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Rewriting Citizenship in Displacement: Displaced People's Struggles for Rights

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For displaced people, citizenship (or the lack of it) is a crucial issue. Displaced people are denied formal citizenship and rights but are now claiming them, subjectively seeing their de facto experience as lived citizenship. Protests, claim assertions and transnational alliances are ways in which their struggle for rights is manifested. Much of the existing literature tends to focus on a top-down understanding of displaced people as citizens/non-citizens and the formal processes available (or not available) to them, ignoring the importance of informal processes as well as local agency and practice, which this article explores through case study examples. The article also examines displacement in the light of differing theoretical meanings of citizenship, and asks to what extent the forced migrant is a global or transnational citizen.

Mobility, displacement and emplacement have become defining features of our times. As long as there are wars, large-scale development projects and the more recent land grabs, people will be forced to move. This paper examines the implications for citizenship of various forms of displacement. While there is a large literature on displacement and citizenship, it tends to focus on top-down understandings of both. Few people are asking how displaced people are viewing their own citizenship and struggling for rights that they see as theirs. This paper aims to move away from normative government and inter-government perspectives which tend to have a 'sedentarist' (Malkki, 1992) lens. Instead, it focuses on how displaced people themselves understand their predicament and how they develop ways of coping with their problematic or non-citizenship status. We investigate formal and informal processes of rights claiming and expressions of local agency exercised by a range of displaced people. These responses can be seen as a form of 'lived citizenship'. We also attempt to understand how globalization is accelerating displacement processes and whether displaced people can be seen to embody new forms of global or transnational citizenship. We thus investigate the limits and possibilities of new forms of 'post-national' and denationalized or deterritorialized citizenship.

We intentionally take a broad view of displacement, focusing on refugees, Internally Displaced Persons (IDPs) and those affected by development-induced displacement

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(DID). Whenever relevant, we focus on other non-citizens such as immigrants and undocumented workers who are denied basic rights. In this case, the distinction between voluntary and forced migration may be very blurred. Forced migration research has tended to separate out different categories of displacement, and there are purists who think that forced migration research should only focus on refugees. We use rights and citizenship as a way of bridging divides about different forms of displacement and migration (see also Grabska and Mehta, 2008). Traditionally, studies on refugees and displaced people (both oustees and IDPs) have rarely found common ground. In part, this has to do with differences in the causes of impoverishment, the massive institutional differences in the major agencies dealing with refugees, IDPs and oustees as well as the issue of determining who should assume responsibility for the successful resettlement and rehabilitation/integration of forced migrants, which we describe shortly.

There are also differences in claims to entitlements. Legislative frameworks (international laws, human rights laws, legislations, conventions and treaties) embrace protection for refugees, based on the framework of the Universal Declaration of Human Rights (1948) and specific conventions such as the 1951 Convention relating to the Status of Refugees. Under international law, states are obliged to protect non-citizens and those residing within their national borders, including refugees, who often cannot claim entitlements from host states. This is the crux of the distinction between refugees and IDPs, whose status, even if they flee their homes for the same reasons as refugees, is defined and protected by the legal frameworks of their own nation. Thus, refugees have the protection of international law that IDPs lack even though the latter might be affected by similar conditions resulting from violence, violations of human rights, and natural or human-made disasters. The State is both the violator and protector of IDPs' and oustees' rights. In all cases, there are problems concerning definitions and the official labels used to categorize displaced people, which constitutes a major focus in this article.

In order to demonstrate how displaced people are living citizenship and negotiating the complex realities that confront them, we draw on an actor-oriented lens that "privileges the experiences of marginalized groups and their own understandings of rights, but without denying the importance of formal sources of rights. The approach enables the pushing of boundaries of formal legality when this is necessary for justice" (Nyamu-Musembi, 2005, p. 48). We also examine *de facto* versus *de jure* citizenship experiences, and informal versus formal rights realization. The subjective is important here, because as Kabeer notes, "while the idea of citizenship is now nearly universal, ideas about citizenship are not, and never have been" (Kabeer, 2006, p. 91). Displaced people are very often struggling for rights that they see as important, enacting them, making them real, with or without a state's official consent. Formal notions of citizenship and rights deeply affect displaced people in terms of labelling them as deserving or undeserving of certain citizenship rights. Thus, we must assess two levels of the problem, viz. inclusion and exclusion from formal rights, and, importantly, whether those definitions of formal rights are what displaced people want. 'Seeing like a citizen' to use John Gaventa's

phrase, means taking seriously the fact that displaced people often want a different combination of rights than what states or international bodies offer or define for them (Gaventa, 2005). Too often "the formal notion of citizenship… contradicts, or is marginal to other forms of membership that may matter more" (Kabeer, 2006, p. 91). We also explore different definitions of citizenship: as membership, as quasi-citizenship, as multiple citizenships, and, of course, as global citizenship.

In this article, we thus focus on a range of examples of displaced peoples' struggles and demonstrate how attempts to push those formal boundaries have met with varying success (for example, refugee protests in Egypt and Ghana, and protest against dam-based displacement in India). In recent years, there has been increased media focus on displaced people openly protesting for their rights (Harrell-Bond, 2008). But what do these protests mean in terms of citizenship struggles? In some cases, they are demands for rights within the country of residence. In others, they are protests on a supra-national level, aiming to affect the World Bank or home and third country policies towards them. Given the supra-national element of these protests and the international element associated with much displacement, this article examines the concept of global or transnational citizenship.

We begin with a discussion of how the character of displacement (and its international management) is shifting, and then move to formal definitions of citizenship and challenges to these top-down notions from displaced people. We demonstrate how displaced people are claiming rights and creating new understandings of citizenship. We then explore biases of civil and political versus social and economic rights as well as Eurocentric biases of citizenship/displacement. Finally, we end by exploring whether displaced people and refugees in particular are the only true transnational and/or global citizens.

THE SHIFTING CHARACTER OF DISPLACEMENT

Forced uprootedness is here to stay. At the end of 2009, UNHCR recorded 43.3 million forcibly displaced people worldwide, the highest number since the mid-1990s. Of these 15.2 million were refugees. The figure also includes 9,83,000 asylum seekers and 27.1 million (IDPs). Afghan and Iraqi refugees, the victims of the so-called wars on terror, accounted for almost half of all refugees under UNHCR's responsibility worldwide (UNHCR, 2010).

While the international development community has largely been concerned with refugees crossing borders, there is increased recognition that we must also pay attention to IDPs who experience refugee-like situations in their own countries. Further, people are also displaced due to the building of infrastructure projects for 'development' purposes such as mines, dams and roads, and more recently due to land deals that are displacing many thousands of people globally. Often known as oustees, these people are affected by Development-Induced Displacement (DID).[1] Unfortunately, there are no recent estimates for DID; the last estimate in 1997 conservatively cited 10 million people being annually affected by DID (Cernea, 1997).

While the number of people of concern to UNHCR as estimated by the agency increase or decrease depending on the year, what is interesting to note is that people are remaining displaced (at least in camps) for longer periods of time than before. Protracted refugee camps are defined by UNHCR as circumstances in which groups of 25,000 refugees are in host developing countries for five or more years.[2] Some 5.5 million refugees were in a protracted situation in 2009, living in 21 different countries. Spending longer time as refugees means longer time without citizenship rights, and/or longer time in which to settle in and informally make claim to rights in the host country. Many refugee camps, for instance, turn into small cities with booming economic centres, which can be a source of realization of economic rights for many. Other camps, and the marginalized areas of economically-active camps can remain without those for a very long time.

With respect to DID, with the advent of globalization, the acceleration of international capital flows and economic liberalization is likely to increase the number of 'development' projects, many of which are displacing people for the building of dams, roads, mines, etc. In India alone, since Independence in 1947, 21 to 50 million people or oustees have been displaced by large projects (see Hemadri, *et al.*, 2000). Globalization, despite all its gains for some, is also leading to land grabbing, displacing many. It also leads to poor people moving to urban centres and the richer North in order to secure livelihoods and incomes. People displaced or threatened with displacement by development often fight against development projects, and once displaced, they have another struggle ahead of them for securing rights in their new location.

The above discussion highlights a worsening problem in terms of longer camps and globalization that would be likely to increase the number of displaced persons, many of whom are experiencing rights violations due to fears of terrorism, or simply State control. These are all discussions of peoples who have been labelled under various international displacement categories. Next, we look at the power of those categories, for inclusion, exclusion and the granting of rights.

Global Labels for Displacement

The power of categorization and awarding status to displaced people is linked to the 'right' to have 'rights'. The labels 'refugee,' 'oustee' and 'IDP' are controversial, especially when it comes to policy formulation (see Gupte and Mehta, 2007). As argued by Zetter (1988), the label of refugee, for instance, both stereotypes and institutionalizes a certain status. Due to the strict requirements for refugee status provided in the 1951 Convention relating to the Status of Refugees and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, being granted the status is difficult for most forced migrants. In fact, the strict legal criteria and status determination procedures often employed either by the host governments or by the UNHCR on behalf of the governments imply that many remain outside the protection of international refugee law. Hence, we question these narrow legalistic definitions and adopt a more encompassing definition of refugees, including those

who either have officially applied for refugee status in the country of asylum or who do not feel safe enough to return to their country of origin.

The category 'displaced person' or 'forced migrant' also designates a crisis and associated conditions of poverty and marginalization. Often the label implies a 'burden' and imposes an institutionalized dependency (Zetter, 1988; 1985). At the same time, however, the category 'refugee' or 'displaced person' establishes rights and entitlements guaranteed under universal human rights regimes. For example, illegality and lack of refugee status mean limited and disadvantaged access to jobs,[3] lack of access to education for children,[4] lack of access to health services, and the inability of refugees to claim their other rights in the host society,[5] including freedom of movement.[6] Rights, however, can be granted to refugees temporarily, pending one of the durable solutions to the refugee 'problem'.[7]

The situation for those who have been given a label of internally displaced persons (IDPs) is even more legally controversial. As people who have not crossed an international border, IDPs remain under the sovereignty and protection of their governments. In 1998, the UN Representative on internally displaced persons issued Guiding Principles on Internal Displacement.[8] Even though they do not constitute a binding legal document, they are based on and consistent with international human rights, humanitarian and refugee law. Unlike the protection accorded to refugees, the 'Guiding Principles on Internal Displacement' contain only recommendations not legal obligations to protect IDPs (Deng and Cohen, 1998).

The label, thus, not only categorizes, but also excludes, and, with this exclusion, displaced people are denied their basic human rights. These issues indicate several contradictions and a disjuncture between the idea 'of global obligations' and 'universal declarations to secure rights and the local means to achieve them'. For example, people who live in the areas downstream of dams may have their right to livelihood infringed once a reservoir is dammed, which would put their fishing livelihoods at risk. Others may want recognition for their rights in customary law and thus seek compensation for usufruct rights over trees and the forest. But such groups of people are not considered to be 'project-affected persons' and are denied compensation. Thus, resistance on the part of displaced people and their activist allies is often the result of inclusion by category or a struggle for compensation from which they were otherwise excluded. There are large differences in the standards of global agencies, as well as in the ways in which they are implemented at the local level. But global standards are also used by displaced people in their struggles. In Napier-Moore's experience in camps in Uganda and Ghana, many displaced people are familiar with various legal frameworks and use them to demand a range of services from international agencies or states. In both Ghana and Uganda, for example, knowledge about the voluntariness of refugee repatriation and IDP return is mentioned often.

There are massive institutional differences in the major agencies dealing with different categories of displaced people. UNHCR, for instance, is not supposed to provide direct assistance, but lobby and advocate for rights to be met, while the

UNRWA has the opposite mandate while working for Palestinians. IDPs are taken care of by UNHCR, the UN Office for the Coordination of Humanitarian Affairs (OCHA) and national governments. Oustee concerns, on the other hand, are dealt with by the World Bank and regional banks such as the Asian Development Bank (ADB), which provide funding to large projects, national governments and regional resettlement agencies.

Under international law, states are obliged to protect non-citizens and those residing within their national borders. IDPs and oustees, on the other hand, even if they flee their homes for the same reasons as refugees, are to be protected by their own nation—often the violator of rights in the first place, even though UNHCR has recently expanded its mandate to focus on IDPs. Oustees are displaced by the same State that is supposed to restore their livelihoods, rights and original standard of living. The international conventions and agreements that were designed for displaced people guarantee a smattering of different rights, which sometimes do and sometimes do not overlap with formal citizenship rights in the countries of displacement. We now turn to examine what citizenship means in the context of both internal and international displacement.

LAYERS OF EXCLUSION FROM FORMALLY DEFINED CITIZENSHIP

According to Nyers (2007), the practices of the State are premised on the normality of citizenship and the State. But they also produce the 'accident' of the refugee (ibid.) and we could add the migrant, the IDP and the oustee. Globally, the movements of refugees are seen to pose a problem. Refugees, displaced from 'authentic political identities, communities of citizenship', etc. are seen as signifying a temporary aberration to the norm, as hiccups that disturb 'the national order of things' (Malkki quoted in Nyers 2007, p. 9). But as Nyers (2007), Malkki (2002) and Tuitt (2008) argue, their disturbance is precisely the catalyst and foil that induced states to make their boundaries and identity firm, using the displaced/out-of-place person as the marker for what defines outsiders and insiders. Traditional definitions of citizenship are premised on making these boundaries clear. But as we shall see below, the reality is that there are layers in the relationship with 'formal citizenship' and displaced people may not agree with these formal definitions.

Traditional Definitions of Citizenship

In conventional terms, citizenship is seen as political membership in a given nation-state through which citizens possess civil, political and social rights. In migration literature, citizenship is traditionally bound to the status of being a 'national', which is particularistic and exclusive. Traditionally, access to citizenship (that was bound up with nationality) took place in three ways: *ius sanguinis* (law of the blood as in Germany, Greece), based on descent from a national of the country and *ius soli* (law of the soil), which is based on birth in the country questioned (for example, USA, Australia). In practice, both laws of blood and laws of the soil prevail. In addition,

ius domicili (law of residence) serves as a way in which people may gain citizenship through residence in the country. Dual citizenship, though increasing, is still a major political issue in the UK, Germany, India and elsewhere. One citizenship per person is the norm. Immigrants who reside in a country legally for many years often obtain special status with regard to residence, the right to work, protection from deportation, social security, etc. Often referred to as 'denizens' or 'quasi-citizens' (Hammar, 1990), such people are foreign citizens with legal and permanent resident status. Rather than an 'all or nothing' situation, the concept of denizens is of people formally having some but not all citizenship rights (1990). In India's North-east, the homelands discourse makes ethnically defined outsiders and children denizens and perpetual foreigners (see Box 1). Such discourses and rules fuel exclusionary politics and also legitimize ethnic violence and constant displacements.

However, millions are not lucky enough to have the level of rights that Hammar conceptualized for denizens or quasi-citizens. These include illegal workers, unauthorized family entrants, asylum seekers, rejected asylum seekers who have not yet been deported, people living in camps, and so on. These have been called 'margizens' by Martiniello (1994). Margizens may enjoy civil rights and legal protection and even some social rights (as is the case for some asylum seekers in some countries), but not permanent residence and security where they live. Jaber Suleiman is a Palestinian refugee and activist in Lebanon. He writes of his status as a margizen:

> "Unlike most liberal democracies, where rights are linked to permanent residency, in Arab countries including Lebanon, the right to citizenship is considered as the primary right from which other basic rights are derived. Despite our protracted refuge in Lebanon, Palestinian refugees lack a separate legal status that distinguishes them from 'foreigners' and grants them the basic human rights in accordance with the provisions of applicable international norms and standards." (Suleiman, 2008, p. 94).

Large-scale migration, as well as a host of reasons that will continue to compel people to flee and move, suggest that there is no turning back to an ideal of a state with a bounded and sedentary group of citizens, and that it is best to expand the notion of citizenship. The *de facto* current divisions of people all over the world into full citizens, denizens and margizens perpetuates racism and social tensions, drawing lines and labelling insiders as differentiated from people with partial or no rights (Castles and Davidson, 2000, p. 101). Box 1 looks at inclusion and exclusion for displaced people and specially protected ethnic groups. Special protection for one group may ironically mean exclusion for another. Thus, inclusion becomes the crux, as labelling in a category is often what displaced people want or need in their struggle to claim rights. Box 1 and the discussion later in this paper explore the different criteria in these citizenship and rights-determining categories. Should citizenship be based on ethnic, territorial or other lines?

CHALLENGES TO THE CONVENTIONAL DEFINITIONS OF CITIZENSHIP

Displaced people, in particular refugees, constitute a problem where conventional definitions of citizenship are concerned. They break the state-nation-territory triad that

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Box 1

Inclusion and Exclusion: North-east India

Most nations have groups which differ from other groups in the country which ostensibly do not belong, and are therefore, denied citizenship rights, even though they may have formal citizenship. North-east India has about 157,000 displaced persons (Baruah, 2003). A large number of 'tribal people' or adivasis live in these areas, wherein the rights of non-adivasis to land ownership and exchange, business and access to elected offices are restricted. Besides, social transformations have attracted many migrants to the region. North-east India is thus characterized by displacements, and divisive politics between 'insiders' and 'outsiders'.

The Booker winning novel, *The Inheritance of Loss* by Kiran Desai, aptly captures the contradictions in both entitlements for ethnically defined groups and the logic and norms of Indian citizenship in the North-east. In the novel, Gyan, the Nepali tutor, betrays his girlfriend, Sai, to join an Indian–Nepali insurgency and asserts his identity as a 'Gorkha' (a term used for ethnic Indian Nepalis). In the midst of all the demonstrations, Biju, the cook's son, an undocumented dishwasher in Manhattan, who constantly escapes from the INS, returns 'home' without his passport. And Swiss Father Booty is forced to 'return' to Switzerland, stripped of his land, cows and property, despite having lived for 40 years in the hilly tract around Darjeeling.

Indeed, the North-east has been the site for both the development-induced-displacement of adivasis and conflict-induced displacement (for example, the Chakmas displaced in Arunachal Pradesh; Bengalis and tribes in Tripura; and the Santhals, descendants of tea workers brought to Assam as indentured labourers). Baruah argues that as economic and ethnic landscapes are more complex, traditionally unprotected groups are demanding the same kind of protection once extended to groups that were isolated (2003, p. 60). In such a context, there is a need to rethink conventional understandings of citizenship. He argues for the need for a kind of dual citizenship (that is, citizenship both of India and of a state). The aim of this policy would be to "replace the ethnic principle with a civil principle and to give the right to define the rules of inclusion and exclusion to territorially defined political communities" (2003, p. 62).

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conventionally and formally defines citizenship in the refugees' home and host states (Nyers, 2007, p. 41). Refugees are nation-state citizens, but they have fled its territory. Their sense of belonging is thrown into question in both the home and host countries. Refugees have a twofold lack with respect to citizenship. Without citizenship in the host states, they are denied not only political rights but also the capacity to speak politically and the right to be heard. Hannah Arendt sees refugees representing a problem of not geographical/territorial but political space. They are people who have been denied their rights because they have been denied access to a political space that allows for a meaningful political presence (see Nyers, 2007). Being a refugee thus becomes an aberration. This is because conventional understandings of citizenship are treated as the only authentic political identity of modern political life. The aberration to political space caused by refugees signifies our first break in conventional notions of citizenship.

IDPs and sometimes DIDs also break the state-nation-territory trinity. They remain within the territory, but the nation-state might not consider them part of it, and more importantly, they might not consider themselves part of the nation-state. Francis Deng, former Representative of the UN Secretary-General on Internally Displaced Persons, commented that it was not uncommon to hear IDPs say that those in power were 'not our leaders', and to hear government leaders say that IDPs were 'not my people' (2003, p. 5). The political space here is also ruptured, and we can see territory beginning to crumble as a determiner of citizenship rights.

Growing international mobility generally—in addition to forced displacement—changes to notions of 'cultural homogeneity', and the fact that millions of people have multiple citizenships and split lives, has also challenged the conventional notions of citizenship and belonging. This suggests new rules of conviviality. Castles and Davidson argue for dissolving the 'nation part' of the nation state (2000, p. viii), and replacing it with flexible and open belonging, and a democratic state. Citizenship should be derived from residence on a state's territory, cultural participation and economic involvement. It should no longer be determined in terms of belonging to certain cultural groups. In the ideal world, this would solve the IDP problem described above. Yet, this argument begs questions of political involvement for refugees, such as those who have crossed international borders but are still active, or think that it is their right to still be active in home country politics. Tibetan refugees protesting against the Chinese government in India, France or Nepal are doing so as part of belonging to what Castles and Davidson say are cultural (rather than territorial) groups. Rainer Baubock talks of 'external citizenship', in terms of the right to return, external voting rights, as well as in terms of citizenship duties of military service, taxes and compulsory voting (2007). Similarly, Giles Mohan describes a situation in which residents of a country ask: You do not pay taxes or get conscripted into the army, why should you vote? And the Diaspora's voice responds: But we have poured tons of money into the country, and only 10-14 per cent of the residents pay taxes regularly anyway (2006). While it does work from the host country perspective to be highly inclusive of the people therein, territory-based citizenship overlooks the displaced person's multiple conceptions of citizenship and what some people think is their right to continue citizenship participation in home countries. Saskia Sassen argues that the destabilizing of hierarchies of power in the nation-state have led to new political forces and actors which signal a 'de-territorializing of citizenship practices and identities' (2004, p. 191).

Transformations inside the national state have also led to changes in the institutions of citizenship. She thus distinguishes between post-national citizenship and denationalized forms of citizenship (Sassen, 2004, p. 192). We can say that neither geographical nor political space notions in traditional citizenship hold up any more without significant challenges to them.

The effects of globalization on displacement have also contributed to new problems and challenges to citizenship. Brysk and Shafir (2004) argue that globalization has created a 'citizenship gap which puts non-citizens and 'second class citizens' at risk (2004, p. 3). Globalization can be seen as the acceleration and intensification of flows

(cultural, financial, of people, information, and so on). But according to Brysk and Shafir (ibid.), globalization intensifies discrepancies and disparities, and the number of people in dual or overlapping status. It has led to a growing number of non-citizens—migrants, refugees, IDPs, whose lives are affected by market trends, conflicts and policies in the North that impact unfavourably on southern lives and livelihoods. The forces of economic globalization have also led to widening disparities and a lowering of welfare standards (for example, basic services can be threatened due to privatization and structural adjustment programmes (SAPs), jobs are lost due to foreign takeovers, and so on). Consequently, many more so-called 'economic' migrants emerge, who face increasing restrictions to work in richer countries. However, globalization has also created direct or indirect pressures on states to harmonize their standards with international ones. Consumer pressure on corporations is also, in turn, leading to pressure on the private sector to take initiatives on solving some problems. Thus, while globalization intensifies a gap, it can also lead to a universalism of human rights standards that could potentially address the gap, though this seems long in coming.

Why is this important? Refugees, IDPs and DIDs, increasing mobility, as well as economic and cultural globalization have questioned the traditional role of the nation-state and the notion of distinct and untouched cultures, bounded within territory. This seems to suggest that the nation-state as a reference point of citizenship has to change. Globalization and increasing mobility constitute a positive feedback loop, seemingly reinforcing each other, leading to new feelings of cultural and political belonging (for example, voting in two countries for migrants, dual citizenship, and so on). New forms of citizenship have also emerged, for instance, multiculturalism as in Canada and citizenship through supra-national institutions and practices as in the Economic Community Of West African States (ECOWAS) or membership of the European Union (EU). We now turn to look at new forms of citizenship.

DISPLACED PEOPLE CLAIMING RIGHTS AND CREATING NEW UNDERSTANDINGS OF CITIZENSHIP

There are growing acknowledgements of the failure of 'equal citizenship'—rendered visible through processes of claim-making on the part of refugees/immigrants, etc. Displaced people's actions call for new understandings of citizenship. Indeed, displaced people's actions are defining those new understandings. Box 2, for instance, describes IDPs in Sri Lanka forgoing formal citizenship so that they can instead be under the IDP label that guarantees their right to food, which they think is more important than the rights they would get under registration for citizenship. This is a strong message as to what they think about the worth of formal citizenship, and about the need to be labelled in a particular way in order that they might make real an important right to food. Similarly Palestinian, Jaber Suleiman, describes the demand for the Right to Return, rather than the demand for citizenship in exile (see Box 3).

Much of the literature tends to focus on top-down understandings of displaced people as citizens/non-citizens and the formal processes available (or not) to them.

Box 2

Rejecting Formal Citizenship to Claim Rights under the IDP Label

Brun (2003) demonstrates how in Sri Lanka people who are IDPs are denied their citizenship rights. They are not registered as citizens or not considered to be 'local citizens' (that is, residents within a district or province). The movement of IDPs within a country challenges the traditional understandings of citizenship because in this case, access to rights emerges as highly unequal. About 75,000 northern Muslims were expelled by the Liberation Tigers of Tamil Eelam (LTTE) from their homes in the north, but the Sri Lankan state is not able to provide for them in the south. Most citizens in Sri Lanka can register as residents or 'local citizens' in a province or after living there for six months, but this has not worked for northern Muslims, despite the fact that they have bought land. In part, many Muslims do not want to register because they may lose their IDP status, which means losing their right to rations and/or receiving assistance to return home to the north. Thus, they are willing to sacrifice citizenship/resident rights in the interest of rations. Food, a social and economic right, is too often not included in formal definitions of citizenship rights, though some IDPs in Sri Lanka obviously consider it a more important right and have decided to make sure they can continue realizing/receiving it.

Box 3

**Palestinians Demanding the Right to Return
Rather than Citizenship Rights in Host Countries**

"[T]he Palestinian community in Lebanon is not looking for citizenship, and its demand for basic human rights does not entail the right to citizenship. In fact, the right of return is the highest priority for Palestinian refugees in Lebanon. But obtaining basic human rights while in exile would serve to mitigate our destitution and alleviate our day-to-day suffering. Thus, in order to accommodate our isolation and neglect, we are seeking greater economic, social and cultural rights in the local Lebanese context." (Suleiman, 2008, p. 95).

There is a noticeable silence about agency-driven citizenship amongst displaced people (especially in the global South). Citizenship is often realized through struggle, through making claims and asserting entitlements to rights. We now go on to demonstrate how displaced people are realizing rights and how they are participating in efforts to have formal rights granted and abuse of rights stopped, with some of this being effected through transnational alliances across global–local spaces. All these lead to new understandings of citizenship.

Realizing Rights… Informally

Authors like Sassen (2004) have demonstrated that in situations where formal citizenship is not available to refugees and non-citizens, it can be observed that

they engage in the same practices as formally defined citizens. Thus, informal social contracts emerge between the 'community' and non-citizens. Sassen, for example, talks about multiple meanings of citizenship on the part of undocumented workers in the US where groups earn citizenship claims (for example, membership in a community, participation in civic activities). Sassen also talks of how marginalized groups move between powerlessness and the condition of being an actor, thus acquiring a presence in a broader political process. This presence entails the possibility of a politics, which while being centred in specific localities is transnational.

While Sassen is talking about undocumented migrants, a category that often (but not necessarily) includes displaced people, Kibreab (2008) presents a similar scenario when talking about Eritrean refugees in his research on decisions by the latter to repatriate or stay in Sudan, the country of asylum. He shows that though denied formal rights by the Sudanese government, some Eritrean refugees have informally and *de facto* been able to enjoy economic and social rights nearly on par with the Sudanese, by establishing contacts with the host populations through social networks on the basis of religion, ethnicity, language, etc. They have succeeded in accessing economic and social rights even though they formally do not have 'the right to have rights'. They own houses and access healthcare even though they are not supposed to; they live in urban centres even though their mobility is supposed to be restricted to designated zones; and by different means, some have acquired Sudanese nationality or residence permits. Those who have been able to enjoy those rights have not repatriated to Eritrea even when the causes for their displacement were no longer a threat to them. Those who did not realize those rights mostly returned to Eritrea (ibid.). In another example from Napier-Moore, during work with Liberian refugees in Ghana in 2006, several displaced Liberians explained that they did not want to go back to Liberia because the unemployment rate in the Ghanaian camp close to the capital was 30 per cent whereas in Liberia it averaged 70 per cent. Formally, they are not supposed to work without a work permit, which few people have. Nonetheless, the reality is that they are informally realizing (and prioritizing) their right to employment by giving up formal citizenship rights that they would have, or at least are supposed to have, in Liberia. In contrast, at the same time in 2006, Liberian refugees who had been encamped in reputedly worse conditions in Guinea (Human Rights Watch, 2002) were flocking home to what they hoped were a better realization of rights than what they were experiencing during their displacement. UNHCR held up the closing of Guinea camps as a shining example of successful refugee repatriation (UNHCR, 2006). However, from a displacement, actor-oriented perspective, the refugees' agreement and desire to move back home was a strong sign that rights in exile were not being realized. This voice was not heard, or at least was not aired in media representations.

Some authors talk about self-settlement, rather than camps, as well, as being a means for displaced people (mostly refugees) to realize rights on their own. Van Damme (1995) notes the success of self-settlement in Guinea, where villages that welcomed refugees received international development and aid support. Epidemics were fewer, especially in comparison to extreme examples like the Goma camps in

Zaire, which experienced a cholera epidemic that killed an estimated number of 50,000 people. Yet, Van Damme ends his report on Guinea saying that the "[m]ixing of refugees with the host population complicated targeting of food aid intended only for refugees; consequently this liberal policy has been changed and new arrivals are now concentrated in camps" (1995, p. 360). Camps were, in the end, preferred for the sake of targeting and efficiency. The question, then, here is which rights matter. This kind of self-settlement can provide aid to whole communities in which displaced people settle. Although the literature largely lacks a refugee voice, it lacks it here especially. Do refugees want to be in camps or would they like to self-settle? Malkki's classic *Purity and Exile* (1995b) describes two refugee situations: one, a camp in which refugees actively claim 'refugee-ness' and 'Hutu-ness.' They see themselves with an identity of categorical purity, while aid agencies see them as being naked and having lost their identity. The self-settled refugees in the townships refuse to be categorized. Theirs is a 'subversion of identification' in which they 'manage a series of different identities'. Both situations that Malkki describes involve refugee agency, whether that be to take on the narrative's prescription wholeheartedly or to defy all essentializing categories. They prove that they are not just objects (blank slates to be written upon) but subjects 'creating their own refugee-ness' (Malkki, 1995b, pp. 3, 4, 11, 153, 235). Some prefer the refugee label and encampment, seeing that as a means of securing the rights they want, especially in the way of affiliation with home country political voice. Others see self-settlement as a way to blend in, realizing rights that citizens in the host country were receiving, viz. informal citizenship rights.

Box 4

2005 Sudanese Protest in Cairo

In 2005, hundreds and thousands of Sudanese refugees staged a sit-in in downtown Cairo for three months. Their protest was against violations of their rights by UNHCR. Many saw local integration as problematic because their rights to education, work, housing, and lack of discrimination are severely curtailed (FMRS, 2006). Many were also angry about their petitions and appeals for refugee status being rejected, leaving them without any formal legal status. This mobilization of refugees was unprecedented and large. The demonstration ended on 30 December 2005, with a forced removal of all those protesting in the park in front of UNHCR's office. The removal was brutal, and 28 Sudanese died in the process. Many were injured and arrested. Those with official papers were released within a few days, but 600 without formal status remained in detention for longer (ibid., p. 3). The Sudanese refugees were caught between UNHCR and the Egyptian state with both failing to deliver on their basic rights. They were also caught up in the politics of representation with their leaders and local NGOs. This example highlights the increasing contradictions between the vehicles/means to realize these rights (that is, through the host government or through the global agencies) and the politics of representation.

Protest

Mehta and Gupte (2003) have focused on displaced people as agents of change as opposed to passive beneficiaries of welfare/aid/charity or victims. The notion of refugees as 'warrior communities' has been put forward by Nyers (2007). One tragic example is the 2005 demonstration in Cairo, which resulted in 28 deaths after three months of making claims to UNHCR. One person at the protest said, "We live in a country of UNHCR" (Moulin and Nyers, 2007). Along those lines one can see that 'citizenship' and its rights get messy. Refugees in Cairo and elsewhere see UNHCR as a sort of proxy state which is the provider of rights, and, therefore, direct protests to them rather than to the states (Harrell-Bond, 2008). Can the 'country of UNHCR' provide citizenship rights? In many situations, refugees are right: UNHCR is the most likely entity to take any action or to hear their voices on the provision of rights. UNHCR at least has remit for rights advocacy, but whether they hear and then act on requests for change from the refugee voices 'from below' is another question. See Box 4 for more on the Cairo protest.

Another example of protest is that undertaken by Ghana's Buduburam refugee settlement in 2008. Not wanting to accept what they felt was becoming a forced repatriation without enough financial support to build a new life in Liberia, and still holding on to hope of being resettled in the US, Liberian refugees held a five-week sit-in on a field next to the highway by the settlement. At the end of the five weeks, Ghanaian authorities began arresting hundreds of people, saying that some had been protesting naked (BBC, 2008). Within days, 30 people had been deported, an action that violated refugee law and enraged the remaining refugees (*International Herald Tribune*, 2008). Liberians see several entities as the ensurers/providers of their rights. The Ghanaian state and UNHCR are two obvious ones, but many Liberians also see the US Government as being responsible for the provision of their rights. Liberia's history is one of 'founding' by former US slaves, and some people in the refugee settlement told Napier–Moore that Liberia is seen as the 51st US state. They, therefore, hold hope that the US would come to their rescue, taking them in as refugees and then as citizens. Real-politik, however, suggests otherwise, and their subjective view of citizenship rights is very unlikely to be met by the US.

A graphic and media-attracting angle to protest is that taken by Abas Amini, an Iraqi asylum seeker in the UK, who sewed his eyes and mouth closed to highlight the lack of rights, maltreatment and unjust denial of asylum from the UK Home Office. Also undertaking a hunger strike as a form of protest, Amini attracted a further 100 protesters who gathered outside his residence (BBC, 2004). Protesters in the Woomera detention centre in Australia also sewed their lips shut in 2003, highlighting poor conditions and lack of rights in detention. These incidents indicate that not all is well in 'the North', as those not granted formal rights fight to attract attention to the injustice.

Harrell-Bond (2008) and Sylvan (2005) describe many other protests from displaced people. Harrell-Bond contends that protests have been going on as long as displaced people have experienced violations of their rights. We only hear more about them due

to journalists increasingly picking up the stories. Sylvan (2005) describes Bhutanese refugees marching peacefully in Nepal protesting their confinement to camps and lack of right or ability to secure livelihoods. Many wanted repatriation and tried marching home, but were stopped by Indian authorities as they passed through Indian territory on the way. Harrell-Bond (2008) describes a poignant example of conflicts in the application of citizen rights, when she talks of Sudanese refugees working in camp schools alongside Ugandan nationals. Sudanese were paid a pittance 'incentive' wage by UNHCR/its implementing partners, while Ugandans were paid a very different national wage. The Sudanese, with support from Ugandan colleagues, formed a union in 1993. Both the Sudanese and Ugandan teachers went on a strike over the wage differential in 1997, and the Sudanese were threatened with being fired from the job. Harrell-Bond rightly accuses UNHCR of not following the labour laws of host countries. Refugees want and should be paid on par with the local citizens, under international and national law mandating equal pay for equal work. There are seemingly countless such stories of public protest as a means of securing rights (see also Lewis, 2006).

These examples demonstrate how displaced people are protesting and questioning the top-down policy frameworks through which displacement, repatriation, integration and resettlement are characterized, and asserting their right to have rights. Such examples abound all over the global South and North. Still citizenship/displacement debates are rather top-down, ignoring the importance of local agency and practice. We have seen in this section, then, examples of displaced people realising their rights independently, or in spite, of formal state legislated rights or restriction to rights. And, we have seen examples of protest, when displaced people cannot realise rights informally and instead experience violations from states or international agencies.

Global–Local Rights Claims through Transnational Alliances: The Cases of Tibet and Narmada

Falk describes a transnational citizen as an activist and an idealist, looking to 'a future to be created' (1994, p. 139). Forced displacement is a powerful arena for transnational citizens and struggle. We have already discussed the powerful protests of Sudanese refugees in Cairo, Liberians in Ghana, Bhutanese in Nepal, and Sudanese in Uganda. Currently fighting transnationally for both rights in exile and for rights for fellow Tibetan 'stayees', Tibetans exiled across the globe followed the Olympic torch on its way to China in 2008 and used the media attention it got to enhance their claims and protest. As many Tibetans attempted to protest against the Chinese government, 'crackdowns' and detention rose in China and abroad. Yet, they held the attention of international media, INGOs and the UN.

Another good example of transnational protest is that against large dams which Lyla Mehta has both researched and engaged in for the past 18 years. The dams on India's Narmada river, apart from their high social and environmental costs, are also famous due to the activities of the Narmada Bachao Andolan (henceforth Andolan), one of the world's most well-known social movements. Over the past 25 years, the Andolan

has drawn the plight of the displaced peoples affected by the Narmada dams and the dark sides of such top-down projects to the attention of millions of people all over the world. The success of high-profile resistance activities against displacement, such as those on the Narmada dams, depends on transnational alliances of NGOs, campaigns and movements. International human rights standards, as well as the policy directives of international organizations, such as the International Labour Organization (ILO) and World Bank, are evoked and adapted to grant salience to local struggles. These informal mechanisms of claiming rights and seeking accountability have been powerful agents of change. They have led to cost and time over-runs of projects, even though very few projects have officially been called off. The success they have achieved has been both symbolic and material. Even though many resisting oustees are still to receive compensation and rehabilitation, they are proud that they have been a part of such a dynamic movement and have gained a new awareness as citizens, both of India and the globe. As Noorjibhai, a villager from Mokhdi Maharashtra, told Lyla Mehta in 2007:

> "If there had been no protest movement, nobody would have got anything. At least now, many have received some land and compensation. I still refuse to leave my ancestral home. The government is incapable of providing us with just compensation. We are now aware of our rights as citizens. We have waged battles in the streets of all the major cities and our struggle has been taken to several countries of the world and Washington. We will continue to fight for our rights."

Economic globalization has, in part, led to the proliferation of demands for new ways of making powerful actors, within and beyond the State, accountable for the impacts of their actions on poor people (Goetz and Jenkins, 2004, p. 28). But economic globalization has also led to the proliferation of new actors. In Narmada, these include transnational alliances between the Andolan and NGOs around the world (such as the International Rivers Network; the Cornerhouse, UK; and Urgewald, Germany). These alliances helped exert pressure on the World Bank, which now has an Inspection Panel to investigate controversial projects, and also led to the formation of the World Commission on Dams in 2000 and its principles regarding decision-making processes around large dams.

For the aforementioned refugee protests, their battle is also transnational. The Sudanese refugees in Cairo, for instance, are fighting on Egyptian soil for rights in Egypt or the right to be resettled by the UNHCR, without even having their refugee status cleared. We have thus looked at several protests by refugees and asylum seekers, victims of development-induced displacement from Narmada, and stateless Tibetans in exile. All of them are indeed transnational, as they either have been receiving attention and help from activists across the globe, or have been involving peoples who have crossed borders and are asking for their home and host states, and international agencies, to change policies. While protesting, however, displaced people are doing what they can to informally realize as many rights as possible. By sewing his lips together in the UK, Amani realized his right to voice as he got media attention. By gathering in a park for three months, Sudanese refugees in Cairo realized some of the rights they were demanding from UNHCR. Schafer writes:

"While consistently demanding that UNHCR and international community give them 'their rights' and improve their situation, the sit-in itself temporarily assuaged many of the hardships they faced. The park was transformed into a relatively autonomous community of refugees who created their own sense of security and provided mutual support and solace for each other. The constant uncertainty and frustration associated with life as a refugee was eased as they were able to take back some control over their present lives" (2006, p. 2).

Displaced people are creating both new understandings of citizenship as also transnational alliances and governments in exile. They are informally realizing rights which states would otherwise deny them. While many displaced people do not have formal citizenship, some fight for that formality, and others loudly declare that having formal citizenship will not satisfy the rights they see as being the most important (see example of IDPs in Box 1). Realization of informal rights as well as protests for the realization of formal rights are the tools that displaced actors are using across the globe.

IGNORING RIGHTS THAT DISPLACED PEOPLE SEEK: SOCIAL, ECONOMIC AND CULTURAL RIGHTS

Who is supposed to protect the rights of these 'international orphans' and those crossing international borders? In principle, by 'voting with their feet' (Hathaway, 1991, p. 120), refugees fleeing oppressive state regimes and the abuse of their human rights can expect protection from international law and from host countries. Under international law, states are obliged to protect non-citizens and those residing within their national borders. They thus have a strong basis for protection against persecution and abuse of their civil and political rights. But their social, economic and cultural rights falling under the International Covenant on Economic, Social and Cultural Rights (ICESCR) remain neglected and include: the right to development and self-determination,[9] the right to food, health, education, participation and the right to livelihood, more generally. These rights are often viewed as 'second generation' rights, and host states are reluctant to award them to refugees.

The 1969 African Union Convention Governing Specific Aspects of Refugee Problems in Africa, however, has taken great strides forward in including social and economic rights violations as causes for refugee flight and thus refugee status. Nonetheless, leading forced migration scholars such as Hathaway argue that there are some rights for refugees that are immediate, whereas others, namely economic rights, are progressive (Hathaway, 2005). This view, however, does not correspond to the perceptions of some displaced people. As discussed earlier in this paper, Kibreab's examination of the official refugee policy in Sudan, which constrains refugee rights, juxtaposes it against the actual practice of Eritrean refugees gaining access to socio-economic rights. Eritrean refugees have gained a status that is equivalent to permanent residence and enjoy most of their socio-economic rights on an equal footing with nationals. Thus, *de jure* citizenship is not as important for Eritrean refugees in Sudan as long as they can access *de facto* socio-economic rights on an equal footing with

nationals (2003). In Egypt, refugees view citizenship as access to full protection. Due to the harsh economic conditions and official policies of the Egyptian state, however, they are barred from being fully integrated in the host community. Instead, they are enacting and claiming their socio-economic rights in spite of the state (Grabska, 2008).

As examples from Egypt (Box 4) and Sri Lanka (Box 2) demonstrate, social and economic rights are multi-layered, making it difficult to separate legal protection from economic and social realized rights. Thus, a narrow legalistic definition of which rights are more immediate can feed into the biases of states that claim that they lack the resources to protect the economic and social rights of their citizens, let alone refugees.

However, why should states honour these commitments towards non-citizens, given that they honour existing obligations (such as the right to seek asylum) with such reluctance? This question goes to the heart of what constitutes membership to a country/community (see Grabska and Mehta, 2008). Conventionally, it is citizenship which facilitates this membership. However, as Hathaway, drawing on Walzer, argues, while states have the right to exclude non-citizens from membership in their country, viewing refugees as 'necessitous strangers' grants them special entitlements in a national community (1991, p. 124). This calls for both:

> "… a limited and complex redistribution of membership and/or territory… The same difficulty arises with regard to wealth and resources. These, too, can be superfluous, far beyond what the inhabitants of a particular state require for a decent life… [In these circumstances, members of the state] could share their wealth with necessitous strangers outside their country or with necessitous strangers inside their country." (Walzer in Hathaway, 1991, p. 125).

This calls for states to extend conventional notions of membership to refugees in order to protect a range of political and socio-economic entitlements. As Kabeer argues, "Citizenship represents rules which spell out the claims and obligations of membership in a given community/society and ensure redistribution as a matter of right rather then discretion" (Kabeer, 2005, p. 25). Citizenship is presented as a more inclusive term, encompassing rights and obligations for those who experience exclusion. In this view, citizenship encompasses ideas of adherence to some notion of justice, whereby justice is conceptualized around the notion of when it is fair for people to be treated in the same way and when it is fair that they should be treated differently (ibid.).

Economic and social rights have different implications for IDPs and oustees. For oustees at least, the protection on paper is more clear-cut. States that force population groups to relocate clearly need to first avoid the likelihood that the social and economic rights of the oustees would be corroded. Secondly, if possible, they also need to enhance the socio-economic status of oustees and help secure a better standard of living for them, thus making 'development' a just process that enhances the life choices of all. Consequently, there are now growing calls for the need to link resettlement with wider developmental efforts. This explains why the World Commission on Dams (2000) seeks to make hitherto losers emerge as winners of dam projects. This

is also the reason why key thinkers on resettlement issues such as Cernea call for resettlement activities to be conceived and executed as sustainable development programmes, providing sufficient *investment resources* to give the persons displaced by the project the opportunity to share in project benefits (Cernea, 2000). Still, Lyla Mehta has demonstrated how violations of rights of Narmada dam oustees take place with impunity, even though the oustees are full citizens of India and despite their initiation of a dynamic protest movement. This is due to sins of omission (that is, the lack of awareness of rights and the lack of resources to implement rights) or, more often, due to sins of commission, wherein rights are knowingly violated by powerful actors such as the Indian government or the World Bank (see Mehta, 2008).

EUROCENTRICISM IN LITERATURE, TAKING AWAY AGENCY FROM CITIZENSHIP IN THE SOUTH

While several of the authors reviewed here call for new understandings of citizenship, there are some striking Eurocentric biases in conventional understandings of citizenship. Several authors seem to imply that even though there are tremendous problems in Europe regarding the conditions of refugees and immigrants, in non-Western countries, the emphasis on ethnic homogeneity is often stronger and the rights of citizenship are restricted. They are thus saying that in many regards, Europe has figured out the issue of rights and citizenship, but other countries and regions have not. Castles and Davidson write, "A long struggle lies ahead not only for the rights of minorities, but also to create genuine citizenship for everybody" (2000, p. xi). They go on to say:

> "… Conditions in large areas of the world – most of Africa, Central and South Asia and parts of Latin America – are such that active citizenship and transnational democracy seem almost out of reach. Citizenship presupposes a functioning state, the rule of law and basic human rights guarantes. All these are absent in countries that are home to the majority of the world's population… The struggle for democratic citizenship must therefore have a global perspective, with the aim of creating the conditions for full participation everywhere. *Citizenship or chaos* are the stark alternatives at the beginning of the new millennium" [emphasis added] (2000, p. xii).

Brysk and Shafir (2004) distinguish between the 'heartland of citizenship' (developed Europe and North America) and 'failed states' in Africa and elsewhere wherein weak and second class citizenship prevails and large numbers of non-citizen refugees are in camps. The latter is probably the 'chaos' implied by Castles and Davidson; the former refers to so-called 'liberal capitalist democracies' that are currently engaged in expanding inter-state and transnational rights and regulating global markets wherein non-citizens, migrants and refugees are caught in the citizenship gap (Brysk and Shafir, 2004).

These positions seem to suggest that people in the non-Western world have no agency to participate in, claim their rights or experience citizenship. It also implies that the 'right' political institutions and structures (that is, those of a mature liberal democracy) are necessary to experience citizenship in a context of forced migration.

To argue that there are no citizenship rights in the South would be tantamount to disregarding informal practices of citizenship and how groups move between membership and exclusion, legitimacy and illegitimacy. It also disregards formal rights that are different or valued differently from Western norms. Such positions also create unhelpful distinctions between North and South and hierarchies of citizenship. As pointed out by Sassen (2004), equal citizenship is still a myth even in the US because groups defined by race, ethnicity, and other identities still face exclusion. Much is also written about disengagement from participation in formal politics in Western countries (The Power Inquiry, 2006; Hague and Harrop, 2004).

It is important to bear in mind that today about four-fifths of the refugees are hosted in southern countries (UNHCR, 2009). It is largely Southern governments that have to deal with massive cross-border refugee movements, not those in the North. Northern governments have become increasingly restrictive in admitting refugees. This is what Nobel has called an 'arms race against humanitarianism' (Nobel, 1988, pp. 29-30, quoted in Malkki, 1995a). Yes, when refugees are given refugee status in the North, they often have very good access to rights. But, most are not admitted when they apply. Take Iraq: just one in six of Iraq's refugees is allowed to remain in the UK. Out of 310 Iraqis who sought asylum in the UK during the second quarter of 2007, only 30 were allowed to stay on and a further 25 were given leave to remain (*The Observer*, 7 October 2007, p. 7). Further, the Eurocentrism which sees the North as having solved human rights problems, has not incorporated the fact that many northern countries play a part in causing displacement; many of the world's refugee problems are the result of superpower military and economic interventions. Thus, northern politics often contribute to refugee problems in the South, and the North is increasingly refusing to deal with the direct impacts, that is, not accepting the asylum claims of Iraqis who flee from their war-torn country.

Hathaway writes that though they did more so in the past, "[i]n recent years, governments throughout the industrialised world have begun to question the logic of routinely assimilating refugees, and have therefore sought to limit their access to a variety of rights" (2005, p. 3). This seems an understatement in a world where only 25 of 310 petitioning Iraqis were given leave to remain in the UK (during the second quarter of 2007). Hathaway notes "the failure of the international community to establish an overarching supervisory mechanism for the Refugee Convention of the kind now in place for virtually every other major United Nations human rights treaty" (2005, p. 13). Indeed, the international community is not firmly bound to the treaty. In fact, Article 34 of the Refugee Convention regarding naturalization states the following:

> "The Contracting States shall *as far as possible* facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings."

According to this *soft* international law, then, states should *as far as possible* facilitate refugee citizenship. Hathaway states that "Art. 34 is not framed as a strong obligation:

it neither requires that state parties ultimately grant their citizenship to refugees, nor that refugees accept any such offer made to them" (2005, p. 981).

The Convention's lack of strength regarding citizenship is visible in *de facto* practice. Many in the EU, for instance, are currently propagating the myth of a common Christian/humanist/anti-Muslim experience, which props up the notion of the 'Other' (especially for immigrants from non-Christian countries such as Turkey and refugees from the non-Western world). Moreover, as the case of the Bosnian refugees in Europe highlights, once a European country is confronted by large numbers of refugees crossing a shared border, it tends to get more restrictive. The usual argument offered in both the North and South is that of 'resource constraints' of the host government and the inability to provide for its own citizens, let alone refugees. However, research suggests that this stance downplays refugees' ability to contribute to the host economy. Refugees are not usually the poorest of the poor or the unskilled. Refugees have and can contribute to the economies of their hosts, but these skills are rarely utilized (Harrell-Bond, 2002).

ARE REFUGEES THE ONLY TRUE TRANSNATIONAL AND/OR GLOBAL CITIZENS?

> *"The Consul banged on the table and said;*
> *'If you've got no passport you're officially dead':*
> *But we are still alive, my dear, but we are still alive."*
>
> *W. H. Auden (quoted in Malkki, 1995a, p. 495)*

In this article, we have demonstrated how displaced people are performing citizenship, living citizenship, in situations where their own state and most often their host state denies them citizenship rights. Given the way citizenship is normally understood, we are left wondering, "Is citizenship a useful concept for exploring the problems of belonging, identity and personality in the modern world?" (Schotter quoted in Sassen, 2004, p. 195). As reviewed above, the migration/forced migration and citizenship literature have conceptualized some new understandings of citizenship, calling them: external; multi-layered or multiple; territorially-defined or deterritorializing; denationalized; global, etc.

Some scholars argue that dual and multiple nationality will one day become the norm (see Sassen, 2004, p. 194). As demonstrated, when the state does not step in, displaced people are either self-realizing rights or they go beyond looking at the host state as the sole duty-bearer. They are creating lived multiple and multi-layered (that is, beyond or beneath the state) citizenship experiences. Sorensen suggests the notion of membership, rather than citizenship, because membership can be more multi-faceted with several layers:

> "[C]itizenship is a straightforward category. One is either a citizen, or not, of a particular state. Membership on the other hand is more convoluted; it is not an all or nothing category. One can be more or less a member; one can be a member in one aspect but not in another. Membership is therefore a broader and more inclusive category than formal citizenship."
>
> *(Sorensen, 1996, p. 76)*

Earlier in the article, we studied disruptions to the territory, political space and national concepts of citizenship and how displaced people are realizing rights informally where they are not granted citizenship's right to have rights or when they are caught between national and international jurisdictions. We examined protest and mobilization efforts to have formal rights, and we witnessed transnational alliances across global–local spaces. These actions from people making claim to formal or to lived citizenship can be thought of as external citizenship, as multi-layered or multiple citizenship, as membership, as territorially-defined or deterritorialized citizenship and as post- and de-nationalized citizenship. Each of these concepts offers a way of explaining changes as well as projecting the future of citizenship. Displaced people push the boundaries of the citizenship concept, unsettling our norms, asking for change, and making change happen. The concept of global citizenship presents yet another powerful reconceptualization of citizenship. It is one that is already made real through the displaced persons' expressions of agency.

A historical look at 'global citizenship' includes Nansen passports, which are internationally recognized identity cards first issued by the League of Nations to stateless refugees. They were designed in 1922 by Fridtjof Nansen (Holborn, 1939), and 52 countries had honoured them by 1942. The first refugee travel documents, these passports are recognized as one of the greatest achievements of the now beleaguered League of Nations. The World Service Authority, a non-profit organization that promotes 'world citizenship', issues a 'World Passport' (purportedly under the authority of Article 13, Section 1, of the Universal Declaration of Human Rights) in which 170 countries have stamped visas (*de facto* acceptance), and of which six countries recognize it *de jure* (Burkina Faso, Ecuador, Mauritania, Tanzania, Togo and Zambia) (World Service Authority, 2007).

In Nansen's age, borders were not as tightly controlled, and the 'refugee problem' was largely a European one. Global citizenship for refugees could mean a return to the Nansen passport wherein refugees could be free to travel to a range of countries. It could also mean that governments would respect the basic right of all to a nationality. At the informal level, it could be an increasing presence, a multi-layered sense of belonging and rights claiming in global institutions. Not only global institutions, but states should also recognize the 'multiple citizenships' of peoples within its borders and of people who have left them. Communities and displaced individuals, of course, already experience and 'live' these multiple citizenships, and many are asking for formal states and institutions to formally recognize their rights as citizens.

Louise Arbour, the former UN High Commissioner for Human Rights, when interviewed on the issue of global citizenship, said that the foremost global citizens are refugees (Schattle, 2005, p. 124). Benequista and Levine identify three discourses for global citizenship: "(1) a *civic* republican discourse that emphasises concepts such as awareness, responsibility, participation and cross-cultural empathy; (2) a *libertarian* discourse that emphasises international mobility and competitiveness; and (3) a *legal* discourse that emphasises legal rights and responsibilities of transnational actors" (2006, p. 3). In forced migration debates, all three discourses feature. In particular,

attention has been paid to the civic republican and legal discourses. These are generally views 'from above', prioritizing the civic republican discourse of moral responsibility (see Nussbaum, 1996) towards an 'other'; or the legal discourse, which is often a more statist view. The libertarian discourse, on the other hand, which has an emphasis on international mobility, has the potential to take into account views 'from below', however, it only gets a meagre showing, if that—indicating that global citizenship has not been well-defined in terms of international mobility—especially for those displaced and forced to move. Further, international mobility in the libertarian discourse usually refers to upper class expatriates (Schattle, 2005) rather than those forcibly displaced. What Malkki describes as a 'sedentarist metaphysics' remains the bias. Can we move to a displacement lens or a migrant metaphysics as our norm? The displaced are demanding rights through protest and through international mobilization. From an actor-oriented view of citizenship, we have seen that displaced people are claiming what they see as citizenship rights, or as much of them as they can, in a myriad ways, whether informal realization locally or by demands to international entities when states are unresponsive.

Would it be possible to transform the rights of forced migrants into a new form of global citizenship, that is, membership in one or more political communities with institutions for participation, distribution, and enforcement? Along with others, we argue that multi-level citizenship may allow marginalized peoples, displaced people included, to be able to enhance access to their rights by appealing to levels above and below the state (Brysk and Shafir, 2004, p. 212). The key problem is the lack of accountability of key political actors at those different levels. Take the refugee regime. States are not accountable to UNHCR, and UNHCR is not accountable to refugees (as the example of Egypt highlights). "Who could monitor the monitor?" ask Verdirame and Harrell-Bond, referring to the absence of monitoring of UNHCR (2005, p. 17). In many cases, refugees do *de facto* "live in a country of UNHCR" without any citizenship rights, as the Sudanese refugees in Cairo said. Their 'lived' citizenship starts with UNHCR. And, so does their protest, as UNHCR becomes the main body against which refugees protest. Similarly, development oustees are often caught between lack of accountability from their own governments, private companies and the World Bank, all of which are interested in large-scale projects and programmes that entail displacement, and IDPs often flee from oppressive regimes within states and lack the mechanisms to demand accountability.

Non-citizens, refugees and other displaced people have little knowledge and access to accountability mechanisms. Other problems of global institutions include weak enforcement, excessive bureaucratization, and corruption. But in an era where asylum seekers are deported back to hostile situations, where the global capital is displacing even more people (as has been the case with recent land grabs) and where states crack down on non-citizens and citizens under the guise of the war on terror, multi-level citizenship could provide rights at different geographical levels (local, district or urban, state, regional and global). This would allow for national, sub-national and supranational identities along with different levels of loyalty.

Global citizenship would be based on membership in a global political institution, and the dilution of sovereignty could provide a positive stimulus for enhanced civic engagement. International law should *de facto* ensure the global right to rights.

"In the world of nation-states, in an era of globalization, people out of place will always be at risk. While new forms of membership cannot yet grant them a place, evolving institutions can give them greater voice and protection" (Brysk and Shafir, 2004, p. 215). This needs appropriate global governance and getting rid of unaccountable global decision-making. Is it unrealistic to believe in global institutions to uphold rights? Perhaps. Will countries, especially rich ones, submit willingly to processes of global governance to open their doors to strangers in need? Perhaps not. Despite our doubts concerning the feasibility of global citizenship, we acknowledge that the displacement issue cannot be addressed within the current paradigm of the nation-state. In sum, global citizenship may be very hard to achieve during the coming decades and millions of displaced people may have to wait a long time for a Nansen type of passport. However, these may be normative projects toward which to strive.

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NOTES

1. The term 'oustee' is borrowed from the Indian literature on displacement and resettlement, where it is commonly used to describe people 'ousted' from their habitat through government intervention, generally for the purpose of some development-required change in land or water use (see Mehta and Gupte, 2003). The term oustee is preferable to 'development-induced displaced' people or 'resettlers' since the latter terms do not highlight the unjust and coercive nature of forced uprooting.

2. These UNHCR statistics exclude Palestinian refugees, who fall under the separate mandate of UNRWA (United Nations Relief and Works Agency for Palestinian Refugees in the Near East).

3. The 1951 Convention lists a number of rights that should be guaranteed for refugees by the host government. The following articles refer to the right to work in the country of asylum: Art. 17 re: wage-earning employment, Art. 18 re: self-employment, Art. 19 re: liberal professions, Art. 13 re: moveable and immovable property, and Art. 14 re: artistic rights and industrial property.

4. Art. 22 guarantees access to public education for refugee children and Art. 23 deals with the access to public relief.

5. Art. 3 addresses the issue of non-discrimination, and Art. 16 talks about the access to courts.

6. Two articles mentioned in the Convention address the issue of freedom of movement, including Art. 26 directly talking about freedom of movement and Art. 28 dealing with travel documents.

7. According to the UNHCR, there are three possible outcomes: voluntary repatriation, local integration or resettlement to a third country.

8. The Guiding Principles on Internal Displacement form UN document E/CN.4/1998/53/Add. 2, dated 11 February 1998.

9. 1986 General Assembly Declaration on the Right to Development endorses individuals' rights to participate and enjoy economic, social, cultural and political development to realise fundamental human freedoms. This also includes the right to self-determination over the natural environment and resources. The right to participation is drawn from the various articles of the International Bill of Human Rights, and specifically ILO Convention 169. Similarly, the Right to Livelihood is founded in the UDHR and Articles 6 and 11 of the International Covenant on Economic Social and Cultural Rights (ICESCR) (see Robinson, 2003, p. 14).

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