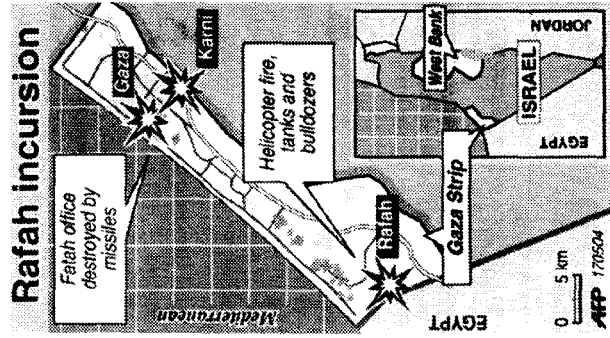
Rafah (Gaza Strip), May 18 (Reuters): Surveying the blood-stained ruins of her daughter's home in the Rafah refugee camp, Miriam Abu Jassar wondered aloud today whether she should now flee like hundreds of her neighbours in Gaza.

Israeli missiles crashed into her part of the camp overnight, flattening a house next door to her own and killing three men, including her nephew, described by residents as a Palestinian intelligence officer moonlighting as a militant.

Emerging into nearly deserted streets during a break in the fighting, Abu Jassar gave thanks that her daughter and grandchildren had escaped unscathed, seeking refuge at a local school. But she cursed the Israelis for killing her nephew.

"They said they were going after wanted people. It's all lies," she said near the destroyed house, where a bloodied cinderblock lay amid the rubble.

Abu Jassar had not joined panicking neighbours who abandoned the area on Monday, piling mattresses and belongings on donkey carts and rick-



ety old trucks. She thought her neighbourhood was far enough from the army-controlled "Philadelphi" road to be out of harm's way. Today she appeared to be rethinking her decision. "We are afraid," she said. "Every hour there is shooting."

Israel threat to destroy refugee homes

1715
Jerusalem, May 16 (Reuters): Israel's top general today threatened to destroy hundreds of Palestinian refugee homes after the Supreme Court cleared the way for demolitions in a flash-point Israeli-held corridor on the Gaza-Egypt border.

Secretary of state Colin Powell said the US opposed the destruction of homes in Rafah refugee camp, adjacent to the "Philadelphi" buffer zone in the southern Gaza Strip.

"Hundreds of houses have been marked for destruction," a senior official quoted Israeli army chief Moshe Yaalon as telling the cabinet at its weekly meeting, without giving any timeframe for their demolition.

Refusing to extend a stay sought by a Palestinian rights group, the court appeared to set broad terms for bulldozing homes in the Philadelphi zone, saying the army could destroy houses for operational purposes or to protect soldiers.

Seven of last week's 13 Israeli dead in Gaza were killed in or near the buffer area, which Israeli officials said would be widened to make it safer to patrol and less accessible to militants who smuggle weapons in by tunnel from Egypt.

Dozens of Palestinians started to evacuate their homes in the Rafah camp after learning of the court decision. "I don't know what to take. I will start with clothes or the refrigerator or the television," said Abed al-Majid Abu Shamala, 52, preparing to flee a four-storey dwelling.

Yaalon told the cabinet that houses picked for demolition were believed to be concealing tunnels or to have been used by gunmen attacking soldiers.

UN relief officials estimated that Israeli armoured bulldozers levelled more than 80 buildings in Rafah in the past days, leaving about 1,100 Palestinians homeless. The army said it demolished structures that provided cover for armed men.

"We are extremely alarmed that even more demolitions are planned," Peter Hansen, chief of the UN Relief and Works Agency (UNRWA) said in a statement, accusing Israel of violating international law.

At a news conference in Jordan, Powell said Washington recognised an Israeli right to self-defence "but the kind of action they are taking in Rafah with the destruction of Palestinian homes we oppose". He also rebuked President Yasser Arafat for urging Palestinians yesterday, to "terrorise the enemy".

Arafat said in the West Bank that demolitions carried out so far in Rafah were another example of Israel's "sinful aggression against our people and our land".

In addition to the 13 Israeli dead in Gaza this week, 29 Palestinians, militants and bystanders, were killed during fierce fighting. Several bystanders were wounded in helicopter missile strikes in Gaza early today, witnesses said.

17 MAY 2004
THE TELEGRAPH

ILLEGAL IMMIGRATION

Need For Good Policy And Timely Action

By BIBHUTI BHUSAN NANDY

SR 8
M/S

Illegal immigration from Bangladesh that changed the communal and demographic landscape of West Bengal, Assam, Tripura and the rest of the North-east has four distinct features. One, the sending country is close by. Two, the number is too high. Three, the areas to which migrants are attracted have already a massive Bangladeshi population. Four, the infiltration is unlikely to stop any time soon. The challenge inherent in this situation is real and staggering, but neither the Centre nor any of the state governments is worried about dynamics and consequences of unrestrained immigration.

While a whole range of push and pull factors — religious, political and economic — is responsible for the unmitigated influx from Bangladesh, the Left Front in West Bengal and the Congress in Assam have exacerbated the problem by systematically promoting immigration as part of their cynical strategy to augment minority vote-banks. When the BJP was in opposition it had significantly increased its popularity by spearheading a sustained anti-immigration agitation within and outside Parliament.

Dropped the issue

But, during the last six years, the NDA government didn't take any concrete step to contain the demographic invasion from the east. In other words, the BJP used the immigration issue as a springboard for capturing power; once that objective was achieved, party dropped the issue from its political agenda without batting an eyelid.

As the country's prime minister, Atal Behari Vajpayee has not uttered a word on the problem of infiltration in the last six years, but in course of electioneering at Guwahati last month, he pointedly warned voters of Assam of the danger of foreigners coming and settling down in the state. The Prime Minister, however, didn't enlighten the electorate as to what his government had done to tackle the problem and how it wanted to go about it, if NDA get a fresh mandate.

Early last year, the Deputy Prime Minister L K Advani created quite a flutter by theatrically ordering state police chiefs to "throw out" the 20 million Bangladeshi settlers. Orchestrated howls of protest from the Bangladesh government and the Bangladesh media cooled the "iron man's" anti-immigration ardour firmly; he hasn't said another word about it since.

The author is former Additional Secretary, Research and Analysis Wing

Meanwhile, it is business as usual at the borders and infiltration continues unabated, with the BSF colluding with illegal immigration rackets for a fee.

The ruling clique in Dhaka knows that Indian leaders are paper tigers and their periodic fulminations at Bangladeshi intransigence, be it illegal immigration or cross-border terrorism, merit no serious attention. No wonder, it has contem-

ing for minority votes, the BJP regime has turned a blind eye to the ever lengthening shadow of illegal immigration.

There can be three possible explanations why the BJP omits even to mention the problem of infiltration facing West Bengal: One, not being part of the Hindi heartland, for the BJP/NDA West Bengal is not part of India. Two, since the people of West Bengal are unlikely to vote the



ptuously dismissed Vajpayee's warning on infiltration as an election gimmick.

Against this backdrop, a scrutiny of the BJP election manifesto suggests that, for all its past commitment to purge the country of foreign infiltrators, in its anxiety to cast off its anti-Muslim image, the party has quietly dropped its anti-immigration agenda. In its Vision Document 2004 the BJP has vaguely stated in half a sentence that in the north-eastern states, it remains committed to "putting an end to infiltration from Bangladesh and vigorously pursuing the 3-D formula — Detect, Delete, and Deport". For its part, the NDA manifesto is a faint echo of the same promise in the context of the North-east that it would "repeal the IMDT Act for putting an end to infiltration from Bangladesh".

West Bengal worst hit

Illegal immigration is by no means an exclusively North-east-specific problem. West Bengal is the worst hit, no fewer than 10 million migrants having dug in there already and no let-up in the inflow is in sight. Significant spillovers from immigrants-saturated border states have also turned large areas of Delhi, Ahmedabad, Mumbai and other cities and numerous industrial conglomerates across the country into sprawling Bangladeshi ghettos but, thanks to its crav-

ing for minority votes, the BJP/NDA to power in the foreseeable future, they have no stake in the state's well being. Three, exploiting the purported good equation between L K Advani and Buddhadeb Bhattacharjee, the Left Front government has effectively brain-washed the Centre into believing that infiltration is not really a problem in West Bengal. Whatever be the reason, by projecting infiltration as a problem of the north-east only, the BJP has rendered its credentials as a Nationalist party and its all-India vision suspect. For this party, Hindutva and construction of Ram Mandir at Ayodhya are more important and urgent issues than the perils of foreigners with dual citizenship and dual loyalty overwhelming the country's border region.

In confining their policy focus to repealing the Illegal Migrants (Determination by Tribunals) Act, the BJP and the NDA have betrayed an extremely narrow and simplistic view of the problem of infiltration. Surely, by placing the onus of proving that a person is an infiltrator on the prosecution, this law shields the illegal migrants. That is why in the 16 years between 1985 and 2001, 16 tribunals under this Act could detect only 9,000 illegal immigrants and deported just 1,500 of them! Last year, the Supreme Court directed the central government to repeal the self-defeating law by January

2004. A Bill for its repeal gathered dust in a Select Committee for months and with the dissolution of the 13th Lok Sabha it has lapsed automatically. After the election, the process has to start from scratch, but regardless of the nature of the next central government, repealing of the IMDT Act is going to be a tough decision because it has come to be widely regarded as inimical to minority interests.

Only in Assam

Important though it is, effective tackling of infiltration does not hinge solely on the repeal of the IMDT Act. This Act operates only in Assam and its repeal would remove the legal hurdle encountered by that state in proceeding against infiltrators. The fact that other states, free of its constraints, have practically done nothing all these years to get rid of the illegal immigrants from their respective territories speaks of their utter lack of political will. Considering the complexity and magnitude of the problem, infiltration has to be fought on several fronts — legal, political and diplomatic — with the central government playing the coordinating lead role. Unfortunately, the Centre has miserably failed to take any worthwhile initiative in the matter.

Implementation of the 3-D formula — detection, deletion and deportation — is easier said than done. It is impossible to identify and deport 20 million infiltrators. Starting from this realistic premise the government has to work out innovative alternatives like treating the migrants as guest workers with the right only to stay and work in India. As a corollary to such a policy and to avoid concentration of the infiltrators upsetting the ethnic and communal balance in the country's peripheries, a time-bound orderly dispersal programme has to be put in place as well.

Prevention of infiltration is a simpler and easier task than bundling out 20 million people who have acquired the trappings of Indian citizenship. A strong and effective border management regime is what is needed to end illicit immigration. It is well within the powers of the central government to streamline the border administration to that end, but New Delhi has been consistently, if enigmatically, remiss on this score — whether it is border fencing or disciplining the BSF.

What is most needed to navigate through the treacherous terrain of infiltration is strong and sound political leadership. Glib talk and politicking cannot substitute good policy and timely action.

Refugee ruckus

BJP faced with Arunachal ire

The All Arunachal Pradesh Students' Union has again called attention to 60,000 Chakma and Hajong refugees following the Election Commission's decision to include the names of about 1,500 of them in the voters' list. Charging the NDA with betraying people's trust, its call for a boycott of the Lok Sabha elections has apparently embarrassed the Gegong Apang-led BJP ministry. "Neither supporting or opposing" the refugees' right to vote is the stand taken by the BJP, which has promised a permanent solution only after the elections. But this is easier said than done. In 1964, the government at the Centre should have realised the inherent danger in settling 20,000 of them on humanitarian grounds. It completely ignored the fact that Arunachal was out of bounds for Indians, let alone outsiders (the Inner Line and the Sixth Schedule are quite clear about this).

The refugee issue came to the fore only after the locals realised that they were outnumbered by refugees from Chittagong Hill Tracts in three districts. They began asserting themselves after the 1993 Gauhati High Court ruling that refugees were "foreigners/aliens" and could not be settled permanently. The Supreme Court upheld this but made it clear that the refugees could not be evicted forcibly "except in accordance with the law" and also cleared doubts about their fundamental rights to obtain citizenship. Not only did those settled in Mizoram not have any problem getting citizenship, they were also granted an autonomous district council. Aapsu takes the stand that it will not allow refugees to stay on even if they possess valid documents. It remains to be seen how the BJP, if it returns to power, hopes to change this attitude.

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Migrant card

But is Delhi doing its bit? *Refugee
problem*

What is one to make of the Prime Minister calling on Bangladesh to end infiltration of migrants to India in the context of an election rally in Guwahati? It is not that he hasn't named a real problem, one that creates serious dislocations in the north-east in particular, but rather that bashing Dhaka when in electioneering mode in Guwahati is not going to help coming to grips with the issue. In reality it suits Dhaka to be able to relieve itself of population pressure at Delhi's expense, and it is up to Delhi, not Dhaka, to adopt measures that will discourage infiltration. When Mexicans attempt to enter the US illegally it is not Mexican authorities but US border guards who intercept them, but in the Indian case politicians in states bordering Bangladesh shelter and even provide citizenship documents to illegal migrants. Delhi needs to get its own act together before it can hope to convince Dhaka that it is serious about pushing back migrants. Anything else is liable to be dismissed as election-time rhetoric, which in this case may not be far short of the mark.

In public remarks meant for Dhaka's ear Vajpayee also cited peace initiatives between India and Pakistan, which is precisely the wrong example to give. If those peace initiatives bear fruit, it will be because of determined efforts by Indian security forces to seal off routes of ingress for Pakistan-trained militants. Armed infiltrators are not, of course, the same thing as civilians crossing the border for economic reasons. But there is a point to the comparison, as large-scale influxes of the latter are triggering insurrections in India's north-eastern states. While they may not be agents of the insurgency themselves, insurgency may come about because of the failure of Delhi as well as local politicians to contain the influx and consequent competition for land, jobs and services. Neither can the possibility that serious trouble-makers make use of established routes of entry by economic migrants, to infiltrate India by the "back door" as it were, be precluded. Ticking off Dhaka is an empty gesture, till Delhi is able to lavish at least a fraction of the attention to its Eastern borders it devotes to safeguarding India's western borders.

Arunachal's forgotten Chakmas

By Suhas Chakma

5/11/2003

Refugee Program



Chakma migrants from Bangladesh. — A file photograph

Open forum

total of 11,360, only 1,497 claimants were accepted and enrolled. The rest were rejected on frivolous grounds. But these 1,497 eligible voters too were later arbitrarily deleted pursuant to an order of the state government of 14 May 2003 that "enrolment and revision of electoral rolls in respect of non-Arunachalis be done after verifying their Inner Line Permit and ensuring that it has the validity period of at least six months."

Since the Chakmas and Hajongs were settled in Arunachal Pradesh by the Central government in consultation with NEFA administration, the applicability of Inner Line Permit does not arise. Their descendants were born and brought up in Arunachal Pradesh. Most importantly, the Election Commission in its order of 2 January 2004 clarified the legality on the issue that "the provisions of the Bengal Frontier

Regulation, 1873, in so far as they relate to the preparation and revision of electoral rolls in the state of Arunachal Pradesh, do not have overriding effect vis-à-vis the provisions of Articles 324 and 326 of the Constitution and the relevant provisions of the Representation of People Act, 1950, and the Registration of Electors Rules, 1960, and the same, therefore, shall not govern matters relating to inclusion or deletion of names in or from the electoral rolls." The EC further stated, "So long as the Chakmas were ordinarily residents in the state, they could not be denied their Constitutional right of enrolment of their names in the electoral rolls of the state."

The demand of the state government to resettle the Chakmas and Hajongs is dangerously flawed. While the Supreme Court ruled that the resettlement of the Chakmas and Hajongs outside of Arunachal Pradesh would be "inhuman", in a region where conflicts over imagined homelands rage, such forcible resettlement could open a Pandora's box. Since Arunachal Pradesh has the lowest density of population, would it share the burden of the migrants of Tripura and Assam?

The EC in its order of 3 March 2004 succinctly summarised the discrimination against the Chakmas and Hajongs: "Under Article 325 of the Constitution, it is laid down that no person shall be ineligible for inclusion in or claim to be included in any electoral roll for any constituency on grounds only of religion, race, castes, sex or any of them. It is evident that the names of the aforesaid eligible Chakmas in the state of Arunachal Pradesh have not been included in the electoral rolls mainly for the reason that they belong to Chakma tribe/race which is violative of the Constitutional mandate of Article 325."

For the last four decades, successive Central governments have failed to bring an end to systematic discrimination including the withdrawal of *anganwadi* and primary schools from the Chakma and Hajong-inhabited areas. Even the Supreme Court judgment of 6 January 1996 has not been implemented. Home minister LK Advani has been sitting over the recommendations made by then special secretary PD Shenoy and joint secretary GK Pillai after their visit to the Chakma and Hajong-inhabited areas on 6-7 March 1999, among others, for creation of three additional Assembly seats for the migrant so as to not to disturb the local communities.

Many local leaders from the Singpho and Khanti ethnic groups have written to Advani urging citizenship to the Chakmas. If the descendants of the Chakmas and Hajongs are allowed to vote, it will prove that it is the pillars of democracy, not the politicians, who make the ultimate difference for the delivery of justice.

(The author is Director, Asian Centre for Human Rights, New Delhi.)

REFUGEE PAINS And Zoramthanga has the balm

THE delay in repatriating Reang refugees from Tripura would suggest that the Mizoram government does not believe this is of a priority. About 30,000 refugees are languishing in Tripura camps since October 1997. They fled Mizoram following trouble when the Bru (Reang) National Union demanded an autonomous district council which the powerful Mizo Zirlai Pawl student organisation opposed and allegedly threatened retaliation. The murder of a Mizo forest warden by suspected militants of the Bru National Liberation Front set the cat among the pigeons and in the ensuing riot 10 Reangs were said to have been killed and their houses razed. This triggered a mass exodus. By Mizoram's own admission, the Brus have climbed down on their political demands; so why this dilly-dallying? The sticking point perhaps is Aizawl's stand that all refugees are not permanent settlers of Mizoram and it would accept only those with valid documents. This implies that most of them will be left out and Aizawl will have to change its attitude if there is to be any prospect of a settlement.

Even if the Reangs do not qualify for autonomy, former chief minister Lalthanhawla had offered them a development council on the lines of the one signed earlier with Hmar rebels. But there was a precondition that this would be done only after their return. And return the Reangs must, provided Aizawl creates a conducive atmosphere. Their socio-economic grievances cannot be ignored. Chief minister Zoramthanga, who has agreed to play facilitator for peace talks between the Centre and Naga rebels, cannot stand idly by for trouble on home turf. It is essentially Mizoram's domestic problem and charity, as the saying goes, begins at home. Being a rebel leader himself, no one is better suited than Zoramthanga to put an end to this seven-year itch.

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