

**INTS 4955: Human Rights Advocacy Clinic: Practicum**  
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**Advocacy Report**  
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**Urdu-speaking Minority Population in Bangladesh**  
**(or Stateless Pakistanis/Biharis)**

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## HISTORY

The territory known as the Indian Subcontinent extends from Afghanistan and Pakistan in the west, across India, and to Burma in the east. Since the end of World War II in 1945, the subcontinent has frequently been in turmoil. In 1947, India gained its independence from British colonial rule. India then divided into two countries – a predominantly Hindu India and predominantly Muslim Pakistan. The new nation of Pakistan was comprised of two wings, West and East Pakistan, which were separated by over a thousand miles of Indian territory.

The partition of India and the formulation of new nations sparked one of the most massive human migration flows in history. In the nine months between August 1947 and the spring of the following year, based on witness accounts of journalists and military officers, at least 18 million people – Hindus, Sikhs and Muslims – were forced to flee their homes and became refugees. At least a million were killed in communal violence. The scale and nature of violence involved in India's partition makes it one of the most violent events in the history of nation-formation.<sup>1</sup> The displacement of the Bihari occurred during the communal violence of India's partition in 1947. Thirty thousand Muslims were killed in the 'Great Bihar Killing' of October-November 1947. Close to a million people migrated to the eastern wing of Pakistan, mostly from the eastern Indian states of Bihar, West Bengal, Assam, Orissa, Nagaland, Manipur, Tripura and Sikkim.<sup>2</sup>

Pakistan hardly had a promising future in 1947. It had few natural resources, little manufacturing capability and was a nation divided by the vast expanse of India.<sup>3</sup> West Pakistan depended on East Pakistan for its chief exports of tea and jute. Other than their

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<sup>1</sup> Patrick French, *Liberty or Death: India's Journey to Independence and Division* (London: Harper Collins Publishers, 1997).

<sup>2</sup> "The Bihari Refugees," *South Asia Forum for Refugee Rights*, available online.

<sup>3</sup> Rob Johnson, *A Region in Turmoil: South Asian Conflicts Since 1947* (London: Reaktion Books, 2005), 42.

common religion of Islam, the two nations had little in common.<sup>4</sup> Following the communal violence of partition, six million refugees from India had arrived in both wings to burden the new state.<sup>5</sup>

Many Hindu Bengalis then left East Pakistan for Calcutta, India after partition. Their place in East Pakistan, particularly in the area of commerce, was taken mostly by Muslims who had migrated from the Indian state of Bihar or by West Pakistanis from Punjab. East Pakistan effectively became a client state of West Pakistan. Bengalis in East Pakistan found themselves excluded from managerial levels and from skilled labor. High-level posts in Dhaka, including that of governor general, were usually filled by West Pakistanis or by refugees from India (Biharis) who had adopted Pakistani citizenship. West Pakistanis tended to favor Urdu-speaking Biharis, considering them to be less prone to labor agitation than the Bengalis.<sup>6</sup> This preference became more pronounced after explosive labor clashes between the Biharis and the Bengalis at the Narayanganj jute mill in East Pakistan in 1954.

The majority of the population was Bengali, while Urdu speakers or Biharis were a minority. Favoritism toward West Pakistanis and Biharis in East Pakistan for employment and key administrative positions fueled Bengali discontent. Bengalis also objected to the imposition of Urdu, the Persian-script language of the Biharis, as the official language. This move sparked the growth of Bengali nationalism. The drive to defend and reinstate the Bangla language gradually metamorphosed into calls for self-government. Victory for the Awami League, the Bangla nationalist party, in the elections

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<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> James Heitzman and Robert Worden, ed., *Bangladesh: A Country Study*, Washington Government Printing Office for the Library of Congress (1989), available online.

of 1970 was considered a serious affront by the West Pakistan president, General Yahya. He immediately sent orders to crush the ‘insurrection’.<sup>7</sup>

The Bangladeshi War of Independence was one of the shortest and bloodiest in South Asian history.<sup>8</sup> The Pakistani Army moved quickly, occupying all the major towns and cities in East Pakistan by May 1971. India was brought into the conflict as a result of border skirmishes between Pakistani and Indian troops. Pakistan was fighting a war on two fronts, and India quickly took control. Fighting was over in just eleven days and Bangladesh declared its independence on 16 December 1971. The victory of the Bengalis spelled disaster for Biharis, who had fought on West Pakistan’s side. During a rally attended by 30,000 people in a Dhaka park, Bengalis shouted, “Death to the traitors!” Rioting and massacres against Biharis were reported in newspapers across the globe, including the *New York Times* and the *Dallas Morning News*. There are no official records of the number of Biharis killed, though estimates run from a few thousand to tens of thousands.

### **VISIT to CAMPS**

During the petitioner (Bihari) interviews I conducted with the assistance of local NGOs in June 2007, there were several petitioners who reported having lost one or all members of their family during and after Bangladesh’s independence in 1971 and early 1972. Most who had lived during that time recalled losing their homes, property, land and jobs during this time. Several government promulgations, such as the Presidential Order

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<sup>7</sup> Johnson, 50.

<sup>8</sup> Johnson, 50.

of 1972, the Bangladesh Abandoned Property Order and Presidential Order 16, facilitated the dispossession of Bihari property.<sup>9</sup>

Some families became divided between Pakistan and Bangladesh, as some fled Bangladesh during the violence. Houses were taken over by the government, or taken over by Bengalis. The International Committee of the Red Cross (ICRC) stepped in and constructed temporary camps for the safety of the Bihari people in December 1971. In 1972, the ICRC registered around 539,000 Bihari who declared their desire to be repatriated to Pakistan. The United Nations High Commissioner for Refugees (UNHCR) facilitated the return of 108,750 Biharis by June 1974. After this date, the repatriation process was suspended due to lack of funds.

Another small group of a few thousand people, 70 percent Bihari and 30 percent former residents of West Pakistan, were repatriated in 1992. Since then, the government of Pakistan has refused to enter into negotiations and honor the declarations it made in the 1973 New Delhi Agreement, which are described later in this paper. As I personally witnessed in June 2007, the Biharis still live in the camps that were set up as temporary structures in 1971. There are approximately 66 camps in Bangladesh, with about 12 in or near the capital city of Dhaka. Between 240,000 and 300,000 Biharis currently live in these camps.<sup>10</sup> They are not considered citizens of Bangladesh nor Pakistan and thus do not enjoy citizenship rights. They are part of the growing number of stateless people worldwide. Details of my visits to specific camps will follow, but I will first make some general statements about the camps.

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<sup>9</sup> “The Bihari Refugees,” *South Asia Forum for Refugee Rights*, available online.

<sup>10</sup> “Citizens of Nowhere: Bihari Report,” *Refugees International* (2004), available online at: <http://www.refugeesinternational.org>.

Bangladesh is bisected by a large river delta, is at sea level and is the most densely populated country in the world. When monsoon season arrives, parts of the country become inundated. Dhaka city is no exception. Transport and traffic is halted when the rains suddenly arrive. Schoolchildren are often forced to trek to school through knee-deep, sometimes waist-deep water. The temporary camps that the Biharis must live in also become inundated, and some are uninhabitable for part of the year. Many people have lost what little official documentation they had. The dirt floors of the temporary camp houses quickly become damp and muddy.

Sanitation is extremely poor in the camps, and overcrowding of the camps makes life difficult. There is no indoor plumbing. Their water source is wells or public access spigots where people can fill water jugs for home use. The water must be boiled before drinking, which is an added fuel expense. In one of the camps, people bathed out in the open with their clothes on due to lack of space and accommodation. The streets are very narrow, some impossible to fit two people shoulder to shoulder. Drainage is poor and many areas often become flooded during rains.

Housing is very cramped; more often than not an entire family must share one single 8ft. by 10ft. or 9ft. by 26ft. room, depending on the means of the family. There is little to no space between the houses, and people often complained of lack of privacy. All of these conditions contribute to a variety of medical problems including skin diseases, water-borne illness, upper-respiratory infections and gastro-intestinal disorders.<sup>11</sup> These ailments are easily treatable, but medical facilities and the funds to pay for medicines are severely lacking. With improved sanitation, many of these diseases can be reduced, but

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<sup>11</sup> *Ibid.*

no organization is stepping in to help. The average life span in Bangladesh is about 62 years. The average life span for someone living in the camps is between 35 and 40 years.

### **ADAMJEE CAMP**

I visited Adamjee camp on June 16, 2007. I was told there were about 1,400 families living in the camp, for a total of about 7,000 people. There is a small, two-room health clinic. It is packed with people when I visited. The most common ailments treated here are scabies and other skin infections, dysentery, jaundice, diarrhea and fevers. These ailments are commonly associated with poor sanitation and unclean water. There is no maternity facility here. Those with the means go outside for care. Others must 'make do' at home. There is a high level of malnutrition here, the on-site doctor says. People subsist on bread, rice, potatoes and vegetables. There is no opportunity to cultivate in this area; there is no space to do so. Most people live below the poverty line. It had rained the previous night and the morning that I visited the back half of the camp was flooded. We had to navigate the area by stepping from stone to stone. The standing water was filthy and full of insects.

The market section in the camp is owned by a local entrepreneur who is not a camp resident. There is little else to do to make money, as Adamjee camp is on the outskirts of Dhaka. The government is clearing the land adjacent to the camp in order to build a garment factory. If the Bihari people aren't even allowed by the government to fish in the local pond, I doubt they will reap any benefits of the factory. The makeshift homes they now live in will be cleared for the factory. New homes are being built on the other side of the pond from where they currently live.

The new structures look to me like a concentration camp, and many future residents thought so as well. The houses are smaller than the ones in which they now live by a foot or two on each side. The structures are made of corrugated metal – side, door and roof, with a dirt floor. They look like rows of ovens. The latrines were built in between rows of houses, so people in houses on either side will open their front door to face a latrine. Nobody is living in these structures yet, so it is unclear if the drainage system will work out. The wall enclosing the camp is at least 15 to 20 feet high, with another two feet of barbed wire on top. There is one door to enter and exit this camp which is supposed to house 7,000 people. Imagine, one of the future residents stated, if there was a fire in the camp. No structure or accommodation was made for a marketplace and there is no land to cultivate. People will soon be forced to move into these new houses.

### **MIRPUR CAMP**

Mirpur camp is home to about 52,000 Bihari people. It has a medical dispensary and small maternity facility with two beds. It is tough to perceive the size of the multi-sectional camp, as the quarters are very cramped. The entire camp population depends on this one medical dispensary. While there I was led into the maternity facility by the midwives to see a newborn baby, just barely an hour old. The waiting room was on the other side of the maternity facility. As with the clinic in the other camp, this one was also filled with people. The benches were lined with seated people, others filled the floor area.

The same illnesses were reported here as in the other camp. Skin ailments, scabies, dysentery, diarrhea and fever – all linked to poor sanitation and malnutrition. The water supply, I'm told, comes from the government. The water supply is inadequate and

unclean. There was a school in this camp, but has since been closed due to lack of funds. Sanitation is poor. Refuse is piled up near certain areas, out in the open. Drainage is inadequate. There is no place for water to go if it rains in torrents, which it frequently does in the monsoon season. Living quarters are very narrow, congested and cramped. Ten people must live in 10ft by 10 ft or 12 ft by 12 ft rooms. There used to be an international NGO presence here, but they left years ago. Some say it was because of government intimidation, others say it was because of disagreement with community leaders.

### **MILLAT CAMP**

Millat camp is home to over a thousand families. Millat camp is a series of smaller camps built together, almost like a neighborhood. I am told that the people must repair their homes on their own. They receive no assistance from the government in the event of disrepair or flood. The Tansan camp within Millat has more modest accommodations, one room per family. This camp becomes submerged when the rains come. Rahmat camp, also part of Millat, has slightly better accommodations, with 1 to 3 rooms per family and separate latrines. The government used to supply 3kgs of wheat per person per month, but this was stopped five years ago. Now people must make do with no farmland and little opportunity for employment. The signs in Urdu and English indicate the name of the camps, the medical dispensaries and public areas. One of the schools I passed was labeled, 'non-local school'. Biharis are not considered locals, since their ancestors migrated from India in 1947-1950. The reason for this migration, as noted above, was due to the partition of India and widespread violence against Muslims.

Section 12 of this large camp was formerly a school, but was converted into a camp after 1971. There are over 500 families in this section. Block C is the medical dispensary. When we stopped by, the residents invited us to tour the camp. These camps are all but forgotten by the international community. They are delighted to see a westerner like me who may be in the position to draw attention to the horrible conditions of the camps and to their issue of statelessness. I visited one home, where one family of nine people was living in one 5ft. by 8ft. room. I am told that about 60% of the camp residents want to go to Pakistan. Numerous camp residents express to me that they are fed up with the horrible living conditions in which they live.

### **Additional Camp Information & SPGRC**

There are few schools for the camp residents, as many have been closed down over the years due to lack of funding – despite the fact that compulsory education is included in the Bangladesh Constitution. Three generations of people are now without education. By law Biharis cannot be excluded from public education, but in practice they have been. Some are turned away from services if they give their camp address as a residence. Others are taunted in schools by ‘locals’ and most cannot afford the fees required to attend schools. The youth must work instead to support their families. The Stranded Pakistani General Repatriation Committee (SPGRC) was formed in 1977 by a group of Biharis who started referring to themselves and others in the camps as ‘Stranded Pakistanis’. The SPGRC at the time was the political representation of the Bihari people, holding meetings with government officials from Bangladesh and Pakistan in an attempt to negotiate the return of the Biharis to Pakistan.

The SPGRC opposes issuing of identity cards to Bihari people, and is against anyone declaring Bangladeshi citizenship. They fear that obtaining citizenship will prevent them from becoming citizens of Pakistan. The Pakistani government refuses to negotiate its position, which is to prevent any further repatriation of Stranded Pakistanis. In November 2005, the Pakistani High Commissioner stated that Pakistan has no obligation toward Stranded Pakistanis, as Pakistan, “has already fulfilled the clauses of the [August 1973] Delhi Agreement between India, Pakistan and Bangladesh.”<sup>12</sup>

A number of the Bihari people I met, one a founder and former officer of the SPGRC, accuse the current SPGRC leaders of corruption. They accuse the SPGRC of pocketing the funds that come from donor countries, which are supposed to go toward development projects. The SPGRC leaders live outside of the camps in city apartments; their children attend universities and declare themselves to be citizens of Bangladesh. I am told that it was because of the SPGRC that the schools in the camps have been closed. The SPGRC reportedly refused outside assistance and also encouraged people to stop working because soon, they said, people would be repatriated back to Pakistan. Kamal Ahmed, who works for the Muslim Welfare and Development Organization (MWDO) in Dhaka, reported having been intimidated by SPGRC leaders as a result of his efforts to assist the camp populations.

The actions of the SPGRC, if true, have created a false sense of hope and worse than that, a system of dependency. What is certain is that three generations of Biharis are without education, skills or leadership. The leadership committees are self-appointed. Either committee members have more means than other residents and can get away with

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<sup>12</sup> “SPGRC Deplores Pak Envoy’s Comment,” The New Nation (City News) 9 November 2005, available online at <http://nation.ittefaq.com/artman/exec/view.cgi/36/23032>.

self-appointment, or are friends of the SPGRC representatives - possibly both. A number of camp residents stated that the committees clearly operate for their own personal gain. The SPGRC may be working to perpetuate the currently deadlocked situation, realizing that if the situation is resolved their office will be closed and no more outside funding will be received. This combination of factors is severely limiting the ability of camp residents to remedy their situation. Without an established right to nationality in either Bangladesh or Pakistan, camp residents have little to no recourse to the mechanisms needed to claim their rights.

According to my observation, it appears the younger generation in the camp may have the strongest chance for achieving a resolution to their statelessness, though it won't be to the liking of the older generation. The younger generation overall seems to lean toward obtaining Bangladeshi citizenship. There have been inter-community dialogues held at the Centre for Research and Advanced Studies in Social Sciences at Dhaka University. The program was arranged by the Refugee and Migratory Movements Research Unit (RMMRU) in Dhaka. RMMRU is an affiliate of the University of Dhaka and receives funding from England, the UNHCR and the International Labor Organization (ILO).

During one of the inter-community dialogues in 2000, four student presenters pointed out the poor level of education among camp populations and claimed that Urdu-speaking children are not admitted into the government schools if they give their camp address. A female student pointed out the issues of women in the camps, such as inadequate compensation for their labor and lack of water and sanitation facilities that deny women the opportunity to adequately care for their health and hygiene. A third

student blamed community leadership for the disadvantaged position of the community and lack of opportunity for the younger generation. The student claimed that lack of education and poor leadership are the principal weaknesses of the (Bihari) community. A fourth student called upon his colleagues to concentrate on making demands for integration in Bangladesh, and to not listen to the repatriation demands of the older generation.<sup>13</sup>

A report by the RMMRU in 2000 states that members of the Bihari community, despite Bangladesh government pronouncements that they are able to obtain Bangladeshi citizenship, in practice remain unable to access many of the opportunities associated with citizenship. To date, none have become citizens, including the petitioners in the 2003 Bangladesh Supreme Court case, described below. Some of the other key areas covered in the RMMRU report are employment, education, security, health care, voting rights, property ownership and rental, passports, bank accounts and the constant threat of eviction. Camp residents fear that if they obtain or declare Bangladeshi citizenship, they will be evicted from the camps and forced to live on the streets. There is also local discontent over the camps, which probably prevents the government from moving to improve conditions. In one camp, Seydpur, there was considerable local discontent over the construction of new housing for camp residents. So great was their discontent that one local leader threatened self-immolation if the construction continued. Construction was halted and the building site was left abandoned.<sup>14</sup>

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<sup>13</sup> “Camp-based Urdu-Speaking Youth Demand Bangladeshi Citizenship,” *UDBASTU, The Uprooted: A Newsletter on Refugee and Migratory Movements*, Issue 13, July-September 2000 (Published by RMMRU).

<sup>14</sup> “Allot houses also to Bangalees, AL MP Demands,” *The Daily Star*, 28 February 2004.

## APPLICABLE LAW

This case involves both domestic and international law. The most compelling argument for justice on behalf of the Biharis is the right to a nationality as a basic human right codified in Article 15 of the Universal Declaration of Human Rights. But before covering international law, I will cover domestic law in Bangladesh and Pakistan and the agreements among the countries concerning the Bihari population.

## **BANGLADESH**

### **Bangladesh Citizenship Order 1972 and 1978 Temporary Provisions**

The President's 1972 Citizenship Order grants citizenship to those:

who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident to such territories on the 25<sup>th</sup> day of March, 1971, and continues to be so resident, or (ii) who was a permanent resident of the territories now comprised in Bangladesh on the 25<sup>th</sup> day of March, 1971 and continues to be so resident and is not other disqualified from being a citizen by or under any law for the time being in force<sup>15</sup>

Under Section 2B of the 1972 Order, a person is *not* qualified to be a citizen if he, “owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state.”

This clause may be intended to disqualify camp residents because of their expressed desire to return to Pakistan and their registration with the ICRC to be repatriated to Pakistan. A 2003 Bangladesh Supreme Court decision held that all camp residents are entitled to Bangladeshi citizenship. The Court decided that petitioners born after March 25, 1971 should be considered “citizens by birth” under Section 4 of the country's citizenship act, since the Geneva camp (the petitioners' residence) should be considered part of Bangladesh.<sup>16</sup> Camp residents born before independence in 1971 should be

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<sup>15</sup> Government of the People's Republic of Bangladesh, December 1972 Citizenship Order of the President, available online at: <http://www.bangladoot.org/CitizeshipOrder1972.pdf>

<sup>16</sup> *Khan v. Bangladesh, Petition No. 3831 (2001)*, Bangladesh Supreme Court 2003.

considered citizens under the President's 1972 Citizenship Order. The Court further stated that the petitioners in question had not applied for citizenship in Pakistan nor applied for repatriation in Pakistan and therefore had not lost their Bangladeshi citizenship rights.

This statement brings to question the citizenship of the 539,000 who did register with the ICRC for repatriation to Pakistan. Of this number, 108,750 were repatriated before the process was ended in June 1974. During this same period, in the early 1970s, the Bangladeshi government in Dhaka brought back 300,000 Bangladeshis living in Pakistan. From that time forward, both governments have refused to discuss meaningful remedies with regard to citizenship of those residing in camps in Bangladesh. While it is true that states have the right to determine who are its citizens, that right is not unlimited and is subject to international law that restricts a state's right to arbitrarily deprive someone of citizenship.

As permanent residents residing within the territory of Bangladesh at the time of independence in 1971, camp residents could be considered citizens of Bangladesh under the citizenship acts. Article 4 of the 1978 Bangladesh Citizenship Act (Temporary Provisions), which states that a person can apply for citizenship a) by submitting a form, and by affidavit has "renounced his status as the citizen of another country and has abandoned his domicile of origin," and b) provided the applicant has resided in Bangladesh ordinarily for a period of five years.<sup>17</sup> In the case of Biharis/Stranded Pakistanis, they have lived in the camps since 1971 and are no longer accepted by the Pakistani government as Pakistani citizens. I have not found record of a Bihari applying

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<sup>17</sup> Government of the People's Republic of Bangladesh, Ministry of Law and Parliamentary Affairs, *The Bangladesh Citizenship Rules (Temporary Provisions) 1978*, available online.

for citizenship in this manner and being denied, though I do know that the petitioners in the 2003 Bangladesh Supreme Court case have not received citizenship, even though the Court has said that they are entitled to citizenship.

### **The Constitution of the People’s Republic of Bangladesh**

Article 32 of the Bangladesh Constitution protects “the right to life and personal liberty” to all *persons* subject to the country’s jurisdiction. This is the only article that applies to “persons” and not “citizens.” Camp residents are not being deprived of “personal liberty” and thus Article 32 most likely does not apply to them. However, if camp residents were to choose and be given Bangladesh citizenship, they would be entitled to the rights provided under the Bangladesh Constitution.<sup>18</sup> Following are excerpts of the Constitution that have relevance, were citizenship rights actually conferred on the stateless people in the camps:<sup>19</sup>

#### **Part II: Fundamental Principles of State Policy**

Article 11: **Democracy and Human Rights** - The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed.

##### **15: Provision of basic necessities.**

It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens- the **provision of the basic necessities of life, including food, clothing, shelter, education and medical care; the right to work**, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work; the right to social security, that is to say to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases.

##### **17: Free and compulsory education.**

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<sup>18</sup> Constitution of the People’s Republic of Bangladesh, Government of the People’s Republic of Bangladesh, available online at: <http://www.pmo.gov.bd/constitution/index.htm>

<sup>19</sup> Please note that only article 32 under Part III ‘Fundamental Rights’ applies to non-citizens. All other articles apply to citizens only.

The State shall adopt effective measures for the purpose of - establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; removing illiteracy within such time as may be determined by law.

**18: Public health and morality.**

(1) The State shall regard the raising of the level of nutrition and the improvement of public health as moving its primary duties

**19: Equality of opportunity.**

(1) The State shall endeavour to ensure equality of opportunity to all citizens.  
(2) The State shall adopt effective measures to remove social and economic inequality between man and man and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.

**20. Work as a right and duty.**

(1) Work is a right, a duty and a matter of honour for every citizen who is capable of working, and everyone shall be paid for his work on the basis of the principle "from each according to his abilities to each according to his work".  
(2) The State shall endeavour to create conditions in which, as a general principle, persons shall not be able to enjoy unearned incomes, and in which human labour in every form, intellectual and physical, shall become a fuller expression of creative endeavour and of the human personality.

**Part III: Fundamental Rights**

**27. Equality before law.**

All citizens are equal before law and are entitled to equal protection of law.

**28. Discrimination on grounds of religion, etc.**

(1) The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth.  
(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.  
(4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

**29. Equality of opportunity in public employment.**

(1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.  
(2) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.

(3) Nothing in this article shall prevent the State from making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic; giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination;

**31. Right to protection of law.**

To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

**36. Freedom of movement.**

Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh.

**37. Freedom of assembly.**

Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order health.

**38. Freedom of association.**

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order

**39. Freedom of thought and conscience, and of speech.**

(1) Freedom of thought and conscience is guaranteed. Freedom of thought, conscience, and of speech.

(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence- the right of every citizen of freedom of speech and expression; and freedom of the press, are guaranteed.

**40. Freedom of profession or occupation.**

Subject to any restrictions imposed by law, every citizen possessing such qualifications, if any, as may be prescribed by law in relation to his profession, occupation, trade or business shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.

**42. Rights to property.**

(1) Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalised or requisitioned save by authority of law.

20[(2) A law made under clause (1) shall provide for the acquisition, nationalisation or requisition with compensation and shall either fix the amount of compensation or specify

the principles on which, and the manner in which, the compensation is to be assessed and paid; but no such law shall be called in question in any court on the ground that any provision in respect of such compensation is not adequate.

(3) Nothing in this article shall affect the operation of any law made before the commencement of the Proclamations (Amendment) Order, 1977 (Proclamations Order No. I of 1977), in so far as it relates to the acquisition, nationalisation or acquisition of any property without compensation.]

**43. Protection of home and correspondence.**

Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health- to be secured in his home against entry, search and seizure; and to the privacy of his correspondence and other means of communication.

**46. Power to provide indemnity.**

Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law make provision for indemnifying any person in the service of the Republic or any other person in respect of any act done by him in connection with the national liberation struggle or the maintenance or restoration of other in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area.

## **PAKISTAN**

### **1951 Pakistan Citizenship Act and 1978 Citizenship [Amendment] Ordinance**

According to the Pakistan Citizenship Act of 1951, those persons residing within and those who migrated into what was then Pakistani territory (East and West) are to be considered citizens of Pakistan by Birth (Article 4), by Descent (Article 5) or by Migration (Article 6). Article 16A was later added by presidential ordinance in 1978 to retroactively deny nationality to residents of what was East Pakistan and then Bangladesh after 1971. Article 16A pertains to “Certain persons to lose and others to retain citizenship,” and refers to residents of then East Pakistan. Those who, “at any time before the sixteenth day of December 1971, were citizens of Pakistan domiciled in the territories which before said day constituted the Province of East Pakistan and who: (i) were

residing in those territories on that day and are residing therein since that day voluntarily or otherwise shall cease to be citizens of Pakistan.”<sup>20</sup>

All persons have the right to a nationality. This right involves one’s connection to a particular country by blood, residency or the principle of a real and effective link – strong factual ties between the person concerned and one of the states whose nationality is involved – taking into account factors such as family ties, relationships, social attachments and the principle of continuity of nationality. The “stateless” Pakistanis have the right to choose Pakistani nationality based on a “real and effective link.” As uncovered in the interviews that we conducted in Dhaka, many of the petitioners have immediate family members who have been residing in Pakistan (formerly West Pakistan) for a number of years, some having been separated in the early 1970s. In addition to family ties and social attachments (language and culture), many stateless Pakistanis fought on the side of West Pakistan during the 1971 liberation war between East Pakistan (which became Bangladesh) and West Pakistan.

As mentioned before in the case of Bangladesh, states have an obligation not to arbitrarily deny or withdraw citizenship. The 1978 Article 16A to the Pakistani Citizenship Act, added without due process, constitutes an arbitrary deprivation of citizenship for prior Pakistani citizens and therefore violates accepted codified and customary norms of international law. Pakistan has an obligation to readmit “former” Pakistani nationals until they have acquired another nationality.

### **The Constitution of Pakistan**

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<sup>20</sup> Pakistan Citizenship Act 1978, Government of Pakistan, available online at: [http://www.statelesspeopleinbangladesh.net/pak\\_citizen\\_act.php](http://www.statelesspeopleinbangladesh.net/pak_citizen_act.php)

According to Article 8 of the Pakistani Constitution, “Laws that are inconsistent with or in derogation of fundamental rights are to be void.” Articles listed in the “Fundamental Rights” section are: Freedom of Movement, Freedom of Association, Freedom of Speech, Equality of Citizens (equal before law and entitled to equal protection of law), Safeguard against Discrimination, Preservation of Language, Script and Culture, Protection of Family, Protection of Minorities, Promotion of Social Justice, Promotion of Social and Economic Well-Being of the People and Strengthening Bonds with the Muslim world (for example, with Bangladesh). The right to nationality is not listed in the Fundamental Rights section. Thus, it does not appear that the 1978 Citizenship Act amendment can be found to violate the Pakistani Constitution *per se*.

### **The 1973 New Delhi Agreement**

The 1973 New Delhi Agreement was a “package” deal that covered five main areas, 1) the repatriation of Bengalis from Pakistan to Bangladesh, 2) the repatriation of non-Bengalis from Bangladesh to Pakistan, 3) the repatriation of the Pakistani prisoners of war and civilian internees held by India, 4) the status of the 195 Pakistani prisoners of war whom Bangladesh charges with the commission of war crimes, and 5) the recognition of Bangladesh by Pakistan.<sup>21</sup> The Agreement states in paragraph 3(v), that Pakistan will accept a “substantial number” of the non-Bengalis in Bangladesh who have opted for repatriation to Pakistan. Provision is made that, after the original repatriations have been effected, Pakistan and Bangladesh will, “confer to decide what additional numbers of persons who may wish to emigrate to Pakistan may be permitted to do so.”<sup>22</sup>

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<sup>21</sup> Howard S. Levie, “The Indo-Pakistani Agreement of August 28, 1973,” *The American Journal of International Law* 68 (January 1974), 95.

<sup>22</sup> *Ibid*; 96.

Yet, as reported in various sources, Pakistan refused to confer. The repatriation process was abruptly closed in 1974 after Pakistan received 108,750 people, less than a quarter of the 539,000 who expressed desire to be repatriated. Negotiations were held again and in the 1990s several hundred Biharis were allowed to emigrate to Pakistan, but this was only a token gesture. Over time, around 162,000 people have returned to Pakistan. The Pakistan Government and its representatives insist that they have fulfilled their 1973 Agreement obligations, but it is clear that they have only taken half-steps at best.

### **The Rabita Trust**

The Rabita Trust was set up in 1988 by the Pakistani Government, with the assistance of the Muslim World League. The Rabita Trust was set up to gather funds for the repatriation of “stateless” or “stranded” Pakistanis in Bangladesh. It is not publicly known how much funding was gathered in the Rabita Trust. Many residents of the camps in Bangladesh registered with the Rabita Trust and were given Rabita Trust certificates. During our recent interviews, a number of petitioners presented their worn Rabita Trust certificates. Certificate recipients assumed their passage to Pakistan would be paid for by the Rabita Trust. When I asked, no one seemed to have an answer for my questions of whether the Rabita Trust still existed, or how much the Trust had collected.

A report entitled, “Patriot Act Oversight: Investigating Patterns of Terrorist Fundraising,” of February 2002 lists the ‘Rabita Trust for the Rehabilitation of Stranded Pakistanis’ in the section titled, “Charities Associated with the September 11, 2001 Terrorist Attacks.” In this 2002 report, also presented before the U.S. House of Representatives Committee on Financial Services Subcommittee on Oversight and

Investigations, the Rabita Trust is described as having its roots in Saudi Arabia. The report states that Wa'el Hamza Jalaidan, the Secretary-General of the Rabita Trust, is one of the founders of Al-Qaeda along with Osama bin Laden and is the logistics chief of bin Laden's organization.<sup>23</sup>

An excerpt from a March 2003 report entitled, "Progress Since 9/11: The Effectiveness of U.S. Anti-Terrorist Financing Efforts," presented before the U.S. House Committee on Financial Services Subcommittee, *supra*, states that, "the Muslim World League's Rabita Trust itself was officially designated by the U.S. Government as an organization that provided illegal logistical and financial support to Al-Qaida."<sup>24</sup> An excerpt from a subsequent American Society of International Law Brief of October 2005 that mentions the Rabita Trust assets had been "frozen" by the U.S. Government in October 2001 because it had been designated by the U.S. Treasury as a Specially Designated Global Terrorist Entity and was under continuing investigation.<sup>25</sup>

In his testimony given before the Senate Committee on Governmental Affairs in July 2003, John Pistole of the Federal Bureau of Investigation reported that through joint efforts, the U. S. and Saudi Arabia froze the assets of the Rabita Trust.<sup>26</sup> I cannot find any follow up information as to where the Rabita Trust assets are located, whether the Rabita Trust funds are still frozen, if the investigation was concluded, or what the results of the investigation were.

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<sup>23</sup> Steven Emerson, "Patriot Act Oversight: Investigating Patterns of Terrorist Funding," February 2002, 9.

<sup>24</sup> Office of Public Affairs, United States Treasury Department, "Treasury Department Statement on the Designation of Wa'el Hamza Julidan," September 6, 2002, Document #PO-3397.

<sup>25</sup> "International Law in Brief: Developments in International Law, prepared by the editorial staff of International Legal Materials," *American Society of International Law* (October 2005), available online at: <http://www.asil.org/ilib/2005/10/ilib051031.htm>

<sup>26</sup> "Terrorism Financing: Origination, Organization and Prevention," Testimony before the Senate Committee on Governmental Affairs, *United States Senate* (2003).

## **INTERNATIONAL LAW**

Stateless Pakistanis are not considered to be refugees under the 1951 Convention Relating to the Status of Refugees. The older generation fled India fearing persecution based on religion, and they then settled in East Pakistan, now Bangladesh. They established themselves and lived fairly comfortably until the Bengali uprising for independence. By 1971, the stateless Pakistanis were not fleeing their homeland based on a well-founded fear of persecution. Instead, they were moved by the ICRC into temporary camps within what was their adopted home country, which then became Bangladesh.

The argument for recognition of Bangladesh or Pakistan citizenship can be made on the basis of customary international law. Article 15 of the Universal Declaration of Human Rights (UDHR) states that, “Everyone has the right to a nationality,” and (2), “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” This right is generally recognized as a part of customary international law, and thus all states are required to honor it. Enjoyment of most other human rights hinges on the right to nationality. States are obligated to protect the human rights of its citizens. Without citizenship, people have little to no recourse to the state government mechanisms (courts, legislature) needed to claim rights. Neither Bangladesh nor Pakistan can be relieved of their duty to persons who have a legitimate claim to nationality in either country. State sovereignty must be exercised within acceptable international norms, i.e., nationality cannot be arbitrarily deprived or withdrawn.

Other international instruments also support the right to nationality (and to not be arbitrarily deprived of nationality) under customary international law. The first is the April 1930 Hague Convention. Article 1 states that, “It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom and the principles of law generally recognised with regard to nationality.”<sup>27</sup>

Also applicable are the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention the Reduction of Statelessness. The 1954 and 1961 Conventions were part of an effort which began at the Fourth United Nations General Assembly Session in October 1949, where the International Law Commission included the topic ‘Nationality, Including Statelessness’ in its list of topics of international law selected for codification.<sup>28</sup>

The 1954 Convention was intended to cover, and to draw attention to, the important issue of statelessness not covered in the 1951 Convention Relating to the Status of Refugees. The 1961 Convention went further by calling on states to reduce the growing problem of statelessness. Neither Bangladesh nor Pakistan have ratified the 1954 or 1961 Conventions, but the Conventions provide additional support for the claim that international law requires states not to arbitrarily deprive citizenship rights or cause statelessness.

Bangladesh ratified the International Covenant of Civil and Political Rights (ICCPR) in 2000, but did not sign the Optional Protocol. Pakistan did not sign the

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<sup>27</sup> Convention on Certain Questions Relating to the Conflict of Nationality Laws, (The Hague) April 12, 1930.

<sup>28</sup> United Nations General Assembly, Fourth Session (October-December 1949), available online at: <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/051/38/IMG/NR005138.pdf?OpenElement>

ICCPR. Bangladesh ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1998 and Pakistan signed the ICESCR in 2004, but has not ratified. A complaint cannot be brought against Bangladesh or Pakistan in the UN Human Rights Committee because neither is a party to the Optional Protocol. A complaint citing gross violation of human rights can be brought against both countries in the UN Human Rights Council. An argument can be made on the basis of customary international law that both countries have an obligation to fulfill the duties codified in this body of law, specifically the right to nationality, the obligation to not arbitrarily deprive a person of their citizenship, to ensure that people are not forced to live in sub-human conditions and to take measures to protect people from egregious, systematic and long-term discrimination.

Bangladesh and Pakistan have failed to honor their own domestic laws, as well as codified and customary international law --- Bangladesh by failing to implement its own statutes and court decisions qualifying *stranded* Pakistanis for citizenship, and for leaving those stranded persons in conditions that impair their *rights to life, personal liberty and security*; and Pakistan for *arbitrarily* withdrawing the right of nationality to its stranded citizens, *i.e.*, without either procedural or substantive due process.

## **ADVOCACY**

With the assistance of the Muslim Welfare Development Organization (MWDO) and Al-Falah, another NGO assisting the camp populations, we were able to complete video interviews and questionnaires for 37 petitioners. All of these petitioners went on record to state their desire to be repatriated to Pakistan. A number of petitioners reported losing family members to the massacres immediately following Bangladesh

independence in 1971. Others reported being separated from immediate family members, who remain in Pakistan. Camp residents do not have identification cards, which means they cannot travel, open a bank account or handle many daily activities as a regular citizen would. They reported discrimination in employment and spoke of a lifetime of trying to hide their identity and where they live.

The petitions are now being handled by Stateless Pakistanis in Bangladesh (SPIB), a small NGO with representation in Texas. Syed Kamal, who directs this NGO, is searching for a Pakistani lawyer who will submit this case, along with an Amicus Brief, to the Pakistani Supreme Court for consideration of Stranded Pakistani citizenship and repatriation. With this step, domestic remedies will be exhausted.

As previously stated, the petitioners in the Bangladesh Supreme Court case of 2003 have not yet received their Bangladeshi citizenship. I met two of the petitioners while visiting the Al-Falah office. I was told that local government officials were blocking or holding up the granting of citizenship. I was also told that a case concerning the registration of camp residents for the upcoming elections in 2008 had been stalled in the court system. There seemed to be a consensus among the Biharis that government officials were responsible for holding up the case, out of fear that voting rights will lead to full citizenship for the camp residents.

### **Bangladesh Red Crescent Society**

I met with a representative of the Bangladesh Red Crescent Society (BRCS). This office took over administration of the camps from the ICRC in 1972. New ration cards were issued to residents by the BRCS. Until 1975 the ICRC was handling 'tracing' – which were inquiries submitted by individuals trying to locate family members. In 1975

tracing was taken over by the BRCS, and was then transferred to the Pakistani Embassy. The current BRCS director showed me some examples of the tracing cards. ICRC registration records, which include the complete list of those camp residents opting to be repatriated to Pakistan, are in Geneva, Switzerland.

### **Refugee and Migratory Movements Research Unit**

Al-Falah recommended that I meet with the director, Dr. Abrar, of the Refugee and Migratory Movements Research Unit (RMMRU) in Dhaka, a research organization affiliated with the University of Dhaka. The RMMRU has done research on the Bihari, has held seminars and inter-community dialogues (as mentioned earlier), and has done some advocacy for the Bihari people. Dr. Abrar said it was unfortunate that the SPGRC claimed to represent the majority of the camp population, when it is clear they do not. He said the SPGRC representatives are after their own personal gain. The SPGRC pushes returning to Pakistan as the only solution, and label those who want to stay and claim citizenship in Bangladesh as traitors. The camp residents seem divided, and the SPGRC has helped to deepen this division. What is certain, Dr. Abrar said, is that the people have been neglected.

In the early 1970s, he reports, everyone wanted to be repatriated to Pakistan, but now this desire has diminished. Some who were born in Bangladesh don't want to leave, others are frustrated and don't believe that after all these years repatriation to Pakistan is possible. Dr. Abrar says that Pakistan has a responsibility to take in part of the camp population, those who have expressed a desire to be repatriated to Pakistan. Dr. Abrar states that repatriation is not a legal obligation, but a moral issue. The Bangladesh government seems to be waiting for Pakistan to take in the entire camp population.

The Pakistan government has stated taking in camp residents (260,000-300,000 people) would undermine the current government (of a nation of 156 million).

Dr. Abrar believes that the government of Bangladesh needs to step up and take some responsibility for the camp residents, which it has never done. The ICRC presence was only meant as a temporary solution back in 1971-1972. Under Bangladesh law, he states, the camp residents should be considered citizens of Bangladesh. He also states that they have a long struggle ahead of them because of the severe discrimination they have faced since 1971. The RMMRU has begun a citizenship campaign for camp residents. The campaign aims to educate camp residents about citizenship and how to claim their rights. The campaign is also trying to appeal to the government to allow full citizenship for camp residents.

#### **UNHCR Dhaka**

I met with the chief UNHCR representative in Dhaka, Ms. Pia Prytz Phiri. Ms. Phiri was knowledgeable on the Bangladeshi Supreme Court decision and other law related to this case of statelessness. The UNHCR Dhaka office conducted research and was in the process of completing reports on the issue, which were to be posted on their website. At the time of my visit, Ms. Phiri had not visited the camps and was not fully knowledgeable of the sub-human living situation within the camps. She was unaware that the NGOs had all left years ago, and that most schools had closed down. She asserted that camp residents are citizens of Bangladesh and that there was no need to “claim” their citizenship. She said they were not “stateless,” but that camp residents were lacking full enjoyment of their citizenship rights. She acknowledged that much work needs to be done to bring practice (enjoyment of rights) in line with existing law.

Ms. Phiri stated that the UNHCR has been dealing with statelessness since 1974. The UNHCR was involved in the repatriation of over 100,000 Biharis to Pakistan in the 1970s. The camp population now, she admits, does need assistance and the socio-economic situation must be improved. This is a tough situation to negotiate, since according to the UNHCR mandate, the national government must request their assistance in order to have a UNHCR presence in country. The UNHCR cannot simply direct the Bangladesh government to resolve the situation of the Biharis/Stateless Pakistanis. The UNHCR office in Dhaka has, however, been quietly lobbying the Bangladeshi government and the Pakistani Embassy in order to arrange a solution. Ms. Phiri said there seems to be strong will to resolve the situation in the Bangladesh Supreme Court. Nonetheless, she said that it is an emotional issue more than a legal issue.

A solution must be found for the camp residents, according to their expressed desire and what could feasibly be done by the governments. According to Ms. Phiri, the UNHCR office conducts advocacy efforts for the camp residents, lobbies to improve camp conditions and carries out legal research. The UNHCR is also trying to get other UN agencies, such as UNICEF or WHO, involved in providing assistance (which they are currently not).

Ms. Phiri mentioned that the Pakistani Embassy does not want to discuss the issue of repatriation. Perhaps if steps to open negotiations were taken by the Bangladesh government, the Pakistani government would respond positively. While this deadlock continues, the camp conditions, already deplorable, continue to deteriorate. MWDO is the only local NGO providing assistance, in the form of subsistence funds for widows. They

do not have the funding to provide for clean water, sanitation, adequate shelter, food or education.

## **RECOMMENDATIONS**

One of the first things that needs to happen is an improvement in Bihari/camp resident leadership. Camp leaders are self-appointed and work for their own personal gain. Without strong leadership, the issue will continue to endure and corruption will continue to take advantage of the people. There is some promise among the youth, who have taken initiative to engage in inter-community dialogues and speak out on their situation and their desire for full citizenship rights in Bangladesh. There must also be a voice for the older generation, who seem to prefer repatriation to Pakistan. Leaders can be elected from each generation, and though there may be differences in what they're asking for, they're both working toward a resolution of the situation. At status quo, everyone is suffering. The leadership issue will be tough to resolve due to lack of education and severe poverty, but it is absolutely necessary.

The international community, under the leadership of the UNHCR office in Dhaka, should work to bring the parties together in order to resolve this protracted situation. Discussions need to be held among the Bihari people (therefore necessitating good leadership) and the two governments. The optimal outcome is that all camp residents would receive citizenship in a country of their choosing.

That camp residents have suffered from discrimination and deprivation for decades cannot be ignored. Thus, the efforts of the governments of Pakistan and Bangladesh and the international community should focus immediately on improving the lives of camp residents while they await full enjoyment of citizenship rights. The current

conditions in the camps are the worst human living conditions I have seen. A coordinated effort should be carried out in order to provide camp residents with access to basic needs, such as decent shelter, potable water, sanitation, better access to health care, and education.

Refugees International (RI), a refugee and displaced persons advocacy NGO in the U.S., has visited the camps twice in previous years. RI was a very helpful resource of information in preparation for my trip to Dhaka. RI recommends that the governments of Bangladesh and Pakistan respect the right of all people to have a nationality, and urges the governments to take concrete steps to reach this end for all Biharis who either want citizenship in Bangladesh or to be repatriated to Pakistan.<sup>29</sup> RI also recommends that the governments collaborate with the UN, local and international NGOs to improve camp conditions and make sure that the camps have basic amenities in the short-term, including proper sanitation, potable water, health care and schools.<sup>30</sup>

RI is currently lobbying NGO officials and the governments of Bangladesh and Pakistan. RI also lobbies the United States government to bring more attention to the issue of statelessness affecting millions of people worldwide. Following my return from Bangladesh, I shared a summary of my findings with Maureen Lynch, Senior Advocate of Stateless Initiatives at RI.

The NGO *Stateless People in Bangladesh* (SPIB) is solely devoted to the issue of the stateless Biharis in Bangladesh. SPIB continues to work on preparing their case for

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<sup>29</sup> “Citizens of Nowhere: Refugees International’s Recommendations,” *Refugees International*, available online at <http://www.refugeesinternational.org>

<sup>30</sup> Ibid.

Pakistani citizenship and the right of return, to be presented to the Pakistani Supreme Court. The NGO website is: <http://www.statelesspeopleinbangladesh.net>.<sup>31</sup>

This Advocacy Report was carried out with the guidance and assistance of SPIB and the Center for International Human Rights Advocacy at the University of Denver in Denver, Colorado. The Director of the Center is Bob Golten, a lawyer and university professor. Mr. Golten continues to provide comments and feedback to Syed Kamal on the Amicus Briefs prepared for this case, including one prepared by Julia Harrington of the Open Society Institute Justice Initiative (OSI) in New York. The final Amicus Brief may be accompanied by evidence (some of which was collected during my June 2007 trip) and presented to the Pakistani Supreme Court.

#### **UPDATE: September 2007**

In September 2007, there was some positive news for the Bihari people. According to stories released during the first week of September, the Bangladesh government may grant citizenship to nearly half of the camp residents. The government is considering giving citizenship to about 140,000 Biharis, “who were either born in Bangladesh or who have expressed loyalty to us,” according to Mohammad Mohsin, a Home Ministry official.<sup>32</sup> The Bangladesh government is currently discussing the issue and promises to report as soon as discussions are concluded. It remains undecided as to what will happen to the “Stranded Pakistanis,” those born before and after March 1971 who still claim allegiance to Pakistan. Kamal Ahmed of MWDO is waiting for further government comment on the issue, but he did say that it is indeed a positive development that the government is discussing the issue.

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<sup>31</sup> I will share this report, and the photos I took while visiting the camps, with SPIB.

<sup>32</sup> “Bangladesh May Grant Citizenship to Stranded Pakistanis,” *Reuters India*, (September 6, 2007), available online at: <http://in.reuters.com/article/SouthAsiaNews/idINIndia-29368520070906>.

