

Training Workshop on the UN Guiding Principles on Internal Displacement¹

India 28-30 November 2001

[1] This report tries to summarize and reflect the individual opinions expressed during the workshop and do not necessarily coincide with the institutional positions of the Norwegian Refugee Council (NRC) or the Centre for Refugee Studies at Jadavpur University.

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UNHCR/26100/11.1996/LeMoyne

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Introduction

The Global IDP Project of the Norwegian Refugee Council (NRC) organizes 3-day training workshops on the UN Guiding Principles on Internal Displacement for government staff, NGOs, UN staff and the IDPs themselves. Since 1999, workshops have been held in the Philippines, Thailand, Georgia, Colombia, Uganda, Angola, Sierra Leone, Liberia, Burundi and most recently in Calcutta, India on 28-30 November, 2001. In India, the Global IDP Project co-organized the workshop with the Centre for Refugee Studies of Jadavpur University (Calcutta). This report tries to reflect the opinions expressed during the workshop².

Conflict-induced displacement in India affects more than half a million people, mainly concentrated to two regions: Kashmir and the Northeast³. In addition, a much larger number of people have been forced to leave their homes as a result of development projects, primarily the construction of large hydroelectric dams (development-induced displacement)⁴. Most experts on this issue agree that more than 20 million Indians have been forced of their land as a result of such projects⁵. Despite this situation, the UN Guiding Principles on Internal Displacement are not very well known in India. Also, relatively few international organizations provide support to the displaced in India and hence the international community knows very little of their plight. Therefore, the Global IDP Project and Jadavpur University organized a training workshop with the following objectives:

- To promote and disseminate the Guiding Principles on Internal Displacement in India.
- To explain and discuss basic international human rights and humanitarian law concepts as covered by the Guiding Principles.
- To analyze the current state of implementation of the Guiding Principles and to seek ways to more fully implement them in India.
- To encourage organizations working with internally displaced to share among themselves their work experience and best practice.
- To promote dialogue between national NGOs, academic institutions, international organizations, and government authorities on the protection and assistance needs of the internally displaced in India.

Workshop participants came from very diverse ethnic, professional and institutional background, but shared a common commitment to improved protection and assistance to IDPs. Many participants were professors at academic institutions in the Northeast, and at the same time members of different human rights and humanitarian NGOs. A majority of participants came from the seven Northeastern states or from the state of Jammu & Kashmir, others were based in Calcutta or Delhi.

The workshop methodology combined a number of presentations with extensive group work, group presentations and plenary

[2] For background to and analysis of the displacement situation in India please see for example Country Profile – India, Global IDP Database (www.idpproject.org) or Northeast India’s Hidden Displacement, US Committee for Refugees (www.refugees.org).

[3] The Northeast refers to the distinct geographical region made up of the following Indian states: Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.

[4] The Global IDP Project implements its activities in the framework of the UN Guiding Principles on Internal Displacement, which addresses development-induced displacement in Principle 6.2(c).

[5] Global IDP Database, India Country Profile, www.idpproject.org

discussions. Each session was initiated with a thematic presentation based on NRC's training modules on the content and use of the Guiding Principles. After the presentations, participants were divided up

into groups and assigned group exercises. Once back in plenary, a rapporteur from each group summarized the group findings, which were then discussed in the larger group.

Opening statements

During the opening session, welcoming and introductory remarks were given by the organizers, and opening statements were delivered by Omprakash Mishra, Coordinator of the Centre for Refugee Studies, Jadavpur University, Justice Manisana Singh (Chairman Assam State Human Rights Commission), Mrs Wei Meng Lim Kabaa (Deputy Chief of Mission, UNHCR) and Professor N Madhava Menon (Vice-Chancellor, National University of Juridical Sciences). Mr. Mishra maintained that principle of national sovereignty involves responsibility of the nation state to protect the life and liberty of all section of population. He voiced his conviction that conflict-induced displacement must be accorded priority in formulating policy and programmes for the internally displaced. Mrs. Lim Kabaa explained why UNHCR is not directly working with IDPs in India. She elaborated on the necessary conditions for UNHCR involvement with displaced persons (consent by the concerned government, request by the UN General Assembly or the Secretary General, funding guaranteed, access to the displaced population and staff security) and highlighted that UNHCR obviously has a very relevant experience not only with refugees but also with internally displaced population. She further stressed that UNHCR would like for India to become a state party to the Refugee Convention but meanwhile her organization is also very willing to support the Indian authorities in the development and implementation of national legislation on refugees.

Professor Menon was proud of India's record on receiving refugees and hoped for a similar treatment for IDPs. He drew participants' attention to the fact that there is no national legislation on displaced persons, but the existing legal framework should provide sufficient protection and assistance. He mentioned several judicial tools making up this framework. Most importantly, Professor Menon argued, IDPs, as citizens of India, should be protected under the Constitution of India. Secondly, according to Professor Menon, international treaties such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with national judicial decisions, make up part of Indian jurisprudence and are applicable in India. Thirdly, state legislation on treatment of victims of natural disasters could be partly applicable. The monitoring of the effective use of these mechanisms falls, according to Professor Menon, on various state authorities as well as the national and state Human Rights Commissions.

Following the opening statements participants were provided with a review of the background to and the international context in which the Guiding Principles are currently being disseminated and implemented. The drastic increase in the number of IDPs was addressed, together with an outline of the responses by the international community, including the assignment of the Special Representative of the UN Secretary General on Internal Displacement (RSG), Mr. Francis Deng. Next, the mandate of the RSG and the

development of the UN Guiding Principles were discussed. Finally, participants were given a brief overview of the UN's so called "collaborative approach" to issues of internal displacement. Recent efforts to strengthen

this approach through the establishment of a small IDP Unit within OCHA were also discussed. Thereafter, participants initiated the work on the seven main topics summarized below.

Definition of an internally displaced person (Module 1)

During this session participants analyzed and discussed the definition of an IDP in the Guiding Principles (GP) and tried to develop a profile of the displaced in their respective region. It was concluded that the definition in the Guiding Principles largely covers the displaced in India, but given the diversity of the country and the regional specificities of displacement, most participants felt it would be useful to develop a India-specific definition, or even one for each displacement-affected region.

Conflict induced-displacement

Displacement in the state of Jammu & Kashmir was referred to as primarily religious and communal, while in the Northeast it was said to be mostly ethnic and territorial. In the Muslim dominated Kashmiri Valley 90% of the minority Kashmiri Pandits had to flee already in 1990-91. Initially most of them settled in camps and collective settlements but over time the majority has become dispersed in New Delhi and Jammu. Since then, limited displacement has occurred on a continuous basis and attempts by the displaced to return have been foiled by militants and fundamentalists. Participants therefore considered the majority of those that left in 1990 still displaced. The representatives from Kashmir expressed frustration over the fact that the government avoid calling them displaced but rather refers to the displaced as "migrants". This term evokes a sense of voluntariness, which clearly was not the case in Kashmir.

The displacement situation in the Northeast is more complex and unstable than in Kashmir. The direct causes of displacement range from pressures and implicit threats to widespread violations of human rights, amounting to "ethnic cleansing" in disputed areas. Participants described a general pattern in which certain communities or ethnic groups consider their access to political and economic power restricted and therefore start demanding greater autonomy, self-determination and even statehood. When power is not achieved through elections and democratic means, these groups often try to change the ethnic balance in the area, resorting to violent "cleansing" activities, forcing other groups to leave in order to gain a voting majority. According to participants, such activities are responded to with equal violent means, thereby perpetuating a vicious circle of violence. Those forced to leave often end up in camps outside the disputed area or dispersed in areas dominated by their ethnic kin

Natural disasters and development-induced displacement

The Guiding Principles prohibit displacement as a result of large-scale development projects, unless the project is of "compelling and overriding public interest". This concept of "compelling and overriding public interest" was discussed during the workshop. It was suggested that before it could be justified to displace people based on this concept, the authorities needed to take into consideration:

- Cost-benefit
- Necessity-proportionality
- Human dimensions

Later during the workshop it was suggested that development projects needed to be more transparent, equitable and participatory in order to diminish the impact on the affected population.

Participants further discussed how the definition in the Guiding Principles only includes individuals that have had to leave "their homes or habitual residence". Some of them suggested that in India it would be useful to broaden that to those who have been deprived of their livelihood through the loss of access to public lands or forests. It

was noted that many Indians have had to leave their home because their livelihood was destroyed, not necessarily their homes.

There was also an interesting discussion on voluntary economic migration vs. systematic and gross violations of economic human rights. Some argued that the victims of such violations should be considered IDPs, while others considered such a broad definition unclear and not operational.

Lastly, participants suggested that in India, displacement due to natural disasters should not be mixed in with man-made displacement. It was felt that forced man-made disasters calls for different preventive measures and long term political solutions, which should not be mixed with approaches to natural disasters.

Legal background to the Guiding Principles (Module 2)

During this session, Mrs. Lim Kabaa from UNHCR joined the team of facilitators and presented the legal background to the Guiding Principles. It was made clear that even if the Guiding Principles are not binding law, they restate and are consistent with human rights law, humanitarian law and refugee law (by analogy). She examined some of the key Principles - such as prohibition of displacement and discrimination, right to life and assistance - and identified their original sources. Some Principles were identified as particularly relevant to refugee law and UNHCR's rich experience, such as the right to seek safety in another country and the Principles on return and resettlement. Mrs. Lim Kabaa also challenged participants to reflect on governments' responsibility to facilitate international access to IDPs when national capacity is limited.

In addition to human rights law and refugee law, many provisions in the Guiding Principles are derived from international humanitarian law. This was discussed by Mr. Omprakash Mishra from Jadavpur University, who also introduced some of ICRC's thinking on the subject.

Following the initial presentations, a hands-on group exercise was conducted so that participants would gain familiarity with the concrete content of the Principles, as well as the human rights and humanitarian law instruments they are derived from. During this exercise, participants were asked to review a number of Principles and the most common human rights and humanitarian law instruments and identify similarities and direct links. Through the exercise, participants discovered that the Principles do not provide new rights, but restate already existing rights and make them more explicit to IDPs.

Protection from and during displacement (Module 3)

This session looked at the Principles prohibiting displacement and providing protection during displacement. The Guiding Principles take a very broad approach to protection by reaching beyond the concern for a displaced person's physical integrity. The protection Principles include the right to food, water, shelter, health care, education and personal identification as well as the right to life and freedom from torture, for example. During an initial presentation, these different aspects of protection were presented in four themes: non-discrimination, movement-related rights, physical protection and special needs of IDPs. Next, each working group was asked to analyze a selected number of Principles and to look at the adherence to those Principles in India. Participants were also asked to identify ways to more fully implement the above principles. Below are some of the protection aspects that participants considered problematic in India.

Prevention of and protection from displacement

In theory the Indian Constitution and other legal safeguards protect citizen from displacement. However, not enough is done to prevent violations of these legal provisions. Participants stressed the need for both the national government and state governments to address the causes of displacement: competition for territories and economic and political power, leading to religious and ethnic tensions, and on the other hand development projects that are not in public interest. It was also suggested that the authorities should pay more attention to conflict resolution and reconciliation efforts in order to prevent displacement. In that context, it was considered important that local and national authorities refrain from favoring one or another ethnic group for political purposes.

The displaced population often flee due to violations of human rights or threats to their safety but often there are explicit orders to leave, issued by the opposing religious or ethnic group. Participants reported that in Kashmir as well as in the Northeastern states, so called "quit notices" were commonly circulated to force one particular group to leave the area.

Lastly, prevention of development-induced displacement was once again discussed, and participants suggested that the concept of "compelling and overriding interest", which so far has justified displacement as a result of large development projects, must be more carefully weighed against the negative impact on the affected population.

Protection during displacement

Physical integrity

Participants noted that the displaced population is victim of a number of gross violations of human rights and humanitarian law. It was agreed that IDP's right to life and physical integrity was often violated, even in the camps. For example, Bodo rebels reportedly attacked and killed some 36 ethnic Santhals in an IDP camp in Assam. Some participants thought the security forces could have done more to protect the Santhal camp, while others argued that the large camp area was almost impossible to protect. Such attacks have created a feeling of vulnerability and insecurity among the displaced, even in the camps.

The violations discussed by participants were not limited to the armed insurgent groups but reportedly also carried out by state security forces, both in Kashmir and in the Northeastern states. Participants mentioned

violations of the right to life, arbitrary detentions and indiscriminate attacks. It was stated that the security forces are not distinguishing properly between armed militants and civilian population. One participant then argued that in both Kashmir and the Northeast it is sometimes difficult to distinguish civilians from members of armed groups. This was confirmed by other participants, but most seemed to think that the security forces did not try hard enough to make this important distinction. It was suggested that the authorities should rather increase the cooperation with civil society by respecting and ensuring respect for the rights of the civilians. Additionally, improved sensitization and training of security forces could increase respect for IDPs and other civilians.

Recruitment of minors and forced recruitment

The representatives from Kashmir reported that there are no schools in the IDP camps and no other activities keeping the youth occupied. The children and the adolescents are therefore very exposed to forced recruitment and manipulation by the armed groups. Many schools have also closed in Assam and opportunities for young people are very limited, making them vulnerable to recruitment into the rebel groups. From the state of Nagaland it was reported that many children enter into an identity crises, not knowing if they are Nagas, Indian or both. This confusion has made them victims of manipulations.

In order to put an end to these violations, participants suggested that a "High Power Commission" should be appointed to investigate the violations, identify the perpetrators and bring them to justice

Discrimination

Several cases of discrimination against displaced communities were brought up during the workshop. Most commonly, one

group of citizens discriminate against another, but sometimes even the authorities take side in the inter-ethnic or inter-communal dispute and violate citizens' right to non-discrimination. Such is reportedly the case of the Chakmas, originally from Bangladesh but now promised Indian citizenship by the central government in Delhi. Most of the Chakmas are settled in the state of Arunachal Pradesh (AP), where the state government has openly discriminated against the Chakmas by not providing social services, not processing their applications for citizenship (against the rulings of the highest courts in India) and by calling for their expulsion from AP. Participants also discussed the fact that until the Chakmas have formalized their Indian citizenship they are stateless people not entitled to vote.

In other states, certain ethnic groups are victims of discrimination. Some participants had first-hand experience of how the Santhals in Assam state are discriminated by the Bodos and by the state government. During visits to the Bodo and the Santhal IDP camps it was noted that most funds seem to go to the Bodo community.

It was also argued that the central government discriminate against the displaced in the Northeast by paying much more attention to the communities displaced in Kashmir. Some participants thought that the displaced Kashmiri Pandits had received much more material support than those displaced in the northeast and that the central government is doing very little to address root causes in the latter region, while the Kashmir-problematic receives more attention.

On the issue of development-induced displacement and discrimination, participants brought up the fact that a disproportional number of tribal communities were subject to forced displacement. Furthermore, in the resettlement phase women were said to be less likely to regain their livelihood and socio-economic status.

Personal identification documents

In order to improve IDPs' access to social services and to guarantee constitutional rights, participants saw a great need for issuance of personal identification documents. Currently, a number of different identity cards are used throughout India. Women are often included under the family card issued in the name of the male head of household. It was strongly suggested that any unified system of personal identification card should issue individual documents, also to women.

Humanitarian assistance

Workshop participants agreed that most displaced persons in India are in need of more and better assistance. However, certain groups were said to be particularly vulnerable. The situations in a number of IDP camps in the Northeast were considered very critical. Participants were outraged that the Reangs displaced from the state of Mizoram to the state of Tripura had not been properly attended to or received support to return. It was reported that the Reangs in the camp in Kanchan (Tripura) live under deplorable and life-threatening conditions, which has led to a number of deaths from curable diseases. Some participants argued that the insufficient camp support from the Tripura state government is a deliberate strategy to force them to go back to Mizoram state. The camps in Assam were also said to be in a very poor state. Over 200,000 IDPs are reportedly distributed among some 78 camps in Kokrajhar and Bongaigaon districts.

The discussion on camp-conditions brought up the issue of access to the displaced camps by international agencies. Many participants were upset that Médecins sans Frontières-Holland (MSF), currently operating in neighboring Assam, were denied state government permission to provide health care in the critical Reang camps in Tripura, where an unknown number of children have died from very basic diseases. Similar obstacles were reported from the IDP camps in Kashmir. It was concluded that state governments should invite international organizations (non-governmental or inter-governmental) to provide assistance when they do not have the capacity to attend to the displaced population. Such activities should not be seen as an involvement in internal affairs as long as they are carried out by neutral and impartial humanitarian organizations.

At the same time, it was acknowledged that the ultimate decision to authorize such foreign assistance obviously lies with the national and state governments. Therefore, participants proposed that a "Platform for Dialogue on Humanitarian Access" be set up. Representatives of the national and state governments, international agencies and the displaced themselves should participate in this forum, which would facilitate a dialogue on the humanitarian needs, the resources available and the government's reasons for restricting access. It was hoped that such a dialogue would lead to a better understanding of the needs of the vulnerable population and prevent a categorical government rejection of humanitarian services offered by international agencies in Kashmir and in the Northeast.

The potential for successful return or resettlement differs a lot for the three main displacement situations discussed during the workshop (Kashmir, the Northeast and development-induced displacement). In Kashmir, safe large-scale return seemed to be a far-off goal. Participants acknowledged that the government of Jammu & Kashmir has passed legislation on return of displaced population and their property rights, but the main obstacle continues to be the delicate security situation in the region. In 2000, the state government adopted a proposal designed to facilitate the return, but unfortunately it had to be abandoned due to security reasons. It was felt that the authorities could do more to facilitate safe return, but at the same time it was suggested that it is probably more up to the Muslim majority in Kashmir than to the state government to assure the safety of returning Kashmiri Pandits. Also, not all Kashmiri Pandits might want to go back. Participants had the impression that the younger generation did not feel they have anything to go back to after a decade of living far away from their homes. They were said to have lost much of the strong socio-economic position they once held in Kashmir.

In the Northeast security threats are also an important obstacle to return, but participants believed they could be addressed by the state governments. The immediate return of some 30,000 Reangs from Mizoram, currently in camps in Tripura state, has been ordered by the Central government and the Indian National Human Rights Commission. However, participants reported that the state government of Mizoram has refused to take back the displaced and argues that only half of them are original residents of Mizoram. This intent to return the Reangs selectively

has been strongly rejected by the Central government.

Participants further discussed obstacles to the return of the approximately 200.000 Santhals and Bodos living in IDP camps in Assam. Here security was also said to be a major factor. Participants suspected that the state government finds it easier to provide protection in the camps than to scattered returnees, who might be victims of continued ethnic violence in their areas of origin once they return. Also, some of their lands have been occupied by others. Additionally, many IDPs cannot return home because they lived in areas that have now been designated as forest reserves.

Participants stressed the need to eliminate discrimination against returning or resettling populations by involving host communities, local authorities and the displaced in the design of return or resettlement plans. Such plans need to take into consideration regional specificities, traditions and culture. In addition, changes to the demographic structure as a result of return/resettlement movements should be kept to a minimum.

Resettlement and rehabilitation of victims of development-induced displacement is a controversial and technically complex issue. Few participants had extensive experience from this field, but some general suggestions came out of the limited discussion on this topic. The workshop concluded that in general their resettlement and rehabilitation has not been satisfactory. Cash compensation has often been given but livelihoods have not been restored. Therefore, "land-for-land" compensation was suggested, which is also the strategy preferred in the Indian Draft National Policy on Rehabilitation.

Presentations on Kashmir and the Northeastern states

On the third day of the workshop, a number of brief presentations were made on the displacement situation in Kashmir and in the Northeast.

Development-induced displacement in the Northeast

Professor Monirul Hussain of the Guwahati University addressed the issue of development-induced displacement in the Northeast.

He discussed how projects in the power, paper and oil sectors have displaced large number of people in the Northeast and how this has disproportionately affected tribal communities. The development projects reviewed by Professor Hussain were said to lack transparency and democratic accountability. They have pushed particularly the tribals into further marginality and at the same time had a detrimental impact on the environment. He went on to identify the need for a drastic change of the current Indian development paradigm to avoid further displacement and to resettle affected population in dignity. Professor Hussain suggested that such a development strategy should strictly follow the Guiding Principles and the socio-cultural specificity of the local situation.

Conflict-induced displacement in the Northeast

Mr. H.N. Das Former Chief Secretary of Assam Government, Mr. Jaidip Saikia, Security Advisor of Assam Government and Mr. Subir Bhaumik, BBC Correspondent spoke on the situation of conflict-induced displacement in the Northeast. They acknowledged that the Northeast to some extent is an artificial geographical entity with 200 tribal groups and some 175 different languages. In their search for political autonomy and separate homelands, several

of these ethnic groups have resorted to violence. When a particular group has not achieved economic and political power through the ballot they have tried to rearrange the electoral balance by ethnically cleansing "their" areas from other ethnic groups, sometimes targeting communities which might actually be as numerous or even in majority. Concern was expressed that pursuing distinct political agendas, both state governments and the Central government have reportedly been supportive of one or another ethnic group. This could complicate the conflicts and lead to serious backlashes from victims of ethnic violence. The speakers felt that the Indian authorities should urgently address the root causes of these ethnic conflicts. It was said that the UN could do very little to address the root causes, but the Guiding Principles could be useful as a moral yard stick to measure the performance of the actors.

Conflict-induced displacement in Kashmir

Mrs. Sreeradha Datta of the Institute of Defense Studies and Analysis in New Delhi, Mr. B.N. Moza from Kashmir Sabha and Mr. Surendra Munshi from the Indian Institute of Management presented their views on the situation of the displaced in Kashmir. According to them, the state government of Jammu & Kashmir acknowledges 250.000 displaced Kashmiris. Organizations of displaced Kashmiri Pandits consider this figure to be an underestimate. What is more worrying, the Central government refers to them as "migrants", which ignores the fact that the displaced were forced to flee. The presenters also reported that even if the deplorable conditions in the camps have improved, the local government is not sufficiently addressing IDPs' basic needs. And to receive special support the displaced have to remain in the camps. At the same time, the speakers acknowledged that the camp residents in Kashmir are far better off

than the displaced in the Northeast. Return initiatives in 1996 ended in new displacements and younger Kashmiris now say they have nothing to go back to. All

three speakers agreed that secure conditions allowing for gradual return is the priority for most Kashmiri Pandits.

Closing statement by the Indian government

During the valedictory session a number of closing remarks were delivered (see workshop agenda). Dr. P.S. Rao, Additional Secretary at the Legal and Treaties Division of the Ministry of External Affairs shed some light on the Indian government's view of the Guiding Principles. He just returned from the UN General Assembly in New York where the Indian government reportedly welcomed efforts to have the Guiding Principles accepted as a normative framework at the same time as it argued that the Principles do not have inter-governmental legitimacy⁶. Dr. Rao reminded participants that the rights restated in the Guiding Principles are also covered by the Indian Constitution and that there are Courts and procedures in place to address the rights of the displaced. He saw the Principles as an interesting point of departure but recalled that the Indian situation

has its specificities. He also seemed to think that the Principles had been too focused on rights and obligations and that not enough had been included on national sovereignty. He further mentioned the sufficient allocation of resources as an obligation under international human rights, but called for a sense of realism when looking for solutions to the plight of displaced persons.

When asked why the Government of India is so hesitant to seek and accept international assistance, Dr. Rao pointed out that India is not a Somalia or a Rwanda where the state has disintegrated. However, he stressed the need to objectively look at each such offer and decide on a case-by-case basis. He also reminded participants that several international agencies are already operating freely in India.

[6] GOI statement to the 3rd Committee during the general debate, 15 November 2001

Conclusions and recommendations

Conclusions

- 1) Participants concluded that the definition of a displaced person used in the Guiding Principles is largely applicable to the IDP situation in India. It was however felt that displacement due to natural disasters should be treated separately.
- 2) The definition in the Principles should be extended to cover also those individuals who have had to leave their homes because their livelihood has been destroyed (loss of access to public lands etc.)
- 3) Internally displaced persons are often not recognized as IDPs by the Indian government, but referred to as "migrants".
- 4) Participants felt that the Indian government needs to develop a strategy to effectively address the root causes of displacement.
- 5) Participants described a general pattern in which communities or ethnic groups often demand greater autonomy. When power is not achieved through elections and democratic means, these groups often try to change the ethnic balance in the area, resorting to "ethnic cleansing" activities.
- 6) Displaced persons are reportedly subject to serious violations of human rights, including "ethnic cleansing", extra judicial executions, discrimination, forced recruitment and new forced displacements.
- 7) State governments often have their particular political agenda and are sometimes less protective of IDP rights than the Central government. This has disadvantaged for example the Chakmas in Arunachal Pradesh, the Santhals in Assam and the Reangs displaced from Mizoram to Tripura.
- 8) The Central government has provided much more support and attention to the displaced Kashmiri Pandits than to the IDPs in the Northeast.
- 9) The assistance needs in the IDP camps are largely unfulfilled. Particular concern was expressed regarding the situation in the Reang camps in Tripura and the Santhal camps in Assam.
- 10) Currently, IDP needs are not fully met. At the same time, international agencies have generally not been authorized access to the displaced.
- 11) The Church and the non-governmental organizations have provided important support to the displaced and should be encouraged to play an even more prominent role.
- 12) Return of conflict-induced IDPs has been made very difficult due to the prevailing insecurity in areas of origin, particularly for the displaced Kashmiri Pandits.
- 13) Resettlement and rehabilitation of victims of development-induced displacement has not included all project-affected persons and has often not recreated livelihoods.

Recommendations

- 1) Central and state governments should either adopt the Guiding Principle definition of an IDP or develop an India specific definition in order to avoid confusion between IDPs and “migrants”.
- 2) Large-scale development projects should not justify displacement, unless they are of compelling and overriding public interest. When deciding on a project, the authorities should seriously consider: 1) Cost-benefit analysis 2) Necessity and proportionality and 3) Human dimensions
- 3) Population indirectly affected by development projects should also be included as Project Affected Population (PAP). Resettlement and rehabilitation should be based on a “land-for-land” policy. If victims cannot be provided with alternative lands, they should receive compensation at replacement value – not market value.
- 4) In order to better protect the displaced population, it is essential that all security forces be trained to effectively distinguish between armed rebels and civilian population. Furthermore, the security forces also have a responsibility to ensure IDPs’ protection from violence perpetrated by non-state actors, including attacks on their camps.
- 5) The authorities need to identify long-term solutions, such as the promotion of peace and reconciliation processes between ethnic, communal and religious groups.
- 6) Participants acknowledged that many Indian citizens (not only IDPs) have their basic socio-economic needs unfulfilled, but identified the displaced population as a particularly vulnerable group. Central and state governments should therefore increase humanitarian assistance to the displaced communities.
- 7) State governments should design new institutional arrangements to respond to IDPs’ humanitarian needs, just like Relief and Rehabilitation Departments respond to victims of natural disasters.
- 8) When IDPs’ basic needs cannot be met due to limited funds, the Central and State governments should invite neutral and impartial international organizations to fill the gap.
- 9) In order to facilitate such assistance and at the same time respect the right of Indian authorities to decide on internal affairs, a “Platform for Dialogue” should be set up. This platform, made up of authorities, humanitarian organizations and the IDPs themselves, would analyze the most urgent needs of the displaced, the availability of international assistance and the concerns of the Central and State governments.
- 10) In order for increased support efforts to be well targeted, improved statistics on IDPs need to be collected through surveys covering sex, age, occupation etc.

- 11) A system of national personal identification cards should be implemented. Displaced persons having lost their IDs during displacement would thereby gain easier access to the school system and to social services and constitutional rights.
- 12) Local and national authorities urgently need to actively pursue durable solutions to the situation of large numbers of IDPs displaced over a long period of time, including political, security and material support to return processes.

Annex one: List of participants

| Name | Organization | Position |
|-----------------------|--|--|
| A.B. Ota | S.B.W. College Cuttack, Orissa | Head, Department of Anthropology |
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| Anjali Ghosh | Jadavpur University Department of International Relations Calcutta | Head, Department of International Relations |
| Archana Upadhyay | Dibrugarh University Department of Political Science Dibrugarh | |
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| Bindu Ranjan Chakma | CHT Displaced People's Organisation Agartala, Tripura | |
| Chittatosh Mukherjee | Justice Calcutta | |
| Dominic Basumatary | Centre for Youth & Rural Development Kokrajhar, Assam | Secretary |
| H.N. Das | Government of Assam Gawahati, Assam | Former Chief Secretary |
| Habung Payeng | Institute of Economic and Social Development Itanagar | Hony Director |
| J. Majumdar | Jadavpur University Centre for Refugee Studies Calcutta | Sr. Lecturer in International Relations & Member, Academic Committee |
| Jaideep Saikia | Guwahati, Assam | |

| Name | Organization | Position |
|----------------------------------|---|--|
| Kanak Sarkar | Jadavpur University Department of International Relations Calcutta | |
| Khakchung Debbarma | North Eastern Hill University Department of Political Science Shillong | |
| Lopita Nath | Cotton College Department of History Guwahati, Assam | |
| Manik Chakrabarty | Burdwan University | Reader Deptt of Law |
| Manisha Ojha | Calcutta | |
| Mhonchumo Lotha | Land Owners' Union Doyang Hydro-Electirc Project Kohima, Nagaland | |
| Monica Mandal | Jadavpur University Centre for Refugee studies Calcutta | |
| Monirul Hussain | Gauhati University Assam | Head, Department of Political Science |
| Mrinal Kanti Chakma | CHT Displaced People's Organisation Calcutta | |
| Mukul Gopal Mukhopadhyay | West Bengal Human Rights Commission Calcutta | Chairman |
| N. R. Madhava Menon | W. B. National University of Juridical Sciences Calcutta | Vice-Chancellor |
| N. Vijaylakshmi Nongmeikapam, | Institute of Social Sciences Unipok, Tourangbam, Leikai Imphal, Manipur | |
| Omprakash Mishra | Jadavpur University Centre for Refugee Studies Calcutta | Coordinator |
| P.S.Rao | Government of India Ministry of External Affairs Legal & Treaties Division New Delhi | Additional Secretary |
| Parama Sen | Charu Chandra College Department of Political Science Calcutta | |

| Name | Organization | Position |
|-------------------------|--|--|
| Partha Pratim Basu | Jadavpur University Department of International Relations Calcutta | |
| Peu Ghosh | Taki Govt College Department of Political Science Parganas, West Bengal | |
| Phillipa Daley | School of Development Studies University of East Anglia Norwich, UK | Visiting student to Jadavpur University |
| Prasenjit Maiti | Burdwan University Department of Political Science | Senior Lecturer |
| R N Jhunjhunwala, | International Law Association Calcutta | Organising Secretary |
| Rajkumar Manisana Singh | Assam Human Rights Commission Gauhati, Assam | Chairman |
| Rogers Colin | MSFH- Gauhati Guwahati | Head of Office |
| Sanat Chakraborty | GrassRoot Options Shillong, Meghalaya | Editor |
| Saswati Chanda | Jadavpur University Department of International Relations Calcutta | |
| Sanjukta Bhattacharya | Jadavpur University Centre for Refugee Studies Calcutta | Reader in International Relations & Member, Academic Committee |
| Shachi Chakrabarty | University of Calcutta | Lecturer Deptt of Law |
| Sukhomoy Ghosh | Behrampur Social Science Research & Development Organisation Kalyani, Nadia, West Bengal | |
| Subir Bhaumik | Jadavpur, Calcutta | |
| Sucheta Ghosh | Jadavpur University Centre for Refugee Studies Calcutta | Reader in International Relations & Member, Academic Committee |
| Suchita Ghosh | Jadavpur University Department of International Relations Calcutta | Professor |
| Sujata Hazarika | Siliguri, West Bengal | |
| Sunil Kaul | The Ant Bongaigaon, Assam | |

| Name | Organization | Position |
|--------------------|--|-------------------------|
| Surendra Munshi | Indian Institute of Management Joka, West Bengal | |
| T. T. Haokip | North Eastern Hill University Department of Political Science Shillong | |
| T. Lunkim | CC Office Dewlahlane, Imphal | |
| Tania Dass | Calcutta | |
| Udai Kaul | Kashmir Sabha Kolkata | |
| Vijaylaxmi Samal | YAAR Angul, Orissa | |
| Wei Meng Lim Kabaa | UNHCR New Delhi | Deputy Chief of Mission |
| Yusihay Yobin | Helina Cottage Nongthymmai, Dumdum-Meghalaya | |

Annex two: Workshop agenda

Day 1

09.30 **Registration**
Inaugural Session
(Dedicated to the Memory of Basanti Mitra, Late Professor of International Relations, Jadavpur University)

10.00 **Welcome:** Dr. Anjali Ghosh, Head, Department of International Relations, Jadavpur University & Mr. Bjorn Pettersson, Training Coordinator, Norwegian Refugee Council

10.15 **Opening Remarks:** Omprakash Mishra, Coordinator, Centre for Refugee Studies

10.25 **Address** by Wei Meng Lim Kabaa, Deputy Chief of Mission, UNHCR

10.30 **Address** by Chief Guest: Justice Manisana Singh, Chairman, Assam State Human Rights Commission

10.45 **Presidential Address:** Professor N Madhava Menon, Vice-Chancellor, National University of Juridical Sciences

11.10 **Vote of Thanks:** Dr Anindyo Jyoti Majumadar on behalf of Centre for Refugee Studies & Norwegian Refugee Council

 Coffee Break

11.45-13.15 **Business Session I**
Introduction and Definition of an Internally Displaced Person
Chair: Sri H N Das, former Chief Secretary, Government of Assam
Facilitator: Mr Bjorn Pettersson

13.15-14.15 **Lunch**

14.15- 15.15 **Business Session II**
Introduction and Definition of an Internally Displaced Person (Cont.)
Chair: Justice Chittatosh Mukherjee (formerly Chairman, Human Rights Commission)
Tea Break

15.30-17.00 **Business Session III**
Legal Background to Guiding Principles on Internal Displacement
Facilitators: Wei Meng Lim Kabaa, Deputy Chief of Mission, UNHCR & Omprakash Mishra, Coordinator, Centre for Refugee Studies

Day 2

09.30-11.30 **Business Session IV**

Prevention and Protection during Displacement

Facilitator: Bjorn Pettersson

11.45-13.00 **Business Session V**

Prevention and Protection during Displacement (Cont.)

13.00-14.00 **Lunch**

14.00-16.15 **Business Session VI**

Return and Resettlement

Facilitator: Bjorn Pettersson

16.30-17.15 **Business Session VII**

Development-Induced Displacement

Facilitator: Professor Monirul Hussain, Deptt.of Political Science, Guwahati University

Day 3

09.30-10.30 **Business Session VIII**

Internally Displaced Kashmiri Pandits

Chair: Prof. Surendra Munshi, Indian Institute of Management, Joka

Facilitator: Sreeradha Datta, Institute of Defense Studies and Analysis, New Delhi

Comments: Dr B N Moza, Kashmir Sabha, Calcutta

10.45-12.15 **Business Session IX**

Conflict and Displacement in Northeast India

Chair: Dr P S Rao, Additional Secretary, Ministry of External Affairs, Government of India

Presentations:

10.45-11.30 Mr H N Das, Formerly Chief Secretary, Government of Assam

Jaideep Saikia, Security Advisor, Government of Assam

Subir Bhaumik, Correspondent, BBC

11.30-12.15 Discussion by participants

Tea Break

12.30-13.45 **Valedictory Session**
Address by Dr P S. Rao, Additional Secretary, Legal and Treaties Division, Ministry of External Affairs, Government of India

12.30-13.00 Workshop Conclusion and Recommendation coordinated by Dr Sanjukta Bhattacharya, Centre for Refugee Studies & Bjorn Pettersson, Norwegian Refugee Council & Mr H N Das

13.20-13.40 Valedictory Address: Justice Mukul Gopal Mukhopadhyay, Chairman, West Bengal Human Rights Commission
Presentation of Memento to the participants on behalf of the Workshop Secretariat- Tania Dass

13.40 Vote of Thanks: Dr Sucheta Ghosh on behalf of Centre for Refugee Studies and Norwegian Refugee Council
Lunch