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Citizenship and Displacement

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Summary

Crucial for displaced people is citizenship (or the lack of it). In conventional terms, citizenship is seen as political membership in a given nation-state through which citizens possess civil, political, economic and social rights. Most states, however, have groups within them who do not belong and are denied citizenship rights, even though they may have formal citizenship. In particular, displaced people (both within and crossing borders) are denied formal citizenship and rights but are claiming them, subjectively seeing their *de facto* experience as lived citizenship. Protest, claim assertion and transnational alliances are manifest ways of struggling for those rights. Much of the existing literature tends to focus top-down understandings 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. This paper explores the informal processes and feelings of belonging through case study examples, linking them to changing dynamics in different displacement regimes (e.g. refugee, IDP – internally displaced people – and DID – (development-induced displacement). We look at impacts of globalisation and changing international and national legal structures to bottom-up and lived notions of citizenship. The paper also examines displacement in light of differing theoretical meanings of citizenship, asking to what extent the forced migrant is a global or transnational citizen.

Keywords: forced displacement; citizenship; rights; displaced people; globalisation; local mobilisation.

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Acknowledgements

Acronyms

DID	Development-Induced Displacement
ECOWAS	The Economic Community Of West African States
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced People
ILO	International Labour Organization
LTTE	Liberation Tigers of Tamil Eelam
OCHA	UN Office for the Coordination of Humanitarian Affairs
UDHR	Universal Declaration of Human Rights
UNHCR	The Office of the United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East

There is nothing more unsettling than
the continual movement of something that seems fixed.

Gilles Deleuze

Modern politics is a spatial politics. Its crucial condition
of possibility is the distinction between an inside and
an outside, between citizens, nations and
communities within and enemies, others and absences without.

Rob Walker

Arjun Appadurai talks of different 'scapes' to describe the new global world. By ethnoscapes he is referring to:

> Landscapes of persons who constitute the shifting world in which we live: tourists, immigrants, refugees, guest workers and other moving groups and persons constitute the essential feature of the world, and appear to affect the politics of and between nations to a hitherto unprecedented degree. This is not to say that there are not anywhere relatively stable communities and networks, of kinship, friendship, of work and of leisure, as well as of birth, residence and other filiative forms. But this is to say that the warp of these stabilities is everywhere shot through with the woof of human motion, as more persons and groups deal with the realities of having to move, or the fantasies of wanting to move.

> (Appadurai 1991: 191–2)

Indeed, mobility, displacement and emplacement have become defining features of our times. As long as there are wars and large scale development projects, forced uprootedness is here to stay. At the end of 2009, UNHCR recorded 43.3 million people who were forcibly displaced worldwide, of which 15.2 million were refugees, with the rest as asylum seekers with cases pending, and internally displaced peoples, or IDPs (UNHCR 2010). This paper examines the implications for citizenship of various forms of displacement. While there is a big literature on displacement and citizenship, it tends to focus on top-down understandings of displacement and citizenship. Instead, few people are asking how displaced people are viewing their own citizenship and struggling for the rights that they see as theirs. This paper aims to move away

from the normative view of displaced people and their rights, as viewed by governments and inter-governmental bodies who tend to have a 'sedentarist' (Malkki 1992) lens. Instead, we focus 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' and include attempts by non-citizens to pressure the state, NGOs and international bodies to respond to their rights and interests. We also attempt to understand how globalisation 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 'postnational' and denationalised or deterritorialised citizenship.

We intentionally take a broad view to displacement. We thus focus on refugees, IDPs and those affected by development-induced displacement (DID). Whenever relevant, we focus on other non citizens such as immigrants and undocumented workers who are denied basic rights of citizenship in their new countries of residence. 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 the purists who think forced migration research should only focus on refugees. We use rights and citizenship as a way to bridge divides about different forms of displacement (see also Grabska and Mehta 2008). We also look at a range of displacement contexts and causes because each offers different insights about displacement/citizenship linkages as well as lessons that can be learned between different strands of research in forced displacement studies. Traditionally, studies on refugees and displaced people (both oustees and IDPs) have rarely spoken to each other. 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 who assumes 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)[1] 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

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1   In 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) which was virtually endorsed by all states. It is premised on the inherent dignity and worth of all human persons, regardless of background, class, race etc. It is constituted by the International Covenant on Civil and Political Rights (ICCPR) which has 160 parties and the International Covenant on Economic, Social and Cultural Right (ICESCR), which has 156 parties (as of April 2007, UNHCR 2007).

host states due to the denial of basic rights). 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 they 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's rights. Still, there is a lot of scope for comparative research through several substantive matters such as policy frameworks, rights and entitlements, experiences of citizenship, forms of resistance and mobilisation and local perceptions of rights and citizenship. In all cases, there are problems concerning definitions and the official labels used to categorise displaced people, a major focus on this paper.

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 the poor and marginalised groups and their own understandings of rights, but without denying the importance of formal sources of rights. The approach enables the pushing of the boundaries of formal legality when this is necessary for justice' (Nyamu-Musembi 2005: 48). We also look at *de facto* versus *de jure* citizenship experiences, and informal versus formal rights realisation. 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: 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 very much affect displaced people in terms of labelling them as deserving or undeserving of certain citizenship rights. Thus, we must look at two levels, inclusion and exclusion from formal rights, and, importantly, at whether those definitions of formal rights are what displaced people want. 'Seeing like a citizen' to use John Gaventa's phrase, means taking seriously 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: 91). We look at different definitions of citizenship: as membership, as quasi-citizenship, as multiple citizenships, and of course as global citizenship.

In this paper 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 of much displacement, this paper examines the concept of global or transnational citizenship.

This paper begins with a discussion of how the character of displacement (and its international management) is shifting. It then moves 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.

1 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 were refugees, with 10.4 million falling under UNHCR's responsibility and 4.8 Palestinian refugees under UNRWA's mandate. The figure also includes 983,000 asylum seekers and 27.1 million (IDPs). Afghan and Iraqi refugees, the victims of 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 and conditions in their own countries. Further people are also displaced due to infrastructure projects built for 'development' purposes, such as mines, dams and roads and more recently due to so-called land grabs and land deals which are displacing many thousands of people across Asia, Africa and Latin America. Often known as oustees, these people are affected by Development-Induced Displacement (DID).[2] Unfortunately, there are no recent estimates for DID; the last estimate in 1997 conservatively cited 10 million people annually were affected by DID (Cernea 1997).

While UNHCR's numbers of people of concern to 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. 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.[3] Some 5.5 million refugees were in a protracted situation in 2009, living in 21 different countries. Longer time as refugees means longer time without citizenship

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2   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.

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 realisation of economic rights for many. Other camps, and the marginalised areas of economically-active camps, can remain without those for a very long time.

With respect to DID, globalisation's acceleration of international capital flows and economic liberalisation is likely to increase the number of 'development' projects – many of which are displacing people to build dams, roads, mines, etc. In India alone since the 1947 independence, 21 to 50 million people or oustees have been displaced by large projects (see Hemadri *et al.* 2000). Globalisation, despite all its gains for some, also increases inequalities, causing many to move to urban centres and the richer North in order to secure livelihoods and incomes. People displaced or threatened to be displaced by development often fight against development projects, and once displaced, they have another struggle ahead of them for rights in their new area of displacement.

Due to intractable conflicts, about 11 million people lack citizenship or effective nationality worldwide (Frelick and Lynch 2005). This violates Article 15 of the Universal Declaration of Human Rights that upholds that every person 'has a right to a nationality' (*ibid.*). In international human rights instruments, they are accorded a whole host of rights on par with citizens. They have been detained, and their rights have been violated due to host country fears of terrorism. Stateless persons are rarely counted in official government statistics as a resident category. Examples include: about 250,000 Biharis or 'stranded Pakistanis' languishing in Bangladeshi camps since the early 1970s. Both Pakistan and Bangladesh refuse to offer them citizenship; two million so called 'hill tribes' in Thailand who lack Thai citizenship are denied basic rights such as the right to vote, buy land, get jobs even though they were born in the country; millions of Palestinians who are both stateless and refugees. Unlike refugees and IDPs, stateless people do not benefit from the protection and assistance of governments, donors and the UN. They are 'international orphans' (*ibid.*: 24).

The above discussion is one of a worsening problem in terms of longer camps, globalisation that likely will increasingly cause displacement, and large numbers of stateless people, 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.

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3   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) (UNHCR 2004: 2).

1.1 Global labels for displacement

The power of categorisation 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 institutionalises a certain status. Although the label claims to be apolitical, through law and policymaking, it establishes highly politicised interpretations (Wood 1985). 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 by either host governments or carried out by the UNHCR on behalf of the governments mean 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 to return to their country of origin. Following Malkki's (1992) definition, the term *refugee* should not be seen exclusively in the context of the country-of-origin experiences which lead an individual or a group to flee, leaving him or her with *a sense of loss* (in terms of protection, social networks, and material property). Rather, the dynamic aspect of the refugee experience must be taken into account, whereby one becomes a refugee not only by escaping violence and persecution and crossing an international border, but also by going through the process of seeking asylum, as part of evolving relationships, networks, and personal developments (Al Sharmani 2003).

The category 'displaced person' or 'forced migrant' also designates crisis and associated conditions of poverty and marginalisation. Often the label implies 'burden' and imposes an institutionalised dependency (Zetter 1988, 1985). At the same time, however, the category 'refugee' or 'displaced person' establishes rights and entitlements guaranteed under universal human rights and other relevant regimes. For example, illegality and lack of refugee status mean limited and disadvantaged access to jobs,[4] lack of access to education for children,[5] lack of access to health services, and the inability for refugees to claim their other rights in the host society,[6] including freedom of movement.[7] Rights, however, are granted to refugees temporarily, pending one of the durable solutions to the refugee 'problem'.[8]

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4   The 1951 Convention lists a number of rights which 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.

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

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

The situation for those who have been given a label of internally displaced (IDPs) is even more legally controversial. As people who have not crossed an international border, IDPs remain under the sovereignty of their governments and hence, under their protection. In 1998, the UN Representative on internally displaced persons issued Guiding Principles on Internal Displacement.[9] Even though they are not a binding legal document, they are based on and consistent with international human rights law, humanitarian and refugee law. Unlike the protection accorded to refugees, the 'Guiding Principles on Internal Displacement' contain only recommendations (Deng and Cohen 1998) with respect to the protection of the rights and entitlements of those involuntarily displaced due to development projects or conflict situations. There are not legal obligations on states to protect IDPs.

The label, thus, not only categorises. It excludes, and, with this exclusion, displaced people's basic rights are denied. 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. The label, thus, not only categorises. It excludes, and, with this exclusion, displaced people's basic rights are denied (Gupte and Mehta 2007). For example, people who live in the downstream areas of dams may have their right to livelihood infringed once a reservoir is dammed, putting their fishing livelihoods at risk. Others may want recognition for their rights in customary law and thus seek compensation for their usufruct rights over trees and the forest. But such groups are not considered to be 'project affected persons', and they are denied compensation. Thus, resistance on the part of displaced people and their allies in NGOs and activists is often about 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 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. Suleiman describes that Palestinian refugees use the label of refugee to their advantage in advocacy for their rights. He says 'they would not give up the legal status of 'refugee' because it is perceived by them as "an asset in the battle to survive"' (Peteet quoted in Suleiman 2008: 95).

There are massive institutional differences in the major agencies dealing with different categories of displaced people.[10] UNHCR, for instance, is not

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7   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.

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

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

supposed to provide direct assistance, but lobby and advocate for rights to be met, while the UNRWA has the opposite mandate working for Palestinians. Agencies such as the Refugee Settlement Commission of the League of Nations also work for refugees together with UNHCR and host countries. IDPs are taken care of by UNHCR, the UN Office for the Coordination of Humanitarian Affairs (OCHA) and national governments. And oustee concerns are dealt with by the World Bank and regional banks such as the Asian Development Bank who 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, including refugees. 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 who 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 countries of displacement. We turn now to look at what citizenship means in both internal and international displacement.

2 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 be a problem. Refugees, displaced from 'authentic political identities, communities of citizenship, etc. are seen as a temporary aberration to the norm, as hiccups that disturb "the national order of things"' (Malkki quoted in Nyers 2007: 9). But as Nyers (2007), Malkii (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 the outsider and what defines the insider. 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 relationship to formal citizenship, rather than a

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10 Refugees are categorised under the Refugee Settlement Commission of the League of Nations, UNRWA and UNHCR. IDPs institutionally fall within remits of UNHCR (only recently), UN Office for the Coordination of Humanitarian Affairs (OCHA) and national governments. Oustees/DID rights are to be met by the World Bank, regional banks such as the Asian Development Bank, national governments and regional resettlement agencies.

binary of citizenship and non-citizenship. And, we have not yet even begun talking about how displaced people see those layers and whether they agree with those formal definitions. First, however, we must be clear about the formal definitions.

2.1 Traditional definitions of citizenship

In conventional terms, citizenship is seen to be 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 (e.g. 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 an entitlement to citizenship through residence in the territory of the country. The rules and practices of naturalisation differ from country to 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 concerning residence, the right to work, employment, protection from deportation, entitlements to social security etc. Often referred to as 'denizens' or 'quasi citizens' (Hammar 1990) – such people are foreign citizens with legal and permanent resident status. Hammar's concept of denizens illustrates that there are stages of citizenship. Rather than an all or nothing situation, the concept of denizens is of people formally having some but not all citizenship rights (1990). In 1987, Hammar posed, more than half the foreign resident population of western Europe were denizens. In India's Northeast, the homelands discourse makes denizens and perpetual foreigners out of ethnically defined outsiders and children (see Box 2.1). Such discourses and rules fuel exclusionary politics and also legitimise ethnic violence and constant displacements.

However, millions are not lucky enough to have the level of rights that Hammar conceptualised for denizens or quasi citizens. These include illegal workers, unauthorised family entrants, asylum seekers, 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 in that. 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. (2008: 94)

Large scale migration, as well as the 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 it is best to expand the notion of citizenship. The division of people 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: 101). Box 2.1 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 often is what displaced people want or need in their struggle to claim rights. Box 2.1 and the discussion later in this paper look at different criterion in these citizenship and rights-determining categories. Should citizenship be based on ethnic, territorial or other lines?

Box 2.1 Inclusion and exclusion: North East India

From the Citizenship DRC and elsewhere, we know that most nations have groups who do not belong and are denied citizenship rights, even though they may have formal citizenship. Let us look at the case of North East India. Alone North East India has about 157,000 displaced persons (Baruah 2003). A large number of 'tribal people' or *adivasis* live in these areas. In these areas, the rights of *non-adivasis* to land ownership and exchange, business and access to elected offices are restricted. Many of these areas, erstwhile enclaves, are now states, such as Meghalaya, where nearly 85 per cent of public employment is reserved for the *Khasis* (*adivasis*). The notion of protected 'enclaves' emerged in colonial times, largely after a phase of enormous violence on so-called savage tribes. Often it came too late and also raised questions concerning the rights of non-aboriginal people living in such areas. Besides, social trans-formations have attracted outsiders such as Bangladeshis to the region. The North East of India is thus characterised by displacements, and divisive politics between 'insiders' and 'outsiders'.

According to Upendra Baxi, post colonial India has achieved 'national integration without achieving national integrity' (quoted in Baruah 2003: 56). Baxi is referring to massive migrant labour from destitute parts of the region and country, virtually 'subjects without rights,' who have been responsible for the construction of 'monumental state projects' all over India. In the Northeast, it is Bangladeshis and Nepalis who have met the growing labour demands for the building boom and for new economic roles emerging after shifting cultivation.

The Booker winning novel *The Inheritance of Loss* by Kiran Desai, nicely 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 development-induced-displacement of *adivasis* and conflict-induced displacement (e.g. the *Chakmas* displaced in Arunachal Pradesh; Bengalis and tribes in Tripura; the *Santhals*, descendents 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: 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 (i.e. citizenship both of India and of a state). The aim 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: 62).'

We also see the case of stateless Palestinian refugees in Lebanon as a significant example of displaced people whose formal rights in Lebanon have gradually been worn away by the state over their many years in exile. Right to own property and to work, for instance, continue to decline with decree after decree, changing previous laws. As argued by Suleiman:

Despite the fact that Decree 927 refers specifically to 'Palestinian refugees', Lebanese legislators make no attempts to distinguish us from foreigners. Ordinance 319 of August 1962, which regulates the situation of foreigners in Lebanon, considers Palestinian refugees as one of five classifications of foreigners, that is, a 'special category of foreigners', despite our protracted residence in the country and our exile as refugees. So on the one hand we are denied basic rights that Lebanon granted to its nationals, and on the other we are not guaranteed the refugee rights accepted and recognized in relevant international instruments.'

(Suleiman 2008: 103)

3 Challenges to the conventional definitions of citizenship

Displaced people, in particular refugees, are a problem to conventional definitions of citizenship. They break the state-nation-territory triad that conventionally and formally defines citizenship in refugees' home and host states (Nyers 2007: 41). Refugees are nation-state citizens, but they have fled its territory. Their belonging is thrown into question in both home and host countries. Refugees have a twofold lack with respect to citizenship. Without citizenship in host states, they are denied not only political rights but also the capacity to speak politically and the right to be heard. In many parts of the world, host countries fail to live up to international human rights standards as well as basic provisions of the Refugee Convention that they have signed. Hannah Arendt sees refugees representing a problem not of geographical/territorial but of political space. They are people denied rights because they are 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 made out to be the only authentic political identity of modern political life. The aberration to political space caused by refugees is 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 in a recent speech that in his contact with IDPs and their governments, 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: 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, have 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: viii). This should be replaced with flexible and open belonging and a democratic state. Citizenship should be derived from residence on a states territory, cultural participation and economic involvement. It should no longer be determined by 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, for instance, who have crossed international borders but are still active, or think it is their right to still be active, in home country politics. Tibetan refugees protesting against the Chinese government from 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 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 voice responds: But we have poured tons of money into the country, and only 10–14 per cent of 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 destabilising of hierarchies of power of the nation-state have led to new political forces and actors which signal a 'de-territorializing of citizenship practices and identities' (2004: 191).

Transformations inside the national state have also led to changes in the institutions of citizenship. She thus distinguishes between postnational citizenship and denationalised forms of citizenship (2004: 192). We can say that both geographical and political space notions in traditional citizenship do not hold up anymore without significant challenges to them.

Globalisation's effects on displacement have also contributed to new problems and challenges to citizenship. Brysk and Shafir (2004) argue that globalisation has created a 'citizenship gap which puts noncitizens and 'second class citizens' at risk (2004: 3). So the margizens and the denizens, described in the section above, cannot even rely on the few rights they thought they formally had. Globalisation can be seen as the acceleration and intensification of flows (cultural, financial, of people, information and so on). As described above, states play a key role in interpreting and enforcing citizenship based on combinations of birth, descent, residency, cultural characteristics and so on. But according to Brysk and Shafir (*ibid.*), globalisation intensifies these discrepancies and disparities and the numbers of people in dual or overlapping status. It has led to a growing number of noncitizens – 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 globalisation have also lead to widening disparities and a lowering of welfare standards (e.g. basic services can be threatened due to privatisation and SAP programmes, jobs are lost due to foreign take-overs and so on). Consequently, many more so-called 'economic' migrants emerge who face increasing restrictions to work in richer countries. However, globalisation has also created direct or indirect pressures on states to harmonise their standards with international ones. Consumer pressure on corporations is also asking the private sector to take initiative on solving some problems. Thus, while globalisation intensifies a gap, it can also lead to a universalism of human rights standards that could potentially address the gap (we turn to this issue in the section on local/global linkages).

Why is this important? Refugees, IDPs and DIDs, increasing mobility, as well as economic and cultural globalisation 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. Globalisation and increasing mobility are a positive feedback loop, seemingly reinforcing each other, leading to new feelings of cultural and political belonging (e.g. voting in two countries for migrants; dual citizenship and so on). New forms of citizenship have emerged (for instance, multiculturalism as in Canada and citizenship through supra-national institutions and practices as in ECOWAS (The Economic Community Of West African States) or EU membership). We now turn to look at new forms of citizenship. After all, as Schotter asks 'Is citizenship a useful concept for exploring the problems of belonging, identity and personality in the modern world?' (quoted in Sassen 2004: 195).

4 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 under-standings of citizenship. Indeed displaced people's actions are defining those new understandings. Box 4.1, 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 citizenship registration. This is a strong message about 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 4.2.

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. There is a noticeable silence about agency-driven citizenship amongst displaced people (especially in the global South). Through the Citizenship DRC we know that citizenship is often realised through struggle, through making claims and asserting entitlements to rights. We now go onto demonstrate how displaced people are realising rights without having access to formal citizenship and rights and how they are participating in efforts to have formal rights granted and then abuse of rights stopped, some of this through transnational alliances across global-local spaces. All these lead to new understandings of citizenship.

Box 4.1 Rejecting formal citizenship to claim rights under the IDP label

Brun (2003) demonstrates in Sri Lanka how being an IDP leads to a different status that is not legal but also denies people their citizenship rights. IDPs cannot claim additional rights to those shared with their compatriots. This is because they are not registered as citizens or not considered to be 'local citizens' (i.e. residents within a district or province). The movement of IDPs within a country challenges traditional understandings of citizenship – this is because access to rights emerges as highly unequal. IDPs are not recognised as full members of communities. About 75,000 Northern Muslims were expelled by the LTTE (Liberation Tigers of Tamil Eelam) from their homes in the North but the Sri Lanka 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 having bought land. In part, many Muslims do not want to register. This is 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 realising/receiving it.

Box 4.2 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: 95).

4.1 Realising 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 (e.g. membership in a community, participation in civic activities). Sassen also talks of how marginalised 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 that while centred in specific localities is transnational.

While Sassen is talking about undocumented migrants, a category which often (but not necessarily) includes displaced people, Kibreab (2008) gives a similar scenario when talking about Eritrean refugees in his research on decisions to repatriate or stay in Sudan, the country of asylum. He shows that though denied formal rights from the Sudanese government, through social networks with the host populations based on religion, ethnicity, language etc, some Eritrean refugees have informally and *de facto* been able to enjoy economic and social rights nearly on par with Sudanese. They accessed economic and social rights even though they formally did not have 'the right to have rights'. They own houses and access health care 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 when the causes for displacement were no longer a threat to them. Those who did not realise those rights largely returned (*ibid.*). In another example from one of the authors of this paper, during 2006 work with Liberian refugees in Ghana, several displaced Liberians explained 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; 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 realising (and prioritising) their right to employment by giving up formal citizenship rights that they would have, or at least are supposed to have, in Liberia. By 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 realisation of rights than what they were experiencing in 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, refugees' agreement and want to move home was a strong sign that rights in exile were not being realised. This voice was not heard, or at least not in media representations.

Some authors talk about self-settlement, rather than camps, as well, as being a way for displaced people (mostly refugees) to realise rights on their own. Van Damme (1995) notes self-settlement success 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, which killed an estimated 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: 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. Though 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* (1995) 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 naked and having lost their identity. The self-settled refugees in the townships refuse to be categorised. Theirs is a 'subversion of identification' in which they 'manage a series of different identities.' Both situations Malkki describes involve refugee agency, whether that be to take on the narrative's prescription wholeheartedly or whether that be to defy all essentialising categories. They prove that they are not just objects (blank slates to be written upon) but subjects 'creating their own refugee-ness' (Malkki 1995: 3, 4, 11, 153, 235). Some prefer the refugee label and encampment, seeing that as their way to get the rights they want, especially in the way of affiliation with home country political voice. Others saw self-settlement as the way to blend in, realising rights that citizens in the host country were receiving – informal citizenship rights.

4.2 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 recent and 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 the state which is the provider of rights, and therefore direct protests to them rather than to 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 rights provision. 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 4.3 for more on the Cairo protest.

Another example of protest is of the 2008 protest in Ghana's Buduburam refugee settlement. 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 onto hope of being resettled to the US, Liberian refugees held a 5-week sit-in on a field next to the highway by the settlement. At the end of the 5 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 remaining refugees (*International Herald Tribune* 2008). Liberians see several entities as the ensurer/provider of their rights. The Ghanaian state and UNHCR

are two obvious ones, but many Liberians also see the United States government as responsible for 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. With that, they hold hope that the US will come to the 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.

Box 4.3 2005 Sudanese protest in Cairo

In 2005 hundreds and then thousands of Sudanese refugees staged a sit-in in downtown Cairo for three months. Their protest was against the violations of their rights by the United Nations High Commissioner for Refugees (UNHCR). Many saw local integration as problematic because their rights to education, work, housing, 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 mobilisation 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 the UNHCR office. The removal was brutal, and 28 Sudanese died. 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 (FMRS 2006: 3). In this example of protest, the Sudanese refugees in Egypt were caught between both the UNHCR and the Egyptian state with both failing to deliver on the refugees' 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 realise these rights (i.e. through the host government or through the global agencies) and the politics of representation.

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 point to lack of rights, maltreatment and unjust denial of asylum from the UK Home Office. Manifest also as a hunger strike, Amini attracted a further 100 protesters who gathered outside his residence (BBC 2004). Protesters in Woomera detention centre in Australia also sewed their lips shut in 2003, highlighting poor conditions and lack of rights in detention. 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 rights violations. We only hear more about them due to journalists increasingly picking up the stories. Sylvan's article starts off with a photograph of Sudanese refugees in Cairo defiantly

withstanding Egyptian police water hoses, some with fists raised, and some who had fallen to the ground showing peace signs with their hands. Among other protests shown in her text, 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 paid a very different national wage. The Sudanese, with support from Ugandan colleagues, formed a union in 1993. Both Sudanese and Ugandan teachers went on strike over the wage differential in 1997, and Sudanese were threatened with being fired from the job. Harrell-Bond rightly accuses UNHCR for not following labour laws of host countries. Refugees want and should be paid on par with citizens, under international and national law requiring equal pay for equal work. These stories of public protest as a means to secure rights are seemingly countless (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 characterised 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 the state or international agencies.

4.3 Global-local rights claims through transnational alliances: the cases of Tibet and Narmada

Falk describes a transnational citizen is an activist and an idealist, looking to 'a future to be created' (1994: 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 are following the Olympic torch and using its media attention to enhance their claims and protest. The Government of Tibet in Exile (2005) shows numbers of the population in exile at 110,170 when they conducted the last census in 1998. Tibetans in exile are stateless, with few people holding foreign passports and some with Indian registration certificates (*ibid.*). As many Tibetans attempt protest against the Chinese government, 'crackdowns' and detention are fierce in China and abroad. Yet, they have and have held the attention of international media as well as NGO activists, especially with their protests around the China 2008 Olympics. Protest from a wide Diaspora of

stateless people, as well as from many non-Tibetan NGO allies and state governments, might yet have impact in their struggle for what the Government of Tibet in Exile calls for: 'National Regional Autonomy as set forth in the constitution of the People's Republic of China by granting a meaningful self-rule for all Tibetans under a single administration, which is in line with the legitimate rights of all the minority nationalities' (The Government of Tibet in Exile 2008).

Another good example is transnational protest 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 organisations, such as the International Labour Organization (ILO) and the World Bank, are evoked and adapted to grant salience to local struggles and campaigns. These informal mechanisms of claiming rights and seeking accountability have been powerful agents of change. They have led to cost and time overruns of the projects, even though very few projects have officially been called off. Success has been both symbolic and material. Even though many resisting oustees are still to receive the compensation and rehabilitation, they are proud that they have been a part of such a dynamic movement and gained a new awareness as citizens, both of India and of 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 globalisation 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: 28). But economic globalisation 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 have certainly helped pressure global institutions, such as the World Bank, which now has an Inspection Panel to investigate difficult and controversial projects. They also led to the formation of the World Commission on Dams in 2000 and its principles regarding decision-making processes around large dams. As Imhoff *et al.* describe:

Critics stepped up pressure on the Bank to commission a truly independent dam review. In March 1997, participants at the first international conference of dam-affected people, held in Curitiba, Brazil, called for an immediate moratorium on all dam-building until a number of conditions were met. One of these conditions was that an international, independent commission be established 'to conduct a comprehensive review of all large dams financed or otherwise supported by international aid and credit agencies, and its policy conclusions implemented. (2002: 5)

These transnational alliances are only possible due to increasing local-global linkages. Today illegal flooding or submergence in the Narmada valley is met with protest not just in Delhi and Bombay but also in Berlin and London. However, the Narmada struggle remains an Indian struggle with transnational dimensions and the battle is largely being waged with the Indian government, just as the battle for self-rule is being fought against the Chinese government.

For the aforementioned refugee protests in the previous section, their battle is also transnational. 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 here looked at several protests by refugees and asylum seekers, development-induced displacees from Narmada, and stateless Tibetans in exile. All of them are indeed transnational, either receiving attention and help from activists across the globe, or by involving peoples who have crossed borders and are asking for home and host states, and international agencies, to change policies. These protests highlight citizenship rights not being realised. While protesting, however, displaced people are doing what they can to informally realise as many rights as possible. By sewing his lips together in the UK, Amani realises his right to voice as he gets media attention. By gathering in a park for three months, Sudanese refugees in Cairo realised some of the rights they were demanding from UNHCR. Schafer writes:

While consistently demanding that the 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: 2).

Displaced people are creating new understandings of citizenship and are also creating transnational alliances and governments in exile. They are informally realising rights which states would 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 most important (see example of IDPs in Box 4.1). Many, like the Eritreans in Sudan that Kibreab (2008) describes, are able to gain access to social and economic rights that they see more important to their lives than the citizenship rights they would have if they returned home to Eritrea. On the other hand, Tibetans in exile are crying for self-rule, the ability to shape citizenship in Tibet as they and

fellow Tibetan stayees want it. Informal rights realisation as well as demonstrations and protests for formal rights realisation are the tools that displaced actors are using across the globe.

5 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: 120), refugees fleeing from oppressive state regimes and the abuse of their human rights can expect protection from international law and from host countries. 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. 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 very neglected and include: the right to development and self-determination,[11] 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, as we shall shortly demonstrate.

Thus, in reality, refugees often cannot claim entitlements from host states who deny them their basic rights and often abdicate responsibility to international organisations. But the UNHCR, for instance, is not supposed to provide direct assistance, and instead has a mandate to lobby for states to meet refugees' rights. The UNRWA, which only works with displaced Palestinians, has the opposite mandate. Under international law, states are obliged to protect non-citizens and those residing within their national borders, including refugees. But official duty-bearing states do not always step up to meet their obligations – or meet them fully.

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11 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 ICESCR (see Robinson 2003: 14).

As discussed, the displacement and resettlement of IDPs, oustees and refugees lead to several risks to basic civil, political social and economic rights. Social and economic rights continue to be viewed as 'second generation' rights. The 1969 African Union Convention Governing Specific Aspects of Refugee Problems in Africa, however, makes great strides forward in including social and economic rights violations as causes for refugee flight and thus refugee status in host countries. Nonetheless, leading forced migration scholars, such as Hathaway, argue that there are some rights for refugees that are immediate, whereas others are seen as progressive. Among those progressive rights, he includes economic rights (Hathaway 2005). This view however does not correspond to the experiences and perceptions of protection of some displaced people. As we have discussed earlier in the 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 socioeconomic rights. Eritrean refugees have gained a status equivalent to permanent residence and enjoy most of their socioeconomic rights on 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* socioeconomic rights on 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 fully integrating in the host community. Instead, they are enacting and claiming their socioeconomic rights in spite of the state (Grabska 2008).

As examples from Egypt (Box 4.3) and Sri Lanka (Box 4.1) demonstrate, social and economic rights are multi-layered, making it difficult to separate legal protection from economic and social realised 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: 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: 125)

This calls for states to extend conventional notions of membership to refugees in order to protect a range of political and socioeconomic entitlements. These issues go to the heart of citizenship which constitutes both civil and political as well as social and economic rights. 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: 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 conceptualised around when it is fair for people to be treated the same and when it is fair that they should be treated differently (*ibid.*). It also includes a demand for recognition not only of their personhood but also of their difference.

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 oustees' social and economic rights will be corroded. Secondly, if possible they also need to enhance the socioeconomic 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, and 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 rights violations of Narmada dam oustees take place with impunity, even though the oustees are full citizens of India and despite a dynamic protest movement. This is due to sins of omission (i.e. the lack of awareness of rights and the lack of resources to implement rights) or, more often, due to sins of commission where rights are knowingly violated by powerful actors such as the Indian government or the World Bank (see Mehta 2008).

6 Eurocentricism in literature, taking away agency from citizenship in the South

While several of the authors reviewed in previous sections of this paper 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 saying that in many regards Europe has figured out rights and citizenship, but others 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: 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 guarantees. 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: xii).

Brysk and Shafir (2004) distinguish between the 'heartland of citizenship' (developed Europe and North America) and 'failed states' in Africa and elsewhere where weak and second class citizenship prevails and large numbers of noncitizen 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 interstate and transnational rights and regulating global markets where noncitizens, 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, claim their rights or experience citizenship. It also implies that the 'right' political institutions and structures (i.e. those of a mature liberal democracy) are necessary to experience citizenship in a context of forced migration. The Citizenship DRC would vehemently disagree with most of the aforementioned positions. To argue that there are no citizenship rights in the South disregards 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 written as well about disengagement from participation in formal politics in western countries (The Power Inquiry 2006; Hague and Harrop 2004).

Kibreab (2003) goes one step further. He argues that in Western countries refugees are able to enjoy rights of citizenship either as naturalised citizens or as denizens. As some of the examples in this paper show, this is not true all of the time, mostly when asylum seekers are not granted refugee status but cannot return home, as evidenced by protests in the UK and Australia. Nonetheless, Kibreab contends that due to favourable living conditions, refugees in Western countries tend to stay on and do not return home, even when the unfavourable conditions that prompted displacement are eliminated. By contrast, the structural factors in the South are such that refugees are often unable to enjoy citizenship rights. Refugees, instead, in most parts of Africa are

seen as temporary guests with no civil, political and social rights (2003). Verdirame and Harrell-Bond (2005) describe a series of obstacles to refugee integration in Uganda such as severe restrictions to their freedom of movement and dispossessed of some of their property. According to the Ugandan Constitution, refugees need to be resident for 20 years before they can be naturalised (*ibid.*). In such conditions, Kibreab (2003) argues, refugees prefer to return home even though the conditions may not be ideal. Kibreab however revises this view and his later work in 2008 shows that for Eritreans in Sudan, also, when rights are realised, refugees stay in countries of asylum. But, host governments' formal policies can prevent refugees from having access to employment and income by virtue of being non-citizens.

While we would agree that some host governments in the South very often fail to live up to their human right commitments towards refugees and displaced people, 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 the North. Northern governments have become increasingly restrictive in admitting refugees. This is what Nobel has called an 'arms race against humanitarianism' (Nobel 1988: 29–30, quoted in Malkki 1995). Yes, when refugees are given refugee status in the North, they do 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 in the second quarter of 2007, only 30 were allowed to stay on and a further 25 were given leave to remain (*Observer*, 7 October 2007: 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 due to 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, i.e. not accepting 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: 3). This seems an understatement in a world where only 25 of 310 petitioning Iraqis were given leave to remain in the UK (in 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: 13). Indeed, the international community is not firmly bound to the treaty. In fact, Article 34 of the Refugee Convention regarding naturalisation 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: 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 is excluding and propping 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 in both the North and South is '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 the refugee's 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 utilised (Harrell-Bond 2002).

7 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 1995: 495)

In this paper, we have demonstrated how displaced people are performing citizenship, living citizenship, in situations where their own state and most often their host state deny 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: 195). As reviewed above, the migration/forced migration and citizenship literature have conceptualised some new understandings of citizenship, calling them: external; multilayered or multiple; territorially-defined or deterritorialising; denationalised; global, etc.

Some scholars argue that dual and multiple nationality will one day become the norm (see Sassen 2004: 194). As demonstrated, when the state does not step in, displaced people are either self-realising rights or they go beyond looking at the host state as the sole duty bearer. They are creating lived multiple and multilayered (i.e. beyond or beneath the state) citizenship experiences.

Sorensen suggests the notion of membership, rather than citizenship, because membership can be more multifaceted with several layers:

> [C]itizenship is a straight forward 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: 76)

Earlier in the paper we looked at disruptions to territory, political space and national concepts of citizenship and how displaced people are realising rights informally where they are not granted citizenship's right to have rights or when they are caught between national and international jurisdictions. We looked at protest and mobilisation efforts to have formal rights, and we saw 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 multilayered or multiple citizenship, as membership, as territorially-defined or deterritorialised citizenship and as post- and de-nationalised 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 recon-ceptualisation of citizenship. It is one that is already made real through displaced persons' expressions of agency.

A historical look at 'global citizenship' includes Nansen passports, inter-nationally recognised 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 honoured them by 1942. The first refugee travel documents, these passports are today recognised as one of the greatest achievements of the now beleaguered League of Nations. The World Service Authority, a non-profit organisation 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 recognise 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' concept was largely a European one. Global citizenship for refugees could mean a return to the Nansen passport where refugees could be free to travel to a range of countries. It could also mean that governments respect the basic right of all individuals to a nationality. It could mean they adhere to international standards and reduce 'statelessness' by facilitating acquisition of nationality, allowing equal rights and registering every child at birth. These are perhaps more formal aspects. 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 recognise 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 recognise their rights as citizens.

Louise Arbour, former UN High Commissioner for Human Rights, when interviewed on global citizenship said that the foremost global citizens are refugees (Schattle 2005: 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: 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', prioritising 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 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 mobilisation. 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 of ways – whether informal realisation 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 – (i.e. 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 marginalised peoples, displaced people included, to be able to enhance rights access by appealing to levels above and below the state (Brysk and Shafir 2004: 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 absence of monitoring of UNHCR (2005: 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 which are all 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.

Noncitizens, refugees and other displaced people have little knowledge and access to accountability mechanisms. Other problems of global institutions include weak enforcement, excessive bureaucratisation, 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 is the case with recent land grabs) and where states crack down on noncitizens and citizens under the guise of the war on terror, multilevel citizenship could provide rights on different geographical levels (local, district or urban, state, regional and global). This would allow for national, subnational 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 globalisation, 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: 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 in the next 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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