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3. W.H. Morris-Jones, "Pakistan Post-Mortem and the Roots of Bangladesh", *Political Quarterly*, Vol. 18 (April-June), 1972, pp. 187-200.

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EXPLORING AVENUES OF PUBLIC PARTICIPATION FOR ENVIRONMENTAL JUSTICE IN THE CONTEXT OF BANGLADESH

Farid Ahmed*

Abstract

Environmental justice and public participation are intertwined notions in environmental politics discourses. Environmental justice without public participation is, in some cases, untenable. There are various ways of public participation in planning and decision making. In this paper, three types of public participation are explored and argued for the incorporation into the policy making and planning processes of as public deliberation is embedded in Bangladesh culture.

1.1 Introduction

Recently, the idea of public participation as the key political value received overwhelming importance in governance literature. For example, the Aarhus Convention 1998 affirms access to decision, another side of the coin – public participation, is one of the key ingredients of environmental justice. The potential of public participation is not only explored in planning and policy making processes of an organization but also practiced for the implementation of a project.¹ From local to national levels of organizations in developed nations, public participation is now recognized as prerequisite practice of dispensing environmental justice and of resolving environmental conflicts.² Freeman³, Gauna⁴, Fiorino⁵, Easty⁶, Flynn⁷,

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1 P. Muasya, 'Makueni's Public Participation Model gets World Bank Praise', <https://www.standardmedia.co.ke/article/2000199438/makueni-s-public-participation-model-gets-world-bank-praise/27/07/2017>; World Bank Group, *World Development Report 2017: Governance and The Law*, International Bank of Reconstruction and Development, World Bank, Washington, 2017; According to WDR 2017, "[i]nduced participation and public deliberation not only increase the contestability of the policy arena, but also have the potential to aggregate preferences and reshape them through dialogue and argumentation. In *Of the Social Contract*, Jean-Jacques Rousseau ([1762] 2004) argues that participation is not merely a way of reaching a decision, but also a process through which citizens develop a civic consciousness, develop empathy for other views, and learn to take the public interest into account (239)."

2 Environmental Protection Authority, 'Public Participation Guide', <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation/27/07/2017>.

Yang⁸, Foster⁹ and many others in their discussions outlined different types of public participation as a core value of environmental decision making. These scholars also argue that for empowerment of the citizen, public participation should be one of the core values as recognition of this political value legitimize decisions. Governing the environment, The World Bank, United Nations and many other TNCs also recommend for the adaptation of public participation in developing nation's development decisions. Such an approach has helped to design the governance system for equitable decision making in a way that should facilitate and accommodate private expertise and voice of mass people as environmental decision making are extremely complex. In this paper, I investigate whether such a developed nation planning and policy making model can be applied in developing nations like Bangladesh. I also argue that for environmental justice in Bangladesh, government should create more scope for public participation so that equitable policies can be developed by integrating environmental protection with development decisions.

1.2 Environmental Justice

Initially, grassroot communities of the USA protested and struggled against environmental injustices.¹⁰ Later, grass root organizations of the USA drafted a framework of environmental justice¹¹. In response to public concerns, the then US President Bill Clinton legalized environmental justice by an executive order in

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- 3 J. Freeman, 'Collaborative Governance in the Administrative State', *University of California Los Angeles Law Review*, Vol. 45, No.1, 1997, pp. 1-98.
 - 4 E. Gauna, 'The environmental Justice Misfit: Public Participation and Paradigm Paradox', *Stanford Environmental Law Journal*, Vol. 17, No. 3, 1998, pp. 3-72.
 - 5 D.J Fiorino, 'Rethinking Environmental Regulation: Perspectives on Law and Governance', *Harvard Environmental Law Review*, Vol. 23, 1999, pp. 538-547.
 - 6 D.C. Esty, 'Toward Optimal Environmental Governance', *New York University Law Review*, Vol. 73, No. 6, 1999, pp. 1495-1574.
 - 7 P. Flynn, 'Finding Environmental Justice amidst Brownfield Redevelopment', *Virginia Environmental Law Journal*, Vol. 19, No. 4, 2000, pp. 463-489.
 - 8 T. Yang, 'Melding Civil Rights and Environmentalism: Finding Environmental Justice's Place in Environmental Regulation', *Harvard Environmental Law Review*, Vol. 26, 2002, pp. 1-32.
 - 9 S. Foster, 'Environmental Justice an Era of Devolved Collaboration', *Harvard Environmental Law Review*, Vol. 26, 2002, pp. 459-498.
 - 10 S. Foster, 'Justice From the Ground Up: Distributive Inequities, Grassroots Resistance, and the Transformative Politics of the Environmental Justice movement', *California Law Review*, Vol. 86, 1998, pp. 775-841.
 - 11 N. Low, & B. Gleeson (ed.), *Justice Society and Nature- An Exploration of Political Ecology*, Routledge, U.K, 1998.

1992.¹² So, environmental justice has been extensively studied and practiced by the USA scholars and governments to uproot racial discrimination in the distribution of environmental goods and burdens. This has shaped their policies, plans, laws and governance widely. Globally, environmental justice is considered as fair access to decision, legal systems and information in the Aarhus Convention 1998. Lack of access to environment, lack of environmental quality, environmental racism, international risk transfer, sexual discrimination in the distribution of environmental goods and burdens are the features of environmental injustice in academic literature. I have studied and defined environmental justice in my MA¹³ and PhD¹⁴ thesis considering the realities of Bangladesh. For example, Eco-park movement of the Garo community, Phulbari Open Pit Mining Movement, Rampal Power Plant Movement are to be considered as environmental justice movements in the context of Bangladesh. On the other hand, access to environment for non-human species is incorporated by many researchers as part of environmental justice.¹⁵ For this paper, I propose respect for “environmental human rights”¹⁶ for human dignity, and respect for non-human rights as part of human dignity to be considered as elements of environmental justice. In this regard, I also argue that access to decision, information and legal systems should be integral parts of environmental justice.

1.3 Importance of Public Participation

Many experts discovered that scientific solutions to environmental problems involve considerable value judgments.¹⁷ Questions such as what should be the desired level of environmental protection, which strategy should be taken to meet the ethical

12 Environmental Protection Authority, ‘Public Participation Guide’, https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation/27/07/2017_

13 F. Ahmed, *Environmental Justice and Governance: The Problems of the Madhupur Garo Community in Bangladesh*, MA Thesis, The University of New South Wales, Sydney, 2005.

14 F. Ahmed, *Fair Access to Environmental Justice - Case Studies in Bangladesh*, Ph.D Thesis, The University of Melbourne, Melbourne, 2010.

15 N. Low, & B. Gleeson (eds.), *Justice Society and Nature- An Exploration of Political Ecology*, Routledge, U.K, 1998; V. Plumwood, ‘Inequality, Eco-justice, and Ecological Rationality’, In: *Debating the Earth, the Environmental Politics Reader*, J.S. Dryzek, & D. Schlosberg (eds.), Oxford University Press, Oxford, 1998.

16 T. Hayward, ‘Kant and the moral consideration of non-rational beings’, In *Philosophy and the Natural Environment*, R. Attfield and A. Belsey (eds.), Cambridge University Press, Cambridge, 1994.

17 E. Gauna, ‘The environmental Justice Misfit: Public participation and Paradigm Paradox’, *Stanford Environmental Law Journal*, Vol. 17, No. 3, 1998, p. 24.

requirements, problematize and further complicate governance for the decision makers. Therefore, an ethical resolution is sought for such techno-political problems. This perception of the scholars finds public participation as remedial. It is further recognized that public participation also guards against agency bias towards regulation as well as help the decision makers to maintain a clear view of the preferences of all interested groups and to mediate among those preferences successfully.¹⁸

For example, Bangladesh needs to address the arsenic contamination problem to provide fresh water to the people. First, Bangladesh needs to develop a standard of water quality. Second, tube wells which pose risk need identifying. In this process, a government agency may reach a biased decision. Public participation helps to resolve such issues. Furthermore, scientists are not sure what would be the tolerable level of intake. They are not aware about the capacity or knowledge of the people, nor of their ability to suggest different solutions because they pose the problem differently. As a result, they do not know which method is more acceptable to all parties concerned. To overcome such uncertainties, researchers have argued for the integration of public participation in decision-making process.

1.4 Avenues of Public Participation

Societies have identified many formal and informal avenues of public participation. I will briefly explore three examples: Advisory Committee, Notice and Comment, and Informal Participation.

Advisory Committees

To give an example, in the USA, Advisory Groups are formed under the Federal Advisory Committee Act. Members of the Advisory Committee promise to provide a cost-effective means for the government to access and utilize private sector expertise. However, this process has created an unfortunate history of industry domination and public exclusion. Researchers observed that the committee was dominated by experts and a utilitarian mode of decision-making¹⁹. There is no representative from the impacted communities. Therefore, the system has developed new types of problems as well as new forms of representations. However, equitable decisions remain in the world of discourse rather than in practice. Sufferings of the people, misuse of resources, and accountability of decision makers have remained unsolved.

18 Ibid, p. 25.

19 Ibid, pp. 3-72.

This form of public participation in developing nations has received the attention of the elite classes who identify themselves as representatives of independent think tanks. They feel proud to work as the representative of the people. However, in Bangladesh, these representatives have lost their faith in the will of the people due to their selfish and biased attitude of advocating politically biased policies. Some people argue that this situation has been created by the ruling class consciously to counter people in the environmental justice movements. They have developed a circle and network that will support their vested interest. Members of this community, in most cases, are motivated by the political interest of the bureaucrats. Their activities are limited to producing high sounding political goals and propagating those views blatantly by shifting public attention from the problem.

Gauna²⁰ has found that

there was an expressed need to reach a consensus through the advisory committee, however, the advisory group concentrated on reaching acceptable trade-offs rather than the public good that is the objective of the traditional civic republican tradition.

Referring to the transcript of different meetings which took place in the decision making process of EPA-USA, Gauna²¹ further comments that in two cases when participants raised environmental justice issues, the discussion quickly shifted to other matters.

In this context it has been argued, if we want the committee to be effective, community residents as well as other environmental justice advocates should be included. According to Gauna²² if expertise of community residents is recognized and accepted as a full partner in environmental protection, then the traditional domination of formal expertise and industry should be balanced. Such process should not be limited to the inclusion of the impacted community or movement leaders. These community participants in most cases lack knowledge and expertise for arguing in a forum even though they possess direct experience of environmental risk. Therefore, the community empowerment process should go further. Through workshops, seminars and informal discussion they should be equipped to understand technical issues. Without these, their participation would be meaningless.

20 Ibid, p. 62.

21 Ibid, pp. 3-72.

22 Ibid, pp. 3-72.

By examining the activities of some US advisory committees Gauna²³ concludes that those committees have failed to discuss the ethical issues concerning distributional effects raised by environmental justice advocates. Like official experts and industry advocates, they were involved in a utility maximizing process and concentrated their discussion on the comfortable jargon of legal, scientific and technical abstractions. Gauna²⁴ furthermore argues that instead of that they should be involved in a discourse that will help them to better see the real life consequences of their decisions.

Gauna²⁵ states that governance through extended public participation fills the gaps of existing decision-making system as well as paving the way for just environmental protection and the access to the environmental resources for which environmental justice groups struggle. It seems to me that Gauna²⁶ is also trying to save the old governance model with some slight modifications or auxiliary hypothesis.

The workability of such committee remains an unclear possibility in the context of Bangladesh. The reality of Bangladesh is completely different from the USA or other developed nations. The issues are different that dominate the decision making process of Bangladesh. There is evidence that members of advisory committees are biased by political prejudices and appointed by government taking into account their political profile. Although, governments of Bangladesh seek nomination from the public, but such process is captured by private interests. Some invisible mechanisms, especially the communication media, motivate the common people to remain passive as media is controlled either by business houses or by the government agencies. The media has political connection. And civil society members are divided in politics. So, they speak from their own political affiliations. A neutral view remains unattended by media. This lead the neutral people remain silent.

Notice and Comment

Another method of involving the public in the decision making process is notice and comment. However, in this process problems are predetermined. Agencies have full discretion in this process. It is a window which allows citizens to comment when a notice is publicized for final approval. It has been observed that notice and comment

23 Ibid, pp. 3-72.

24 Ibid, pp. 3-72.

25 Ibid, pp. 3-72.

26 Ibid, pp. 3-72.

takes place in a hierarchical structure, and power disparities.²⁷ Formal expertise is given preference in this process. In this system ultimate decision makers are top-level authority. Community members may be interested to join the process. However, most people of Bangladesh lack knowledge and capacities to express their opinion. For example, they may not find suitable language to articulate their opinion. The decision makers may not notice some of the important aspects of their opinion or may misunderstand or fail to capture the meaning of the comments of the community residents. As the flow of information is transmitted through a top-down control mechanism, the possibility of information loss, misinterpretation and distortion renders this process a critical situation. Additionally, this system may be captured by vested interests as well.

For Gaun²⁸ notice and comment are more problematic because vulnerable communities have little chance to contend with experts, and tradeoffs perpetuate environmental inequalities. These observations lead us to conclude that as a method of involving community in decision-making process, the notice and comment is inappropriate in the political culture of Bangladesh.

Informal Participation

There is another avenue in which official policy makers are allowed to consult with the public. In many cases it is an integral part of developing public policy. This form of public participation takes place within the boundary of a top-down regulatory framework. As a result, “[m]any such meetings resemble more of a crude preferences tally rather than meaningful deliberation.”²⁹ Because participants lack technical resources and this form of participation is not free from expert domination, politically motivated groups may influence the agencies’ decisions. In this process, officials facilitate discussion within a framework. Those frameworks are developed to lead the discussion in the way the official decision makers anticipate. Such biased approaches produce policies and decisions that are contaminated by subjective values and choices of the experts or influential participants. These influential participants may be ordinary citizens or a strong elite. These people may choose an alternative policy and put pressure on government officials for implementation.

In developing nations like Bangladesh, people are mostly poor. These poor may choose policies that have immediate benefits without considering values of sustainability. Their perception of risk and idea of happiness is still in a crude form.

27 Ibid, pp. 3-72.

28 Ibid

29 Ibid, pp. 3-72.

There are elements in their belief systems that are preserved for centuries without critical reflection. There are situations where political parties, social elites, and agency officials may offer false choices. Critics may argue that the introduction of formal or informal public consultation may not suit in this context. I argue that to overcome this problem we require to broaden the public participation where educated civil societies can engage themselves in policy and plan making to demonstrate long term benefits, resolving ethical issues and addressing sustainability concerns and to overcome gaps in information accessibility. Such an approach is practically useful for good governance and environmental justice. However, governments may undermine such participations unless it is legalized. I did a case study on Madhupur Eco-park. I learnt for the case study that lack of public participation caused enormous sufferings for Garos. There are some informal public participations explored to arrive eco-park implementation. However, it did not work properly.³⁰ The policy makers did not give a meaningful opportunity both affected by decisions for communities and civil societies to engage in informal or formal discussions with the authorities. And no opportunity was left in the implementation process. Even, they were not given information what going to happen once the project is implemented. Rather, they had to fight for recognition of their right of participation. The Garo community adopted peaceful way of protest and argued for environmental justice. The government agencies took oppressive actions and filed many false cases against movement leaders and protesters. Even, government agencies opened fire and killed Piren Sannal and injured many protesters.³¹

The most important thing is that in policy and planning process the discretion of agencies is broad in Bangladesh. They may choose the place and time for consultation, which is suitable for them, that would help them to claim that their decisions are supported by targeted groups. They replicate the policy making practice on the ground that these policies are developed in consultation with the citizen or claim that it was effective in the past or succeed to produce expected outcome in many cases. Their belief of regularity may lead to generalization. Hume (1987) and Russell (1959) have shown that it is very difficult to prove such regularities and fallacious if we solely depend on past experience.³²

30 F. Ahmed, *Fair Access to Environmental Justice- Case Studies in Bangladesh*, Ph.D Thesis, The University of Melbourne, Melbourne, 2010.

31 Ibid, 2010.

32 D. Hume, *An Enquiry Concerning Human Understanding*, Hachett Publishing Company, Indianapolis, 1987; B. Russell, *The Problem of Philosophy*, Oxford University Press, 1959, pp. 93-108.

Public Participation: Practical Issues

The most important question is the reliability of these methods of public participation for equitable decisions. First, these three avenues of public participation, as discussed above, trade off values by maximizing utility. From a utilitarian perspective a participatory model is ethical sound. Second, the process at least values the experience and knowledge of the impacted communities which is a sign of respect for human dignity.

Foster³³ has argued that a participatory model can theoretically ameliorate some regulatory inequities. It may also reproduce many of the deeper and trouble some aspects of the current decision-making process. Foster is concerned that in some contexts use of this system will add renewed legitimacy to racial and class distributional inequities. It has the potential to reinforce regulatory dysfunctionality.

Foster³⁴ has furthermore expressed concern in relation to the functional capacity of the deliberative governance because social capital is one of the most important resources for the effectiveness of such model. If any society lacks such resources then applicability of deliberative model remains merely a possibility. Second, there are a number of different players on different political levels. Therefore, for smooth functioning of the deliberative system a network should exist both vertically and horizontally. In the vertical dimension, a network should be developed to integrate asymmetrical political interest groups. In the horizontal direction, development of social networks is another essential condition to mold diversified interests of equivalent group members.

These networks for the convergence of interests will function to develop mutual trust, relationship of reciprocity, credibility and respect among stakeholders. If the social condition is absent in a given context, the project of deliberative governance is in jeopardy. It will be difficult to achieve broader representation and accordingly a legitimate consensus will be unattainable.³⁵ Foster³⁶ further points out that veto power of representatives may complicate the decision-making process. Additionally, it is likely that the vulnerable and impacted community may prefer centralized protection.

33 S. Foster, 'Environmental Justice an Era of Devolved Collaboration', *Harvard Environmental Law Review*, Vol. 26, 2002, p. 463.

34 Ibid, pp. 459-498.

35 Ibid, p. 488

36 Ibid, pp. 459-498.

Mass Public Participation and Deliberation

Rossi³⁷ examined the relationship between mass public participation and deliberation and argued that there is an inverse relationship between these two processes. Mass participation in the governing process of political institutions without much deliberation is theoretically possible. Likewise, much deliberation is also possible without much public participation. Deliberation without public participation is another form of 'expertism' where decisions are made either democratically or unilaterally. However, mass public participation may diminish chances of deliberation. Rossi³⁸ argued that public participation indicates responsiveness of the agencies, as well as making decisions more equitable, open, transparent, and adding horizontal legitimacy. It is also useful to remove immediate influences of contested parties, to achieve a deeper level of legitimacy, and to ensure quality of decision-making because collective choices are not merely the majority consensus. Public participation is also helpful for quick generalization. However, deliberation is slow and requires expertise.

Rossi³⁹ further argued that mass participation also creates problems for neutral and deeper levels of analysis at a constitutive level and increases the cost at a primary level where day to day decisions are made in the predetermined contexts. It has been assumed that public deliberation may discover the truth or falsity or likely effects of decisions by assimilating, dissecting information and broadening the number of proposed set of solutions. However, mass level of participation poses information overload problem and shifts attention of the decision makers from the original problem to a pseudo-problem by diminishing the chances of positive information effects. Participation may increase the level of deliberation and eventually lead to a situation where agencies or participants may refer the problem to the experts because of the frustration at their inability to satisfy all participants in the maintenance of neutrality.⁴⁰

Deliberative Process in the Context of Bangladesh

As environmentalism gathers momentum, many Western scholars recommend a participatory model to revolutionize the decision-making process. This leads to a

37 J. Rossi, 'Participation Run Amok: the Costs of Mass Participation for Deliberative Agency Decision Making', *Northwestern University Law Review*, Vol. 92, No.173, 1997, pp. 173-250.

38 Ibid, pp. 173-250.

39 Ibid, pp. 173-250.

40 Ibid, p. 215

question: whether such a Western model can play a significant role in Bangladesh - a society which lacks a congenial political environment, acceptable decision-making framework, judicial independence, and expertise to deal with subtle and complex environmental problems. I would like to argue that similar conditions exist in Bangladesh which have been identified by Koiman.⁴¹ The people of Bangladesh as well as development partners of the country state the same need that the nation should reform the conventional patterns of decision-making and other state lead systems to show respect to the demands of society. In addition, I argue that for the following reasons the participatory approach, which tries to integrate participation of the community and deliberation of the participants, seems the best form of governance for achieving objectives like environmental justice in the context of Bangladesh.

In the first place, deliberation is an effective tool to clarify environmental problems to the stakeholders of the project. Second, participation of citizens contributes to reduce complexity and overcoming ethical dilemma.⁴² Third, deliberative governance as a system was in existence in the past in many societies of developing nations while bureaucratic systems were non-existent. The most important logic is that the idea of public participation is embedded in Bangladesh culture and still produces effective outcomes to resolve micro-level disputes in the rural areas of Bangladesh⁴³. This system known in Bangladesh as *Alap-alochona* means critical discussion and reflection in order to understand and solve the problem.

Involvement of the community in decision-making process passes a message to the citizens that they are important to the authority. Application of the system also gives a sense of ownership to the community by respecting their views, values and experience. The problem of accountability is solved by shared responsibility and decisions attain legitimacy and transparency. The system also contributes to improve the knowledge of the participants by creating scope for learning. For instance, the community describes the day to day experiences they encounter. On the other hand, representatives of the authority learn the nature of the problem from the community. The experts also explain intricate causal relationships and possible outcome of any

41 J. Kooiman (eds.), *Modern Governance, New Government Society Interactions*, SAGE Publication, London, 1993, pp. 249-262

42 S. Foster, 'Environmental Justice an Era of Devolved Collaboration', *Harvard Environmental Law Review*, Vol. 26, 2002, pp. 459-498.

43 UNDP, *Human Security in Bangladesh- In search of Justice and Dignity*, (UNDP-Bangladesh, Dhaka, 2002).

decision. In this way choices of stakeholders are enlarged, and many voices are heard and the dignity of all stakeholders is respected.

A study by Fung and Wright⁴⁴ also indicates that the reinvention of such a participatory system may function properly in Bangladesh because of its success in the state of Kerala and West Bengal of India. These two states are immediate neighbors of Bangladesh and have similarities in different aspects such as in the social, political, and economic culture arena. The adoption of such a model should open new prospects at all levels of decision-making at this critical juncture when people of Bangladesh are dissatisfied when they witness the conventional role of the bureaucracy, and political leaders are ready to integrate environmental matters in decision-making process for ecological modernization. This claim is corroborated by case study results.⁴⁵ For example, the Madhupur Garo communities univocally argued that they were not given an opportunity to participate into the decision making process of the Forest Department eco-park project (hereafter FD). The media and civil societies of Bangladesh also confirmed that the Garos were excluded from the decision making process on the basis of Atia Forest Conservation Act 1982. The FD officials argued that since 1982 the Garos are illegal occupants of the Madhupur national forest and have no valid paper to claim their rights of access to land. Rather, the Garos are spoiling the forest. Therefore, the eco-park project is developed at the centre of Madhupur National Forest by FD without consulting the local Garos.⁴⁶ When, the FD approached to implement the project, the Garo community wanted to know what is happening in their locality. The FD did not give any information although the project aim to create job opportunities for Garos. The Garo community realized that thousands of families will be evacuated or displaced from their traditional land if the project is implemented. Therefore, the Garo community demanded to scrap the project. The FD encounter serious obstruction in the process of implementation. Due to strong opposition by Garos, later the government agencies realized the problem of excluding Garos from the decision making process and decided to engaged Garos in the process of revising the original eco-park plan. However, the FD did not followed a fair procedure in the selection of participants. So, the Garo community continued their movement and took local streets for

44 A. Fung & E. Wright (ed.), *Deepening Democracy, Institutional Innovations in Empowered Participatory Governance*, Verso, London, 2003.

45 F. Ahmed, *Fair Access to Environmental Justice- Case Studies in Bangladesh*, Ph.D Thesis, The University of Melbourne, Melbourne, 2010.

46 Ibid, 2010.

protesting the FD plan. Non-recognition of participation rights and resistance of the Garos ultimately forced the government to abandon the project for an indefinite period of time. The Garo leaders argued that they have rights to participate into the decision making process if any development plan is to be implemented in their locality. They argued that the idea of eco-tourism is good. However, implementation of this project will seriously affect their livelihood and everyday life. The FD did not consider how seriously affect the life of Garos if the eco-park is implemented. The Garos argued that various types of rights are violated by the FD in the process of planning and implementing the eco-park project. They claimed that they know how to protect the forest without spoiling the richness of forest by living in the forest. If the FD would consult them, then they will have the opportunity to share their indigenous knowledge for environmental protection and explain their concerns. The FD would not face any resistance.⁴⁷

Although it is not part of this study, nevertheless, I should mention here that in addition to a deliberative process of decision-making, political stability, commitment for change, and an enhanced level of education, political will and judicial independence are also important aspects of environmental justice governance in the context of Bangladesh.⁴⁸ These should strengthen the decision-making process and create the opportunity to resolve environmental disputes ethically in the courts and other places of decision-making.

The problem of criterion may jeopardize prospects of critical deliberation at a grass roots level. For example, affected community members may be captured by similar sorts of predicament and argue in favor of strong verification of some environmental problems. In this regard, participants may argue that falsifiability should be the criterion of elimination. There are chances such philosophical debates may arise at all levels of the decision making process. We need to develop a framework that will adopt a suitable ethical methodology for the refinement of ideas and perspectives. This task cannot be solved at a grass roots level.

A tendency among decision makers is to view environmental justice issues in relation to environmental pollution control. They understand the concept of environment from a narrow perspective. It is matter of fact that environment covers all spheres of

47 Ibid, 2010.

48 World Bank, *Taming Leviathan, Reforming Governance in Bangladesh*, World Bank-Bangladesh, Dhaka, 2002.

life and environmental problems are essentially interrelated with all economic development as well as with social, cultural, and political activities.⁴⁹ Therefore a framework for environmental justice governance should be adopted from a broader perspective. I would like to add with this that the framework should consider public participation an integral part of decision making from agenda setting to implementation.

Access to information is another element of environmental justice. Access to information is on the other hand prerequisite for fairness in decision and in turn fundamental requirements of meaningful public participation. The Eco-park controversy clearly demonstrate Garos lack of access to information.⁵⁰ For higher quality decision, policy, and plan, access to information plays valuable role.

1.4 Conclusion

Elsewhere, I have described the current environmental justice problems of Bangladesh and examined existing theories of governance in order to indicate a framework for analyzing those problems. The study of governance indicates that bureaucratic and market models are inadequate to create the conditions for fair access to environmental resources, and decision-making processes. Both these models challenge human dignity and undermine some important values such as sense of place, importance of public participation, and knowledge of the community acquired through experience for addressing environmental problems. These systems also employ defective conceptual tools such as utilitarian matrix, cooperative risk assessment methods and attempts to quantify incommensurable human values. On the other hand, the deliberative model, as discussed above, promises to ensure meaningful participation of all stakeholders, acknowledges values and expertise of the community, and opens avenues to empower both the state and citizens to address the problems of accountability, transparency and legitimacy. This can be ensured in various ways. The above discussion on avenues of public participation highlighted limitations of public participation of specific forms. Thus, we require to address those limitations for meaningful participation. Community consultation fulfill the gap as this has been revealed in various studies.

49 R. Falk, 'Human Governance and the Environment: Overcoming Neo-Liberalism', In: *Governing for the Environment, Global Problems, Ethics and Democracy*, B. Gleeson, & N. Low (eds.) Palgrave, U.K, 2001, p. 221.

50 F. Ahmed, *Fair Access to Environmental Justice- Case Studies in Bangladesh*, Ph.D Thesis, The University of Melbourne, Melbourne, 2010.

History reveals that the people of Bangladesh value human rights and dignity above their needs. They have struggled for participation rights as part of establishing their dignity. For example, during the colonial period the East India Company applied force to ensure indigo production. The farmers of Bengal opposed the decision and struggled many years for self-governance (Wolpert, 2000).⁵¹ Also, after the independence from colonial rule the people of Bangladesh fought for self-ruled governance for 23 years. These two great justice movements were ultimately based not only on needs nor on rights but for dignity.

The literature indicates that the idea of deliberation is primitive and embedded in the political culture of Bangladesh. For instance, such systems were practiced for several centuries before to rise of the state system.⁵² I would like to argue that the deliberative model may be suitable in the context of Bangladesh, although it is developed primarily to address the problems of developed nations which have adequate resources and sufficient expertise.

51 S. Wolpert, *A New History of India*, Sixth Edition, Oxford University Press, Oxford, 2000.

52 Before 1793 there were local informal governing systems in operation in Bangladesh. In the year 1793 the then British government took control the administration and proclaimed those informal systems as invalid. Subsequent governments never changed the law although the colonial system does not exist. In addition, such system is still practiced at grass root levels. However, those systems are not regarded as valid (UNDP, 2002, Wolpert, 2000).

CURRENT PERSPECTIVES OF TEHRAN'S NUCLEAR PROGRAMME: IRANIAN NECESSITY VERSUS US HOSTILITY*

Md. Abul Kalam Azad**

Abstract

Without a doubt, Iran's nuclear programme has become one of the points of contention between Iran and the United States. Although the US government encouraged Iran's Mohammad Reza Shah Pahlavi to initiate nuclear programme in 1957, such US position did not last long. With the change of the regime in Iran in the wake of the 1979 Islamic Revolution, a new phase of hostile relations between Tehran and Washington ushered in. Against this backdrop, when the Islamic Republic of Iran restarted the temporarily-halted Tehran's nuclear programme, the US not only opposed it but also showed in every way its strong hostility towards it. This US hostility towards Iran's nuclear programme is still in place even after concluding a negotiated deal over the nuclear programme between Iran and six world powers including the US during the Obama administration in 2015. Iran has been pursuing nuclear programme since 1983 claiming that its nuclear programme is entirely peaceful and for civilian purposes. Contrarily, the US has been strongly opposing Tehran's nuclear programme arguing that it has no need to advance nuclear activities for Iran may pursue the capability to produce nuclear weapons. Previously, to prevent Iran from acquiring nuclear capability, the US imposed a series of sanctions, however, all failed. In this background, the Obama administration succeeded in striking the nuclear deal, however, the current Trump administration is not in a position to accept the deal wholeheartedly and is still opposing the deal with a threat to scrap it any time. Given this opposing position of the two countries, who, have not in good terms since 1979, this article attempts to explore their real perspectives concerning Tehran's nuclear programme.

Introduction

There is no denying the fact that since the inception of Iran's nuclear programme in 1957, it has become one of the burning issues in the history of relationship between Iran and the United States. With direct US assistance and encouragement Iran

* Essentially, there are four known elements in Iran's nuclear programme. These are uranium enrichment, reprocessing activities and hot cells construction, heavy water reactor projects, and uranium conversion. Of these, enrichment, reprocessing activities, and reactor projects were main concerns of the US-Israeli allies and the United Nations Security Council prior to the conclusion of a nuclear deal between Iran and six world powers on July 14 2015.

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launched its nuclear programme in 1957 under Mohammad Reza Shah Pahlavi (1941-1979) who was then an important ally of the US in the post-1953 coup d'état period.¹ The general perception about Iran's nuclear programme under Shah is that so long the US-backed Shah was in power his nuclear programme remained unquestioned or otherwise Iran's nuclear programme was welcomed by Washington. Contrary to this prevailing perception, there is clear and credible evidence that Iran's nuclear programme under the Shah generated huge anger of the US since the mid-1970s. The US had become very anxious and suspicious about Shah's real motive regarding Iran's massive nuclear programme at a time when he had earned the status of an unpredictable partner of the US in the Persian Gulf region for his changed attitude and policies towards oil price, Israel and the Soviet Union.² As time progressed, Iran's Shah—a long-time close ally of Washington—was quietly abandoned by the US which was evidenced during the 1979 Iranian Islamic Revolution and among other factors Tehran's nuclear programme under the Shah was held accountable for this US position. Following the success of the 1979 Islamic Revolution in Iran, Ayatullah Imam Khomeini (1902-1989) halted the nuclear programme considering that the nuclear programme was economically costly and he viewed that nuclear weapon was as immoral and un-Islamic and the nuclear programme was a US-encouraged and US-associated programme. However, in a completely changed perspective during the Iran-Iraq War (1980-1988) the Iranian

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1. For more about Iran's nuclear programme under the Shah see: Saira Khan, *Iran and Nuclear Weapons: Protracted Conflict and Proliferation*, Routledge, London, 2010; Mustafa Kibaroglu, 'Iran's Nuclear Ambitions from a Historical Perspective and the Attitude of the West', *Middle Eastern Studies*, Vol. 43, No. 2, March 2007, pp. 223-239; Chris Quillen, 'Iranian Nuclear Weapons Policy: Past, Present, and Possible Future', *Middle East Review of International Affairs (MERIA)*, Vol. 6, No. 2, June 2002, pp. 17-24.
 2. R. K. Ramazani, 'Who Lost America? The Case of Iran', *Middle East Journal*, Vol. 36, No. 1 (Winter, 1982), p. 11; Andrew Scott Cooper, 'Showdown at Doha: The Secret Oil Deal That Helped Sink the Shah of Iran', *Middle East Journal*, Vol. 62, No. 4, Autumn 2008, p. 570; Amin Saikal, *The Rise and Fall of the Shah: Iran from Autocracy to Religious rule*, Princeton University Press, USA, First Published in 1980, with a Preface by the Author, 2009, pp. 124, 168; Rouhollah K. Ramazani, *Iran's Foreign Policy, 1941-1973: A Study of Foreign Policy in Modernizing Nations*, University Press of Virginia, Charlottesville, USA, 1975, p. 380; Fred Halliday, 'The Genesis of the Iranian Revolution', *Third World Quarterly*, Vol. 1, No. 4, October, 1979, p. 7; Steven A. Schneider, 'The Paper Tiger Starts to Roar: The Origins of the Energy Crisis', *Berkeley Journal of Sociology*, Vol. 20, 1975-76, pp. 17-18; Saiyid Athar Abbas Rizvi, *Iran: Royalty, Religion and Revolution*, Ma'arif Publishing House, Australia, 1980, p. 272; Robert Dreyfuss, *Hostage to Khomeini*, New Benjamin Franklin House Publishing Company, New York, 1981, p. 20.

government restarted Tehran's nuclear programme in the mid-1980s. Since then the Islamic Republic of Iran has been pursuing its nuclear programme so resolutely and so sturdily despite the vehement US hostility towards it.

In essence, Khomeini-led 1979 Islamic Revolution which caused a dramatic change in Iran's foreign and security matters also defined Iran's relations with the US which is generally characterized as hostile. Then came the Hostage Crisis of 1979-1981 after which Iran had no longer been seen as an ally of the US. Rather Iran was treated an enemy country since then. Previously, with the success of the Islamic Revolution, Iran's nuclear science and technology transfer from the US and the European countries came to a sudden halt, now with the restarting of nuclear activities in 1983, the US not only stopped cooperating with Iran in the nuclear field, but also pursued a 'policy of denial' by putting heavy pressure on other countries not to transfer nuclear technology to Iran. From the perspective of the US such radical shift in attitude or otherwise 'hostility' towards Iran's nuclear programme can be summarized in this way: 'what was good for the Shah was not good for the Imam.'³ Since the US has not been in good terms with the Islamic government in Iran, it has been strongly opposing Tehran's nuclear programme following the restarting of the nuclear activities in 1983 arguing that Iran has no need to advance nuclear activities. In an effort to prevent Tehran from acquiring technological and scientific capabilities in the nuclear field through imports of dual-use material the US imposed sanctions on Iran (along with Iraq) by the name of 'dual containment' policy in 1993. These sanctions came when Iran intensified its efforts to expand the scope of its nuclear programme with the assistance of US Cold War superpower rival—Russia.

Although Iran has repeatedly asserted that its nuclear programme is exclusively for peaceful purposes, however, the clandestine nature of Iran's nuclear programme has generated considerable concern that Tehran is pursuing a nuclear weapons programme although it is still disputable that Iran has such programme. However, the US hardened its opposition to Iran's nuclear programme when in August 2002 the National Council of Resistance of Iran (NCRI)—the political wing of the terrorist organization Mujahedin-e-Khalq (MEK)—which had still backing by the US government for a regime change in Iran, in a press conference in the US revealed that it had information that Iran was constructing one nuclear enrichment facility in Natanz (about 100 miles south of Tehran) and a heavy water reactor in Arak (about 150 miles south of Tehran). This revelation, suggested that Iran had made significant

3. Mustafa Kibaroglu, *op. cit.*, pp. 233-234.

progress on nuclear programme despite the US sanctions and hostility. The revelation therefore, was very disturbing for the US whose fear heightened considerably because while these facilities may be used for peaceful purposes, they may also be used to produce weapons-grade fissile material such as highly enriched uranium and plutonium that are necessary for the manufacture of nuclear weapons.⁴ Hence, the US hostility to Iran's nuclear programme has become an important stated policy. And it is because of US hostility towards Iran's nuclear programme Iran has failed to resolve problems related to its nuclear programme with the UN's nuclear watchdog agency—International Atomic Energy Agency (IAEA) and the EU3 (three European countries namely Britain, France and Germany also called the Troika or commonly known as EU3) in 2004.⁵ Finally, due to US insistence, the IAEA was forced to refer Iran's nuclear case to the United Nations Security Council on January 3, 2006 which actually paved the way for imposition of UN-sponsored sanctions on Iran for its nuclear activities.⁶

Basically, the opposing position of Iran and the US regarding Tehran's nuclear programme since its restarting has resulted in the current crisis in Iran-US relations despite the hard-earned nuclear deal between Iran and the P5+1⁷ which was inked on July 14, 2015. The US-Israeli allies argue that Iran may be pursuing, at a minimum, the capability to produce nuclear weapons and this US stance still prevails under the new Trump administration. Hence, it has been quite necessary to understand the present perspectives of both Iran and the US as to why one is committed to advance nuclear programme while the other is in similar fashion to oppose the programme.

This article is designed to explore these opposing perspectives concerning Tehran's nuclear programme. Let us first examine the Iranian perspective of its nuclear activities.

4. *Op. cit.*, p. 237.

5. Shireen T. Hunter, *Iran's Foreign Policy in the post-Soviet Era: Resisting the New International Order*, Praeger, USA, 2010, p. 95; Scott Ritter, *Target Iran: The Truth about the U.S. Government's Plans for Regime Change*, Allen & Unwin, Australia, 2006, p. 134.

6. For example, on December 23, 2006, the United Nations Security Council adopted Resolution 1737 and imposed sanctions on Iran.

7. Since 2006 the group of six world powers joined together in the name of P5+1 in diplomatic efforts with Iran with regard to its nuclear programme. The term refers to the UNSC's 5 permanent members (the P5); namely China, France, Russia, the United Kingdom, and the United States; plus Germany.

A. Iranian Perspectives

Since its restart in 1983, nuclear activities under the current Islamic regime in Tehran can be seen from several perspectives. These are analysed under following headings.

i. Economic Perspective

Historically Iran's quest for nuclear programme began in 1957 under the US-backed Shah when Tehran and Washington were enjoying close bilateral relations. As part of its "atoms for peace" programme, the then Eisenhower administration had encouraged Iran's Shah to develop nuclear power. Then on March 5, 1957, Iran signed an agreement with the US "for cooperation in research on the peaceful uses of nuclear energy", which went into force on April 27, 1959.⁸ Iran also signed the Non-Proliferation Treaty (hereinafter NPT) in 1968 and confirmed its right to develop nuclear programme for peaceful purposes. Like the Shah who had initiated Iran's nuclear programme on civilian purposes, presently the Islamic Republic of Iran seeks to diversify domestic energy sources. As stated earlier that the Islamic Republic of Iran suspended Iran's nuclear programme after the 1979 Islamic Revolution. However, the leaders of Iran changed their attitude towards nuclear projects and decided to restart them following a severe energy crisis in the post-revolutionary period and when Iran was at war with Iraq. Currently they argue that like other nations of the world,⁹ it needs to develop alternative energy sources because its oil resources are depleting. With oil as the main source of revenue, the Islamic Republic of Iran, who has been facing series of crippling economic sanctions imposed by the US since 1979, argues that it seeks the benefits of nuclear power. The increasing fulfillment of domestic energy demand by nuclear power, they argue, would free up oil and gas reserves for export. Thus, the nuclear programme would protect an important source of revenue.¹⁰

The Iranian leadership also views that the possession of any warhead is an act of *haram*—something strictly prohibited by Islamic law—and inhuman, immoral, illegal and against the basic principles of the Islamic regime. Previously, Iran's

8. Mustafa Kibaroglu, *op. cit.*, p. 225; Barbara Slavin, *Bitter Friends, Bosom Enemies: Iran, the U.S. and the twisted path to confrontation*, St. Martin's Griffin, New York, 2009, p. 28; Shireen T. Hunter, *Iran's Foreign Policy in the Post-Soviet Era*, p. 64.

9. In March 2005, Mohammed El Baradei, director general of the IAEA reported that 30 countries in the globe are using nuclear power to produce electricity. Of them the US, which has huge untapped oil reserves, already generates 20% of its electricity from nuclear power.

10. Ehsaneh I. Sadr, 'The Impact of Iran's Nuclearization on Israel', *Middle East Policy*, Vol. XII, No. 2, Summer 2005, p. 60.

President Sayyid Mohammad Khatami (1997-2005) stated that Iran's nuclear project is only 'focused on civilian applications and nothing else.'¹¹ From this standpoint, recently the Iranian government has said that it has planned to expand its reliance on nuclear power in order to generate electricity and this programme will substitute for some of Iran's oil and gas consumption and allow the country to export additional fossil fuels. To that end, in 2009 Iran has begun to operate the Bushehr reactor in a bid to build additional reactors to generate 20,000 megawatts of power within the next 20 years.¹² Earlier in 2005, Dr. Asadullah Sabouri of Atomic Energy Organization of Iran stated that the Iranian government was planning to generate 10-20 per cent of electricity from nuclear energy by installing a 7,000 megawatts electric capacity by the year 2021. While as for the level of education in the nuclear field one source reveals at about the same time that 'at present, there are 45 departments in Iranian universities in the nuclear area and there are plans for 80 departments in the medium to long term. There are eight nuclear research centres, which will grow to 15 in the future. And there are 450 post-graduate students (mostly engineers) in the nuclear field; this will grow to 1,500 in the future.'¹³

Since Iran is a signatory to the NPT, it has right to develop nuclear programme for peaceful purposes. The current Iranian government has repeatedly asserted that its nuclear programme is exclusively for civilian (economic) and peaceful purposes. However, the US does not believe the Iranian version of interpretation, hence, it has been opposing Iran's nuclear programme. In line with their government, Iranians view that if India and Pakistan have acquired nuclear weapons without signing the NPT, ostensibly there should be no justification to deny Iran the option of peaceful generation of nuclear energy.¹⁴ As a signatory to the NPT, Iran claims that its nuclear programme has always been purely for peaceful, energy and medical purposes.¹⁵ According to some analysts, the North Korean example has also prompted Iran to pursue its nuclear programme for trading nuclear capability for a US economic support. In early 2003, North Korea withdrew from the NPT and kicked out IAEA monitors. Then North Korea resumed its nuclear programme that churned out

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11. Roger Howard, *Iran in Crisis? Nuclear Ambitions and the American Response*, Zed Books Ltd., London, 2004, pp. 92-93.
 12. Paul K. Kerr, 'Iran's Nuclear Program: Status', October 17, 2012, Congressional Research Service, www.crs.gov, pp. 1-3.
 13. See Mustafa Kibaroglu, *op. cit.*, p. 236.
 14. Maqsudul Hasan Nuri, 'Nuclear Iran: Regional Implications', *Islamabad Policy Research Institute (IPRI)*, Vol. VI, No. 2, 2006, p. 16.
 15. *The Iran Primer*, 'Iran's Nuclear Program', <http://iranprimer.usip.org/resource/irans-nuclear-program>

plutonium and amassed enough (perhaps a dozen) bomb-grade fuel. The US government at first refused to talk to North Korea, but eventually having no alternatives joined multinational talks and agreed in February 2007 to provide economic and diplomatic benefits in return for North Korea's promise to give up the nuclear programme. An American journalist-author Barbara Slavin is of the view that to the Islamic Republic of Iran, the message of such US position on North Korean nuclear programme was clear: "Become a nuclear power and no one will dare attack you; accelerate your efforts to become a weapons state and other countries will offer you many inducements to give up or limit your program."¹⁶ Hence, Tehran has been pursuing nuclear programme so actively and so intently.

ii. Military Perspective

Iran has two primary interests: to protect its territorial integrity and the Islamic regime, and to become the leading power in the region. Since the establishment of the Islamic Republic in 1979, Iran's national security and territorial integrity have constantly been challenged by the countries it deemed arch enemies. The US whom Iran views as the "Great Satan" conducted a failed military rescue mission in Iran on April 25, 1980 to free its citizens held hostages in Tehran since November 4, 1979. Iran remained completely unaware of the incident. Iran's national security and territorial integrity were once again challenged when the Islamic Iran's detested enemy Saddam Hussein (1979-2003) of Iraq invaded Iran on September 22, 1980 and occupied a vast territory in the initial phase. Without a doubt, the devastating eight-year Iran-Iraq War had posed a serious threat to Iran's national security. Then the significant international events of 1991 (the 1991 Gulf War and the end of the Cold War) affected Iran's national security in major ways and arguably increased Iran's perceived threat from the US since the latter would not no longer be deterred from intervening in Iran by its just-former Cold War rival—Russia. This fear increased significantly after the US-led allied defeat of Iraq in the 1991 Gulf War. In fact, after these events, Iran's fear of a US invasion intensified.¹⁷

External interventions emanating from this new US-led unipolar international system following the end of the Cold War became an enduring recognizable fear of Iran. Under the circumstance, Iranian efforts to continue its nuclear programme got a new tempo in the 1990s. Events of the twenty-first century, particularly, the pursuit of aggressive foreign policy by the Bush administration since 2001 in and around the

16. Quoted in Barbara Slavin, *Bitter Friends, Bosom Enemies*, p. 33.

17. Chris Quillen, *op. cit.*, p. 20.

Middle East and in particular against Iran also intensified Iran's such security perception. The increasing US-Israeli hostility towards the Islamic Republic of Iran and repeated threats of 'regime change', US inflammatory rhetoric after 9/11 and branding Iran as a member of 'axis of evil' group, and calling Iran in other threatening names such as 'outpost of tyranny', and 'rogue regime' have only doubled Iran's fear of an impending US-Israeli military attack which in turn has actually led Iran to seek nuclear programme more actively.

Literally, in the wake of 9/11 the US divided the world into two camps of friends and foes. Following Bush's infamous "axis of evil" speech in which he labeled Iran as a member of the evil states after the overturning neighboring government of Taliban in Afghanistan, Iran did not fail to realize its position in the US. Because Bush's labeling of Iran as one of the "axis of evil" states severely threatened and humiliated Iran and the threat exacerbated with the administration's war on Iraq in 2003 on the false pretext that it was in possession of WMD. To some, inclusion of Iran in Bush's 'axis of evil' speech significantly increased talk within Iran of a possible US attack.¹⁸ Some analysts also emphatically argue that according to Bush's "axis of evil" speech, three countries form an axis of evil and then the US proceeded to invade one of them, Iraq. Then what are Iran and North Korea to think? They will surely move to achieve nuclear capability to deter the US given the fact that "nuclear weapons have one purpose and only one purpose: deterrence."¹⁹ This factor (that is, deterrence) appears to be driving force behind Tehran's attempt to pursue nuclear programme if possible to obtain nuclear weapons.

When the US removed the government of Saddam Hussein in Iraq which is also one of the three members of the axis of evil states Iran needed no proofs of US intention about Tehran's Islamic regime. Thus, the US war in Iraq in 2003 increased Iran's sense of insecurity and drove Tehran to pursue nuclear programme more vigorously. They argue, in going to war in Iraq, the US government completely ignored warnings from its own intelligence community that its preemptive war against Iraq would push Iran to redouble its efforts to acquire a nuclear deterrent.²⁰ The US decision to attack

18. *Ibid*, p. 21.

19. Scott Sagan, Kenneth Waltz and Richard K. Betts, 'A Nuclear Iran: Promoting Stability or Courting Disaster?', *Journal of International Affairs*, Vol. 60, No, 2, Spring-Summer 2007, p. 137.

20. With an unstable Iraq with 135,000 US troops on the West, Afghanistan with more US troops to the North, and the volatile Persian Gulf on the South Iran has every reason to be nervous about its own defense. See: William O. Beeman, *The "Great Satan" vs. Mad Mullahs: How the United States and Iran Demonize Each Other*, Praeger Publishers,

Iraq without the approval of the UN demonstrated the power of Washington in a uni-polar world. This also proved that in the absence of a nuclear deterrent capability, Iran would soon be in the same position as Iraq and would be the US next target in the Middle East for being the “axis of evil” states. Therefore, Iran wants its nuclear programme to continue and if possible nuclear weapons to dissuade an attack and also wants to stand up to US calls for regime change in Tehran in case of any future US military attack.

Gawdat Bahgat, Director of the Center for Middle Eastern Studies in the Department of Political Science at the Indiana University of Pennsylvania, USA, has explained the military perspective of Iran's nuclear programme in a more explicit fashion. He has stated that the roots of Iran's pursuit of nuclear capability lie in the closing years of the Iran-Iraq War when Iranians helplessly experienced Saddam Hussein's brutal use of Chemical Weapons of course with American consent.²¹ With US support, Iraq attacked Iran in September 1988²² and since early August of 1983 Iran had complained repeatedly to the United Nations that Iraq had attacked Iran with CW, however, because of US silence regarding Saddam's use of CW, the United Nations failed to take any step. Thus Iran witnessed helplessly the damaging effects of the CW used against its own people. Finally, Washington's role became an important factor in Iran's defeat in the war.²³ Factually, the eight-year-long war had learnt a lesson to the Iranian political leaders that in any future conflict Iran would stand alone without support from other nations. Iranian leadership began to believe that Iran's national security could be best protected by a strategy of deterrence and self-defense, rather than relying on the good will of the international community and the United Nations. Therefore, the lesson that the Iranians have learned from their own experience is that conventional weapons probably would not suffice to ensure their national security and deter potential attacks. “Instead”, as Gawdat Bahgat writes in an article, “chemical, biological, and nuclear capabilities and the means to deliver them

Westport, USA, 2005, p. 160; Dingli Shen, ‘Iran's Nuclear Ambitions Test China's Wisdom’, *The Washington Quarterly*, Vol. 29, No. 2, Spring 2006, pp. 57-58; Barbara Slavin, *Bitter Friends, Bosom Enemies*: pp. 5, 23.

21. Gawdat Bahgat, *Israel and the Persian Gulf: Retrospect and Prospect*, University Press of Florida, USA, 2006, p. 53.

22. Nihat Ali Ozcan and Ozgur Ozdamar, ‘Iran's Nuclear Program and the Future of U.S.-Iranian Relations’, *Middle East Policy*, Vol. XVI, No. 1, Spring 2009, p. 121.

23. Kenneth M. Pollack, *The Persian Puzzle: The Conflict between Iran and America*, Random House, New York, 2004, pp. 182, 208.

will prevent the country's potential and real enemies from threatening core Iranian national interests.²⁴

The lesson of the 1980s in fact made Iran so intent to engage in nuclear activities and to advance nuclear technology. Another noted observer named Saira Khan has expressly stated that Iran's war with Iraq led Tehran to embark on its nuclear programme somewhat aggressively.²⁵ Given the traumatic experience during the Iran-Iraq War, a nuclear weapons arsenal is now being viewed by Iran as the best way to deter its enemies, especially the US and Israel given Iran's three-decade-plus hostile relations with them. With this nuclear deterrence, Iran also wants to ensure its regime's survival.²⁶ Therefore, the military application of nuclear technology is of great interest and significance to the present-day Iranian authorities, especially mindful of devastating and fateful legacy of the Iran-Iraq War. That is, Iran wants simply deterrent power to ensure its regime's survival by advancing nuclear programme.

Arguably, Iran fully understands how important the Gulf region is to the US for oil supplies and what the dominant power of the world can do to control this part of the world for its vital energy interests. The war on Iraq in 2003 was primarily waged for that²⁷ which made Iran more apprehensive about the intentions of the US. Leaders of the Islamic Republic of Iran had also remembered the 1953 coup d'état when Iran's nationalist Prime Minister Dr. Mohammad Mosaddeq was overthrown chiefly because of this oil resource.²⁸ Given these facts, Iran needs a deterrent power and its leaders view nuclearized Iran is a potential deterrent.

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24. Gawdat Bahgat, 'Iranian Nuclear Proliferation: The Trans-Atlantic Division', *Seton Hall Journal of Diplomacy and International Relations*, Summer/Fall, 2004, p. 139.
 25. Saira Khan, *Iran and Nuclear Weapons*, p. 55.
 26. Barbara Slavin, *Bitter Friends, Bosom Enemies*, p. 32; Fawaz A. Gerges, *America and Political Islam: Clash of Cultures or Clash of Interests?*, Cambridge University Press, USA, 1999, p. 138.
 27. For detail, see Gawdat Bahgat, *American Oil Diplomacy in the Persian Gulf and the Caspian*, University Press of Florida, USA, 2003, p. 1; Jonathan Cook, *Israel and the Clash of Civilizations: Iraq, Iran and the Plan to Remake the Middle East*, Pluto Press, London, 2008, pp. xi-xii, 9, 30-31; William Engdahl, *A Century of War: Anglo-American Oil Politics and the New World Order*, Pluto Press, London, 2004, p. 257; Stephen Kinzer, *Overthrow: America's Century of Regime Change from Hawaii to Iraq*, Times Books, USA, 2006; John S. Duffield, 'Oil and the Iraq War: How the United States could have expected to benefit, and might still', *The Middle East Review of International Affairs (MERIA)*, Vol. 9, no. 2, Article 7-June 2005, posted on: <http://meria.idc.ac.il/journal/2005/issue2/jv9no2a7.html> (Accessed on January 1, 2009)
 28. John Foran, 'Discursive Subversions: Time Magazine, The CIA Overthrow of Mussadiq, and the Installation of the Shah,' *CIRA Bulletin*, Vol. 13, No. 2, September 1997, p. 9;

Additionally, continuing fears of the Israeli possession of nuclear weapons since the 1970s and Iraqi nuclear programme in the 1980s also pushed Iran to seek nuclear-related technology. Essentially, before Saddam's removal in 2003, Iran had three potential enemies: Iraq, the US and Israel.²⁹ With Saddam gone Iran was free from a hostile neighbor however, it was not free from other enemies. That is why, even in the absence of a hostile Iraq following Saddam's fall, the Islamic Republic of Iran continued to persuade nuclear programme for deterring attacks by other two enemies. Since 1979, Iran's leaders have for practical reasons perceived the US as the principal enemy not only of the Islamic Republic of Iran but also of other Muslim states which supported their enemy—Israel—in the Middle East.³⁰ Moreover, Saddam's removal brought the US—an arch enemy of the Islamic Republic of Iran—in its doorstep which created a sense of fear in the Iranian authority, particularly given the complete encirclement of Iran by US troops after US war in Afghanistan and Iraq. In fact, in the wake of the Iraq war, the deployment of US troops next to Iranian borders on almost all directions was complete.³¹ Given the non-recognition of the Islamic regime by the US and hostile relations between Tehran and Washington since 1979, Iran rightfully considers the US presence and influence as the greatest threat to the survival of its Islamic regime. Under the circumstance, in 2003 Iran first tried the “grand bargain” offer to US on the one hand, and intensified its nuclear programme on the other. Iran saw that emboldened by and flushed with Iraqi victory, the Bush administration turned down its grand bargain offer of

Richard T. Sale, 'America in Iran', *SAIS Review*, n.s. 1/2:3, 1981/1982, p. 36; Joseph J. St. Marie and Shahdad Naghshpour, *Revolutionary Iran and the United States: Low-intensity conflict in the Persian Gulf*, Ashgate Publishing Limited, USA, 2011, pp. 85-86; Lewis V. Thomas and Richard N. Frye, *The United States and Turkey and Iran*, Harvard University Press, London, 1952, p. 254; Darioush Bayandor, *Iran and the CIA: The Fall of Mosaddeq Revisited*, Palgrave Macmillan, UK, 2010, p. 6.

29. Iran has also other regional enemies namely Saudi Arabia, Bahrain, Kuwait, Egypt who are allied to the US.
30. Saira Khan, *Iran and Nuclear Weapons*, p. 1.
31. To Roger Howard, even before President Bush had fired the first shots in the war against Iraq, Iran had already been almost entirely surrounded by US forces. In the aftermath of the Iraq war, US bases had been extended to Uzbekistan and Kyrgyzstan, while Afghanistan remained a US ally and Pakistan was dependent on US military pressure. From its military position in Afghanistan, US forces could control most of South and the Persian Gulf. While according to William Engdahl, the entire Gulf was now a US military protectorate. For more see his: *A Century of War*, p. 265; Gawdat Bahgat, 'Iranian Nuclear Proliferation', p. 139, 142; Roger Howard, *op. cit.*, p. 3.

engagement. Iran feared this US behaviour, viewed US anti-Iranian military rhetoric as genuine³² and engaged its full efforts to the nuclear activities.

Iran has also become determined to go with the nuclear programme in face of US and Israeli rhetoric about using military force to destroy Iran's nuclear facilities in line with frequent threats of regime change since 2006. Iran witnessed following regime change in Iraq in 2003, how the US got involved in a proxy war³³ with Iran by supporting Israeli aggression against Iran-supported Shia Hizbullah group of Lebanon in June 2006. Iran concludes that if it were to produce nuclear weapons, its military capabilities would insure the Islamic regime from attack. Iran also perceives that acquiring a nuclear-weapons capability as the only way to eliminate the US threat.³⁴ As a consequence, Iran has become relentless in its drive to acquire nuclear weapons and subsequently announces its decision to enrich uranium so that the US would not be confused about its nuclear status. Iranians argue that they need nuclear weapons to "equalize" and deter the US acting alone or in concert with Israel.³⁵ Therefore, it may safely be concluded that Bush administration's policy of declaring a right to attack countries to preempt terrorist or nuclear threats provided potent additional incentives for Iran to seek nuclear status. The Iranian Islamic regime also views that its best option is to acquire nuclear weapons as fast as possible because, like the North Korean regime, only the possession of nuclear weapons will offer active protection from the US attack.

Iranian leaders find Israel a much more straightforward cause of their interest in acquiring nuclear capability. Current Iranian leadership also fears a US-supported Israeli aggression, perhaps on the pretext of preventive counter-proliferation. Recent Israeli leaders' constant threats of military attack on Iran's nuclear facilities have clearly reflected this Iranian fear. Thus Israeli threats have become the main concern of the Iranian statesmen. Both Iranian civilian and political leaders are well aware of Israel's arsenal of 200 nuclear warheads and its second-strike capability through its

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32. Because according to Saira Khan, the US sent signals to countries like Iran in 2003 that it would wage wars on countries similar to Iraq and Iran was obviously threatened with the possibility of being the next target in the region. *Iran and Nuclear Weapons*, p. 92.
33. Although the war began with Israeli aggression on Iran-backed Hizbullah Islamist group in Lebanon, the war is commonly known as the proxy war between Iran and Israel's key supporter the US.
34. Nihat Ali Ozcan and Ozgur Ozdamar, *op. cit.*, p. 126.
35. George Perkovich, 'Dealing with Iran's nuclear challenge', *Carnegie Endowment for International Peace*, April 28, 2003, p. 6; Colin Dueck and Ray Takeyh, 'Iran's Nuclear Challenge', *Political Science Quarterly*, Vol. 122, No. 2, 2007, p. 201.

three nuclear-equipped Dolphin submarines.³⁶ Given eternal enmity between Iran and Israel, the leaders of Iran perceive Israel as having the most extensive chemical, biological, and nuclear arsenal in the region and formidable conventional force as well. Within this context, Iranian leaders view that an Iranian nuclear capability can serve as a deterrent against potential Israeli attacks.³⁷ Finally, apart from two potential enemies—the US and Israel—Iran has also another nuclearized neighborhood: Pakistan, whom Iran considers opponent. Under such condition wherein enemies who are armed with nuclear weapons, Iran finds no alternative but to engage and advance its nuclear programme in the midst of vehement US-Israeli opposition and hostility.

iii. Political Perspective

Beyond its military value, the nuclear programme has taken on a growing domestic political significance, as a symbol of national pride and a substitute for the lost fervour of the Islamic Revolution. Most Iranians, who are well-informed about the importance of Iran's nuclear programme, are fully behind their leaders' nuclear intentions. On January 17, 2004 the *Time* magazine reported that "The ruling clerics have earned more popular support than they have had in years. ... Even Iranians who dislike the mullahs are showing pride in the idea of Iran becoming an atomic power."³⁸ This revelation clearly shows that Iranian nationalism has become the driving motivation behind Tehran's nuclear ambitions. As a consequence, Iran is following a policy in which defiance, national pride and survival are fused together. While Iranian leaders, conservative, pragmatic and reformists all alike, have generally pointed to Iran's nuclear programme as proof of their country's ability to progress despite the damage wrought by the "imposed" Iran-Iraq War and decades of US economic sanctions. In 2004 reformist President Mohammad Khatami declared that Iran was entitled to the nuclear fuel cycle and said: "It's our legitimate right and no country can prevent us from achieving it." In a 2006 speech marking the seventeenth anniversary of the death of Ayatullah Imam Khomeini, the Supreme Leader Ayatullah Ali Khamenei said: "This is a historic investment. It represents our political independence and national self-confidence. It is due to the bravery of our

36. Trita Parsi, *Treacherous Alliance: the Secret dealings of Israel, Iran, and the United States*, Yale University Press, USA, 2007, p. 270.

37. Gawdat Bahgat, *Israel and the Persian Gulf*, p. 52.

38. Scott MacLeod, Nahid Siamdoust and Andrew Purvis, 'Iran Still Defiant', *Time*, Vol. 164, Issue 23, December 17, 2004, available at: <http://content.time.com/time/magazine/article/0,9171,1009668,00.html>

people... and we should not sell out this precious resource because of the enemies' threats, and we should not be fooled by enemy bribes."³⁹

Iran's leadership strongly believes that an Iran with nuclear capability will demonstrate the brilliance and technical prowess of the great Persian civilization. To Iranians, Pakistan is a culturally and historically inferior neighbour. However, when the nuclear tests brought Pakistan global recognition as a nuclear power, this clearly offended the Persian sense of superiority. This sense of superiority has led the Iranians to pursue nuclear activities very actively. Leadership in Tehran also wants the nuclear programme to continue to elevate Iran's status as a regional power as well as to end its diplomatic isolation. That is, Iranian power projection in the region was another important reason for the country's pursuit of nuclear programme. Iran is the largest, most populous and most unified nation in the Persian Gulf area. The addition of an active nuclear programme and if possible, nuclear weapons to its present capabilities will certainly enhance its status and give it greater leverage to speak on regional and global issues.⁴⁰ Apart from this reality, Iran is surrounded by unfriendly and enemy neighbours: Sunni Arab Muslims countries and Jewish Israel who are US allies. Amidst this adversary, some Iranians strongly believe that Iran must have its own nuclear technology so that it could use its nuclear programme to blackmail the Gulf states into increasing oil quotas and investing in Iran.⁴¹ Quoting Akbar Ganji an expert has said that "empires of the past happened through expansion of territory; now it is with nuclear weapons" and in the case of Iran's unrelenting drive for nuclear programme could be associated with this.⁴² While William O. Beeman has stated that there is a national pride for Iran in developing nuclear industry. Beeman has noted the nuclear question in Iran has always been a matter of national sovereignty rather than a desire for weapons domination. Iran is a civilization with a 2,500-year continuous history. It feels that it should be the dominant power in the region⁴³ and this feeling has made Iran so adamant to continue nuclear programme.

The analysis presented above thus clearly shows that Iran's rationale for seeking nuclear programme appears to be realistic and necessity especially from economic and military perspectives. The present analysis also demonstrates that the Islamic Republic of Iran's motivations for seeking nuclear technology are purely domestic

39. Quoted in Barbara Slavin, *Bitter Friends, Bosom Enemies*, p. 32.

40. Chris Quillen, *op. cit.*, p. 21.

41. Joseph Kostiner, *Conflict and Cooperation in the Gulf Region*, Vs Verlag fur Sozialwissenschaften, the Netherlands, 2009, p. 177.

42. See Saira Khan, *Iran and Nuclear Weapons*, p. 102.

43. William O. Beeman, *The "Great Satan" VS. The "Mad Mullahs"*, p. 160.

and defensive, not offensive since it has no such history like Iraq. This is also the reasoning of Iran, however, the US is not willing to accept Iranian version of reasoning of its decision to seek nuclear programme. Some may argue the implicit rationale for Iran's nuclear weapons programme lies in the worldview of the hardliners, who see the programme as the ultimate guarantor of the Islamic Republic of Iran's influence, security and not incidentally, their own political power. But given the reality and traumatic experiences of the 1980s, the US removal of Taliban and Saddam regimes from neighboring Afghanistan and Iraq and the US-Israeli constant military threats to Iran's Islamic regime following Bush's "axis of evil" speech in 2002 and following the 2006 proxy war of Iran and the US in Lebanon, Iran has rightfully felt the necessity to pursue nuclear programme for future deterrent.

B. US Perspectives

Whatever are the Iranian perspectives in pursuit of nuclear programme, the US and its vital ally in the Middle East—Israel—are entirely skeptical about Islamic leaders' real intentions, therefore they are still hostile to it even after the conclusion of the 2015 nuclear deal with Iran. In the meanwhile, the US has clearly stated that it will never accept a nuclear-armed Iran and for that it has been showing utmost hostility towards Iran's nuclear programme. Given this reality, we now look into the US perspectives regarding Iran's decision to go with its nuclear programme.

Firstly, as stated at the very beginning that prior to the 1979 Islamic Revolution the US had encouraged and supported Iran's nuclear programme all the way from beginning in 1957 to making agreement to provide Iran with material to be fabricated into fuel in 1977. True by mid-1970s the US became doubtful about the Shah's nuclear programme in the context of his unpredictable behavior towards oil price, Israel and the Soviet Union. Therefore, it would be entirely misleading to assume that Washington had supported Iran's nuclear programme under the Shah. History records that it was because of the Shah's determined nuclear programme perhaps, aiming at achieving nuclear weapons, the US abandoned its long-standing ally—the Shah—when the Islamic Revolution engulfed Iran since late 1977. One analyst has categorically stated that although the general belief is that the Iran-US relationship was cordial prior to the demise of the Shah era, in reality during the last few years of the Shah's rule the relationship with the US was not so smooth. Between 1975 and 1979, the Ford and Carter administrations had taken stern actions against Iran in the nuclear realm.⁴⁴ Against this background, the 1979 Islamic Revolution brought a sea change in Iran-US relations when the revolutionaries led by Ayatullah Imam

44. Saira Khan, *Iran and Nuclear Weapons*, p. 49.

Khomeini—the most hated person in the US (for Khomeini’s support to the hostage-takers who held some 52 Americans as hostages in Iran for 444 days)—took power in Iran. From that time Iran has no longer been a US ally. Given this new turn of Iran-US relations, when Iran restarted its nuclear programme after a brief halt in 1983 arguing that the programme was for purely for civilian (nuclear energy) and peaceful purposes, the US government does not believe that Islamic Republic of Iran needs nuclear energy because the country has massive oil and gas resources.⁴⁵ In this respect, the US has long argued that a country with the world’s third-largest proven reserves of gas and fifth-largest proven reserves of oil is hardly in need of nuclear power.⁴⁶ The standard claim of Washington today is that Iran has no need for nuclear energy because the country is vastly endowed with natural resources of oil and gas that are significantly cheaper to develop⁴⁷ and so, it must be pursuing a secret weapons programme.⁴⁸ Therefore, the US has engaged all efforts to prevent Iran from acquiring nuclear capability.

Second, the US knows quite well that the Iranian traumatic “experiences in the 1980s” (due largely to the US machinations as the US government then prevented the United Nations to adopt any resolution against Iraqi use of chemical weapons) have decidedly changed Iranians’ world view which might lead Iran’s Islamic leadership to seek nuclear weapons. In fact, under this very circumstance, the US has rejected Iran’s claim that it has no plans to develop nuclear weapons and stands in the way of Iran’s decision to advance its nuclear programme.

Thirdly, the US hostility to Iran’s nuclear programme is also for what the US thinks to contain Iran-sponsored terrorism. In 1984, the US first designated Iran as a “state-sponsor of terrorism,”⁴⁹ while after 9/11, the US government considers Iran as the leading state sponsor of terrorism, backing extremist Islamic, anti-Western groups

45. During his capacity as Secretary of State in the 1970s Henry Kissinger held that: “introduction of nuclear power will both provide for the growing needs of Iran’s economy and free remaining oil reserves for export or conversion to petrochemicals”, however, in a changed world perspective following Khomeini-led Islamic Revolution in Iran, he now explains: “For an oil producer such as Iran, nuclear energy is a wasteful use of resources.” Kissinger later made it clear that his reversal was due to the fact that Iran was an allied country before 1979, so therefore it had a genuine need for nuclear energy. See: Noam Chomsky, *Failed States: The Abuse of Power and the Assault on Democracy*, Metropolitan Books, New York, 2006, p. 73.

46. Ehsaneh I. Sadr, *op. cit.*, p. 60.

47. Roger Howard, *op. cit.*, p. 97.

48. Noam Chomsky, *Failed States*, p. 73.

49. ‘State Sponsors of Terrorism’, U.S. Department of State, available at: <http://www.state.gov/j/ct/list/c14151.htm>; Bruce W. Jentleson & Thamas G. Paterson (ed.), *Encyclopedia of U.S. Foreign Relations*, Vol. 2, Oxford University Press, New York, 1997, p. 419.

from Iraq to Lebanon and the Palestinian territories namely, Hizbullah, HAMAS and Palestinian Islamic Jihad. In this background, policy makers in the US conclude that letting Iran to move with nuclear programme would be very dangerous for US and its ally Israel since the transfer of nuclear material to such groups was highly likely who might use it to inflict severe pain either upon the “Great Satan” (the US) or upon its allies, including the “Little Satan” (Israel, as the Iran’s Islamic regime views). They also argued that even without such a transfer, an Iran with nukes—or thought to have nukes—would be a frightening prospect for the US and Israel because there is always the possibility that Iran would use such weapons first if it believed that it was about to be attacked. Under the circumstance, the Bush administration saw Iran’s nuclear programme as a major strategic threat to US allies, particularly Israel.⁵⁰ It is important to note that one of the key US policies in the Middle East is to ensure the security of the state of Israel. It is true, Iran will not be able to strike the American homeland with nuclear missiles anytime soon, but what it can do is to deliver nuclear warheads against its neighbors, including Israel and this is why Israelis often refer to Iran as an “existential” threat. Besides, Iran can also use any weapons against US forces stationed in the Middle East or against European countries.⁵¹ Hence, the US is vehemently hostile towards Iran’s nuclear programme.

Fourthly, policy makers in Washington hold the view that Iran has been acting to undo US hegemonic ambition in the Middle East and the Persian Gulf region. The US therefore, fears that a nuclear-armed Iran could question the credibility of US military dominance in the region. That is, a nuclear-armed Iran would have the confidence to spread its political and ideological influences in the Middle East in general and in the Persian Gulf region in particular without fear of retaliation which the US and Israel never desire to happen because of their vital geo-strategic and economic interests. To some, should Iran become a nuclear weapons state in a couple of years it will change the security landscape of the Southwest Asia, Middle East, Central Asia and South Asia.⁵² However, neither the US nor its important ally in the Middle East, Israel are in a position either to accept such change in the regions or to tolerate Iranian nuclear technological prowess that might increase Tehran’s influence and prestige throughout the Islamic world. This is a phenomenon which the US-Israeli allies fear most because Tehran’s influence would ultimately be directed against US-Israeli interests by directing the Muslim anger towards the Palestinian

50. Barbara Slavin, *Bitter Friends, Bosom Enemies*, p. 27.

51. John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy*, Farrar, New York, 2007, p. 280.

52. Maqsudul Hasan Nuri, ‘Nuclear Iran’, p. 16.

issues and thus forcing Israel to compromise with the Palestinians which Israel has been denying for ages. In this way, a nuclear Iran could force Israel to accept territorial compromises with its neighbors,⁵³ and the US is not in a position to accept such Israeli compromise in face of Iranian nuclear threat. So, the US is entirely opposed to Iranian nuclear activities.

Fifthly, the stakes for US are greater in the Middle East due to oil resources and the preservation of Israel to which the US is fully committed. This was evident when former US President George W. Bush remarked that US and Israel are natural allies. Given this, the US does not want an “Islamic bomb” to be handed over to Iran by allowing it to enrich its uranium. Washington’s big fear is that Shiite majority populations in Arab countries namely American allies Bahrain, Lebanon, and Iraq (where the US set up a pro-US government of Shia-Sunni-Kurd after Saddam’s removal) might feel more emboldened to seize power and thus undermine US interests in the region once Iran becomes a nuclear power. Not only that the US fearfully argues that Shiite majority Saudi oil-rich province Hasa might cause problem for US potential ally—Saudi Arabia if Iran acquires nuclear capability. Taking the Shiite-Sunni divisions, Iran might establish a powerful “Shia crescent”⁵⁴ stretching from the Persian Gulf to the Mediterranean Sea which is contrary to US interests in the region given the region holds 60% of the world’s proven oil reserves. To some analysts, Iran could use its nuclear programme to blackmail the Gulf states into increasing oil quotas and investing in Iran,⁵⁵ a position the US is not going to accept. The US-Israeli allies were (and are) worried that they might no longer be able to dictate policy in the Middle East if Iran possesses nuclear weapons by advancing nuclear programme. Therefore, they will not allow Iran to become a major power in the region. Hamid Dabashi has argued: “Neither the US nor Israel can imagine the region with another power outside their sphere of influence.”⁵⁶ This calculation has induced the US to vehemently oppose Iran’s decision to continue its nuclear programme.

Sixthly, the US also argues that Iran’s decision to go with the nuclear activities and then its possession of nuclear weapons (if possible) will certainly upset the balance of

53. Trita Parsi, *Treacherous Alliance*, p. 272.

54. In December 2004 Jordan’s King Abdullah II first floated the term ‘Shia Crescent’ in reference to Iran’s growing influence from Tehran to Damascus. See Anoush Ehteshami and Mahjoob Zweiri, *Iran and the Rise of its Neoconservatives*, p. 133.

55. Joseph Kostiner, *op. cit.*, p. 177.

56. Hamid Dabashi, *Iran, the Green Movement and the USA: The Fox and the Paradox*, Zed Books, New York, 2010, p. 76.

power in the Middle East and the Persian Gulf region. To the US, this will generate arms race and push Saudi Arabia and Egypt to acquire such weapons too which the US will never allow for the simple reason that because nuclear-armed Saudi Arabia and Egypt might redirect their anger towards Israel in future.⁵⁷ Moreover, any arms race among the Sunni Arab states would lead these countries to engage in a competition for seeking nuclear weapons and actually destroy what remains of the Nuclear Nonproliferation Treaty that has limited the nuclear club for more than three decades.⁵⁸

Finally, Riyadh and Jerusalem, hand in hand, are trying to scare Washington by using a tactic: 'look a risen Iran will undermine the US in the Middle East.' Since the US does not want these two allies become the target of Iran's nuclear threat, it has been pursuing a policy hotly by increasing economic pressure and even threatening military strikes to prevent Iran from treading the nuclear path. Ironically, the US policy of halting Iran's nuclear programme through successive rounds of sanctions turned into complete failure in the sense that although US-imposed sanctions⁵⁹ have deteriorated Iran's economic conditions, they have failed to stop Iran to pursue nuclear programme. This is where the present crisis of Iran-US relations over Iran's nuclear programme lies.

Conclusion

The most serious problem that has been affecting Iran-US relations remains Tehran's nuclear programme. Iran has a long history of nuclear interest because of its association the US since late 1950s, however, dispute between Iran and the US started first when Iran under the Shah who followed a foreign policy independent of the US and showed high ambitions towards nuclear activities, possibly to acquire nuclear weapons and changed his attitude towards oil price, Israel and the Soviet Union as stated above. By the time when the new Islamic regime in Tehran restarted Iran's nuclear programme (after the fall of the Shah) in 1983, Iran and the US began to view each other as potential enemy and since then the US has been working to

57. In the past, Egypt under Gamal Abdel Nasser (1952-1970) and Saudi Arabia under King Faisal (1964-1975) were anti-Israel.

58. Barbara Slavin, *Bitter Friends, Bosom Enemies*, pp. 27-28.

59. Noam Chomsky has called US-UK imposed sanctions as the "murderous regime". He has noted that although for doctrinal reasons these sanctions are called "UN sanctions", it is common knowledge that the UN administered them under US pressure. See: Noam Chomsky, *Failed States: The Abuse of Power and the Assault on Democracy*, *op. cit.* p. 56.

prevent Iran's progress in the nuclear industry. Experts are of the view that although it remains uncertain whether Tehran will make the final decision to build nuclear weapons, it has developed a range of technologies, including uranium enrichment, warhead design, and delivery systems, that would give it this option in a relatively short time frame. However, Tehran maintains that its nuclear activities are entirely peaceful which the US and its Middle Eastern allies: Israel and Saudi Arabia do not trust. As a result, Iran's relations with the US prior to the conclusion of July 2015 nuclear deal, continued strained over the nuclear question because of opposing views of Tehran and Washington. Earlier President George W. Bush (2001-2008) made it a priority to shut the development of nuclear power down,⁶⁰ however, he failed. Amidst this US hostility, in late July 2007, Iran's President Mahmoud Ahmadinejad claimed that "Iran is among the world's nine nuclear states."⁶¹ Despite this claim Iran is not a state with nuclear weapons capabilities. Against this backdrop, the Obama administration focused on negotiations and amazingly after 34 years of mostly diplomatic silence between Iran and the US, both parties ironed out a negotiated solution to Iran's nuclear programme on July 14, 2015. True, the 2015 nuclear deal removed the potential threat of a nuclear-armed Iran and thus improved Iran-US relations to a large extent during the last months of the Obama administration, however, crucial question still remains: what if the deal collapses in face of current threat posed by the present US President Donald Trump? During an election campaign on March 21, 2016, Donald Trump clearly stated before the American-Israel Public Affairs Committee (AIPAC) in Washington, DC, that: "My number-one priority is to dismantle the disastrous deal with Iran."⁶²

Now as a President of the US he is still reiterating his previous position vis-à-vis the 2015 nuclear deal between Iran and the P5+1. On July 28, 2017 President Donald Trump, has imposed new sanctions on Iran because of Tehran's missile programme. Meanwhile, Iran's President Hassan Rouhani has warned that Iran could restart its nuclear programme "within hours" if the US imposes any more new sanctions.⁶³ In

60. William O. Beeman, *The "Great Satan" VS. the "Mad Mullahs"*, p. 84.

61. Amin Tarzi, 'The World's Ninth Nuclear Power: Iran's Ambitions in the Middle East and Beyond', *Turkish Policy Quarterly*, Vol. 6, No. 2, (Summer) 2007, p. 62.

62. "Read Donald Trump's Speech to AIPAC", *Time*, March, 21, 2016, <http://time.com/4267058/donald-trump-aipac-speech-transcript/>

63. *BBC* online, August 15, 2017, Iran could restart nuclear programme within hours – Rouhani, <http://www.bbc.com/news/world-middle-east-40934680>

the meanwhile, President Donald Trump has withdrawn from the nuclear deal on May 8, 2018, leaving the future of the deal into total collapse. This US position clearly shows that the accommodative relations of the two countries that prevail since the last days of the Obama administration will not going to be existed in the days to come. Then, will any US military strike on Iran's nuclear facilities be upcoming? It just remains to be seen. It also remains to be seen how the current opposing perspectives of Iran and the US over Tehran's nuclear programme are going to be resolved in the days ahead.

**BANGALI ANTHROPOLOGIST AMONG 'PAHARI' COMMUNITIES:
RESHAPING AND RELOCATING 'SELF' IN THE FIELD WORK**

Zobaida Nasreen*

Abstract

Research on indigenous people by a non-indigenous researcher is always a challenging and sensitive task. Especially in the Chittagong Hill Tract (CHT), a Bengali researcher is always treated as an 'outsider' due to the historical background of CHT. Due to the prolonged conflict over 25 years the CHT became highly politicized and was drawn into the armed conflict between Bangladesh army and Shanti Bahini (SB), the armed wing of Parbatya Chattagram Jana Sanghati Samiti (PCJSS) in varied and complex ways. The relationship between 'Pahari (Bengalis in the CHT call all Indigenous people collectively as Pahari)-Bengali', 'Bengali-Bengali' is always contested in the Chittagong Hill Tracts (CHT). The contested relationship contributes to the dynamics of politics of the CHT that the CHT researchers mostly overlooked in their discourse of 'Bengali –Pahari'. However, this paper explains how I myself grew up within some constructions, and how this has affected my position on research about the CHT. However, while discussing the points in locating the fields, I want to make the point that doing field work in one's home country is never an easy endeavour, where there are challenges of the 'insider-outsider' dilemma, trust-distrust and negotiations between the researcher and participants belonging to different cultural backgrounds, all of which shape the outcome of everyday fieldwork. It also highlights how one can do fieldwork in the midst of the potentiality of ever present terror, fear and violence.

Introduction

This paper analyses the negative representation of the indigenous people which was propelled by rumours and incorrect information during a time of media censorship in the CHT. This also highlights how my subject position was affected in response to these stereotypes that I was socialised in. There are the three different constructions about the indigenous community that are prevalent in Bangladesh: as part of the national narrative of beautiful Bangladesh and yet that there are no '*adibasi*' in Bangladesh: as having a negative image in terms of food, clothing, housing; not being civilised, and terrorists and members of left liberal civil society; and as activist indigenous women and as victims of state and army violence through the lens of 'Pahari' vs Bangali which is limiting and skewed. This paper explains how I myself

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grew up within these three constructions, and how this has affected my position on research about the CHT.

‘You people eat snake, pork, frog and dog’s meat, how come?’ This was one of the most common questions that most of my indigenous friends encountered in their childhood when they met any *Bangali*. The representations were derogatory in the text books, i.e. they represented the indigenous people as ‘primitive’.¹ For example stating that ‘Mro *Upajati*’ people kills cows because they believe that their religious text has been eaten by cows. Text books were the only source of information about these ‘non-*Bangali*’ people. But the old stories have been replaced by new representations or prejudices. For example, the indigenous food ‘*nappi*’ (dry fish paste) is regarded negatively by *Bangali* people because of its strong smell. Regarding their dress, the distinction made between ‘modern’ and cultural dress is negative toward indigenous culture. The design of indigenous housing is also negatively represented in the text book, leading my niece to ask me, “*Won’t these houses look funny if they are highly elevated?*”. She had read in her text book that ‘*In general, the houses of Tripura are better elevated than the houses of Chakma and Marma*’ (Bangladesh and Global Studies, class V, p.100). Why Chakma and Marma houses are highly elevated is not explained in the book. Regarding indigenous modes of agricultural production, the text book states “*The method that they follow in cultivation is called “Jhum”. At present, they are getting used to the usual process of cultivation*”. (Bangladesh and Global Studies, class VIII, p.102). From the perspective of *Bangali* people ‘*Jhum*’ (Slash and Burn) cultivation is depicted with negative connotations as an ‘unusual’ process.

These representations of indigenous people are not limited to the text books. Banglapedia, the National Encyclopaedia of Bangladesh, under the heading ‘Tribal culture’ uses derogatory language to describe the indigenous people: “Some tribes living in the deep forests of the Chittagong Hill Tracts still wear tree leaves as their only dress The tribals eat everything except their totems. The Garos do not eat cats as the cat is their totem. Maghs, Chakmas and Khasias do not eat beef, and Garos do not drink milk. Magh and Chakma men and women are fond of smoking. Their favourite dishes are those that are sour and are made of dried prawns. Oraons eat rats, eels, potatoes and khesari pulses. Alcohol made of fermented rice is every tribe’s favourite drink”².

Representations such as these have created a mindset among *Bangali* people which has led to an interpretation among them that ‘diversity’ stands for ‘other’ and

1 Social Science, text book for class III, ‘*upazatider kotha*’ published by Bangladesh Text Book and Curriculum Board, 1983, p. 87

2 http://en.banglapedia.org/index.php?title=Tribal_Culture, last visit 12.2.2015

'exotic'. For example, because the majority of *Bangali* Muslims treat pork as a religiously prohibited food, they look down on the fact that the indigenous people in the CHT eat pork. The Chakma writer Suvra Jyoti Chakma has protested about these representations by stating that the representation of the indigenous people in the text book for children should have been done in consultation with indigenous people. On the other hand, SB had always been portrayed in the media as a 'terrorist group' responsible for the death of *Bangali* soldiers. This representation fanned *Bangali* nationalism against the indigenous people in the CHT. These representations are important in my research in order to understand the way institutional representations about the CHT people have influenced the attitudes of non-indigenous people outside the CHT. Foucault³ uses the term 'discipline' to refer to a type of power that is exercised by means of disciplinary institutions such as schools, prisons and hospitals. They present the mechanisms of domination as normal, natural and even desirable, which Foucault termed as 'normalisation'. Power however is productive and not simply a negative force whose sole function is repression. He treats power as a net-like organization of relationships running through the whole social body. This analysis enables us to see that power is not concentrated in the state apparatus. The state has to rely on other knowledge-producing apparatuses to render its functioning possible. These knowledge-producing apparatuses could be the way these disciplinary organisations in CHT create an atmosphere of fear or the threat of violence to ensure subordination.

Before CHT accord, outside of the official sources, the '*Jummo Bulletin*' (a bulletin published by JSS) was the only source of news but it was not available in all places in Bangladesh. The army did not allow circulation of the bulletin to ordinary people even in the CHT. The people who visited after the massacres, wrote academically and presented CHT issues as Bengali-'*Pahari*'. After the peace accord was signed the situation had changed and now it is much better in terms of the spread of information, which is now faster through various social media (face book, twitter or other forms of online activism, on-the-spot reporting). Recently, '*Thengari*' ('My Bicycle' 2015) is the first feature film made completely in the Chakma language, directed by Aung Rakhine. The film centres on indigenous people, mainly the Chakma community. However, 'My Bicycle' will not see a commercial release inside Bangladesh since it was censored by the censorship authorities. Still others guess that 'My Bicycle' was censored due to its 'unfavourable' portrayal of the army. 'My Bicycle' is seen as a critique of state and army violence from the perspective of those who are considered to be "terrorists", and it is the other stereotype of the CHT.⁴

3 Michel Foucault, *Discipline and Punish*, New York, Vintage Books, 1979

4 *The Daily Star*, Dhaka, 2 April 2015

Research on indigenous people by a non-indigenous researcher is always a challenging and sensitive task⁵. Gaining the trust of the people and access to the community is crucial especially when the researcher belongs, as I do, to the group (*Bangali*) that has been dominating and exploiting them and against whom they were fighting. Moreover, I am from Noakhali, the place where most of the *Bangali* settlers came from. I have spent a lot of time earning trust and I had to substantially revise and re-formulate my research plan. I spent approximately nine months in my different field areas and from the outset I sought the help and support of indigenous friends and acquaintances and the top leaders and leading organizations of the indigenous people. In some cases where it was necessary, my indigenous friends and associates accompanied me on field trips in the CHT.

Re-shaping the Self in the Field

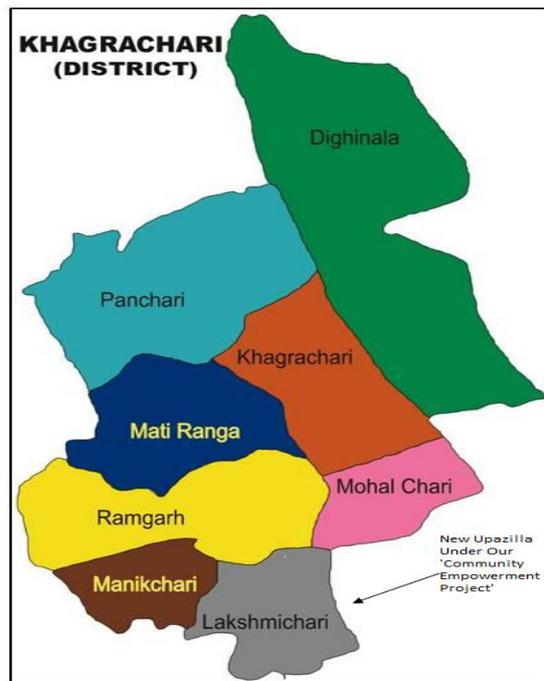
In early October 2012, I returned to Bangladesh from the UK and was planning to do fieldwork for my PhD research. However, the political environment of the CHT (as the neighbouring district of Cox's bazar had communal strife a week before I went there) led me to reconsider my decision. Instead I decided to interview individuals in Dhaka who had been involved with the CHT issue for a long time (academics, activists, political leaders and some journalists). Among the three hill districts in the CHT, I chose Khagrachari as my research area as it is the district where numerous massacres took place between the 80s and 90. The Bengali Settlement Programme initiated by the Bangladesh government started in 1979 was mostly implemented in the Khagrachari district since most of the places of Bandarban and Rangamati were considered as 'remote' areas. From the records I found that the displacement rate is higher in Khagrachari than in the other two hill districts.

After going to Khagrachari, I discussed my objectives with the local indigenous leaders from various political parties. I considered their suggestions and tried to match these with my reviews, when selecting fields. I decided to meet Mr. Ratul Chakma, the secretary of the Tribal Returnee Refugee Welfare Association (TRRWA) who was an old acquaintance. He guided me in selecting the fields. After staying three days in Khagrachari town, I made my way to the field area with Ratul Chakma. It took nearly an hour to get to the field area by '*chandergari*'.⁶ The house I was supposed to stay in belonged to friends of mine who are also relatives of Ratul Chakma. We reached the house in Shishirpur around 2 pm. The woman, who was my

5 Eshani Chakroborty, 'Understanding Women's Mobilization in the Chittagong Hill Tracts Struggle: The case of Mahila Samiti', paper presented in the 15th Biennial conference of the Asian Studies, Canberra, Australia, June 29-July 2, 2004.

6 A special vehicle that runs in the Hill area. Locally it is called '*chandergari*' (the car of moon). Generally it has no roof and is run by a battery-charged engine.

friend's mother and whom I called *Mashima* (aunt), came and hugged me and asked me whether I would like to drink some lime juice.⁷ I touched her feet as part of a Chakma ritual to show respect and get the blessing.⁸ Ratul Chakma explained to me that the house had been burned thrice and it still bears evidence of the last time it was burned. He added that now they do not want to get a new house as they thought that it would not be a good idea to build a new house since nobody knew for sure when it would be burned again. Furthermore they had a very big '*tong ghor*'⁹ before going to India as refugees in 1986. As Ratul Chakma said: "When a house is burned so many times, people may lose all the interest to build a good house again, it destroys all the hope, you cannot feel it until you lose your house".



Map of Khagrachari district¹⁰

7 It is traditional to offer a lime juice or coconut water to welcome a guest in a village area, though in the town in Bangladesh tea has replaced lime.

8 Though this ritual is practised in various religious groups to show respect to the elders and in return one gets a blessing from them. But the way of practicing the ritual is not same.

9 '*Tong ghor*' means a two-storied mud building; the 2nd floor is generally used for storing rice. However, it also symbolizes economic status in Chakma society. The people who have a '*Tong ghor*' are generally very wealthy.

10 Source:<http://www.google.com/imgres?imgurl=http://trinamulcht.org/wp-content/uploads/Khagrachari-map-with-aaption.jpg&imgrefurl=http://trinamulcht.org/?tag%3Dkhagrachari&h=>

After a few minutes *Mashima* asked Ratul Chakma to go with her to another room where they discussed what they should serve me for lunch and dinner since they cooked fish with '*nappi*' (dry fish paste) which most *Bangalis* dislike. After returning from their discussion, she told me that the toilet was a bit far away from the house and that there was no electricity in the house. Though I tried to reassure her by saying that I would not feel uncomfortable and that I was used to living in this environment, she seemed not to believe me.

I was accepted as a *Bangali* guest in the house. *Mashima* told me that they did not have a separate bathroom inside the house, that I would have to go to the tube well down the hill which was an open space. My stay at that house as a '*Bangali* outsider' really caused them a lot of unease about the differences in language, food, religion, toilet, bathroom, dress patterns and so many things. From the very first day of my stay, I tried to make them see me as part of the family and not a 'guest.' At night I chatted with *Mashima* in the kitchen though she forbade me to go there due to the smoke.¹¹ On the following day, the youngest boy of the house went to the shop to buy *pauroti* (bread) for me. But they cooked rice for themselves, as eating rice for breakfast was very common in the indigenous household. And for lunch they cooked chicken for me, since I was their guest. However, when they found that I had no trouble eating whatever was cooked, they did not cook separate dishes for me anymore but served me whatever food the rest of the family had. We were trying to negotiate with each other's cultural practices. My host family tried to accommodate what they knew of my lifestyle and I, on the other hand, tried to integrate myself into their daily lives through participation. It was full participation rather than observation. Robben¹² states that ethnographic understanding through compassion and aloofness has been generally accepted as a common dialectic in fieldwork. We must establish a good rapport with our participants to grasp the world from their perspective, while a concurrent reflective impartiality as observers is necessary to objectify our perceptions and improve our analytical insight.

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11 In the indigenous houses, the cooker is different from the ones used elsewhere. It needs a pipe and they use a mixture of coal to set fire to it.

12 Antonius Robben C. and Carolyn Nordstrom (eds.) '*Fieldwork Under Fire: Contemporary Studies of Violence and Culture*', Berkeley, University of California Press, 1995

During those first few days my host family and I stepped out carefully to avoid any kind of misunderstanding. I also was aware of the danger of cultural misinterpretation. As Geertz¹³ notes, the relation between informant and field worker is speckled with mutual misunderstandings, clientelistic interests, power games and cultural proselytizing. Just as I was worried and tense about security, so they felt tense about me. They introduced me to their neighbours in various ways as their son's friend, daughter's colleague, *Bhante's* (Buddhist priest) relative, NGO worker etc. I observed that most of the people who came to the house asked *Mashima* about my food habits. She replied with a smile that she did not need to worry about it and to prove it further she said "she even eats 'nappi' – accepting me as an insider. They thought that it was difficult for me to get water from the tube well and change my clothes after taking a bath. But I changed my dress the indigenous way with 'pinon'¹⁴ which I fastened to my chest, and went to the place where the tube well was. They were rather surprised to see that I was familiar with the indigenous house and its customs. *Mashima* was also tense about my Islamic religious norms (she considered me to be a Muslim by my name and I am a Muslim by birth) as they have a Buddhist statue at home. I assured her that I did not have a problem. One day she cooked pork and hid it from me when I was eating. When she came to know that I eat pork she was relieved. She told me that she felt very embarrassed to cook pork in my presence. I brought some *hadi*¹⁵ and *pinon* to the field and I wore them during the entire time of my fieldwork. My professional identity made me distant at the beginning before *Mashima* accepted me as one of her daughters. *Mashima* asked me about my home town. When I told her it was Noakhali her face changed, though she did not say anything. She told me that she felt comfortable as I am a woman that otherwise she would have thought twice about me staying in her home. They always tried to speak to me in the *Bangali* language though for the first couple of days *Mashima* seldom talked to me. Later, she told me that she did not know that I knew how to speak in the Chakma language and so she felt shy to speak to me in *Bangali* because her *Bangali* was not good. She communicated with me in Chittagong dialects and I replied in the Chakma language.

She told me that at night she felt alone and it reminded her about those days of pain. I found that she felt more comfortable talking at night than during the day. She told me

13 See Clifford Geertz, *Thick Description: Toward an Interpretive Theory of Culture in the Interpretation of Cultures: Selected Essays*. New York. Basic Books, 1997

14 The 'pinon' is the lower portion of Chakma female dress, mostly made of handloom. It has its own design on the right end which indicates the indigenous identity of each group. But it has different names in different communities.

15 A kind of scarf made of handloom.

that they never wanted to share their experiences with others because even now their lives were in danger. However, every night she told me a different story. She added that after the death of her husband she felt alone. She told me that after my arrival at the house, she felt happy and that I reminded her of the days of pain and joy. She told that she previously was scared of her husband, but in the camp they had become very close. Her husband taught her a lot of things in the camp, for example nursing and traditional medicine. She said that she wanted to address me as Bonimala, as she considered me like her daughter – her daughters' names are Kusummala and Monimala respectively.

In my other field site, Kuturitola, I lived in the house of Paromita Tripura. She is a primary school teacher. Her husband is a *Bangali* Hindu and a journalist. Paromita was also in the camp (from 1988-1997) and she told me that in Tripura state of India they were stronger than the Chakma people. The house was located in the area of the Tripura community. I attended a Tripura marriage ceremony there during my stay. I was invited by the local people and they told me that since I had become a part of their society, I should attend the ceremony. Before the ceremony I was provided with the traditional Tripura dress, as they wanted to see me wearing it at the ceremony. They taught me to dance to Tripura songs and taught me a Tripura song and offered me a drink, '*chu*'¹⁶, saying that they had home-made juice if I preferred. I drank '*chu*' with them, even though it was not common for a *Bangali* woman to drink in public places where drinking was restricted for the *Bangali* man as well. I wore Tripura dress and learned the rituals of celebrations, public dances and poetry readings, and tried to learn some of their songs, the names of musical instruments and some of the operating systems.

Interestingly I experienced different issues in one of my field areas (a Santal-oriented area). When I went to this area, my Chakma friend teased me telling me "you look like a Santal", which indicates racial similarities between me and my Santal respondents as they belong to a different race group from the Chakma and other indigenous groups living in the CHT. The Santal living in the CHT are not acknowledged in any government or non-government documents. I cannot speak the Santal language but we communicated with each other through the Chittagong dialects. They first thought that I was a Hindu as I put a red *Bindi* on my forehead. The CHT Santals are Hindus, so they assumed that I was '*Amrar Jat*' (belonging to the same group). When we were discussing some Santal cultural practices they said to me that I must know most of them since they were of the Hindu religion.

16 '*Chu*' is a traditional wine made by indigenous women.

In the above section I have argued that there are so many things that a researcher needs to take into account to minimize the gap between outsider and insider identities. Mookherjee¹⁷ has discussed some of these. She has stated that it is apparent that dress serves not only as a cultural marker, but can also create sartorial borders located in various categorical territories such as nationality, class, religion, caste, gender and region. However, overcoming these differences is not a one sided effort, but an endeavour on both sides. As I tried to be part of their lives, my respondents and host family tried their best to make me part of their lives through the various forms of cultural exchange. Cultural exchange or negotiation between two parties is really at the heart of field work even though both parties belong to the same territory but with different cultural and socio-economic and political backgrounds. For me, being an insider or outsider is a fluid idea and has much momentum. Narayan¹⁸ argues against the fixity of a distinction between 'native' and 'non-native' anthropologists. Instead of the concept emphasizing a dichotomy between outsider/insider or observer/observed, he proposes that at this historical moment we might more usefully view each anthropologist in terms of lopsided identifications along with a field of interpenetrating communities and power relations. Therefore, in this chapter I argue that it is not only in the researcher's own country but also in more local areas that insider-outsider gaps may result from differences between people having different cultural identities.

Bangalis in the field areas

During my stay at *Mashima's* house, some *Bangali* Muslim settlers came by the house to get information about me as my stay made them a bit nervous. They asked me a lot of questions such as: why was I there? What was I doing? Where was my hometown? Did I have any problems staying at that house? *Mashima* and the other family members suspected some of them to be agents of the army and they advised me not to talk with them for too long for both my personal security and theirs.

Two other women who used to work in that house as '*kajer lok*' (helping hands)¹⁹ also asked many question about me. *Mashima* told them that I was her son's friend. I saw *Tuktuki*, a twelve year's old *Bangali* Muslim girl, helping *Mashima* collecting

17 Nayanika Mookherjee "Dressed for Fieldwork: Sartorial Borders and Negotiations" in *Ethnography at The Millennium: Anthropology Matters*, 3, 2001

18 See Kirin Narayan 'How Native Is a "Native" Anthropologist? *American Anthropologist*', *New Series*, Vol. 95, No. 3. (Sept. 1993), pp. 671-686

19 There are many *Bangali* settler women who work in wealthy indigenous households as helping hands. They help them in collecting water from the tube well, in taking things either to the '*Jhum*' field or the plough cultivation. Sometimes they work mainly on the basis of three meals a day and are given 20 taka per day.

the water from the tube well and helping out in the kitchen. Her father was a rickshaw puller, and they did not own any land. She told me that her mother worked in another Chakma house as a helping hand. After a month, Tuktuki stopped coming to the house as her father forbade her to work there. One day I met her father and asked why Tuktuki was not coming to the house, and he replied that Tuktuki has grown up now and they were thinking of marrying her off. He further explained that it was not good for her to work in a *Pahari* house especially when they were looking for a groom for her. He said that nobody will want to get married to her if she continues to work in the *Pahari* house. However, he praised *Mashima* and the other members of the house because they had been so kind to his daughter. Some Bengalis work in the houses of wealthy indigenous people as helping hands, some work as day labourers on land owned by indigenous people and others work as day construction workers under Chakma contractors. Their lives do not reflect the generalised representation of the settler *Bangali* people who exercise power over the indigenous people in the CHT. Even the powerless *Bangalis* are well aware of maintaining distance and differences. It, on the other hand, helps recycling the power relation.

Though I soon became a family member I changed my residence frequently as I was worried that the family would become a target of the army or intelligence services. I decided to stay in the *Bihar*²⁰ sometimes to meet more people and avoid the scrutiny of the military and at the same time to ensure the security of the local people. In the *Bihar*, many people came and talked with me about many issues. The *Bhante* (Buddhist religious priest) introduced me to the people who wanted to know about me. He told them I was a friend of his, and that I was there to see him. He told me that some of the indigenous people were also agents of the military.

In the *Bazaar* area, I was asked a lot of questions by the *Bangali* shopkeepers since most of the time either Monimala or her brother was with me. The most common question that was asked to me was why I was staying in a *Pahari*'s house when there were so many *Bangali* houses in the area. They said to me that they spotted the new face because they knew everybody in the area. Some of them told me that they saw me on a television talk show speaking against the *Bangali* people in the CHT. They asked me whether I had any relatives in the area and invited me to take lunch with them as they thought that I had trouble eating in the *Pahari*'s house. They enquired why I was there. They were happy to hear that I am from Noakhali and tried to talk to me in Noakhali dialects. They asked me to have tea or chat with them. They treated me as a member of the Hindu family because of the red *Bindi* on my forehead. They

20 A religious institution for Buddhist people. Sometimes it is situated in an orphanage run by local people.

praised the indigenous people in front of them but when they were gone, to some extent they expressed their prejudice against them. In front of Monimala they always told me that they had very good relations with the *Pahari* people, though they would then wink at me, suggesting the opposite. They also suggested that I avoid food in the indigenous house because they ate so many '*haram*' foods.²¹ Some of them gave me their mobile numbers and took mine and called me sometimes. They and local officials always told me that there was no problem between *Bangali* and 'indigenous people in the CHT, that they were all living peacefully. My negotiations with my respondents does not necessarily mean acculturation; rather, it might mean adopting a strategy to get the fieldwork done peacefully in a zone affirmed by the administration to be 'peaceful'.

Negotiating Academic and Activist Identities

Certainly no simple conflict exists between academia and activism. Rather, occupying a third space of critical engagement enables research to become a personal and reflexive project of resistance.²²

I was involved in activism on CHT issues for a long time and protested regularly through my column, published in the daily newspaper and through appearances in television talk shows, and was present in the protest rallies organized to demand justice for human rights violations in the CHT. I extended my support to the movement against racist attacks that took place in the CHT. It was therefore difficult for me to negotiate between my academic and activist positions while doing the fieldwork. I had to think about the social responses to me especially by Bengali people. I organised legal help for a girl who had been sexually violated, helped in the organisation of a demonstration and sent complaints from individuals to the CHT Land Commission. I had to think about my security as well since agents of the army were following me. But critical anthropologists have confronted the role of the unreceptive anthropologist and recognized by their own actions that it is possible to be both a social activist and an anthropologist.

For me, during fieldwork, I felt that activism was not a separate thing at all; it was a part of the academic world and along with Maxey.²³ I argue that 'activism' is a daily veracity for us all. Some respondents who knew me personally as an activist asked

21 This term does not always means '*haram*' (forbidden) in the religious sense, but implies a negative impression of indigenous food habits.

22 See P. Routledge, "The third space as critical engagement", in *Antipode* 28, 1996, pp. 399-419

23 Ian, Maxey, "Beyond Boundaries? Activism, Academia, Reflexivity and Research" in *Area* 31, 1999, p. 3: 199-208, Royal Geographical Society.

me a lot of things and especially expressed their pain about the failure to implement the peace accord and the various problems that they were facing as a result. So I came to know other relevant issues which I did not think about before going into the field. As an activist, some of my previous investigations into incidents such as the Mahalchari massacre in 2003 and the Baghaihat killing also helped me a lot in the field to find the common link between the narratives of these incidents and my experiences of working on related issues. However, I had to alert people about my activism in the field as I thought that Bengali people might have a different understanding about me.

Multi-sited Field

My field was multi-sited, largely because my focus was less on geographical place than on people who are from different cultural backgrounds (Chakma, Marma, Tripura and Santal) and who live in different places mostly in accordance with their localities. Marcus²⁴ argues that multi-sited ethnography provides a more complex consideration of a topic since it permits a researcher to draw populations, ideas, and material objects through time and space.

I did not begin thinking about the field but it was led by the people I spoke to. There were seven fields: Dhaka (I conducted some interviews there), Shishirpur, Kuturitola, Kusumpara, Shivalong, Jojekchari and Uttor Kadompur. Four of the fields (Shishirpur, Kuturitola, Kusumpara, Jojekchari) are mainly based on the four indigenous groups, the Chakma, Tripura, Santal and Marma respectively.

People to Whom I Spoke

First of all, to delve deeply into the experience regarding forced displacement, I chose respondents who had gone through these experiences. To demonstrate the diversity of the experiences themselves my respondents were chosen from different ethnic backgrounds. My interest in knowing the gender dimension of the experiences of displacement led me to interview both men and women. However, since the research aims to focus on women's experiences, the number of women is higher than men. Among the respondents, there was a purposive sampling regarding women and men from different socio-economic backgrounds and different situations of displacement. Some interviews were held with women who had given birth to but discarded their own child or children on their uncertain journey. Most of these people had settled there as an aftermath of the Kaptai Dam project implemented in 1959.

24 George, E Marcus, *Ethnography through Thick and Thin*, Princeton, Princeton University Press. 1998.

People who had been forcefully displaced more than three times were chosen for interviewing, and to demonstrate the difference in the nature of experiences of displacement before and after the CHT accord, respondents were chosen accordingly. I also interviewed some women from the Tripura and Chakma communities who had put their sons up for adoption through religious leaders to families in France. Moreover, some of the interviews were done with those who had been tortured or sexually harassed or raped by *Bangalis* or soldiers in the army. Some informants were also chosen from the returnee refugee rehabilitation village which was set up by the army. Since the Chakma, the Marma and the Tripura communities were the main target of state violence, I have chosen these three in my research. In addition, Santal community has been selected as their existence has not been addressed in any government and non government documents.

In all fields except Dhaka, both men and women were discarding their narratives every day. They did not want other people to hear about them. It was not all about their shyness, it was about their general distrust of people, especially the *Bangalis*, and also their fear of the consequences. I was not allowed to record their voices with an audio recorder. It does not mean that they did not allow me to use the recorder, but they became frightened hearing their own voices as they were not habituated to it. Then they asked me to turn it off and said that they did not feel comfortable with the recorder. They couldn't trust the recorder itself. They thought that it might reach the army. The respondents had various ways of expressing themselves. One Chakma female respondent from the field of Shishirpur, a housewife from a lower socio-economic status, said that if they told me anything about their situation it would mean that they were inviting enemies. From their point of view, it was better to be silent to avoid future problems. They could not trust me, a *Bangali* researcher as their land had been grabbed by *Bangali* settlers. Some of them asked Monimala, who mostly accompanied me during my fieldwork, about me. When the respondents hesitated to talk to me, Monimala convinced them and made them understand about my research objectives and ensured them it would cause no harm to them. She built a bridge between us to communicate. But some of them seemed scared while talking to me. Green²⁵ states that fear destabilises social relations by driving a lodge of distrust between members of families, between neighbours and among friends. Fear divides communities through suspicion and nervousness, not only of strangers but of each other.

25 Linda Green, "Fear as a Way of Life", in: *Cultural Anthropology*, Vol. 9, No. 2, May 1994, pp. 227-256

When they started talking to me, I found some of them discarding their memories every day. They came to me and said that it was not true what they said to me the previous day. They did not find me trustworthy since I was there for only a few days of my field work, so they thought again about what they had said and when they feared that it may invite risk they recanted their stories. They were always in fear and it became clear to me that fear is the reality of their everyday lives. In addition, they also tried to go back to their own stories and negotiated with themselves every day. It was not easy at all for them to go back to those painful days and decide what they wanted to remember. They were not sure what they should tell me and what not, and as Hughes²⁶ argues, memory does not involve an abstract recording of the past, but is informed by the socio-political context of remembering. Some of them considered these memories as the ‘secret story’ of the family which was connected to family ‘honour’ in patriarchal Chakma, Marma or Tripura societies. Green has openly analysed fear in a personal and political context.

Methods, Sources and Ethics

Although indigeneity is a growing field of study across the world, there are very few critical texts on research methodology that touch upon issues of researching indigenous people. Smith’s²⁷ work on indigenous methodology is a persuasive one which provides an alternative paradigm for researching indigenous people. Before embarking on the field visits I acquainted myself with the culture, custom, norms and concerns of the people in order to build rapport. Another strategy is ‘making space’ for indigenous voices. During my fieldwork, I tried to ensure this by consulting with the indigenous people whenever possible and by sharing my thoughts with them and seeking their opinions. It helped me to get more of their interpretations of what had happened. However, there are some challenges. I had to choose what I share and with whom among them. Parr²⁸ points out that the strengths of the beached approach lies in its open-endedness, its willingness to listen and act according to the results in every stage of the research process, preparing the analysis in the data derived directly from the field.

26 Dhana Hughes, *Violence, Torture and Memory in Sri Lanka: Life after Terror*. London, Routledge. Edinburgh South Asian Studies Series. 2013

27 Candida Smith “Les Gammes: Making Visible the Representative Modern Man,” in Richard Cándida Smith, ed. *Art and the Performance of Memory: Sounds and Gestures of Recollection*. London, Routledge, 2002

28 Janet Parr "Theoretical Voices and Women's Own Voice: The Stories of Mature Women Students" R. Edward and J. Ribbens in *Feminist Dilemmas in Qualitative Research: Public Knowledge and Privates Lives*. London, Sage Publications, 1995

I have utilized both primary and secondary sources of data. Secondary sources include books, journal articles, monographs, and conference papers, particularly those on the CHT, indigenous women, state violence and forced displacement. Therefore, the study depended largely on other secondary materials such as organisational documents, research reports, press releases, decrees, programme statements, film, national population census data, exhibitions, newsletters, leaflets, pamphlets, posters, flyers, memorandums, and newspaper and magazine reports. Since documentary sources tell little about women, I had to depend almost entirely on primary data, i.e. oral sources (life stories, walking interviews, informal discussion) in order to trace the life experiences of the respondents. It was a challenging task for me to conduct the research in an area where my identity could be constructed as that of both an outsider and an insider as the area of study is part of Bangladesh, but my language and culture rendered me as an outsider there. However being an insider-outsider also created difficulties, I tried my best to be accepted by the community so that they would trust me.

As I have already mentioned, it was not as easy to go into the field area and collect data as I had assumed. Before my field trip, I meant to study 'ordinary' indigenous women in the CHT. As soon as my field work started, I abandoned the concept of 'ordinary people' altogether, because everyone I met was extraordinary in his or her own right. I have taken to using the term 'participants' in the research, but that only applies to some of the people. I don't think there's a single word that captures the diversity of relationships we develop in the field.

I believe that my respect for them and their privacy was extremely important in building both boundaries and trust. I always carried my notebook, camera, and recording devices during my field research but did not take any of them out on my initial contact with the residents. The residents enriched my research in many ways: not only their experience made me think in new ways, but also their suggestions led to new dimensions for my project. It is in this sense that they were not just respondents; they became active participants in my research. With such trust and boundaries, the residents and I carried the research agenda together. Shao²⁹ points out that trust is very central while conducting sensitive research even though it takes place in the researcher's own country. Rather, I waited and judged the reaction of the respondents to my presence in those areas and their interest in talking to me. It was really difficult to get them to open up and talk about the matter that they were scared to talk about and wanted to forget. They avoided talking about it altogether and

29 Qin Shao "Waving the Red Flag: Cultural Memory and Grass-roots Protest in Housing Disputes in China", in: *Modern Chinese Literature and Culture*, 22, 2010, pp. 197-232

pretended to know nothing. Even when I was talking to a Chakma woman in her house, her husband asked me why I was asking them about it when they knew nothing about it. He added that he had many documents and that women generally knew nothing. He advised me to talk to the men and not the women.

Though the research follows a mostly qualitative methodology, to get varied data, it focused on the different identities and situations of the informants. Participants included both males and females. Also, the officials from government bodies and national NGOs and international NGOs, and representatives from different political parties and military forces, were selected according to their activities and connections with these forced displaced groups or the areas in which they lived.

In conducting interviews I attempted to follow the approach applied by some feminist scholars: ethical, collaborative, interactive, non-hierarchical, reflective, responsive, sensitive and bottom up instead of top down. Since memory is not unmediated, interviews needed special attention in relation to time, space, socio-political reality and the nature of experience, all of which affect in varying degrees the perceptions of the past. Remembering violent events in the CHT could be traumatic for some women who witnessed or experienced the violence. State vigilance of and fear of vengeance from the dominant *Bangali* community may also cause someone to stay silent. Lapse of time is sometime responsible for memory loss and the distortion of the facts. Recognizing these problems, in analysing interviews I checked and cross-checked them with other interviews and other documented sources. Due attention was also paid to the use of symbols, as Parr argues that verbal and non-verbal expressions, special body language, silence and the chain of narration, all of which provide deeper insight into the personal experience of the participant.

Unstructured, informal interviews are useful in an ethnographic study as they help the researcher understand what people think and how one person's beliefs and insights contrast with another's. I completed seventy informal and formal interviews of the Chakma, Marma, Tripura and Santal people living in Phanchari and Dighinala *Upazilla* in the Khagrachari Hill district. Among the interviewees were the traditional leaders (*Karbary*, *Headman* and *Rajas*), the local authorities including police and the District Commissioner, leaders of regional parties (PCJSS, UPDF, HWF) and local leaders of national political parties. Among the above-mentioned communities, males and females were interviewed informally during their leisure time.

The sensitivity of the information can have implications for the personal lives of the informants, especially for those who have been sexually harassed. On the other hand, as Parker suggests, in some cases the historical value of confidential events may

suffer if the actual names and places are not evident (Quoted in Chakraborty 2004)³⁰. Following this, I have used the real names of political activists and leaders so that one can re-use the present documentation of state violence, forced displacement and women's narratives in the CHT in the future.

The interesting part of the methodology is that some leaders from the indigenous groups did not care about my research objectives. At first they told me that they had many things to tell me since they considered me more an activist than a researcher. Mostly they complained about other groups. Then I asked their opinion about my issues and made some changes to my strategy to include them in the research topics. When I discussed the peace accord after their return, they started blaming the government for not implementing it. I sat with them many times to know their experience.

The research used the walking method, allowing the interviews to take place in a more convenient and friendly environment and sometimes in the backyard of the house and the kitchen. I went to the '*Jhumghor*'³¹ to follow some of my respondents where they felt comfortable enough to share their experiences. *Mashima*, especially, felt at ease sharing her life's story while both of us lay in the same bed at night. It was a new experience for me and I really looked forward to the nights to hear new stories from *Mashima*.

It is an interesting observation that women helped one another to remember something in the Focus Group Discussion (FGD) and corrected others where it was needed and in this way were constructing a collective memory. And through the process they sometimes started laughing loudly when they were talking about funny incidents and they contested each other's memories. I found walking interviews to be a very useful method in this research. There were two women in the Chakma community who told me that they felt that it was easier to communicate with me while walking, so that observers would get the idea that we were talking informally rather than in a serious way.

I collected some information when I dropped by houses just to say hello. They opened up to me and started talking about themselves, as by that time I had formed a close bond with them. They invited me to wedding ceremonies and other occasions as a guest and they also shared their experiences at the refugee camps. Even on my way to Dighinala from Khagrachari when I sat next to a Marma woman, I talked to

30 Eshani Chakraborty, *op. cit.*

31 The temporary house made for the *Jhum* cultivation season for workers in the *Jhum* field. Generally they cook and stay there for the convenience of work.

her and she shared her experiences in the refugee camps and came to me the next day to share more of her stories.

It was very sensitive to talk about difficult issues such as sexual harassment and rape. I never asked anything and I always tried to give them the space and time so that they felt free to talk about what they really wanted to. Some took a longer time than others to prepare themselves and make the decision to share their stories.

I found that the narrative analysis tools worked well in telling the story, especially for women. I highlighted the context of narration and the role of the listener in the structure of these accounts as highlighted by scholars. In the field, the respondents were given the freedom to narrate their own stories. It was his or her choice to select the appropriate time and it was their choice what they told me about the stages of their lives. But contesting his/her own narratives happened frequently.

The case study method helped me to explore or describe the data in real-life environments, but also to explain the complexities of real life. In this research, as with the narratives, people were given the freedom and space to talk about how and what they wanted to talk about. In my research I used the case study method to gather individual experience in detail since these experiences cannot be generalized for all women. Participant observation was an important method used in the research because it enabled me to discover much about the intra-ethnic relationships, their daily dealings, kin relationships, political support and affiliations and so on, though some of them did not want to disclose their strategies while negotiating with *Bangali* people in order to avoid further incidents and to give them a sense of security as a community member and as a woman in the society. However, participant observation in conflict areas must transcend traditional approaches. Specifically on ethics, the name of respondents and places will remain anonymous in my thesis except the name of minister of the Ministry of CHT Affairs. I did not take any photos or record their voices except for some special cases (such as interviews with the Minister, or leaders of JSS or UPDF). But it is also interesting that I did not record anything, whether in digital form or film photography, not only for security reasons, but because they felt uncomfortable hearing their own voices. They were also not happy to be photographed. However, they sometimes asked me to read out what I had written about them and they sometimes changed it when they felt that it was not appropriate or accurate. As I mentioned earlier, before I went to my field areas Ratul Chakma advised me not to show my identity as a teacher or researcher to anybody in the field as this was not the appropriate time to do the research work. They may not talk to me, people were scared about a new person as they are frightened that they may face the reality of incidents such as Coxa's bazar (mentioned earlier).

On the first day of my staying with my host family, I did not tell them the objective of my research and I did not express my identity as a researcher. We discussed food, her children, her gardening. For the first few days I talked to many people to know how people talked about violence and how it had been constructed by people from different ethnic groups (Bangali, Chakma, Marma, Tripura). I found that generally people don't want to talk about violence as all know that I am an outsider (meaning not from that area). I told them my story when I first came to Khagrachari and where I visited, whom I became close to. I am an outsider in terms of my home town, my profession, my language, ethnic identity, socio economic status, all of which gave me the identity of an outsider.

A mutuality in the field areas (my effort to be insider and their effort also to accept me) helped me in making close relationships and feel that the insider-outsider situation is very fluid. Fabian shows that mutuality appears as a methodological obsession in discussions about fieldwork ethics; he refers to the way in which anthropologist and informant are occupied in processes of co-responsibility (quoted in Pina Cabral, Joao 2011: 1).³²

During my field work, I tried to change where I stayed so that the army or other special branches could not target one family. It should be noted here that after my arrival in my field areas, the agents and members of National Security Intelligence (NSI) and Intelligence in Security Branch (ISB) followed my every movement and asked me endless questions. They asked me what I was writing. I sometimes made another field note briefly for them.

I tried to keep secret where I was going and whom I talked to. To keep them secure and keep myself safe, some of the respondents suggested that we meet in a comparatively safe place. I also tried not to contact people using my mobile phone, as it was recorded. I contacted people through my indigenous friends and their families to introduce myself in different field areas.

During the study I was aware, in asking victims of violence to tell their own story, of the danger that they would be retraumatized. We should be careful with the victim when we are unable to relieve their traumas and cannot restore their lives. I tried very hard to give them the space to tell me what they wanted to say without making them relive their trauma.

32 Pina-Cabral, Joao, The two faces of mutuality: contemporary themes in anthropology, *Anthropological Quarterly*, Vol. 86, No. 1, 2013, p. 257.

Conclusion

This paper has discussed the representation of indigenous people in text books (Bangladesh and Global Studies) published by the National Curriculum, involving different classes at the Primary and Secondary level that shaped my thought in my childhood. It has also analysed the way these representations contribute to a mindset and stereotypical knowledge among the majority of *Bangali* people about indigenous people and within that how I got closer to the CHT and developed my position with the CHT issues and reshaped myself in the frame of cultural mutuality. The paper argues that this mindset can be changed through a person's journey of personal and political struggle with the indigenous people, leading to a reconstruction of the self which reconciles the self and the reality of the field researched. This paper also highlights that achieving trust and changing the researcher's identity from outsider to insider is not a one-sided effort; it is process of cultural negotiation between both parties. I believe that this paper makes a special contribution to a review of the different 'factors' researchers need to be aware of culturally and politically and especially in relation to the contemporary debate between academics, activists and those whose identities overlap. I argue here that activism sometimes appears as a reality in the fieldwork. In this paper, I also show that 'indigenous women' is not a homogenous category since my field includes women from different cultural identities and with different socio-economic status, age, profession etc. It is also true that *Bangalis* in the CHT are not homogenous.

**THE INVISIBLE REFUGEES: MUSLIM 'RETURNEES'
IN EAST PAKISTAN (1947-71)**

Anindita Ghoshal*

Abstract

Partition of India displaced huge population in newly created two states who sought refuge in the state where their co - religionists were in a majority. Although much has been written about the Hindu refugees to India, very less is known about the Muslim refugees to Pakistan. This article is about the Muslim 'returnees' and their struggle to settle in East Pakistan, the hazards and discriminations they faced and policy of the new state of Pakistan in accommodating them. It shows how the dream of homecoming turned into disillusionment for them. By incorporating diverse source materials, this article investigates how, despite belonging to the same religion, the returnee refugees had confronted issues of differences on the basis of language, culture and region in a country, which was established on the basis of one Islamic identity. It discusses the process in which from a space that displaced huge Hindu population soon emerged as a 'gradual refugee absorbent space'. It studies new policies for the rehabilitation of the refugees, regulations and laws that were passed, the emergence of the concept of enemy property and the grabbing spree of property left behind by Hindu migrants. Lastly, it discusses the politics over the so-called *Muhajirs* and their final fate, which has not been settled even after seventy years of Partition. This article intends to argue that the identity of the refugees was thus 'multi-layered' even in case of the Muslim returnees, and interrogates the general perception of refugees as a 'monolithic community' in South Asia.

Note

I have categorically used the term 'returnees' to denote the 'refugees who migrated to and fro India and East Bengal (Pakistan)' in many sentences including in the title of this article, as it was mentioned in the contemporary official and legal documents (I.B. records, files of the Home-Political department and External Affairs). Also, I have mostly mentioned the term 'East Bengal' in this article to denote the geographical area of the Eastern wing of Pakistan, while writing up till mid-1950s. As, the name 'East Bengal' officially continued within that geographical territory until the Constitution of 1956 formally renamed the Eastern wing as 'East Pakistan'. For describing the land after 1956, I used the term 'East Pakistan' in my writing.

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Introduction

The independence of Indian subcontinent created more problems than it actually solved. Afflicted by gruesome communal riots, intimidations and threats, a huge insecure minority population in either part of the partitioned country left their home and hearth to migrate to the other part in search of a new home, security and safety. This much of the story is generally known. What is not known is that, in this search for a new home alone, more than a million people just vanished forever. For the rest of the people, who were now termed as ‘refugees’, the search did not end ever and continues to this day. However, of the two infant nation states, Pakistan was born out of political bargains chiefly based on religion in favour of a particular community called the Muslims. Geographically distanced by thousands of miles, Islam was the ‘only positive bond’ behind the ideological unification of two wings of Pakistan, East and West. Yet from the very beginning, the religious notions were engraved in the general psyche and body politic of this nation in such ways that it reshaped the ethno-cultural and psychological makeup of a new nation in the map of South Asia. Hence, neither the migration of refugees was smooth in Pakistan; more so for the ‘not so religious’ professional classes, nor the reception in that ‘*swopno-bhumi*’ or ‘utopia’, was as welcoming as it was hoped.¹

This is but just one part of the struggle. The other part is that soon the Bengali and non-Bengali Muslim refugees had realised that it was going to be a long struggle before they were accommodated or rehabilitated both spatially and economically in their new homes. There were numerous incidents of hostility, discrimination and gross apathy towards them, right from the time of their arrival up till the journey of the so-called permanent settlement. In most cases, the domiciles started treating both the Bengalis and non-Bengali refugees as ‘others’, ‘outsiders’ and even ‘encroachers’ from another land.² Thus, the refugees had to struggle from pillar to post, for every meal, every concession. Home was a distant dream; even rehabilitation had to be fought for, primarily in case of the Bengalis in the country where the dominant ruling class were the Urdu speaking Punjabi Muslims. There were many layers of contradictions and confusions at every level. The ideological and cultural contradiction between Western and Eastern wings did not affect linguistic issues only; it had also reflected equally in the relief and rehabilitation policies towards the

1 The Bihari killing in 1971 and the general psychology behind this killing is rightly depicted in the film ‘*Swopnobhumi*’ (The Promised Land), directed by Tanvir Mokammel, released in 2007.

2 M. R. Akhtar Mukul, *Bhasani Mujiber Rajniti*, Sagar Publishers, Dhaka, 2001, pp. 20-26.

refugees.³ It was again clearly visible in distributing requisitioned and acquisitioned houses, evacuee properties to the uprooted populace. The Urdu and Hindi speaking non-Bengali *Biharis* or *Muhajirs* were treated comparatively well in comparison to the Bengali refugees.⁴ But, in some of the areas in which the refugees were apparently sheltered and later permanently rehabilitated, the host communities turned tremendously hostile to those settlements, as they did not want to share their lands and resources. In some other areas, they were unwelcome due to their separate cultural identities. In fact the refugee resettlement led to the spatial reorganisation of the existing cities, urban centers, *muffosil* towns and other suburban areas.⁵

The story of displacement, migration, temporary relief and permanent rehabilitation, struggle for settlement in a new space after Partition, chiefly in India and the Western part of Pakistan has already formed a part of the growing historical literature in this subcontinent. Yet, although the refugee studies are growing, the predicament and role of the Muslim refugees in East Pakistan amidst the huge traumatic experience and the change in their identities have hardly been studied. The socio-economic positions of these refugees from adjacent border districts of West Bengal, Assam, Tripura or other places were diverse. They did not follow a definite pattern and hence was diversified. Thus, this article actually studies the reverse history of the migration of the Muslim refugees / returnees from India to the then East Bengal and their changing position in an altered society and state. It tries to investigate how the issues of differences initially submerged in the question of a single religious identity, but later surfaced in a critical manner after their migration to Pakistan. It discusses the process in which from a space that displaced huge Hindu population in East Pakistan, however soon emerged as a gradual refugee absorbent space. New policies had to be formulated for sheltering and rehabilitating the refugees and the resistance that the state faced from within in doing so. It studies the regulations and laws that were passed, the emergence of the concept of enemy property, and the grabbing spree of property left behind by Hindu migrants. Lastly it discusses the politics over so called *Muhajirs* and the final fate of the *Muhajirs*, which has not been settled even after seventy years of Partition and independence. It however intends to provide information as well as

3 L. Ziring, *Bangladesh From Mujib to Ershad: An Interpretive Study*, Oxford University Press, Karachi, 1992, pp. 6-7.

4 National Archives of Bangladesh (hereafter NAB), Government of Bengal (hereafter GB), 'East Bengal Province', Home - Police, B Proceedings, Bundle No. 102, June 1951, p. 6.

5 J. Chatterji, 'Dispositions and Destinations: Refugee Agency and Mobility Capital in the Bengal Diaspora, 1947-2007', *Comparative Studies in Society and History*, vol. 55, no. 2, 2013, pp. 279-80

perspective on their struggle that they faced in a different socio-economic, political and cultural space. This article intends to argue in favour of the idea of ‘multi-layered identity of the refugees’ and also interrogates the general perception of refugees as a ‘monolithic community’ in South Asia.

East Pakistan: a Refugee Absorbent Space

Partition of 1947 had displaced massive numbers of people who migrated from one side of the border to the other in search of security and shelter. Thus, Hindu families who migrated from the then Pakistan to India, and Muslims from India to Pakistan were generally termed as ‘refugees’.⁶ Yet in case of the Hindu refugees, India initially tried hard not to recognise them legally as ‘refugees’, since this term meant to provide social security along with other few mandatory privileges. Thus, they were rather termed as displaced persons (1946-47), optees and migrants (early 1950s), evacuees and illegal aliens or migrants (late 1950s), infiltrators/ Pakistani minorities/ fugitives (after 1964) and *sharanarathi* (during the Liberation War of 1971) in the official records or reports. In case of the Muslim refugees to East Pakistan, the administrators of both dominions termed them mostly as ‘Muslim returnees’ in official documents for keeping parity in policy-making processes.⁷ But after crossing the borders, refugees having different mother tongues did not receive equal treatment. Rather, the politics of connection to one culture or one’s ‘otherness’ played vital roles to the respective authorities.⁸ Policies and opportunities were meant to be the same officially for both Bengali and non-Bengali refugees, yet the West Pakistani officials had received the Bengalis with some notion of disapproval.⁹ Also in reality, East Pakistan became the hinterland of the Urdu speaking West Pakistani dominance and the Centre was seen more sincere towards the non-Bengali Muslim refugees.¹⁰ The administration was prompt to provide them immediate relief

6 NAB, GB, Department- Political, B Proceedings, List no. 118, Bundle no. 48, May - July, 1949.

7 The term ‘returnees’ used several times in many references to denote the Bengali and non-Bengali Hindu/ Muslim refugees, migrated to and fro the then India and East Bengal (Pakistan), as referred in the I.B. records, files of the Home-Political departments and, especially in the files of the Ministry of External Affairs, which is available in the National Archives of India, New Delhi.

8 R. Roy (ed.), *Paschim theke Purbobanga: Deshbodoler Smriti*, Gangchil, Kolkata, 2015, pp. 22-3.

9 Maleka Begum, interviewed in Kolkata, India, 24 August 2017

10 P. Oldenburg, ‘A Place Insufficiently Imagined: Language, Belief, and the Pakistan Crisis of 1971’, *The Journal of Asian Studies*, vol. 44, no. 4 (August, 1985), p. 716.

measures and later viable rehabilitation.¹¹ Similarly again, for very few Bengali provincial officers, the issue of ‘linguistic resemblance’ became the only ‘positive bond’ to understand the crisis of the Bengali refugees.¹²

Actually, apart from the discriminatory attitude of Pakistani Center that had clearly been reflected in the policies of the state machinery, there were many other reasons behind maltreatment of other linguistic communities.¹³ The Nawab family and the *Daccaias* (original residents of Dacca) named as *kuttis* (the business communities), were basically non-Bengalis.¹⁴ They were naturally seen more inclined towards the West Pakistanis, as well as, the non-Bengali refugees. Though they were compelled to adopt some Bengali cultural traits and picked up Bengali for professional purposes, they generally became residents of designated areas in Dhaka like, *Gandaria* (probably derived from term ‘grand area’), where the Provincial Government based in Dhaka later arranged rehabilitation of the non-Bengali refugees.¹⁵ The Bengali refugees from Calcutta, other small cities and district towns of different Indian states often targeted Dhaka to obtain similar jobs and other professional opportunities. Their key aim was to allocate spaces for pursuing smooth livelihood in a land that was meant to be made only for them. But in comparison to Calcutta, Dhaka in late 1940s was just like any other *muffosil* town of West Bengal. Interestingly, the then Bengali Muslim residents of Calcutta often described the *Daccaia* Muslims as *bangal* with a derogatory tone. The social status of this traditional class, i.e. the *Daccaias* was not respectable; as though they were wealthy they lacked in education and were not culturally advanced.¹⁶ In the context of the urban faculties, the then Dhaka was not even a growing city. Sirajul Islam Choudhury described in his autobiography, how getting a ration card was a huge task in Dhaka after they migrated as ‘optees’ there, while even rationing system was not regular.¹⁷ Anisuzzaman also mentioned in his autobiography, when they finally decided to settle down in Dhaka, the basic urban facilities were not available. He stated that electricity or running water facilities were irregular, even bread and butter

11 *Azad*, 20 July 1949.

12 Sirajul Islam, interviewed in Dhaka, Bangladesh, 16 July 2012.

13 K. Sinha-Kerkhoff, *Tyranny of Partition: Hindus in Bangladesh and Muslims in India*, Gyan Publishing House, Delhi, 2006, p. 68.

14 Tanvir Mokammel, interviewed in Dhaka, Bangladesh, 26 December 2010.

15 Kamal Lohani, interviewed in Dhaka, 30 January 2014.

16 Anisuzzaman, *Kal Nirobodhi* (An Autobiography), Sahitya Prakash, Dhaka, 2003, p. 109.

17 S. I. Choudhury, *Dui Jattrar Ak Jatri* (Autobiography), Pearl Publications, Dhaka, 2012, p. 15.

were not available, general public transports like bus and tram did not start operating as city services.¹⁸

Within such a chaotic situation and with diverse expectations, both the Bengali and non-Bengali refugees arrived in East Bengal. Interestingly, while most of the refugees migrated by compulsion, some immigrated just to try their luck; few were expecting a superior status in the agrarian society of the post-Partition Eastern wing. East Pakistan came out as a perfect place to them for migration for numerous reasons.¹⁹ The population exchange program was never opted and implemented in this region and the ratio of influx and exodus of refugees was uneven. The refugee migration process was endless to and from this region. Such physical, practical and professional vacuums however made the absorption procedure comparatively comfortable.²⁰ But, Bengal borderland remained open up to the early 1980s. The migration procedure was slow and came in several waves. There were shifts in intentions and ideas towards the migrating populace, by the policy makers of the respective bordering states. For instance, the Government of Tripura complained that the Muslims had taken years to decide whether to settle permanently in East Pakistan. They often left a relative in their own houses in Tripura, though made all necessary arrangements for their permanent rehabilitation in the Pakistani part of the divided Bengal. Thus, the state Governments had to work hard for many years and negotiate with the administrators of the other side of the border, to spot the evacuee properties left finally by the Bengali Muslims for resettlement of the Hindu refugees.²¹

East Pakistan: on the Policy Making Front

Mohammad Ali Jinnah, in his first lecture at the Constituent Assembly of Pakistan declared the idea of maintaining ‘complete sovereignty’ in Pakistan.²² He portrayed a liberal view of nationhood by saying, ‘We are starting with the fundamental principle that we are all citizens and equal citizen of one state... We should keep that in front of

18 Anisuzzaman, ‘*Kal Nirobodhi*’, pp. 109-11.

19 O. Ahad, *Jatio Rajniti: 1945 theke 75*, Khoshraj Kitab Mahal, Dhaka, 1982, pp. 5-7

20 Sirajul Islam Choudhury, interviewed in Dhaka, Bangladesh, 26 December 2014.

21 *Purbadesh*, 12 February 1952.

22 The staunch Muslim League activists were trying hard to create a definite image of Pakistan to communicate its ideology to the world. They were not sure, how far the Islamic adaptation in culture and daily life would be acceptable to a (modern) state-system. NAB, File no. 3M-2, Government of Bengal, Department- Political, Proceedings-B (291 to 293), Serial no. 49, November 1953.

us as our ideal and you will find that Hindus will cease to be Hindus and Muslims will cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the state'.²³ In a celebratory message on Jinnah's birthday, Prime Minister Khwaja Nazimuddin repeated that solemn pledge: 'Pakistan is not the state of Muslims alone; it belongs to all peoples and communities who live in it and who are loyal to it'.²⁴ Maulana Bhasani, a peasant leader of East Bengal, also echoed similar views, 'Today the country is a free country and should be guided by the opinions of the people'.²⁵ These so-called nationalist leaders initially and formally perceived Pakistan as, 'free from its colonial experience of non-participatory, non-democratic and non-representative politics.'²⁶ It rather should now to be completely reversed.

Hence the involvement of everyone, irrespective of communities, castes and classes made the celebration of creation of this new nation state in the map of South Asia truly colourful. The merry mass feeling of achieving independence, chiefly creating a separate state was like what nationalist leaders dreamt of. Hence, 'Muslims all over East Bengal welcomed the birth of the new nation with the *azan* (call to prayer)' and 'crowds of holidaymakers' thronged streets, 'some riding trucks and some even on elephants'.²⁷ The highlight of the day was a procession by the Hindus and Muslims in Dhaka, where leaders of all major political parties had given lectures. Tajuddin Ahmed, a young socialist / nationalist who later became the first Prime Minister of the independent Bangladesh, described in his diary, 'the celebration of independence was in full swing from 3 pm onwards...in front of almost one-lakh people, both Hindus-Muslims, Nawab of Dacca and Khwaja Nazimuddin were chief speakers of the meeting in the Victoria Park in Dhaka'.²⁸ Being the new provincial capital and Pakistan's 'second capital', Dhaka afforded pompous celebration of the day in comparison to other *muffosil* towns. Erection of gates and decoration of the whole city set the mood. Public and private buildings were illuminated at night, and

23 M. A. Jinnah, 'Presidential Address to Constituent Assembly of Pakistan', no. 11, August 1947, in *Speeches and Writings of Mr. M. A. Jinnah*, J. Ahmed (ed.), Vol. II, Sh. Muhammad Ashraf, Lahore, 1964 (reprint), p. 402.

24 *Ananda Bazar Patrika*, 1 January 1948.

25 *East Bengal Legislative Assembly Proceedings*, Official Report, Dhaka, East Pakistan Government Press, vol. 1, no. 3, 1948, p. 7.

26 S. Dutta, *Bangladesh: A Fragile Democracy*, Shipra, New Delhi, 2004, p. 4332.

27 A. Kamal, *State Against the Nation: The Decline of the Muslim League in Pre-independence Bangladesh, 1947-54*, The University Press Ltd., Dhaka, 2009, p. 11.

28 T. Ahmed, *Tajuddin Ahmeder Diary; 1947-1948*, vol. 1, Pratibhas, Dhaka, 2005, p. 37.

fireworks dazzled the sky.²⁹ Other majority-minority Hindu-Muslim towns like Barisal, Sylhet, Rajshahi, Mymensingh celebrated this auspicious occasion by arranging processions and meetings where ‘remarkable scenes of amity and concord were witnessed’.³⁰ The insiders noticed, ‘signs of radiant glow of fulfillment of a long cherished desire of winning freedom’ were almost ‘in every face of the vast population’.³¹

The idea of making the Eastern wing a ‘premium colony’ of Western Pakistan was there from the beginning. Yet Pakistan tried promoting, proving, claiming and counter-claiming ideas to make a modern liberal democratic secular state system (which was supposed to be administered by freedom-fighters, nationalists, ex-leaders and statesmen), as they thought the journey should not start with migration of minorities. They rather started official campaigning for ‘staying back’ of minorities.³² Hitherto, the real hurdle for Pakistan was punching up everything diverse or deal contradictory issues to make the ‘spirit of Partition’.³³ The real problem was how to deal with East Bengal and exercise power simultaneously ‘in a manner consistent with the dignity, prosperity and security of its citizens and act in its own enlightened self-interest’.³⁴ The ‘Report of the Basic Principles Committee’ of 1953 pointed out two major challenges, one, how to embark upon ‘wide divergences to demonstrate’ of Western Pakistanis with identical pattern of more or less homogeneous population

29 From a colonial political economy, the journey of Pakistan as a ‘nation-state’ was ideologically quite different. Outlook-wise they presented their goals to achieve and voiced themselves, than that of her half-sister origin state, India. A. Kamal, ‘East Bengal at Independence’, in *History of Bangladesh; 1904-1971*, S. Islam (ed.), vol. 1, Political History, Asiatic Society of Bangladesh, Dhaka, 2007, p. 328.

30 *The Statesman*, 15 August 1947.

31 Kamal, ‘*State Against the Nation*’, p. 12.

32 Both India and Pakistan declared to follow some rules hereafter. A. M. Ahmed, *Amar Dakha Rajnitir Ponchas Bochhor* (Autobiography), Khosraj Kitab Mahal, Dhaka, 2006, p. 235.

33 The United Front on 9 April 1954 also mentioned in the *Twenty One Programme*, ‘According to the Lahore Resolution, East Bengal will get complete autonomy. Our defense, currency and foreign policy will be joint subjects with the Center. Army headquarters will be in West Pakistan and naval headquarters are to be set up in East Pakistan, so that this wing can become strong enough to safeguard her freedom. R. L. Park, ‘East Bengal: Pakistan’s Troubled Province’, *Far Eastern Survey*, vol. 23, no. 5, May 1954, p. 73.

34 I. Niaz, *The Culture of Power and Governance of Pakistan; 1947-2008*, Oxford University Press, Karachi, 2010, p. 5.

hailing from the Eastern wing; and two, how to hold these elements together and make a strong and powerful Central government of Pakistan.³⁵

The tone of resistance to West Pakistan hegemony began to be heard from Eastern benchers in the Constituent Assembly of Pakistan after the brief phase of ‘romance and reconciliation’.³⁶ The East Bengali representatives, Bhupendra Kumar Datta, Sris Chandra Chattopadhyay, Dharendra Nath Datta were vehemently opposed to a motion on giving titles to someone. They argued against the resolution by saying, ‘We aim at the establishment of socialistic form of Government and in all socialistic countries titles have been dispensed with’, and hence, ‘No title should be conferred at least in the year 1947’.³⁷ They opposed class- based post - colonial political order, firmly criticised the semi – feudal - elitist society of West Pakistan. Dharendra Nath Datta opined that the house should not encourage any form of provincialism.³⁸ The exclusion of Bengali provincial political elites from the policymaking parts made the gulf wider.³⁹ The name ‘East Bengal’ officially continued until the Constitution of Pakistan, 1956 that formally renamed the Eastern wing as ‘East Pakistan’.⁴⁰ The Pakistani bureaucratic authorities initiated a formal change of name in a ceremony, chiefly to avoid the demand of provincial autonomy by the then Hindu Bengali elites and other residents of East Bengal.⁴¹ This step came out as a shattering blow to the East Bengalis. The name symbolised not merely a territorial expression for them. It meant their societal values as well as culture that were integral to their respective identities.⁴²

Homecoming

Both the Bengali and non- Bengali Muslim refugees arrived in a land of consistent contradictions, when the Eastern wing of Pakistan was suffering from inflation and

35 *Constituent Assembly of Pakistan Debates*, Official Report, Karachi, Government of Pakistan Press, CAP. L. XV- 12-53, 23 October 1953, p. 350.

36 T. Ali, *Can Pakistan Survive? The Death of a State*, Penguin, 1983, p. 48.

37 *Dawn* (Editorial) 5 September 1947.

38 M. Mansur, *Dhirendranath Dutta: Jibon o Kormo*, Bangla Academy, Dhaka, 2012, p. 52.

39 I. Talbot and G. Singh, *The Partition of India*, Cambridge University Press, Cambridge, 2009, p. 146.

40 R. Jahan, ‘Political Development’ in *Bangladesh on the Threshold of the Twenty-First Century*, A. M. Chowdhury, and Fakrul Alam (eds.), Asiatic Society of Bangladesh, Dhaka, 2002, p. 43.

41 S. Upreti, *Nationalism in Bangladesh: Genesis and Evolution*, Kalinga Publication, Delhi, 2004, p. 34.

42 N. Zaman, *A Divided Legacy: The Partition in Selected Novels of India, Pakistan and Bangladesh*, The University Press Ltd., Dhaka, 1999, pp. 12-3.

acute shortages of basic goods.⁴³ Cut off from Calcutta made it ‘desperately poor, water-logged, economically dependent on the unreliable jute crop and physically distanced from the Pakistani capital one thousand miles away’.⁴⁴ A military officer of Pakistan stationed in Dhaka remarked in August 1947, ‘the Province was in the grip of disorder and chaos’. He observed, ‘the resources, offering success against such conditions’ and ‘were now in sharp contrast, entirely inadequate’.⁴⁵ ‘The child state’ was not ready even to design a minimal system of administration. Shortage of human resources including officers made the situation more difficult, ‘only one Dakota flight to Dacca sufficed almost to exhaust the list of officers of that caliber. They were senior officers who had opted for Pakistan’.⁴⁶ The treasury was almost empty and:

Dhaka, a small district town was called upon suddenly to house not only the provincial Governor and its vast staff but also paraphernalia and several Central Government Departments. The new Government was a fugitive in its own home. Orders had often to be passed in scraps of waste paper and messages exchanged on bits of empty cigarette packets. Typewriters were few and far between. Telephones were a rare possession, a luxury rather than a convenient instrument of administration. Officers often acted as their own messengers. There was practically no furniture.⁴⁷

The spatial dimension of Dhaka too has changed after emerging as the ‘second capital’ of Pakistan. The popular route to be in their promised land was, first a train journey from Sealdah to Goalando. After crossing the Padma river by steamers, again they had to board another train to reach Dhaka.⁴⁸ Partition facilitated greater urbanisation of Dhaka by diverse types of migrations. Between 1951 and 1961, there was rise of 45.11 percent in urban population (2.60 million) compared to that of

43 The cultural and social separateness between the East and West wings made contradictions much bigger, ‘Pakistan is a unique country which are separated by a distance of more than 1000 miles. These two wings differ in all matters, viz, the language, the tradition, the culture, the costume, the custom, the dietary, the calendar, the standard time practically everything is different. There is in fact nothing common in the two wings particularly in respect of those, which are the *sine qua non* to form a nation. P. N. Luthra, ‘Problem of Refugees from East Bengal’, *Economic and Political Weekly*, Vol. 6, no. 50, December 1971, p. 2469.

44 Y. Khan, *The Great Partition: The Making of India and Pakistan*, Penguin/ Viking, New Delhi, 2007, p. 189.

45 Kamal, ‘East Bengal at Independence’, p. 335.

46 NAB, GB, ‘East Pakistan Forges Ahead’, Home - Political, Bundle, p. 1.

47 Kamal, ‘*State Against the Nation*’, p. 19.

48 B. Umor, *Amar Jibon, 1931-1950* (Autobiography), Vol. 1, Jatiya Sahitya Prakash, Dhaka, 2014, p. 119.

previous decades 18.38 percent (1.8 million).⁴⁹ Contemporary press reports stated, Dhaka was ‘overflowing with refugees’.⁵⁰ Camps were established in Dhaka and its outskirts to relieve congestion. Initially about a dozen refugee camps and a few colonies were established near Mirpur with cheap housing.⁵¹ Better-off refugees were directed to private dwellings; they somehow managed with helps of friends and relatives, and social organisations or political parties.⁵² 1000 daily arrivals suddenly overcrowded Dhaka. About 150 reached by air and the remainder by train. In May 1950, Dhaka airport looked ‘more like a third class platform and less like an airport’, though ‘many refugees were still roughing it out in railway wagons, in station platforms and refugee camps’.⁵³ The most pressing need was the arrangement for expansion of accommodations. Refugees were in tremendous rush to understand length and breadth of the city and nature of its urban facilities. Their primary intention was to grab big and beautiful houses left by the Hindus, before others. By 1950, there was a total of over 8,22,000 refugees in East Pakistan.⁵⁴ The provincial Government had to undertake construction works and planning for smooth running of the administration and quick national developments. Total 75,000 railway employees with their families migrated from West Bengal and Bihar in 1949.⁵⁵ The Government employees needed solutions on permanent basis.⁵⁶

49 The types were like in-migration and out-migration, permanent and temporary migration, migration within the country and migration to and from other countries, which ultimately made Dhaka more urbanized and densely populated. K. Ahmed, *A Socio-Political History of Bengal and the Birth of Bangladesh*, Zahiruddin Mahmud Inside Library, Dacca, 1967, p. 174.

50 P. Ghosh, *Partition and The South Asian Diaspora: Extending the Subcontinent*, Routledge, New Delhi, 2008, p. 17.

51 Talbot and Singh, ‘*The Partition of India*’, p.118.

52 Sirajul Islam Choudhury described how they got a shelter first Rajshahi, then shifted to Dhaka. They initially taken shelter in a relative’s home in Azimpur, later they compelled to move to Najirabazar. Finally, they got a small flat in a colony made for Government servants, which was very small to accommodate even the family members. Choudhury, ‘*Dui Jattrar Ak Jatri*’, p. 14.

53 Ghosh, ‘*Partition and The South Asian Diaspora*’, p. 17.

54 *The Indian and Pakistan Year Book and Who’s Who: A Statistical and Historical Annual of India and Pakistan*, vol. XXXVII, The Times of India Group, Bombay, Delhi and Calcutta, 1951, p. 687.

55 NAB, GB, Department- Political, B Proceedings, List no. 118, Bundle no. 48, May-July, 1949.

56 Thus, 504 flats with modern amenities were constructed for junior officers. Government quarters also made for accommodation of 807 for all grades of officers with families, by spending Rs. 1,09,75,963 in 1952. *East Pakistan Provincial Assembly Proceedings* (hereafter EPPLAP), Ninth Session, vol. 9, East Pakistan Government Press, Dhaka, 1952, p. 300.

The refugees who migrated to East Bengal were largely of four categories. The employees or 'optees' were comparatively in a better position. Government extended hands to meet up their basic demands and requirements.⁵⁷ The second category was educated Muslim middle class. They contributed in cultural fields, introduced new food habits and clothing styles, hence earned respect and helped the society filling up vacuums in professions that created by the mass migration of the educated Hindus.⁵⁸ The third category comprised of uprooted Muslim peasants or working classes. They generally moved from the district towns and villages of Bengali dominated bordering states of India, especially West Bengal, Assam and Tripura with hopes of a better future; others migrated out of fear of persecution or communal riots. They followed similar patterns that followed by the Hindu refugees too.⁵⁹ Dhaka was not their single destination. Some came straight to relatives place or just tried to settle down with their neighbours from India. Others preferred to choose a neighbouring place to be comfortable with the food habit, accent of language or living habits.⁶⁰

The fourth category involved Urdu or Hindi speaking Muslim refugees. They generally opted routes and places as per the distance or their convenience. Refugees from North India preferred to move to West Pakistan. The compatible ratio of domiciles and refugees after the population exchange programme attempted by both the Central Governments of India and Pakistan left almost no opportunity for further accommodation. West Pakistan was their dreamland, but it was too far off. Thus the *Bihari Mohajer* or *Muhajireens* (as the term *Muhajir* converted in Bengali) were bound to opt for the nearer Pakistan, which was culturally a bit different. They however accepted it as the 'will of Allah'.⁶¹ Yet, the Central government based in West Pakistan was in favour of them and they started trusting them more after the Language movement of 1952. The Centre offered good jobs to them with high salaries in jute and garment mills with a better wage structure. With the ambition of further colonization initiatives in later decades, they started recruiting them as 'loyal

57 *Doinik Ittefaq*, 16 June 1969.

58 Partition brought new hope and aspiration in the emerging middle class Muslims in East Pakistan. Their quest for achieving reliance came into reality, which eluded them for hundreds of years. Roy (ed.), '*Paschim theke Purbobanga*', pp. 22-23.

59 S. Bandyopadhyay, *Deshbhag: SmritiarSwotta*, Progressive Publishers, Kolkata, 2001, p. 24.

60 For example, people from Murshidabad crossed the river Padma and settled down in Rajshahi district. Dinajpur got divided into two portions and refugees settled down in another side. It happened in case of Muslim refugees from Assam and Tripura. Sylhet and Cachar experienced huge in and out migration from places like these. Muslims from Tripura again migrated to Comilla and Sylhet.

61 Haripada Dutta, *Mohajer*, Bhumika, Dhaka, 2012, p. 15.

agents of the West Pakistanis'.⁶² They got settled down in the colonies made for them in Mirpur and Mohammadpur.⁶³

Settling Down

H. E. Malik Feroz Khan Noon, the then Governor of East Bengal, appealed in a public statement issued by the Public Relations Department in 1950, to render help in the 'Governor's Refugee Relief Fund' for Muslim refugees. The language and tone of the statement, as well as, intention behind the appeal seems interesting. He denoted:

Islam enjoins a special duty on every Muslim to take care of the refugee, and to contribute to his rehabilitation to the best of his ability. Others also who love humanity must feel compelled to respond to the call of humanity in distress. There were a large number of people who want to give practical proof of their sympathy to the refugees. No systematic attempt has yet been made to raise subscriptions from the public. At the suggestion of many distinguished men and women, it was decided to open a fund to be known as the Governor's Refugee Relief Fund. I appeal to all persons of good will to come to their help and to donate large sums of money for the noble cause of aid and succor to the refugees. Contribution will only be received in cash and not in kind.⁶⁴

The process of bestowing relief and rehabilitation to Muslim refugees from '*Bharati*' had started comparatively late in East Pakistan.⁶⁵ The comfortable ratio between the incoming and outgoing refugees in the Eastern wing did not create a hue and cry immediately after the Partition. But from 1948 onwards, the Provincial government initiated planning schemes and started passing of acts or subsequent ordinances. Like the Central rehabilitation department of India, they also made their own definitions of 'refugees'.⁶⁶ It was to ensure the groups who supposed to get supports to resettle in a state they opted for willingly or by any other compulsions, 'Those persons who have been uprooted and who have been compelled to leave their hearths and homes are taken as refugees'.⁶⁷

62 A. F. A. Husain, *Human and Social Impact of Technological Change in Pakistan*, A Report on a Survey Conducted by the University of Dacca and published with the assistance of UNESCO, vol. I, Geoffrey Cumberlege, Oxford University Press, Pakistan, 1956, p. 40.

63 *Naobelal*, February 2, 1948.

64 NAB, GB, File No. EBGp-50/51-1779A-10 M, Department- Public Relation, B Proceedings, vol. 1, 1950.

65 The press-reports often mention this name, which means *Bharat* or India, in all leading newspapers of West and East Pakistan in 1950s and 1960s.

66 Definition of refugees was actually tricky, the intension was compelling the uprooted populace not to enjoy rehabilitation benefits provided by the State. *Jugantar*, 14 July 1954.

67 *East Pakistan Provincial Assembly Proceedings* (hereafter EPPAP), Third Session, vol. III, East Pakistan Government Press, Dhaka, 1949, p. 199.

The rehabilitation and resettlement effort in East Pakistan often messed up with many other tribulations. Hence, the headlines often triggered as 'eviction of Muslims from India', 'coming of *Mohajers*' and 'minority assured of protection'.⁶⁸ The nature of depiction of expenditure on refugees in Government documents - announcements, Legislative Assembly Debates, newspapers or other contemporary press reports was always like 'grant of schemes' and 'sanction of huge amount' on 'refugee relief and rehabilitation'.⁶⁹ The tone never reflected that the Central Government meant to render this service to them. Therefore, the required binary was yet to be defined and fixed for the policy making strategies, either or.⁷⁰ The Government of East Bengal could understand gravity of crises around 1949; they were compelled to arrange immediate measures. Dhaka, Pabna and Kusthia were flooded with the first few batches of refugees. They were literally 'bare-footed, behaving like beggars'.⁷¹ The riot of 1950 made the scenario even worse, 'Looked at from all angles the situation created by the influx of thousands and hundreds of refugees the erstwhile Indian citizens, is a serious one'.⁷² The Pakistan Observer wrote:

A large number of miserable human beings...the innocent victims of communal madness and still living in sub-human conditions...can no longer be allowed to wander from place to place like homeless nomads without food, clothing and shelter and above all, a purpose in life. Behind their ideological unification the growth of a class of rootless and frustrated people must be checked because, apart from moral considerations, it is bound to have far-reaching consequences in the socio-economic fields.⁷³

The domicile Muslims did not welcome or accept these refugee families. They were rather jealous of facilities provided to them. The Government initiatives of allotting house or piece of land to them and provide them a job or loans for business was frowned upon. Hasan Azizul Haque described this psyche in the short story 'Mari'. He narrated how regular arrivals of the refugee groups created tension in rural Bengal. The local *Maulovis* (religious preachers) became agents of the Government for implementing their policies. Simultaneously, they were liable to motivate the domiciles to facilitate the stay of the refugee families. In such process, 400 families received temporary allotment in a rural school. They were compelled to reside in

68 These were the headlines in the contemporary newspapers like *The Morning News*, *The Azad*, *The Ittefaq* and *The Pakistan Observer*.

69 *Doinik Pakistan*, 21 December 1970.

70 H. Roy, *Partitioned Lives: Migrants, Refugees, Citizens in India and Pakistan, 1947-1965*, Oxford University Press, New Delhi, 2012, p. 92.

71 *Dhaka-Prakash*, 16 January 1949.

72 *The Pakistan Observer*, 12 May 1964.

73 Ibid.

open areas, which was seen as ‘providing relief to refugees’ in Government files.⁷⁴ But in the camps, refugees were suffering from malnutrition and vulnerable. It caused spread of disease and epidemics like cholera, malaria etc. Syed Manoar Ali described, these diseases wiped out refugees residing in the Senhati and Chandanomahal transit camps, before Government could arrange for treatments.⁷⁵ The educated middle class refugees received more negative treatment from urban Muslims. They were given facilities in job market and businesses using their migration certificate or refugee cards.⁷⁶ Ayub Khan established a small township in Jessore called Newtown in 1962 for Bengali Muslims professionals.⁷⁷ The Muslim refugees however never got rid of insecurities of ‘otherness’ in the changed society. In the novel *Gayatri Sondhya*, Selina Hossain depicted such identity crisis of the central character Ali Ahmed. In post-Partition East Bengal, he could not resolve the question about his identity that was predominating in the then society; whether he is a Muslim or a Bengali?⁷⁸

The Actual Scenario

The ‘Census of Un-rehabilitated Displaced Persons’ conducted surveys to understand the number of refugees who were rehabilitated in Dhaka, Narayanganj, Khulna, Chittagong, Chandraghona and Kaptai in 1959-1960. The report clearly stated that the rehabilitation work completed up till 1960 was not impressive.⁷⁹ Aulad Hossain Khan described the refugee situation in Kusthia in the Legislative Assembly:

2,22,281 refugees came up to 22nd September, 1951. A total sum of Rs. 5,33,290 was sanctioned by Government for rehabilitating 757 refugee families during 1950-51. Government has drawn up several schemes for rehabilitation of 3,315 families

74 H. A. Haque, *Atmoja o Ekti Korobi Gachh*, Sahitya Prakash, Dhaka, 2013, pp. 47-51.

75 S. M. Ali, *Satcholliser Bangabhanga, Udbastu Samay Ebong Amader Mina Paribar*, Sahitya Prakash, Dhaka, 2013, p. 162.

76 M. Hossain, ‘Kadambogachhi na Jessore: Konta Thikana’ in *Paschimtheke Purbabonga*, R. Roy (ed.), pp. 88-89.

77 Ibid, p. 87.

78 S. Hossain, *Gayatri Sondhya*, Samay Prakashan, Dhaka, 2003, pp. 30-1.

79 In its preface, G. A. Madani, Commissioner, Works, Housing and Settlement, Government of East Pakistan, Dacca, mentioned, ‘This day, the 14th of August, 1959, we have completed 12 years of our existence as an independent and sovereign nation. These 12 years have not been devoid of achievements. Indeed, substantial progress has been made in various directions, but at the same time these 12 years have been characterised by ups and downs, and trials and tribulations, not only for the displaced persons, but for the country, as a whole’. *Census of Un-rehabilitated Displaced Persons in Dacca and Narayanganj*, Department of Works, Housing and Settlement (Housing and Settlement), Government of East Pakistan, Dacca, 1959, p. v.

(primarily agriculturists and non - agriculturists) during the year 1951-52. The cost involved in these schemes is Rs. 21,83,829.⁸⁰

The Central Government allotted Rs. 44 lakhs and Rs. 65.87 lakhs to the Provincial Exchequer for 1951-52. The Provincial Government obtained schemes of short-term rehabilitation of 850,000 refugees from 170,000 families.⁸¹ Voluntary organizations like UNICEF distributed 550 pieces of blankets, large quantities of milk powder and soap to refugees in Rajshahi.⁸² The Hindu returnees were also seen struggling at the same time period to get a foothold in the soil and recover their properties under the clauses of Delhi Pact, 1950. They were penniless and in a miserable condition.⁸³

Table-1

The following provision had been made for relief and rehabilitation of refugees and the returning Hindu migrants in East Pakistan:

Category	Budget, 1951-52 (Rs.)	Revised Budget 1950-51 (Rs.)
Loans to Muhajereens and returning Hindu Migrants	50,00,000	50,00,000
Expenditure on riot affected people	2,00,000	4,00,000
Expenditure for giving case doles, grants for construction of houses and rehabilitation	1,03,00,000	1,44,00,000

Source: *East Pakistan Provincial Assembly Proceedings*, Fifth Session, Vol. 5, East Pakistan Government Press, Dhaka, 1951, p. 210

The concerned departments were confused about the amount of loans and other financial assistance, as they were not sure about the repaying capacity of refugees. Moreover, patterns of allotting amount for beneficiaries of refugees did not follow a

⁸⁰ In Nilphamari and Rangpur, the total number of refugees was 27,902 and out of them, 2,643 refugees immediately rehabilitated, a sum total of Rs. 82,500 had spent on relief and Rs. 4,00,000 for rehabilitation. This particular year, the grant amount made comparatively large (in comparison to the budget of Rs. 1,86,180, during the last financial year 1949-50). *EPPAP*, Sixth Session, East Pakistan Government Press, Dhaka, 1951, p. 111.

⁸¹ *EPPAP*, Fifth Session, Vol. 5, East Pakistan Government Press, Dhaka, 1951, p. 210.

⁸² *Ibid*, p. 30.

⁸³ *Dhaka-Prakash*, 13 August 1950.

homogeneous form, for all zones or areas.⁸⁴ The issue of employment became a vital concern for providing them monetary support. In municipality areas like Dhaka and Narayanganj, the percentage engaged in employment was better than that of the other *muffosil* towns.⁸⁵ General economic depression throughout the province was another hindrance towards attaining the target mentioned in the yearly planner. The situation was such that finding home for refugees and getting employment was beyond the good will of the Government, though some business opportunities in few markets had been provided to accommodate refugee hawkers.⁸⁶

The riot of 1964 urged for the need of 'more expenditure' for surplus population. The fretful authorities were convinced, the solution should be 'of a permanent nature, does not obviously lie in temporary charity' though, 'All this will mean more expenditure and in the process the Province's resources may be strained to the breaking point. Of course, this being a national problem, the Central Government will have to share and bear the responsibility of executing the relevant schemes.'⁸⁷ Abdul Momen Khan, the then Governor said, 'The rehabilitation of Indian Muslim refugees had been divided into two phases, once of the evictees numbering one lakh and the other fresh entrants. The Central Government had sanctioned Rs. 12,500,000 besides Rs. 2,500,000 special grant for the purpose'.⁸⁸ The Government also claimed to rehabilitate the returnees in their original homes.

The consequences of enormous migration affected both the countries. Afzalul Haque, the Parliamentary Secretary had remarked in 1965 that a 'Total number of 5,40,543 evictees and refugees entered in East Pakistan from July, 1961 to 31st August 1965, out of which 1,50,129 are from Assam, 82,507 are from Tripura and 3,07,907 from West Bengal.' But, 'out of these refugees and evictees 23,537 families, i.e., 1,17,685 persons have been rehabilitated in East Pakistan up to 31st October 1965 under

84 *Census of Un-rehabilitated Displaced Persons in Khulna and its suburbs*, Department of Works, Housing and Settlement (Housing and Settlement), Government of East Pakistan, Dacca, 1960, p. 8.

85 To understand the regional dimension of refugee protection and care, availability of less fund that signifies shortage of capital in Pakistan, and for its Eastern wing. *Census of Un-rehabilitated Displaced Persons in Dacca and Narayanganj*, Department of Works, Housing and Settlement (Housing and Settlement), Government of East Pakistan, Dacca, 1959, p. 13.

86 *Dhaka-Prakash*, 28 January 1952.

87 *The Pakistan Observer*, 12 May 1964.

88 *The Pakistan Observer*, 14 May 1964.

different schemes and some 8,400 families are already underway of rehabilitation'.⁸⁹ The rehabilitation procedure was interrelated with the property issues, which again compelled both the Central and Provincial Governments of Pakistan to make laws and provided provisions to reach a permanent solution.⁹⁰

Table-2

The figures of members of the minority communities who had earlier migrated to India and have returned to East Pakistan during 1964 are shown below:

Hindus	36,813
Chakmas (tribal people)	2,466
Garos and Christians	20,551

Source: *East Pakistan Provincial Assembly Proceedings*, Vol. 31, East Pakistan Government Press, Dhaka, 1967, p. 110

Making Policies

Some contradictory issues in policy making and its implementation posed challenges in the first two decades following the Partition. Decisions regarding refugees were not just confined to the general debate to facilitate. Confusions centered around on, what should be the ideal vision to arrange proper relief and rehabilitation measures? How to treat the large number of evacuees? How to ensure rules and regulations decided in the Inter-Dominion Conference of 1948? What were the ways to render respect to the guidelines fixed by the settlement of Delhi pact (1950), by consent of the highest statesmen of both the countries?⁹¹ The definition of an 'evacuee' in Pakistan was given as, 'a person ordinarily resident in East Bengal, who owing to communal disturbances, or fear thereof leaves or has, on or after prescribed date, left East Bengal or any part of India and includes the legal heirs of such persons' and now 'had declared his intention to return to the province when the conditions would return to normal'.⁹² The cutoff date fixed as 'after 15th August'. The immense amount of property abandoned by uprooted humanity on both sides of the frontier had made the concept of 'evacuee property'.⁹³ It was again classified into two large categories:

89 Agriculture Department Schemes; Scheme 'A', 'B', 'C', 'D' and 'F'. *EPPAP*, Second Session, vol. 29, East Pakistan Government Press, Dhaka, 1965, p. 14.

90 N. Bose, *Agunmukhar Meye* (Autobiography), Sahitya Prakash, Dhaka, 2011, p. 30.

91 *Doinik Azad*, 10 November 1964.

92 Roy, 'Partitioned Lives', p. 93.

93 *EPPAP*, Third Session, vol. III, East Pakistan Government Press, Dhaka, 1949, p. 54

movable and immovable property. Apart from lands and households, other properties like factories, machinery, and huge stores of raw materials were also left behind in both India and Pakistan.⁹⁴

But while these evacuee properties remained under the management of the Board, it would not be 'competent to transfer, nor as such properties liable to attachment, distress or sale in execution of a decree or order of a Court or any other authority other than for arrears of revenue except with the permission of the Collector.'⁹⁵ Two major contradictions were seen on to determine refugee protection, care, rehabilitation and distribution of properties that emerged in psyche of policy-makers and officials in Pakistan.⁹⁶ One, how to provide initial shelter to the refugees and what procedures would be ideal for offering vacant houses, left by the Hindus to ensure permanent rehabilitation? Two, how to treat the returnee evacuees and endow them with their own properties and social security? Thus, processes of providing rehabilitation, in reality proved a contradictory one. The government started introducing and passing laws in the Legislative Assembly from 1948, in favour of acquisition and requisition of properties.⁹⁷

Both these colossal tasks actually merged and intertwined with each other. Designing integral rules for all evacuees, refugees and returnees was a difficult task. The state simultaneously had to take decisions on protection of properties left by evacuees. The need of accommodating refugees and administrative staffs created acute demands for requisition of properties. Sometimes the state extended its wings for acquisition of properties on a permanent basis. The East Bengal provincial Government first published draft rules and procedure for working of the 'East Bengal Requisition of Property Ordinance (Bengal Ordinance No. V of 1947)'.⁹⁸ It noted, 'Proposals for the acquisition of a requisitioned property should be submitted to Government in the Finance and Revenue (Revenue) Department through Administrative Departments and Commissioner of the Division'. It was mandatory that 'Order of acquisition to be

94 J. B. Schechtman, 'Evacuee Property in India and Pakistan'. *Pacific Affairs*, vol. 24, no. 4, December 1951, p. 406.

95 *EPPAP*, Third Session, Vol. III, East Pakistan Government Press, Dhaka, 1949, p. 56.

96 National Archives of India (hereafter NAI), File No. L/52/661-13/202, BL Branch, Ministry of External Affairs, 1952.

97 *EPPAP*, op. cit. p. 57.

98 In this particular draft, the guidelines were like, 'Primary notice of enquiry' before 'starting of a requisition proceedings' and 'notice to file claims' before 'estimate of compensation'. NAB, GB, Department- Political, B Proceedings, List no. 118, October 1952.

published’, even if the ‘Government approve the proposal for permanent acquisition’ of that property.⁹⁹ There were separate provisions of ‘compensation of requisition’, which however regulated diversely in the different regions or parts of the country. Thus, the ‘State acquisition of land’ was a separate policy to acquire property for benefits of state machineries.¹⁰⁰

Regulations and Laws

On the basis of primary guiding principles derived chiefly by the clauses mentioned in the Partition Proceedings, the East Bengal (Emergency) Requisition of Property Act (Act XIII of 1948) was passed and it was planned to function for three years (1951) in East Bengal (Pakistan). By this Act, the provincial Government was given the power to acquire any property, if it considered necessary for establishment of offices and residences for officials of the new state, either on temporary or permanent basis. But it meant for a shorter period initially, as the Provincial Government needed time to construct buildings for all practical purposes. Hitherto, some incidents like evacuation of houses without prime notice (even when the owners were away from the country) or forcible requisition of houses in presence of other family members often happened, which was described as ‘unauthorized occupation of properties’.¹⁰¹ The state explained its stand clearly to deal with such complexities:

... if it appears that a portion of the premise was under unauthorized occupation of some refugees who were allowed to remain there even after the requisition of the premises. No refugees should be allowed to occupy any urban property in an unauthorized occupation. Immediate steps should therefore be taken to evict the refugees concerned from the premises in question and to restore the possession of the premises to the owners therefore (sic).¹⁰²

Actually the policy of acquisition was connected with the designs of rehabilitation.¹⁰³ In some cases, refugees were desperate to get hold of an accommodation immediately to settle down permanently in East Bengal. They sometimes compelled the authorities in encroaching lands, houses and properties.¹⁰⁴ They tried to use

99 NAB, GB, Department- Political, B Proceedings, List no. 118, October 1952, p. 4.

100 *EPPAP*, Third Session, vol. III, East Pakistan Government Press, Dhaka, 1949, p. 57

101 File No. 19/2/55 BL, BL Section, Ministry of External Affairs, 1955, NAI.

102 NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 5, August, 1954.

103 NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 11, November 1963- February, 1964.

104 They used to write sentences in applications to the Hon’ble Minister of Revenue, Government of East Bengal, Dacca, ‘I am prepared to pay any rent that may be fixed by

personal influences too in the particular regard. Abu Rushd described in a short story 'Har', how an elite *Begum Sahiba* manages to capture a huge *Manjil* (house) in Dhaka with favour of a requisition officer whose minor sons were actively involved in the Calcutta riot.¹⁰⁵ In *muffosil* towns, the outgoing Hindus always used to leave their houses at late night without informing friends, neighbours and relatives. The upcoming refugees were also grabbing those abandoned houses only at night.¹⁰⁶ Hence, the administration had to maintain watchful eyes in cases of vacant houses for acquisition or requisition.¹⁰⁷ Yet, in most cases, refugees could not retain those houses. After some days, they had to vacate them as per requisition rule and government allotted temporary shelters before permanent rehabilitation. Selina Hossain depicted trail of such unfortunate incidences of a refugee in her novel *Sonali Dumur*, who lost his *vite* (home) and turned into a rikshaw puller.¹⁰⁸

Hence, claim from policy-makers 'that the Government are fully prepared to examine every individual case of hardships or difficulties and do everything reasonable to remedy the same' was not true.¹⁰⁹ The District Magistrates were instructed to fix compensations at low rates and it made the whole process more complicated. For example, after acquisition of 31.82 acres of land at mouza Barbakpur, Jessore, the government fixed only Rs. 19,063 as compensation amount on 13.05.54.¹¹⁰ The government 'takes suitable steps to set aside the auction-sale of the properties and adjust the Government dues from the Government on account of the rental of the requisitioned portions of any properties'.¹¹¹ In Sylhet, 250 houses were requisitioned in a day, but no compensation was given to the owners.¹¹² For

you and am also prepared to abide by the rules'. NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 5, August 1954.

105 A. Rushd, 'Har', in *Dui Banglar Nirbachita Golpe Deshbhag*, S. Ahmed (ed.), Madhyama, Dhaka, 2012, pp. 92-3.

106 Interestingly, most of the old residents did not like the approach of the refugees or local leaders, who initiated such conducts by force. M. Haq, *KaloBorof*, Sahitya Prakash, Dhaka, 2010, p. 89.

107 S. Walliullah, 'Ekti Tulshigachher Kahini' in *Syed Walliullah Galposamagra*, Pratik, Dhaka, 2005, p. 66.

108 S. Hossain, *Sonali Dumur*, Ananda Publishers, Kolkata, 2012, p. 221.

109 NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 6, July – August, 1954.

110 NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 12, February- March 1964.

111 NAI, File No. P(P-VI)-28(9)/65, Pak II Section, Ministry of External Affairs, 1952.

112 NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 2, July -August, 1954.

Bogura, the number was 42 in 1948. Hindu properties owned by the ex-Congress leaders and their supporters were mostly targeted in the district towns.¹¹³ Some houses requisitioned in Rajshahi were also used as refugee camps without sending prior notification to the owner. A building was converted into even an ‘Ansar Club’ in Munshiganj.¹¹⁴ The communal feeling amalgamated with local politics in some cases, ‘It is learnt that so far 42 houses, all belonging to Hindus, have been requisitioned by the District Magistrate, no compensation has been paid as yet’.¹¹⁵ In Comilla, cases of taking over houses without formal requisition order were common.¹¹⁶ Shops, stores, godowns were also requisitioned and taken possession of for some years to give space to the citizens of Pakistan.¹¹⁷ The government allotted a grant of special pay to the officers dealing requisition and acquisition works, with effect from 15.08.47.¹¹⁸

Property Issues

Based on clauses of the East Bengal (Emergency) Requisition of Property Act (Act XIII of 1948) with some modification, East Bengal Evacuee Property (Restoration of Possession) Act of 1951 was passed. The Bill ‘seeks to invest Government with powers to release the requisitioned properties under certain circumstances from requisition and to provide, at the same time, that after release the property would not, as under the existing and normal law, be restored to the owners, but that the allottees in possession of such property shall, after the release from requisition, be deemed to be tenants under the owners at rents to be determined by Government’.¹¹⁹ Accordingly, an Evacuee Management Committee was appointed to grant leases or rent of such type of properties.¹²⁰ But there were massive debates over fixation of

113 *Ananda Bazar Patrika*, 28 July 1948.

114 NAB, GB, File No. 880, Department- Political (C.R.), vol. 10, List-119, B Proceedings, 1950.

115 *Hindustan Standard*, 25 July 1948.

116 Application to withdraw requisition of the house of ‘Sreejukta Ashu Bala Sutradhar’, without showing any reason, valid or invalid either. NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 3, July-August, 1954.

117 When the owner was out of that particular place only for few days, but the Government never allowed to get his business right in that premise back NAB, GB, File No. 10-126-263, Department- Political (C.R.), vol. 7, List-119, B Proceedings, 1950.

118 NAB, GB, Department- Land Revenue, Branch- Requisition, B Proceedings, Bundle no. 2, July-July, 1954.

119 NAI, File No. L/52/1322/202, BL Branch, Ministry of External Affairs, 1952.

120 NAB, GB, File No. B-46/ B-P, Department- Political (C.R.), vol. 46, List- 119, B Proceedings, 1950.

rents; still the trends of evacuate houses and other properties after permanent departure of the Hindu and other minorities continued by the respective authorities.¹²¹ Meantime, the Act of 1951 was promulgated on the basis of the Delhi Pact. In paragraph V of Section B it stated, 'If, during his absence, such property is occupied by another person, it shall be returned to him provided that he comes back by 31st December, 1950'.¹²² It had another clause about transferring lands, 'the evacuees could transfer lands up to 10 *bighas*, not more than that. No provisions render benefits to *Bargadars*'.¹²³ The Minority Commission recommended extension of time to claim such left properties. They demanded clauses regarding adequate relief should be given to the returnees. Provash Chandra Lahiri opposed the clause (V) by stating, 'Delhi Pact is no Legislation', and it was just a mutual suggestion and approval of joint intentions for 'bona-fide purposes' in favour of settlement of property issues and minority question.¹²⁴

The East Bengal Transfer of Agricultural Land Bill was passed accordingly, though it drafted contradictory rules. These dissimilarities made the general masses, evacuees, refugees and returnees in East Pakistan confused about their rights on lands and properties.¹²⁵ Injunctions were imposed on sale of lands or immovable properties, without any prior permission of the Government. Muslim refugees were supposed to get some amount of compensation against their properties left behind in India, by the clauses of 'Displaced Persons Act (Act III of 1956)'. It actually made the refugees eligible for such claims. Up till 1960, 96 percent families enumerated came from West Bengal, Bihar and other states of united provinces of Indian Union.¹²⁶ The next step was the process of 'nationalizing property', which started from the 1960s. Specific instructions were imposed and restriction enforced on carrying stipulated amount of money or taking personal goods out (movable property) from one country to the other. The price of the Hindu land was less than the price of a Muslim land of same category.¹²⁷ After the riot of 1964, the name of this Act was changed as 'East

121 *EPPAP*, Fifth Session, vol. 5, East Pakistan Government Press, Dhaka, 1951, p. 63.

122 *Ibid*, p. 58.

123 *The Pakistan Observer*, 28 April 1951.

124 *EPPAP*, Sixth Session, vol. 6, East Pakistan Government Press, Dhaka, 1951, p. 30.

125 *Ibid*, p. 89.

126 *Census of Un-rehabilitated Displaced Persons in Khulna and its suburbs*, Department of Works, Housing and Settlement (Housing and Settlement), Government of East Pakistan, Dacca, 1960, p. 10.

127 A. Barkat (ed.), *An Enquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act*, PRIP Trust, Dhaka, 2000, p. 56.

Pakistan Disturbed Persons (Rehabilitation) Ordinance'. The then Home Minister, Habibullah Khan assured, the 'government is considering a proposal of simplifying the procedure of transfer of property' to ease diminution of tension within communities.¹²⁸

The outbreak of war between India and Pakistan in 1965 resulted in the promulgation of the Defense of Pakistan Ordinance (Ordinance XIII of 1965). It empowered the East Pakistani authorities with emergency controls for defense. The key component under this ordinance was an executive order titled 'The Enemy Property (Custody and Registration) Order II of 1965'.¹²⁹ The Order mentioned, 'all properties of minority citizens who had migrated to India, temporarily or permanently, now identified as 'enemy property' and rights of ownerships were transferred to the state'.¹³⁰ And 'everybody is disturbed in exempt of his very valuable fundamental rights- rights to enjoy his property and dispose of the same'.¹³¹ But this Act dramatically changed rights over own properties in Pakistan. The minorities of East Bengal were affected by the clauses of these discriminatory Acts. Hindus were termed as *malaun* (infidel) in East Pakistan, which was extremely degrading.¹³² The registration of Hindu properties was legally forbidden in the regime of Ayub Khan.¹³³ Mohanlal Sansukha, a resident of Rajasthan described:

All my properties movable, immovable, including business assets worth Rs. 3,01,550,00 were taken over by the Government of Pakistan. We were sent to India on 21.12.65 and were not allowed to carry even our personal belongings, i.e. old clothing, utensils etc. We became roof less, hearth less and penny less only because we were from minority communities. My entire family will be ruined (sic).¹³⁴

The state of emergency declared in 1965 was lifted throughout the country on February 16, 1969. But, the Government of Pakistan promulgated a new ordinance named the Enemy Property (Continuance of Emergency Provisions) Ordinance,

128 *The Pakistan Observer*, 21 June 1964.

129 *EPPAP*, Budget Session, vol. 30, East Pakistan Government Press, Dhaka, 1966-67, p. 185.

130 Roy, '*Partitioned Lives*', p. 111.

131 *EPPAP*, op. cit., p. 185.

132 Adhir Biswas, 'Magurar Smriti' in *Partition Sahitya: Desh-Kal-Smriti*, Manankumar Mandal (ed.), Gangchil, Kolkata, 2014, p. 249.

133 *Ibid*, p. 251.

134 He wrote a letter to the Secretary, Home (Political) Commonwealth Relation Department, and the Custodian of Enemy Property on 01.07.66. NAI, File No. P(P-VI)-285(2)/66, Pak II Section, Ministry of External Affairs, 1966.

1969. Another ordinance was incorporated in time of Martial Law with retrospective effect from March 25, 1969.¹³⁵ Selina Hossain sympathetically wrote in her novel *Sonali Dumur*, how the East Pakistan Government compelled Dr. Nandy, the central character of the novel to migrate to India so that they would encroach upon his house. Government requisitioned this house later and declared it an Enemy Property. Dr. Nandy lost his right to come back to his place of origin.¹³⁶ After the emergence of Bangladesh, the Bangladesh Vesting of Property and Assets Order, 1972 (Order 29 of 1972) was enforced; where the properties left behind by the Pakistanis and erstwhile ‘enemy properties’ were combined to a single category.

Politics over *Muhajirs*

The *Bihari* refugees popularly known as *Muhajirs* were a majority amongst the non-Bengali Muslim refugees who arrived in East Bengal after 1947. ‘They had no sense of the newly demarcated frontier, little knowledge of how Mountbatten’s Plan or the Radcliffe Award would change their destinies and tear them apart from their families, friends and neighbours’.¹³⁷ Uprooted by a series of riots in Bihar, they became certain that ‘this land is not for us and we have to leave the place’.¹³⁸ The Muslims in the minority provinces preferred to opt for ‘permanent citizenship’ in a new country, as they would be ‘Citizens, not aliens’ in Muslim majority provinces.¹³⁹ The ex-Premier of Bengal, H. S. Suhrawardy was sympathetic to their cause, hence, had performed all duties of an *ansar*.¹⁴⁰ They left Bihar ‘without taking a penny from the League’.¹⁴¹ The *Bihari* migration in the then East Bengal was inevitable. Mujibur Rahman wrote in his memoir, they could feel in pre-Partition riot days that East Bengal would be the only destination for refugees from West Bengal, Assam and Bihar.¹⁴² The *Biharis* were not aware of ‘provinciality in politics’, as the ideology of Pakistan was initially

135 Barkat (ed.), ‘*An Enquiry into Causes*’, p. 22.

136 Hossain, ‘*Sonali Dumur*’, pp. 293-94.

137 *Sunday Times of India*, August 13, 1995.

138 In February 1947, the Bihar Provincial Muslim League leader, Jafar Imam mentioned that in a public lecture. *Bihar Legislative Assembly Debates*, 13 February, 1947, pp. 642-7.

139 Ghosh, ‘*Partition and The South Asian Diaspora*’, p. 25.

140 *Morning News*, 25 September 1947.

141 Jinnah supported their cause and approved a sum of Rs. 42,000 for railway fares. Later, Abdul Aziz, an earlier President of Bihar Muslim League refuted the claim by mentioning, thousands of people whom actually left Bihar around January 1947, they had gone with their own conviction, *Reflections No. 2, On The Bihar Tragedy: 25th October 1946 to 20th January 1947*, 1947, Dilkusha, Patna, 1947, pp. 1-2

142 S. M. Rahman, *Asamapta Atmajiboni* (Autobiography), University Press Limited, Dhaka, 2013, p. 82.

based on a common religion, Islam.¹⁴³ They stressed on issues of similarities like ‘mother tongue, script, culture, and province of origin or birthplace of their parents’.¹⁴⁴ Haripada Dutta in his novel *Mohajer* depicted the ideas and expectation of the *Bihari* refugees. Facing all adversities, the *Bihari* refugees consoled themselves by the idea that Pakistan was actually owned by the Urdu-speaking *Mohajers* and Punjabis. These ruling classes would build houses, business opportunities and jute industries for them.¹⁴⁵ Yet, boundaries of the *Muhajir* identities shifted constantly, like their allies and adversaries. Their relative positions were fluctuating, amidst the state-Center relationships and politics of provincialism in Pakistan.¹⁴⁶

The term *Muhajir* was popularized in early 1940s in undivided India, when the concept of Pakistan was materializing.¹⁴⁷ In the last phase of this decade, this connotation meant ‘refugees from India’ to enlist support for those who were already living in partitioned geographical territories, which was confirmed as Pakistan.¹⁴⁸ Later with hardening of ethnic boundaries, another ‘revised category’ of this term emerged, incorporating the Urdu - speaking *Muhajirs* excluding similar ethnic groups.¹⁴⁹ The feeling of acquaintance shaped over bonding in mother tongue. This particular term changed as *Muhajereer*¹⁵⁰ in East Pakistan and it meant generally ‘*Bihari* migrants’ residing in Dhaka and other places.¹⁵¹ The Bengali Muslim migrants were called as *sharanarathi* even *rifu*, sometime as *Mohajer* (Bengali

143 Though in reality, the regional or ethnic issues have been integral to politics of Pakistan. S. Ansari, ‘Partition, Migration and Refugees: Responses to the Arrival of Muhajirs in Sind during 1947-48’ in *Freedom, Trauma and Continuities: Northern India and Independence*, D. A. Law and H. Brasted (ed.), Sage, New Delhi, 1998, p. 101.

144 Ghosh, ‘*Partition and The South Asian Diaspora*’, p. 25.

145 Dutta, ‘*Mohajer*’, p. 30.

146 T. T. Yong and G. Kudaisya, *The Aftermath of Partition in South Asia*, Routledge, London, 2000, pp. 235-37.

147 *Dawn*, 19 November 1947.

148 T. Fazal, ‘Religion and Language in the Formation of Nationhood in Pakistan and Bangladesh, in *Sociology of Religion in India*, Rowena Robinson (ed.), Sage, New Delhi, 2004, p.280.

149 *Dhaka-Prakash*, 6 February 1948.

150 The most persuasive argument was, Hindi and Urdu derived from the same mother language, Khari-boli, originated and enhanced around Delhi, in time of Delhi Sultanate and Mughal era. *EPPAP*, Third Session, Vol. III, East Pakistan Government Press, Dhaka, 1949, p. 199.

151 *Morning News*, 20 August 1948.

subtext).¹⁵² Later, three - fourths of West Pakistani were dropped *Muhajir* - level, because for them *hijrat* did not imply a cultural or linguistic change.¹⁵³

The then Premier Nazimuddin was not ideologically to prepare with sensible logistics to receive the first batch of 1,500 *Bihari* refugees in Jessore.¹⁵⁴ By end of 1947, they reached Rajshahi, Dinajpur, Bogra, Khulna and demanded rehabilitation from district authorities.¹⁵⁵ The Secretary of the East Bengal Secretariat, Dhaka reported to Nehru on 8th April, 1948, 'Thanks to the co-operation of people of this province, in particular of the majority community, despite the stories of massacres and atrocities on Muslims that filled the air in the months following partition and despite the arrival of thousands of refugees from the U.P., Bihar and the other parts of the Indian Dominion driven by persecution and panic from their home to seek refuge in this province and spreading frightful stories about the treatment of Muslims in the Indian Dominion, we were able to maintain peace'.¹⁵⁶

The supportive approach towards the *Muhajirs* in comparison to Bengali Muslim refugees, one could make out the intrinsic politics between the East and West wings of Pakistan, and difference in policies for them. Press reports confirmed about 'five hundred to one thousand' such refugees were moving everyday to East Bengal'.¹⁵⁷ Until 1949, total number of *Bihari* refugees was 'not large', but the riot of 1950 changed the scenario. By 1951, total 7,94,127 Muslims migrated to East Bengal, as compared to 6,597,000 to West Pakistan.¹⁵⁸ According to 1951 census, 66.69 percent of the migrants in East Pakistan came from West Bengal, 14.50 percent from Bihar, 11.84 percent from Assam and 6.97 percent from other places.¹⁵⁹ The relief

152 *The Azad*, 13 January 1964.

153 Ghosh, 'Partition and The South Asian Diaspora', p. 22.

154 *Morning News*, 28 July 1947.

155 During 1947-48, about 96 percent of non-Bengali Muslim migrants from Bihar, Assam and West Bengal, popularly known as Bihari Muslims had gone to East Bengal. Only about 3 percent went to Karachi. P. S. Ghosh, *Refugees and Migrants in South Asia: Nature and Implications*, NMML Occasional Paper, History and Society, No. 10, Nehru Memorial Museum and Library, 2013, p. 17.

156 NAB, GB, File no. 833-P, Department- Political, Bundle No. 49, B Proceedings, Serial No. 49, August- September, 1949.

157 *Azad*, March 9 1952.

158 P. Ghosh, 'The 1946 Riot and the Exodus of Bihari Muslims to Dhaka', in *Dhaka: Past Present Future*, S. U. Ahmed (ed.), The Asiatic Society of Bangladesh, Dhaka, 1991, p. 283.

159 P. Ghosh, 'Partition and The South Asian Diaspora', in *Forced Migration in the South Asian Region: Displacement, Human Rights and Conflict Resolution*, O. Mishra (ed.), Manak Publications, New Delhi, 2004, p.112.

commissioner believed, some of them would return to their own homes in India, however arranged 'pathetically small extent of the more permanent rehabilitation' for them.¹⁶⁰

Muhajirs: the Final Fate

These *Muhajirs* could never absorb themselves in the traditional Bengali society and become integral part of it. Some were just lucky enough to move to West Pakistan with job opportunities, however managed to be with distant relatives and friends.¹⁶¹ Others had to cope with *dalals* (middlemen) for housing or employment in private sectors while in East Bengal. They were compelled sometime to pay anything between Rs. 4,000-5,000 for a small room, in addition to the rent.¹⁶² In most cases, those capitals were meant to start a small business in that state and society. *Bihari* railway employers opted for Pakistan, made their way to Parbatipur and other railway colonies of Rajshahi divisions 'in thousands'.¹⁶³ Many of them were small traders and mechanics. Some skilled labors were engaged in factories. But the numbers of government officials, staffs, clerks, teachers and professionals were very few. By 1950, only 1 percent of total *Bihari* refugees was registered in regional employment exchange and 7,500 had been settled on land through pilot schemes. About 500 found employment in cotton mills, 78 joined government offices or Dhaka University in official posts.¹⁶⁴ Most of them became shopkeepers, rickshaw-pullers and hawkers. Hitherto, jute mills workers were the worst victims of provincialism.¹⁶⁵

Jinnah apprehended this crisis long before and categorically pointed out while visiting the jute factory in Narayanganj, 'Pakistanis were basically Muslims'...to maintain the unity, Pakistanis had to give up provincialism.¹⁶⁶ But, ownership of new industries including jute mills was in hands of West Pakistani businessmen.¹⁶⁷ Their discriminatory policies against locals had created tension and further violence

160 Ghosh, '*Partition and The South Asian Diaspora*', p. 16.

161 Kalid Hussain, interviewed in Geneva Camp, Dhaka, Bangladesh, on 22 December 2015.

162 P. Ghosh, 'Partition's Biharis', in *Partition and Post-Colonial South Asia: A Reader* (Gender, Minorities, Memories), T. Y. Tan and G. Kudaisya (ed.), vol. III, Routledge, London and New York, 2008, p. 150.

163 *The Pakistan Observer*, 23 June 1950.

164 Ghosh, '*Partition and The South Asian Diaspora*', p. 16

165 *Dhaka-Prakash*, 16 January, 1949.

166 *Doinik Azad*, 18 September 1949.

167 M. A. Latif, *Handloom Industry of Bangladesh: 1947-90*, University Press Limited, Dhaka, 1997, pp. 20-21.

between the Bengalis and non - Bengalis.¹⁶⁸ Because of the linguistic closeness, the *Biharis* identified themselves more with the West Pakistanis. They believed that their life and existence depended on them. As Urdu - speakers, they preferred opting for Pakistanis than the Bengali neighbours. Throughout the 1950s and 1960s, they became local 'non-Bengali agents' of Western Pakistani ruling class. The Centre established colonies exclusively for them in Mirpur and Mohammadpur. By the 1960s, they also settled down in Chittagong, Saidpur, Rangpur and other parts of East Pakistan. Those who were better off lived in private residences in Dhaka, Chittagong, Barisal, Khulna, Sylhet and other bigger towns there. During the autonomy movement unfolding in East Pakistan in the Ayub Khan regime, most of the *Biharis* sided openly with the West Pakistanis. Some joined in auxiliary forces like *Razakars* and *Al Shams* by the Pakistan authorities. As a result, attack on them and their properties and shops became common in Dhaka and Chittagong from mid - 1970. Thousands of *Biharis* were killed in Jessore, Khulna, Saidpur, Mymensingh, Rangpur and Dinajpur, even before military action began. In 1971, the nationalist parties voiced popular slogans like '*Maorader khun kor, Bangladesh swadhin kor*', '*Akta duita Bihari dhor, sokal- sondhya nasta kor*' etc.¹⁶⁹

Some of them went to Singhtola and Banglabazar to escape from the *Muktibahini*. Taj-ul-Hashmi argued that the *Biharis* of Bangladesh were victims of two divergent streams of nationalism. Under the banner of Pakistani nationalism, they suffered during 1947-1971. With the blow of Bangladeshi nationalism, they faced worst experiences in the policy-making front after the Liberation War of 1971.¹⁷⁰ In his analysis, the bulk of the *Bihari* refugees were actually misguided by their West Pakistani patrons.¹⁷¹ After the Liberation, Sheikh Mujib could bring some stability in Bangladesh to retain popularity of Awami League. He categorically mentioned that 'all Hindu - Muslims, Bengali and non-Bengalis were brothers'.¹⁷² *Biharis* even opened office of the Awami League in Mirpur and Mohammadpur, chiefly to save themselves and their lives.¹⁷³ After the emergence of Bangladesh, they became 'stranded refugees' confined in camps and waited for repatriation either to West

168 *EPPAP*, Third Session, Vol. XV, East Pakistan Government Press, Dhaka, 1956, p. 110.

169 Dutta, '*Mohajer*', p. 44.

170 Chatterji, 'Dispositions and Destinations', pp. 280-81.

171 Taj-ul-Hashmi, *The Biharis in Bangladesh*, Minority Rights Group, Report No. 11, Fourth Edition, London, 1982, p. 11.

172 Taj-ul-Hashmi, 'The Bihari Minorities in Bangladesh: the Victims of Nationalism' in *Islam, Communities and the Nation: Muslim Identities in South Asia and Beyond*, M. Hasan (ed.), Manohar, New Delhi, 1998, pp. 387-88.

173 Dutta, '*Mohajer*', p. 47.

Pakistan or return to their own homeland.¹⁷⁴ While Pakistan constantly refused their repatriation, Bangladesh was busy to define the nature of Bengali nationalism and providing relief and rehabilitation to other fresh batches of Bengali refugees migrating from Pakistan. The *Biharis* finally had to take shelter in the Geneva camp, which was like a small island funded by the UNO and Red Cross.¹⁷⁵ Between mid 1972 and early 1973, the *Muhajirs* huddled together in camps and some colonies, and in few towns of East Pakistan. A large section of *Biharis* starved for months and there were cases of deportation of this community from Bangladesh. Some managed to trek to various places. They expected to get protection, thought of settlement, or especially felt it might be a safer place for their lives in between, to countries like India, Myanmar, Nepal or Pakistan.

Conclusion

The story of reverse migration is interesting from diverse perspectives. In one way, it is a story of building mental borders between two linguistic communities from the very beginning. The whole idea of building of a ‘brand new nation’ with a certain homogenous religious community did not click at all, in case of Pakistan. There were discussions on the issues of constant deprivation in the Eastern part, right from the late 1950s, which reflected in the contemporary newspapers and Assembly Debates. The nature of discriminations and related undercurrents between the two wings were such that things were started falling apart, just after one decade of Partition. And after experiencing the fallouts from the administrative stands of the Punjabi dominated West Pakistani bureaucrats, the East Pakistanis, whether the educated elites and the masses, decided to withdraw themselves from the so-called nation-making process. Pakistan was actually suffering from two binaries. One, the Bengali nationalism emerged from the Language Movement (1952) was like a constant threat, and two, the critique of Pakistan’s political economy composed a new kind of ‘Two-Nation Theory’.¹⁷⁶ The reflection of the confusions and contradictions in the policy making front was clearly visible in all relevant documents. In effect, the refugees, termed as ‘returnees’ and the minorities suffered throughout because of the whimsical notions and activities of the state. They were not only torn from their roots but also became the victim of an experimental statehood. Under such situation, both the Bengali and

174 M. Weiner, ‘Rejected People and Unwanted Migrants in South Asia’, *Economic and Political Weekly*, vol. 28, no. 34, (August 21, 1993), p. 1739.

175 Dutta, ‘*Mohajer*’, pp. 54-5.

176 In 1968, Ayub Khan proposed to unite both the wings by introducing a new language, which would be a mixture of Bengali and Urdu. The language issue was so crucial and sensitive in East Pakistan. H. Ahmed, *MaatalHaowa*, Anyaparakash, Dhaka, 2013, pp. 30-31.

non-Bengali Muslim refugees were caught in a dangerous crisis. They were, therefore, in most of the cases, invisible to the state. Thus, this story is much more complex than seen through the looking glass of the political history of the Partition of 1947, and thus it requires special examination from the sub-continental, if not global, perspectives of refugee studies with its social and cultural dimensions as well.

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**INTERNATIONAL NORMS BUILDING FOR NATIONAL
SECURITY: EVIDENCE FROM THE U.S. TARGETED
KILLING IN AFGHANISTAN AND PAKISTAN**

Mohammad Nur Nabi*

Abstract

The U.S. practice of targeted killing in its global counter-terrorism campaign has become increasingly criticized in International Relations (IR) and International Law (IL) scholarship. Despite the continuous protest against this practice due to disproportionate civilian casualties, the U.S. is justifying the use of Remotely Piloted Aircrafts (RPAs) or drones in the targeted killing operation. Received wisdom focuses on the place of targeted killing in international law but ignores U.S tactics to respond to critics and justify the practice under international law. Therefore, this article deals two puzzles: why does the U.S. conduct targeted killing despite their inconsistency with international law? And, how does the U.S. justify its use of targeted killing? I argue from a realist constructivism perspective that the U.S. believes in targeted killing to be consistent with its national security interests, and therefore, it attempts to reshape the meaning of international law as to make it consistent with the practice of targeted killing. Evidence finds that three key factors drive the U.S. to ignore and refuse the targeted killing-induced civilian fatalities, and to further its effort towards building it as international counter-terrorism norm. These are: precision and convenience of Remotely Piloted Aircrafts (RPAs), a constant threat of non-state terrorist groups such as Al-Qaeda and Taliban, and the inability of host countries i.e. Afghanistan and Pakistan to deter terrorism by their own means. The perceived benefit of targeted killing as an international norm is the preservation of U.S. liberal democratic identity worldwide, and thus, to include it in international legal system in order to avoid internal and external challenges.

Key words: Drone Strikes, International Law, National Security, Realist Constructivism, Targeted Killing.

Introduction

America's actions are legal. We were attacked on 9/11 . . . this is a just war— a war waged proportionally, in last resort, and in self-defense.¹ (President Barack Obama regarding targeted killing, May 2013).

Targeted killing is one of the most controversial counterterrorist strategies of the United States (U.S.) in its global war on terror.² This policy of premediated use of

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¹ Barack Obama, 'Remarks by the President at the National Defense University' (National Defense University 2013) [www.whitehouse.gov/the-press-office/2013/05/23/ remarks-president-national-defense-university](http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university).

lethal force against suspected terrorists drew attention of International Law (IL) and International Relations (IR) scholars broadly on the issue of whether targeted killing is legal in international law.³ However, there are few scholarly works on why the U.S., despite being a liberal democracy uses drones inside another country to kill targeted terrorists, which is controversial to the standards of international law; and why the US feel the need to show that targeted killing is consistent with international law. The purpose of this paper is to address this research gap by investigating the factors that drives the U.S. to use targeted killing by drone strikes in Afghanistan and Pakistan, and how it justifies the legality of this strategy and the civilian casualties that often ensue. Taking a realist constructivism approach,⁴ this paper argues that the U.S. believes targeted killing to be consistent with its national security interests, and therefore, it attempts to reshape the meaning of international law as to make it consistent with the practice of targeted killing.

This article offers an innovative way of how a norm is significant in international power politics. Practicing targeted killing as an international norm will exempt the U.S. from legal controversies at home and abroad, strengthening its moral authority. I start from the idea that international norms command broad support within the international system of states, at the systemic level, and that shape states' interests and policies. Therefore, the U.S. is striving to establish targeted killing as an international norm because norms prompt justification of actions.⁵ I restrict my argument to the U.S. targeted killing through drone strikes against non-state terrorist organizations such as Al-Qaeda and Taliban in Afghanistan and Pakistan (Somalia and Yemen also apply). It may not apply in the case of non-democratic or authoritarian regimes. The findings of this article do matter in the IR scholarship for its contribution in strengthening Barkin's "realist constructivism" theory that brings together two very distinct theory of the field. It shows that in a situation of realist

2 Scholars used both "targeted killing" and "targeted killings" to explain the U.S. Drone strikes to combat transnational terrorist groups. For the purpose of this paper, I use targeted killing exclusively to refer the drone strikes against the U.S. non-state opponents. The other tactics of targeted killing are mentioned in the paper; See Janiel David Melamed Visbal, "Legal and Democratic Dilemmas in the Counter-Terrorism Struggle: The Targeted Killing Policy", *Universidad del Notre*, Vol. 35, 2011, pp. 290-312.

3 I discuss targeted killing from the perspectives of both the law of armed conflict (LOAC) and international human rights law (IHRL). The article also uses LOAC and international humanitarian law (IHL) interchangeably.

4 Samuel Barkin, "Realist Constructivism", *International Studies Review*, Vol. 5, 2003, pp. 325-342.

5 Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change", *International Organization*, Vol. 52, No. 4, 1998, pp. 887-917.

perception of international politics where a state's practice of a particular national security strategy clashes with its established norms, both realism and constructivism can go together to explain why the country uses legal justification to continue the action.

I use a qualitative case study method on Afghanistan and Pakistan to defend the argument. These cases are interesting for mainly two reasons: first, targeted killing has become highlighted in IR and IL since the beginning of the U.S. drone strikes in Afghanistan and Pakistan. A substantial number of studies have focused on the political and legal controversies of targeted killing based on these two cases, but they ignore the tension between norms preservation (e.g. human rights and respect for international law) and national security concerns of the U.S. A comprehensive understanding of the latter part requires the same cases because it needs the existing political and legal debates to study. Second, in order to understand the root of targeted killing and the U.S. aim of legalizing it, the concern of national security emanated from non-state and transnational terrorist groups are important. Afghanistan and Pakistan are the primary parts of the U.S. war on terror, and therefore, the experience of these is supposed to be used in further targeted killing mission in other areas such as Somalia and Yemen. Therefore, the explanation of these cases would be helpful to understand the operation in these areas.

To substantiate my argument, I rely on the records of estimated U.S. targeted killing and fatalities in Afghanistan and Pakistan since the beginning of the Afghanistan War in 2001, and the statements of presidents and other relevant officials on targeted killing. The data used in this article is adapted from various publications of the U.S. government on targeted killing, non-state sources such as the Bureau of Investigative Journalism, and international human rights organizations such as Amnesty International and Human Rights Watch. This variety in the data sources is used for minimizing the possibility of bias data and clarifying the discrepancy between the government and non-government sources regarding the targeted killing fatalities. The rest of the paper is organized as follows: the next section discusses the theoretical framework of the paper. Then, I address targeted killing from a scholarly perspective and its status in international law. This section concludes that overall, targeted killing by drone strikes is not a legal way of fighting non-state terrorism. The next section deals with the issue of U.S. targeted killing in Afghanistan and Pakistan. It discusses why the U.S. is using this method despite the fact that it violates several provisions contained in a number of international treaties, and how the U.S. is justifying this action. The last section concludes with a discussion of the potential implications of my findings for policy and practice and a suggestion for future research.

Targeted Killing in International Relations: Theoretical Framework
The Common Wisdom: Realism and Constructivism

The most traditional answer to the question of why does the U.S. use targeted killing method despite their inconsistency with international law is the realist explanation of international politics since it stresses the preeminence of power and security in all political life. Neo-realism pioneered by Kenneth Waltz (1979) argues that the international system, because it lacks an authority to regulate states' behavior, is anarchic that drive states to rely on own resources to maximize its power and security over respecting the universal moral principles.⁶ This view suggests that governments tend to violate international human rights treaties when the violation supports the maximization of their national interests. In explaining why states comply with international human rights treaties that they sign, realists argue that governments may comply with agreements only because the treaty does not engage a national interest, or if it does, only if the treaty is consistent with that interest. Compliance against the interests is interpreted as the result of coercion on the part of more powerful states or other actors.⁷ Thus, in an anarchic international order, international human rights agreements are nothing more than tools created by powerful liberal states to further their own interests, and there is little reason to expect these agreements to change states' behavior, especially when they lack solid mechanisms of enforcement.⁸

Another possible explanation of the U.S. practice of targeted killing operation is the constructivist view of international politics. The theory argues that what actors do in international relations, the interests they hold, and the structure within which they operate are defined by social norms and ideas rather than by objective or material conditions.⁹ This understanding leads to the conclusion that the idea of national

6 Kenneth Waltz, *Theory of International Politics* (Massachusetts: Addison-Wesley Publishing Company, 1979), pp. 38-59; Mark R. Brawley, *Power, Money, and Trade: Decisions that Shape Global Economic Relations* (Toronto: Toronto University Press, 2009), 27-35.

7 Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2005), pp. 112-125; Jack Goldsmith and Eric Posner, *The Limits of International Law* (Oxford: Oxford University Press, 2005), pp. 19-31; David M. Golove, "Leaving Customary International Law", *GA. J. INT'L & COMP. L.*, Vol. 34, 2006, pp. 334-77.

8 Emile Hafner-Burton and Kiyoteru Tsutsui, "Human Rights in a Globalizing World: The Paradox of Empty Promises", *American Journal of Sociology*, Vol. 110, No. 5, 2005, pp. 1373-1411.

9 Berkin, "Realist Constructivism", 2003; Dale C. Copeland, "The Constructivist Challenges to Structural Realism: A Review Essay", *International Security*, Vol. 25, No. 2, 2000, pp. 187-212.

security preservation in an anarchic world order by any means is an international norm, and therefore, the U.S. conducts targeted killing as a consequence of this norm rather than the consideration of its unchallenging material power in the world. Martha Finnemore (2009) identifies three social mechanisms in the post-Cold War era that contribute in constraining the U.S. exercise of power indiscriminately: legitimation, institutionalization, and hypocrisy.¹⁰ The first one posits that the U.S. cannot create the legitimacy of its power exercise unilaterally, rather it can only be given by others. Therefore, to exercise power effectively, the U.S. must legitimate it through a wide diffusion beyond the border. Although the U.S. is capable of conducting targeted killing without legitimacy because of its higher material capabilities as realists argue, an imposition of this practice without legitimacy will cause a lack of cooperation and trust from other states, and thus, will make it more difficult for it to preserve control in the current world system.

The institutionalization plays an important role in this legitimation as the U.S., being a leading liberal democracy,¹¹ relies on rational-legal authorities to create international legal institutions and tailor them to promote its own preferences.¹² Facing constraints in the legitimation and institutions would lead the U.S. to manifest the behavior of hypocrisy that proclaims adherence to laws while violating them. However, this comportment may undermine trust, respect, and credible commitments of the U.S. both as a great power and for the values on which it has legitimized its power. Thus, in order to overcome the above constraints, Constructivism argues that the identity of a liberal democracy and the globalized social circumstance of the world order push the U.S. to care about international law and make targeted killing consistent with international law in order to preserve its moral authority among its allies.

Alternative Explanation: Realist Constructivism

This article argues that neither realism nor constructivism alone explain the central research questions of this article. While realism focuses exclusively on power politics without taking normative explanation into account, constructivism ignores the

10 Martha Finnemore, "Legitimacy, Hypocrisy, and the Social Structure of Unipolarity", *World Politics*, Vol. 61, No. 1, 2009, pp. 58-85.

11 A liberal democracy is supposed to adhere to fundamental democratic values, human rights and civil liberties, respect for the rights of minorities, and avoiding harm to innocents. See Anne-Marie Slaughter, "International Law in a World of Liberal States," *European Journal of International Law*, Vol. 6, No. 7, 1995, pp. 503-38; Janiel D.M. Visbal, "Legal and Democratic Dilemmas in the Counter-Terrorism Struggle: The Targeted Killing Policy," *Universidad Del Notre*, Vol. 35, 2011, pp. 290-312.

12 Barbara Koremenos *et al.*, "The Rational Design of International Institutions," *International Organization*, Vol. 55, No. 4, 2001, pp. 761-799.

importance of power politics in shaping a state's national interest. Undeniably, realists offer a sound explanation of states' compliance of international human rights treaties, but it lacks a convincing understanding of why a great power justifies their human rights violation. As Realism assumes that material power of a country defines its behavior, being the only superpower in today's world, the U.S. is supposed to face minimal material challenge from other international actors. However, this superior position does not drive the U.S. to recognize its targeted killing-induced human rights violation rather it justifies the fatalities by the existing international law. This scenario implies that the U.S. wants to use international law by which it can legitimately use its preemptive force against potential threats. Whereas, Constructivism's emphasis on norms and values offers a better understanding of why the U.S. uses legal justification of its targeted killing, it cannot explain why the U.S. violates human rights and harm to innocents in its counter-terrorism campaigns as these actions contradict its liberal democratic identities. And, if material power politics is inconsequential in international order, Constructivism fails to explain why the U.S.-led practice bolsters or undermines the capacity of international law to serve as an international norm such as humanitarian intervention. For instance, Brad Roth (2003) argues that weak states confronting U.S.-led alliances have no powerful supporters to bolster their position.¹³ These limitations with the received wisdom led this article to use Barkin's realist constructivism (2003) to offer a better explanation of the U.S. targeted killing policy. To do so, I explain how both theories are compatible to explain international politics first, and then what realist constructivism is.

Constructivism is often considered in the literature on international relations theory as in direct opposition to realism. Constructivists who think their methodology is incompatible with realism focus on the association between realism and both materialism and rationalism. By contrast, realists who consider their theory is incompatible with constructivism focus for the most part on a perceived tendency for constructivists to be idealists or utopians.¹⁴ For instance, Mearsheimer (1995)

13 Brad Roth, "Bending the law, breaking it, or developing it? The United States and the humanitarian use of force in the post-Cold War era", in Michael Byers and Georg Nolte (eds.), *United States Hegemony and the Foundation of International Law* (Cambridge: Cambridge University Press, 2003), p.260; Shirley Scott, "The impact on international law of US noncompliance", in Michael Byers and Georg Nolte (eds.), *United States Hegemony and the Foundation of International Law* (Cambridge: Cambridge University Press, 2003), pp. 449-455.

14 Berkin, "Realist Constructivism", 2003; Trine Flockhart, "Constructivism and foreign policy", in Steve Smith *et. al.* (ed.) *Foreign Policy: Theories, Actors, Cases.* (Oxford: Oxford University Press, 2012), p. 79.

criticized constructivism by saying that it focuses on the transformation of world politics without addressing the role of power in creating and disseminating ideas and modes of discourse.¹⁵ Many constructivists tacitly acknowledge that power matters in international relations. Alexander Wendt (1999), for example, notes that to the extent realism is about power, he too is a realist. His argument is also built on the notion that states are the primary actors in world politics.¹⁶ According to Wendt, the principles of self-help and power politics identified by realists were socially constructed, that means the system is based on self-help because practice made it that way. They are institutions that have evolved, not essential features of an anarchic situation. Thus, Wendt offers a different way for understanding realism and thus for explaining outcomes consistent with realism.¹⁷

Realism argues that no universal political morality exists and, therefore, if a state wants to fulfill its objectives, it must have to do so through the application of power.¹⁸ However, this article assumes that without addressing the compromise between power and morality, a convincing understanding of the phenomenon of global political change is unlikely. States sometimes use moral values (e.g. evil and good, right and wrong) to achieve their material interests. For instance, one of the classical realists, E.H. Carr, warned that international relationship, morality can also be used as a tool of power. So, when someone applies power to promote preferred political morality, others might see it as a use of power simply to promote interests.¹⁹ In Carr's analysis, realism fails mainly because it excludes central features of politics such as emotional appeal to a political goal and grounds for moral judgment.²⁰ Thus, the realist constructivism would look at the way in which power structures affects patterns of normative change in international relations and, conversely, the way in which a particular set of norms affect power structures. Even once the human rights norms in question are generally accepted in the relations among countries, power will still matter. Sporadically, when the specific groups that have been empowered by the

15 John J. Mearsheimer, "The False Promise of International Institutions", *International Security*, Vol. 19, No. 3, 1995, pp. 5-49.

16 Copeland, "The Constructivist Challenges to Structural Realism", 2000.

17 Alexander Wendt, "Anarchy is what States Make of it", *International Organization*, Vol. 46, No. 2, (1992), pp. 391-425; Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), pp. 2-6; Brawley, *Power, Money, and Trade* (2009), p. 49-50.

18 William C. Wohlfort, "Realism and foreign policy", in Steve Smith *et. al.* (ed.) *Foreign Policy: Theories, Actors, Cases*. (Oxford: Oxford University Press, 2012), pp. 32-33.

19 Barkin, "Realist Constructivism", 2003.

20 Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change", 1998.

norms will find that their goals differ, the distribution of power among them will become important at that instant. Similarly, a realist constructivism would serve to help rehabilitate idealism by requiring as its corollary a self-consciously idealist constructivism and by contending that the study of ideals, as well as ideas, is integral to a full understanding of international politics.²¹

Based on the above scenario, realist constructivism considers states as the primary actors in world politics and assumes that states seek to maximize its national security from external threats because there is no superior authority above states to offer the security of the country. However, although it is not bound to follow international law, a great material power in the system cannot violate universal human rights to maximize its security because it faces constraints from the issues of legitimation, institutionalization. Moreover, if the country has an influential moral authority²² to the world community such as liberal democracy, using force illegitimately undermines the trust of other states in it, and that consequently undermines respect and deference both for the country and for the values on which it legitimates its power. Therefore, the U.S. is endeavoring to reshape the broader normative context to make international law consistent with targeted killing in the view of international community (i.e. states and international organizations). This involves a coercive form of persuasion.²³

The reason of this justification is to establish its controversial action as an international norm or institution. In other words, it is an attempt to construct a socially accepted practice by which the advocated country will get benefits. To do so, the international distribution of power (power structure) plays a key role. Since power matters in international politics, a great power can establish a new norm by its ability to continue the practice for a long time and to diffuse it globally. Similarly, such a norm affects the international power structure. It is in the way that since a powerful state creates a new norm and if it requires strong economic and military capabilities to continue, weaker states cannot use it. Therefore, the established norm strengthens the power of the major powers. This is how global power structure and a particular norm interact in world politics.²⁴ Thus, a major power uses morality as a means of pursuing its power in the anarchic (absence of higher authority to control state behavior) world system.

21 Barkin, "Realist Constructivism", 2003.

22 The concept of moral authority basically states that social agents such as states and international organizations gain legitimacy/authority by embodying widely held norms such as universalism (against particularism).

23 Ronald Krebs and Patrick Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric", *The European Journal of International Law*, Vol. 13 (1), 2007, pp. 35-66.

24 Barkin, "Realist Constructivism", 2003.

Targeted Killing: Definition and the Legal Complexity

Before defining the targeted killing, one should understand the complex legal aspect of the U.S. war against terrorism. The U.S. was the first country to describe its anti-terrorist campaign as a global scale war following the terrorist attacks of September 11, 2001. Historically, war is not all about political and strategic aspects; it includes a legal framework regarding the use of lethal force. In relations to the Global War on Terror (GWOT), the applicability of international law is perplexing since the exact scope of the war is not well-defined. It is different from the traditional war because in this war, the opponent is non-state actors mainly Al-Qaeda and its affiliates,²⁵ the location of hostilities is potentially all over the world, the tactics employed against the opponents are a mixture of law enforcement means and combat operations, and the duration of the war is unlimited. Therefore, the promulgation of the international law of armed conflicts has become insufficient to control the use of lethal force in the war. Aside from the LOAC, the means used by traditional law enforcement such as arrests, interrogation, surveillance, and trials are also regulated by another branch of international law - international human rights law. The practice of these means beyond the U.S. territory is also a hotly debated issue in GWOT perspective because of its peculiar character than the traditional type of wars.²⁶

As a part of U.S. anti-terrorist campaign, targeted killing is also a complex term in international politics, and therefore, it has no universally accepted definition until today. Unlike detention or interrogation methods, it is not designed to capture the terrorists, monitor their actions, or extract information. It is rather designed to eliminate terrorists usually, but not exclusively, by Unmanned Aircraft Systems (UASs) or drones.²⁷ Several efforts have been made to set up a common standard. Jason Fisher (2007) defines it as “the intentional slaying of a specific alleged terrorist

25 Although the Bush Administration labelled its anti-terrorist campaign as global war on terror, the Obama Administration dropped the phrase “war on terror” from its lexicon and called it “war with Al-Qaeda and its terrorist affiliates”. By war on terror, this essay refers to the conflict between the U.S. and Al-Qaeda network. See also Peter L. Bergen and Jennifer Rowland, “Decade of the Drone: Analyzing CIA Drone Attacks, Casualties, and Policy”, in Peter L. Bergen and Daniel Rothenberg (eds.), *Drone Wars: Transforming Conflict, Law and Policy* (Cambridge: Cambridge University Press, 2015), p. 12.

26 Ved P. Nanda, “International Law Implications of the United States’ “War on Terror”, *Denver Journal of International Law and Policy*, Vol. 37, No. 4, 2009, pp. 513-537; Gabriella Blum and Philip Heymann, *Laws, Outlaws, and Terrorists: Lessons from the War on Terror*. (Cambridge: MIT Press, 2010), pp. 7-26.

27 Lydia de Beer, *Unmanned Aircraft Systems (Drones) and Law* (Nijmegen: Wolf Legal Publishers, 2011), pp. 1-2; Blum and Heymann, *Laws, Outlaws, and Terrorists* (2010), pp. 69-130.

or group of alleged terrorists undertaken with explicit governmental approval when they cannot be arrested using reasonable means.”²⁸ Nils Melzer (2008) includes the international legal perspective to define targeted killing. He refers it to the use of armed forces attributable to a subject of international law with the intent, premeditation and deliberation to kill suspected individuals who are not in the physical custody of the targeting government.²⁹ Gary Solis (2010) offers a comprehensive and sufficiently precise definition of targeted killing. According to him, it is “the intentional killing of a specific civilian or unlawful combatant who cannot reasonably be apprehended, who is taking a direct part in hostilities, the targeting done at the direction of the state, in the context on an international or non-international armed conflict.”³⁰ Overall, the essay sorts out five characteristics of targeted killing based on the above definitions: it is a tactic of using lethal force against human beings; it has the elements of intent, premeditation, and deliberation to kill; it is directed against a specific individual or group rather than a random target; the targeted persons are not in the physical custody of targeting state; and a government or its agents authorize the operation who are a subject of international law. According to the UN Human Rights Council Report (2010), the means and methods of targeted killing vary, and including sniper fire, shooting at close range, missiles from helicopters, gunships, drones, the use of car bombs, and poison.³¹ Among these tactics of targeted killing, the U.S. is exclusively using drones or unmanned vehicles in its armed conflict with Taliban and Al-Qaeda in Afghanistan, Pakistan’s Federally Administered Tribal Area (FATA), Yemen, and Somalia. However, some scholars found the words “drone” and “unmanned vehicle” incorrect and misleading because of their failure to capture the staffing demands of these technologies and the intense coordination of many groups operating in multiple locations for launching an attack.³²

28 By “governmental approval”, Fisher uses Steven David’s definition according to which it is an executive observation that declares that targeting an individual terrorist is a part of national interest because they pose a significant security threat, and therefore, permits such operation. See Jason Fisher, “Targeted Killing, Norms, and International Law”, *Columbia Journal of Transnational Law*, Vol. 45, 2007, pp. 711-758.

29 Nils Melzer, *Targeted Killing in International Law* (Oxford: Oxford University Press, 2008), p. 468.

30 Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge: Cambridge University Press, 2010), p. 538.

31 UNHCR Report. 2010. A/HRC/14/24/Add.6

32 Charles Blanchard, “It is not War by Machine”, in Peter L. Bergen and Daniel Rothenberg (eds.), *Drone Wars: Transforming Conflict, Law and Policy* (Cambridge: Cambridge University Press, 2015), pp. 118-121.

The absence of an established body of international law on counter-terrorism influences different countries to use different type of counter-terrorism tactics although they face the same type of national security threat from the same sort of terrorist groups in the same world order. For instance, while the U.S. conducts targeted killing under the armed conflict paradigm to combat Al-Qaeda and Taliban, several European countries such as the United Kingdom, Germany, and France follow the law enforcement framework,³³ which recognizes terrorists as civilians, and thus, rely on the traditional criminal justice system to arrest and prosecute terrorists.³⁴ While the law enforcement approach remains relatively uncontroversial in international arena, the increasing use of U.S. drone strikes in Afghanistan and Pakistan have raised a serious question about the legitimacy of such strikes. Scholars of international law and international relations are divided on the legality of targeted killing as a counterterrorism strategy under international law because it sits at the intersection of law, morality, strategy, and policy.³⁵ The anti-targeted killing camp describes it as assassinations or extra-judicial executions and unethical because of its higher risk of civilian casualties for “the devaluation of noncombatants.”³⁶ This group refers Article 23(b) of the Hague Regulations that forbids “kill[ing] or

33 The law enforcement model allows lethal force only if there is a direct and imminent threat of violence to others in the vicinity and it is impossible to apprehend the suspect without the use of force. For more, see Thomas Gregory, “Drones, Targeted Killings, and the Limitations of International Law”, *International Political Sociology*, Vol. 9, 2015, pp. 197-212.

34 Michael L. Gross, “Assassination and Targeted Killing: Law Enforcement, Execution or Self-Defense?”, *Journal of Applied Philosophy*, Vol. 23, No. 3, 2006, pp. 323-335; Ved P. Nanda, “International Law Implications of the United States’ “War on Terror”, *Denver Journal of International Law and Policy*. Vol. 37, No. 4, 2009, pp. 513-537; Visbal, “Legal and Democratic Dilemmas”, 2011; Laurie R. Blank, “The Proportionality Principle in War”, in Robert J. Art & Kelly M. Greenhill (eds.), *The Use of Force: Military Power and International Politics* (Maryland: Rowman & Littlefield, 2015), chapter 6.

35 Fisher, “Targeted Killing, Norms, and International Law”, 2007; Amos N. Guiora, “Targeted Killing: When Proportionality Gets All out of Proportion”, *Case Western Reserve Journal of International Law*, 45, 2012, pp. 235-57.

36 Scott Horton, *Lords of Secrecy: The National Security Elites and America’s Stealth Warfare* (Nation Books, 2016), p. 112; Willian C. Banks, “Regulating Drones: Are Targeted Killings by Drones Outside Traditional Battlefield Legal?”, in Peter L. Bergen and Daniel Rothenberg (eds.), *Drone Wars: Transforming Conflict, Law and Policy* (Cambridge: Cambridge University Press, 2015), pp. 129-59; see also Gregoire Chamayou, *A Theory of the Drone* (New York: The New Press, 2015); Andrew Cockburn, *Kill Chain: The Rise of the High-Tech Assassins* (New York: Henry and Holt Company, 2015).

wound[ing] treacherously individuals belonging to the hostile nation or army”.³⁷ For instance, Graham Arnold (2013) argues that in targeted killing, the legal standards are clearly being avoided and dangerous precedents are being established, including vaguely-defined licenses to kill.³⁸ These proponents also contend that targeted killing violates international human rights (IHR) point to Article 6(1) of the ICCPR which states, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.³⁹

By contrast, supporters of this practice use the term “pre-emptive killing”, from a necessary defensive perspective and far from a revengeful action.⁴⁰ For them, the U.S. (and Israeli) targeted killing is not “assassinations” or “extrajudicial executions”. An “assassination” can be conducted during both peacetime and armed conflicts. While peacetime assassination is commonly addressed as the “murder of a private individual or public figure for political purposes”, in an armed conflict, according to customary international law, it involves the specific targeting of an individual through treachery or perfidy. Since the Al-Qaeda terrorists are neither political leaders nor statesmen, targeted killing does not fall under assassinations.⁴¹ These scholars use the Amnesty International’s (AI) definition of extrajudicial killing to differentiate it from targeted killing. For them, extrajudicial killing is a government-led unlawful and deliberate killing in which the government’s aim is to eliminate specific persons in circumstances in which they do not pose an immediate threat even though arresting them is a possible option. Targeted killing is different from such killing because it occurs only when the arrest is not an option.⁴² Moreover, the U.S. argues that targeted killing of Al-Qaeda leaders do not fall under assassination

37 Nicholas Kendall J., “Israeli Counter-Terrorism: “Targeted Killings” Under International Law”, *North Carolina Law Review*, Vol. 80, 2002, pp. 1069-1088.

38 Graham Arnold, “Extra-judicial Killing”, *International Review of Law, Computers & Technology*, Vol.27, No.3, 2013, pp. 319-23.

39 Fisher, “Targeted Killing, Norms, and International Law”, 2007.

40 Tara McKelvey, “Defending the Drones: Harold Koh and the Evolution of US Policy”, in Peter L. Bergen and Daniel Rothenberg (eds.), *Drone Wars: Transforming Conflict, Law and Policy* (Cambridge: Cambridge University Press, 2015), pp. 185-205; Visbal, “Legal and Democratic Dilemmas in the Counter-Terrorism Struggle”, 2011; David Kretzmer, “Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?”, *The European Journal of International Law*, Vol. 16, No. 2. 2005, pp. 171-212.

41 Ibid.

42 Fisher, “Targeted Killing, Norms, and International Law”, 2007; Kendall, “Israeli Counter-Terrorism”, 2002.

because its forces are engaged in an ongoing armed conflict and it is an act of self-defense.⁴³

The legal framework and basic rules of targeted killing depends in the context in which it is conducted or in relation to the interstate use of force. Both IHL and human rights law apply in the context of armed conflict; whether a particular killing is legal is determined by the applicable *lexspecialis* (“law governing a specific subject matter”). The main objective of LOAC is to mitigate the human suffering caused by both international and non-international wars.⁴⁴ Under the rules of IHL, targeted killing is only lawful when the target is a “combatant” or “fighter” or, in the case of a civilian, only for such time as the person “directly participates in hostilities”.⁴⁵ For instance, under customary law, 1977 Additional Protocol I, Article 51.3 states, “Civilian shall enjoy the protection afforded by this Section, *unless and for such time as they take a direct part in hostilities*.”⁴⁶ However, the phrase, *unless and for such time as they take a direct part in hostilities* is controversial addressed by the ICRC report 2009 on direct participation in hostilities.⁴⁷ In addition, LOAC determines that a killing must be militarily necessary, the use of force must be proportionate so that any anticipated military advantage is considered in light of the expected harm to civilians in the vicinity, and everything feasible must be done to prevent mistakes and minimize harm to civilians. In particular, the 1977 Additional Protocol I, Article 48 codifies the following principle:

43 Sascha-Dominik Bachmann, “Targeted Killings: Contemporary Challenges, Risks and Opportunities”, *Journal of Conflict and Security Law*, Vol. 18, No. 2, 2013, pp. 259-288.

44 Solis, *The Law Armed Conflict* (2010), pp. 7-8.

45 According to the Hague Convention, the following categories describe persons who qualify as “combatants”: i. a member of the regular armed forces of a belligerent part. ii. a member of militia and volunteer corps fulfilling the conditions of commanded by a person responsible for his subordinates, have a fixed distinctive emblem recognizable at a distance, carry arms openly, and linked to a party to the conflict. Iii. An inhabitant of a non-occupied territory who, on approach of the enemy, spontaneously takes up arms to resist invading troops. See Fisher, “Targeted Killing, Norms, and International Law”, 2007; APV Rogers and Dominic McGoldrjck, “Assassination and Targeted Killing- The Killing of Osama Bin Laden”, *International and Comparative Law Quarterly*, Vol. 60, 2011, pp. 778-788; Richard V. Mayer, “The Privilege of Belligerency and Formal Declaration of War” in Claire Finkelstein et. al. (ed.) *Targeted Killing* (Oxford: Oxford University Press, 2012), pp. 207-209.

46 Those individuals not satisfying definition of “combatant” are regarded as “civilian”. However, they lose their status when they directly take part in the hostilities. See Solis, *The Law Armed Conflict* (2010), pp. 232-234.

47 See <https://www.icrc.org/eng/resources/documents/annual-report/icrc-annual-report-2009.htm>

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatant and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.⁴⁸

According to the UN Human Rights Council Report (2010), these standards apply regardless of whether the armed conflict is between states (an international armed conflict) or between a state and a non-state armed group (non-international armed conflict), including alleged terrorists. Although the war on terror does not fit easily within the main categories of armed conflict recognized by LOAC, the means of targeted killing such as drone strikes and “shoot-to-kill” and the civilian casualties caused by it fall under the preview of international law.⁴⁹

Similarly, all international conventions related to individual civil and political rights protect the “inherent right to life.” The International Covenant on Civil and Political Rights (ICCPR), the American Convention on Human Rights (ACHR) and the African Charter of Human and People’s Right (ACHPR) prohibit “arbitrary” deprivation of life. The European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter: CPHR) is slightly different but still focusing individual right to life. Article 2.1 states that no one shall be deprived of his life intentionally. Article 2.2 clarifies that the use of force will not be considered as the violation of Article 2.1 in any of the three cases including if it is in defense of any person from unlawful violence and if it conducts in order to affect a lawful arrest or to prevent the escape of a person lawfully detained (ECHR 1950). For instance, The European Court of Human Rights (ECHR) decided in *McCann and Others v United Kingdom* that the use of lethal force has to be proportional to the achievable goals of the above Article 2.2.⁵⁰ Thus, in international human rights law, a state’s deliberative killing is legal only if it is required to protect life (making lethal force “proportionate”) and there is no other means, such as arrest or non-lethal incapacitation, of preventing that threat to life (making the lethal force “necessary”). The proportionality requirement limits the permissible level of force based on the threat posed by the suspect. The necessity requirement imposes an obligation to minimize the level of force used, regardless of the amount that would be proportionate, through using other means such as warnings, restraint and capture. This means that under human rights law, a targeted killing in the sense of an

48 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, June 8, 1977, 1125 UNTS 3.

49 UNHCR Report. 2010. A/HRC/14/24/Add.6

50 Beer, *Unmanned Aircraft Systems (Drones) and Law* (2011), p. 28.

intentional, premeditated and deliberate killing by law enforcement officials cannot be legal because killing should never be the *sole objective* of an operation.⁵¹ Although scholars are split about when targeted killing is permitted, generally one can conclude that if such killing fulfils the criteria in article 2 of the CPHR.⁵²

**Targeted Killing in Afghanistan and Pakistan:
Proportionality and Legal Consistency**

The U.S. conducts targeted killing in both Afghanistan and Pakistan although they belong to two different areas of the U.S. broader categories of “terrorist targets” as the former is considered in the “areas of active hostilities” and the latter is in the “outside areas of active hostilities”.⁵³ The proportionality principle defines a legal obligation to reduce civilian casualties in an armed conflict according to which the possibility of civilian fatalities that might cause from an attack has to substantiate by the value of the military object. Even though this principle allows a limited level of risk to civilian population in the case of High-Value Target (HVT), the endangerment of civilian life would hardly ever justify by the regular military targets.⁵⁴ The legal discourse on the drone strikes has largely ignored a detailed profiling of HVT killed in U.S. drone strikes despite its outlining is critical to understanding the efficacy and legitimacy of this strategy. Bachmann (2013), for instance, notes that the method of targeted killing is conducted against individuals those are selected and confirmed as so called HVT, because the growing incidence of civilian casualties would erode the legitimacy of drone strikes by raising concerns over international law guiding the use of force during armed conflict.⁵⁵ Senator Lindsey Graham justifies the civilian casualties by the HVT as he told Easley Rotarians in 2013 that “sometimes you hit

51 Bachmann, “Targeted Killings”, 2013; Kretzmer, “Targeted Killing of Suspected Terrorists”, 2005; UNHCR Report. 2010.

52 Beer, *Unmanned Aircraft Systems (Drones) and Law* (2011), p. 28-30.

53 Max Brookman-Byrne, “Drone Use”, 2017; The Office of the Director of National Intelligence, <https://www.dni.gov/files/documents/Newsroom/Press%20Releases/DNI+Release+on+C+T+Strikes+Outside+Areas+of+Active+Hostilities.PDF>; Micah Zenko, “Do Not Believe”, *Foreign Policy*, July 5, 2016, <http://foreignpolicy.com/2016/07/05/do-not-believe-the-u-s-governments-official-numbers-on-drone-strike-civilian-casualties/>

54 In the context of U.S. targeted killing in Afghanistan and Pakistan, HVTs refer senior leaders in Al Qaeda, Afghan-focused Taliban, and Pakistan-focused Taliban. See Ali Ashraf, “Drone Strikes in Pakistan: Increasing Trends, Questionable Legitimacy, and the Issue of Tacit Cooperation”, *Pakistan Journal of International Relations*, Vol. 1, No. 2, 2010, pp. 1-46; Charles Blanchard, “It is not War by Machine”, 2015, p. 123.

55 Sascha-Dominik Bachmann, “Targeted Killings: Contemporary Challenges, Risks and Opportunities”, *Journal of Conflict and Security Law*, Vol.18, No. 2, 2013, pp. 259-288.

innocent people, and I hate that, but we're at war, and we've taken out some very senior members of Al-Qaeda.”⁵⁶

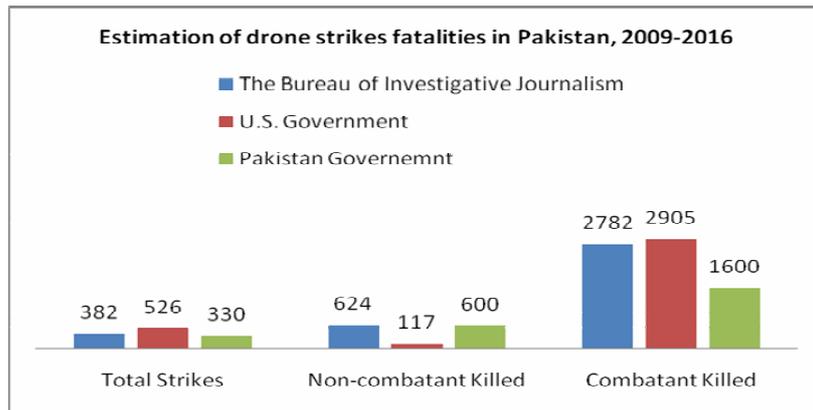


Figure 1: Statistics of different agencies about drone strikes casualties in Pakistan, 2004-2016. Source: Council on Foreign Relations (CFR), the Director of National Intelligence (DNI), Amnesty International (AI).⁵⁷

While a productive discussion on the advantages and disadvantages of drone strikes requires referencing the best available data, the actual approximation of civilian casualties and HVT significantly varies in terms of governments and non-government sources (see figure 1). For instance, the estimation from the U.S. government regarding civilian casualties is only 4 percent (117), whereas Pakistan’s former interior minister, Rehman Malik argued in 2012 that the casualties were 80 percent.⁵⁸ Similarly, U.S. Senator Lindsey Graham supported the media reports on civilian

56 Jason Evans, Graham Denies Leaking Classified Info at Easley Rotary, Easley Patch, 21 February 2013 <https://patch.com/south-carolina/easley/graham-denies-leaking-classified-info-at-easley-rotary>

57 The data of Pakistan Government estimates for the period of 2004-2013, and it is provided by the Pakistan Foreign Minister to the Special Rapporteur of the Office of the High Commissioner for Human Rights (OHCHR) on counterterrorism and human rights in 2013. The data of the U.S. Government may include Yemen and Somalia. https://www.amnesty.nl/content/uploads/2016/08/will_i_be_next_us_drone_strikes_in_pakistan_091013_final.pdf?x32866 ; <https://www.cfr.org/blog/obamas-final-drone-strike-data>; <https://www.dni.gov/files/documents/Summary%20of%202016%20Information%20Regarding%20United%20States%20Counterterrorism%20Strikes%20Outside%20Area%20of%20Active%20Hostilities.pdf>

58 Peter L. Bergen and Jennifer Rowland, “Decade of the Drone”, 2015, p. 13.

casualties as he disclosed the number 4,700 as of February 2013.⁵⁹ Regarding Afghanistan, The Bureau of Investigative Journalism (TBIJ) reported that between 2015 and March 2018, the U.S. conducted maximum 3959 air and drone strikes on the country that killed 4396 (94 percent) suspected terrorists at the cost of 313 (6 percent) civilian deaths and 748 injuries.⁶⁰ However, the historical data do not corroborate this rate of precision as the report of The Drone Papers (2015) argues that nearly 80 percent of people killed in recent drone strikes in the country “were not the intended targets” of the attacks.⁶¹

Likewise, the ambiguity about civilian casualties, the number of HVT killing is controversial. In June 2009, the U.S. government reported that drone strikes killed about half of 20 prominent Al-Qaeda and other extremist leaders the U.S. addressed as “high-value targets.” Secretary of State John Kerry later has said that drones targeted only “confirmed terrorist targets at the highest level.”⁶² A study of Ali Ashraf (2010), conversely, suggests that between 2004 and 2009, although nearly 30 percent drone strike incidents (28 out of 97) are associated with killing high value targets, the casualty statistics do not support the ‘precision’ theory. The study found the number of high value targets killed in Pakistan represents only 3 percent of all reported casualties (37 high value targets killed versus 1217 non-high value targets or not targeted persons killed). Later, a report prepared by human rights group Reprieve in 2014 raised questions about the accuracy of intelligence guiding precise strikes as it found that the U.S. attempted to kill 41 HVT in Pakistan that resulted in the deaths of an estimated 1,147 people.⁶³ The record of fatalities of the U.S. government is strongly backed by its officials. Senator Dianne Feinstein (2013) in a public discussion argues that “the figures we have obtained from the executive branch, which we have done our utmost to verify, confirm that the number of civilian casualties that have resulted from such strikes each year has typically been in the

59 Mike Mount, Graham: No Secret Drone Data Revealed, CNN, February 20, 2013, <http://security.blogs.cnn.com/2013/02/20/graham-insists-he-did-not-reveal-classified-drone-info/>

60 See <https://www.thebureauinvestigates.com/projects/drone-war/afghanistan>

61 Michal Addady, Details of US drone program revealed by new leaker, Fortune, October 15, 2015, <http://fortune.com/2015/10/15/drone-papers-leak/> ; See also <https://theintercept.com/drone-papers/>

62 Glenn Greenwald, “On Media Outlets That Continue to Describe Unknown Drone Victims as ‘Militants,’” *The Intercept* , November 18, 2014, <https://theintercept.com/2014/11/18/media-outlets-continue-describe-unknown-drone-victims-militants/>

63 Spencer Ackerman, 41 men targeted but 1,147 people killed: US drone strikes – the facts on the ground, *The Guardian*, November 24, 2014. Available at <https://www.theguardian.com/us-news/2014/nov/24/-sp-us-drone-strikes-kill-1147>

single digits.”⁶⁴ The reason why most press reports provide controversial data on civilian casualty is because when the Taliban representative narrates the casualty statistics to media, they can intentionally manipulate the data to humiliate the host governments and to create public opinion against the drone strikes. In contrast, the U.S. government reports may intentionally give lower records on civilian casualties to belittle the situation and prevent public upheaval, and to popularize the action worldwide.⁶⁵

The above records suggest that while the U.S. government reported that its drones were killing only Islamic militants, but Pakistani officials, international human rights activists, and international non-governmental organizations claimed that many civilians, including children, were being killed, and the number of HVT killing is minimal. Thus, it makes the practice inconsistent with international law because of its failure of respecting civilian protection and individual right to life. Harold Koh, a principal architect of the U.S. government’s legal justification for targeted killing, has acknowledged this inconsistency in a speech shortly after he stepped down as legal adviser to the State Department, stated that the Obama administration’s “persistent and counterproductive lack of transparency” was responsible for “a growing perception that the (drone) program is not lawful and necessary, but illegal, unnecessary, and out of control.”⁶⁶ Nevertheless, U.S. presidents are using this method as the centerpiece of their counter-terrorism strategy. In particular, statistics show that the Bush Administration launched total 51 drone strikes on Pakistan within six years (2002-2008), the Obama Administration increased it to 373 (a 631% increase) within eight years.⁶⁷ While Obama-era requirement of targeted killing policy in “outside areas of active hostilities” needed a “continuing, imminent threat” to American lives, President Trump’s new policy approves U.S. strikes in countries where armed groups are present but not actively plotting attacks against the U.S.⁶⁸ A recent report of the Human Rights Watch (HRW) expressed its deep concern about

64 Sen. Feinstein was then-chair of the Senate Select Committee on Intelligence. Micah Zenko, Do Not Believe the U.S. Government’s Official Numbers on Drone Strike Civilian Casualties, *Foreign Policy*, July 5, 2016, <http://foreignpolicy.com/2016/07/05/do-not-believe-the-u-s-governments-official-numbers-on-drone-strike-civilian-casualties/>

65 Ali Ashraf, “Drone Strikes in Pakistan”, 2010; Jon R. Lindsay, “Target Practice: Counterterrorism and the Amplification of Data Friction”, *Science, Technology, and Human Values*, Vol. 42, No. 6, 2017, pp. 1061-1099.

66 Hugh Gusterson. *Drone: Remote Control Warfare* (Cambridge: MIT Press, 2016), p. 118.

67 See <https://www.thebureauinvestigates.com/projects/drone-war/pakistan>

68 U.S. Department of Justice, 2017. See the Presidential Policy Guidance [https:// www.justice.gov/oip/foia-library/procedures_for_approving_direct_action_against_terrorist_targets/download](https://www.justice.gov/oip/foia-library/procedures_for_approving_direct_action_against_terrorist_targets/download)

this revised policy that suspected an increasing risk of civilian killing by drone strikes with less oversight and greater secrecy.⁶⁹

The Justification of Targeted Killing: towards Building an International Norm

Although the U.S. irregularly used targeted killing even before the 9/11 terrorist attacks such as in Vietnam War in 1960s and against Osama Bin Laden in 1998, the strategy has become a regular counter-terrorism method with a significant level of domestic public support in the post-9/11 era.⁷⁰ For instance, while asked if the CIA should curtail targeted killing in coming years, Secretary of Defense Leon Panetta told AFP news agency in 2013 that there was still a need to continue the drone strikes more than a decade since the September 11, 2001 terrorist attack.⁷¹ From the U.S. perspective, three major factors can be sorted out that motivates it to believe targeted killing by drone strikes as consistent with its national security interests: the precision and convenience of drones; the imminent potential threats of non-state opponent on the U.S.; and the inability of host countries (such as Afghanistan and Pakistan) to control their territory from being terrorist heaven.⁷²

First, in response to the operational criticism of drone strikes, Leon Panetta claims that “it was very precise and is very limited in terms of collateral damage.”⁷³ Frederik Rosen (2013) bolsters this statement as he praised the drone technology as an effective precautionary measure, which may trigger precautionary obligation across all weapon systems. If a state possesses this technology, and if its deployment may

69 US: New Drone Rules Increase Risks for Civilians, Human Rights Watch, November 1, 2017, <https://www.hrw.org/news/2017/11/01/us-new-drone-rules-increase-risks-civilians>; Letta Tayler, How Obama’s Drones Rulebook Enabled Trump, *Just Security*, September 26, 2017, <https://www.justsecurity.org/45375/obamas-drones-rulebook-enabled-trump/>

70 According to a January 2012 ABC News-Washington Post survey, 83 percent of Americans approved the Obama administration’s use of drones for targeted killing of suspected terrorists. See ABC News-Washington Post poll, “Drones, Gitmo and drawdown give Obama foreign policy cred,” February 8, 2012. Available at: <http://www.langerresearch.com/wp-content/uploads/1134a3ObamaandForeignPolicy.pdf>

71 Micah Zenko, “Leon Panetta Reflects on U.S. Drone Strikes”, Council on Foreign Relations, February 4, 2013. Available at <https://www.cfr.org/blog/leon-panetta-reflects-us-drone-strikes>; see also http://www.asdnews.com/news-47434/us_needs_to_keep_up_drone_war_against_qaeda_panetta.htm

72 Frederik Rosén, “Inability of host countries” does not only mean that these countries are weak in term of economy and military. It also can be the intentional ignorance of these countries to fight transnational terrorism. For instance, someone argue that Pakistan did not informed the exact location of Osama Bin Laden to CIA intentionally because it was receiving a huge amount of funding from the U.S. government to eliminate Bin Laden.

73 U.S. airstrikes in Pakistan called ‘very effective’, CNN, May 18, 2009, <http://www.cnn.com/2009/POLITICS/05/18/cia.pakistan.airstrikes/>

potentially reduce unnecessary harm from armed attacks, the state is obliged under IHL to employ this technology for precaution.⁷⁴ Similarly, Tom Malinowski (2011) argued that in comparison to manned aircraft, drones created the opportunity for more ethical and discriminate attacks against targets on the ground because of their ability to linger, often unseen, for hours as they track and evaluate potential targets.⁷⁵ In a hostile terrain, drones are effective to kill targeted persons without risk to the State forces carrying them out, and they can be operated remotely from the home State.⁷⁶ The U.S. decision maker argue that as the drone circles high above the land, relaying high-resolution imagery to command centers away from the battlefield, decision makers can discuss their level of confidence that the potential target is an insurgent, even an individually known insurgent with a detailed case history, and that civilian casualties will be minimized if a missile is launched from the drone.⁷⁷ For instance, President Obama described drone strikes as “a targeted, focused effort at people who are on a list of active terrorists.” He added further that “I want to make sure that people understand: actually, drones have not caused a huge number of civilian casualties. ... For the most part they have been very precise precision strikes against Al-Qaeda and their affiliates.”⁷⁸ Similarly, a drone pilot of the Nellis Air Force Base, Las Vegas, argues that targeting with RPAs or drones is more intimate that makes it highly “successful” to support ground soldiers against suspected terrorists.⁷⁹ Thus, the U.S. use drones in targeted killing because it is seen as an effective precautionary system, it has precision in a hostile terrain and it has no direct harm for army personnel though the above data do not justify these claims.⁸⁰

74 Rosen, Frederik, “Extremely Stealthy and Incredibly Close: Drones, Control and Legal Responsibility”, *Journal of Conflict and Security Law*, Vol. 19, No. 1, 2013, pp. 113-131. For a clear understanding of the aeronautics of unmanned remotely controlled aerial vehicles, see Richard Whittle, *Predator: The Secret Origins of the Drone Revolution* (New York: Henry Holt and Company, 2014).

75 Tom Malinowski delivered the speech at a conference on drones and international law organized by the New American Foundation. He was the then director of Human Rights Watch (HRW). Malinowski subsequently left HRW to become Assistant Secretary of State for democracy, human rights, and labor. See <http://conferences.asucollegeoflaw.com/drones/videos/panel-iv-drones-and-the-future-of-law>

76 UNHCR Report 2010.

77 Hugh Gusterson. *Drone* (2016), p. 84.

78 For details, see <http://www.nytimes.com/2012/02/06/world/asia/us-drone-strikes-are-said-to-target-rescuers.html>

79 Drone Pilot, “It is War at a Very Intimate Level” in Peter L. Bergen and Daniel Rothenberg (eds.), *Drone Wars: Transforming Conflict, Law and Policy* (Cambridge: Cambridge University Press, 2015), pp. 113-117.

80 See also Daniel L. Byman, Why Drones Work: The Case for Washington’s Weapon of Choice, Brookings, June 13, 2013, <https://www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/>

Second, the U.S. considers Al-Qaeda as an imminent threat for its national security.⁸¹ From this perspective, President Bush declared that “the U.S. will now target without warning al Qaeda and other international terrorists around the world.”⁸² Later, President Obama said that the U.S. action is against terrorists who pose a continuing and imminent threat to the American people, and when there are no other governments capable of effectively addressing the threat.⁸³ International law allows nations to use force to defend themselves against imminent threat, but in the words of UN rapporteur Christof Heyns, this “may not be done pre-emptively to prevent a threat from arising in the future.” Instead, in a much quoted phrase that has survived from a legal case in 1842, the threat of impending attack must be “instant, overwhelming, and leaving no choice of means, and no moment of deliberation.” A leaked confidential memo from the Justice Department offers an opinion that seems to be at odds with settled legal precedent, that the condition of imminent attack “does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future.” The memo says that

a decision-maker determining whether an al-Qaeda operational leader presents an imminent threat of violent attack against the United States must take into account that certain members of al-Qaeda ... are continually plotting attacks against the United States; that al-Qaeda would engage in such attacks regularly to the extent it were able to do so; that the U.S. government may not be aware of all al-Qaeda plots as they are developing and thus cannot be confident that none is about to occur.⁸⁴

Since the U.S. considers Al-Qaeda as a constant threat for its citizens, it believes that an anticipatory self-defense system through targeted killing is the preferred option to protect its national security.⁸⁵

Finally, the inability of Pakistan and Afghanistan to control their territory from transnational terrorist organizations, mainly Al-Qaeda, led the U.S. to believe in

81 Max Brookman-Byrne, “Drone Use”, 2017; Christina Hellmich, “Fighting Al Qaeda in Yemen? Rethinking the Nature of the Islamist Threat and the Effectiveness of U.S. Counterterrorism Strategy”, *Studies in Conflict and Terrorism*, Vol. 35, No. 9, 2012, pp. 618-633.

82 Melzer, *Targeted Killing in International Law* (2008), p. 40-41.

83 Scott Shane, “Drone Strikes Reveal Uncomfortable Truth: U.S. Is Often Unsure about Who Will Die,” *New York Times*, April 24, 2015, <https://www.nytimes.com/2015/04/24/world/asia/drone-strikes-reveal-uncomfortable-truth-us-is-often-unsure-about-who-will-die.html>

84 Justice Department Memo Reveals Legal Case for Drone Strikes on Americans, Feb. 4, 2013, *Huffington Post*, https://www.huffingtonpost.com/2013/02/04/justice-department-memo-r_n_2619220.html

85 Kendall, “Israeli Counter-Terrorism”, 2002; Jennifer K. Elsea, “Legal Issues Related to the Lethal Targeting of U.S. Citizens Suspected of Terrorist Activities”, Congressional Research Service, 2012, <https://fas.org/sgp/crs/natsec/target.pdf>

national security protection through targeted killing.⁸⁶ After the US invasion of Afghanistan in 2001, remnants of Al Qaeda's network sought refuge in western Pakistan, prompting Washington increasingly to resort to Predator drones. Targeted killing in this perspective is discussed as a defensive measure against members of terrorist groups operating from the territory of another State such as Al-Qaeda and Taliban.⁸⁷ In early 2008, President Obama said that

I would be clear that if Pakistan cannot or will not take out al Qaeda leadership when we have actionable intelligence about their whereabouts, we will act to protect the American people. There can be no safe haven for al Qaeda terrorists who killed thousands of Americans and threaten our homeland today.⁸⁸

On the question of sovereignty violation of Pakistan by drone strikes, Reinold (2012) argues that it is a paradigmatic case of a 'sovereignty dodge' who, in the eyes of the United States, has forfeited its sovereign right to non-interference because of its failure to live up to its responsibility to control transnational terrorism.⁸⁹ Gary Solis (2010) supports the use of armed force in such circumstance and called it "extraterritorial law enforcement." However, he put emphasis on the respect of LOAC in proceeding with targeted killing.⁹⁰

The above discussion implies that despite the U.S. targeted killing program is not consistent with the standards of international law, American decision makers believe that targeted killing serves national security by destroying Al-Qaeda and its affiliates. From this viewpoint, in response to the question of why the U.S. is ignoring the law enforcement model rather practicing the armed conflict model in dealing with the terrorists, President Bush said in his 2004 State of the Union Address to the Congress, "after the chaos and carnage of September the 11th, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war

86 Ishtiaq Ahmad, "The U.S. Af-Pak Strategy: Challenges and Opportunities for Pakistan", *Asian Affairs: An American Review*, Vol. 37, 2010, pp. 191-209; Zain Rafique and Muhammad Azfar Anwar, "Insurgency in Afghanistan: implications for Pakistan's internal and external security", *Defense and Security Analysis*, Vol. 30, No. 3, 2014, pp. 2660-282 ; Richard L. Armitage et al., "U.S. Strategy for Pakistan and Afghanistan", Council on Foreign Relations, Independent Task Force Report No. 65, 2010, https://www.cfr.org/content/publications/attachments/Pakistan_Afghanistan_TFR65.pdf

87 Theresa Reinold, "The Sovereignty Dodge and the Responsibility to Control: Should the US Do What Pakistan Won't Do?", *Journal of Intervention and State Building*, Vol. 5, No. 4, 2012, pp. 395-417.

88 Obama Tends Toward Mainstream on Foreign Policy, *Washington Post*, March 8, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/02/AR2008030202393.html>

89 Reinold, "The Sovereignty Dodge", 2012.

90 Solis, *The Law of Armed Conflict* (2010), p. 162.

on the United States, and war is what they got”.⁹¹ Now, the puzzle is while a liberal democracy tends to comply with international treaties more readily than any other form of governments, how does the U.S. being one of the largest liberal democracies in the world justify the illegal use of targeted killing.⁹² A liberal democracy is form of representative government secured by the separation of powers, constitutional guarantees of civil and political rights, juridical equality, and a functioning judicial system dedicated to the rule of law. These features of domestic political structure are important determinants of the interaction between the state and individual and group actors in domestic and transnational society. The claim is not that liberal democracies are more pacific by nature, only that a variety of factors converge to reduce their likelihood of violating international treaties.⁹³

The U.S. justification for targeted killing rests in the Article 51 of the UN Charter that states, “Nothing in the present Charter shall impair the inherent right of self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security”.⁹⁴ The U.S. government officials and some scholars interpret the phrase ‘if an armed attack occurs’ in this Article to justify self-defensive action not only against ‘an actual use of force or hostile act’ or ‘an imminent use of force’, but also against so-called ‘continuing threats’.⁹⁵ In particular, Harold Koh (2010), Legal Adviser to the U.S. State Department during the Obama administration, argued that “a state that is engaged in an armed conflict or in legitimate self-defense is not required to provide targets with legal process before the state may use lethal force”.⁹⁶ The above statements of government officials in support of targeted killing gesture towards an attempt to broaden the situations in which the use of lethal forces against suspected terrorists is legally permitted that allows military forces to be used in armed conflicts both in “areas” and “outside areas”.

In addition, Kasher and Yadlin (2005) mentions that the primary duty of a democratic state is to effectively protect its citizens against any danger posed to their lives and

91 Nanda, “International Law Implications”, 2009.

92 James D. Morrow, “When Do States Follow the Laws of War”, *The American Political Science Review*, Vol.101, No. 3, 2012, pp. 559-572.

93 Slaughter, “International Law in a World of Liberal States”, 1995.

94 Kendall, “Israeli Counter-Terrorism”, 2002.

95 Melzer, *Targeted Killing in International Law* (2008), p. 52-53.

96 Max Brookman-Byrne, “Drone Use ‘Outside Areas of Active Hostilities’: An Examination of the Legal Paradigms Governing US Covert Remote Strikes”, *Neth Int. Law Review*, Vol. 64, 2017, pp.3-41.

well-being by acts or activities of terror.⁹⁷ Since U.S. policy makers believe that Al-Qaeda and its affiliates are posing continuous threats to U.S. citizens, and targeted killing is the most effective way to destroy the source of these threats, the U.S. attempt to reshape the broader normative context to make international law consistent with targeted killing in the eyes of international community. Moreover, the U.S. government treats targeted killing as an effective way of defending democracy by enabling a discriminate use of force, in tune with liberal and humane values against the Islamist enemies of democracy and human rights.⁹⁸ Therefore, it aims to establish its own brand of targeted killing as an international norm to avoid both domestic and international challenges. For instance, domestically, the *Executive Order 12333* forbids any American intelligence organization to engage in assassination, and international law prohibits the assassination.⁹⁹

The advantage of creating this norm for the U.S. will allow it to use targeted killing under international law against transnational terrorist groups, and thus, to ensure its national security interests. According to Finnemore and Sikkink (1998), an international norm can emerge as a domestic norm and become international through the efforts of entrepreneurs of various kinds.¹⁰⁰ In targeted killing perspective, U.S. is the proponent of this norm and trying to pass this idea through a legitimation (norm cascade). Matthew Craig (2014) defines it as a false legitimation that occurs when a state proclaims adherence to rules or values but in reality it actually does not following these rules or values.¹⁰¹ From this perspective, the U.S. never acknowledged that it is violating international law in targeted killing to protect its national security rather it defends by claiming that targeted killing is a legitimate way of using force to protect its citizens and national security from terrorist acts. The legitimation of targeted killing in this way leads several outcomes. First, it is motivating public perception to be less critical about government officials, even in the face of reports of significant number of civilian deaths as a result of drone strike. This absence of criticism offers the government unconcerned to address the problem of excess collateral damage. And, it results in decreased media coverage of targeted

97 Asa Kasher and Amos Yadlin, "Assassination and Preventive Killing", *SAIS Review of International Affairs* Vol. 25, No. 1, 2005, pp. 41-57.

98 Visbal, "Legal and Democratic Dilemmas in the Counter-Terrorism Struggle", 2011.

99 Ibid.

100 Finnemore and Sikkink, "International Norm Dynamics and Political Change", 1998.

101 Matthew Craig, "Targeted Killing, Procedure and False Legitimation", *Cordozo Law Review*, Vol. 35, 2014, pp. 2350-2395.

killing; noncompliance with the country's legal obligations simply going to unappreciated, and thus uncontested.¹⁰²

The U.S. effort of making targeted killing strategy as an international counter-terrorism norm has consolidated over time through expanding areas of target and the adaptation of this method by several strong and weak countries in combating their non-state security threats. For instance, besides Afghanistan and Pakistan, the U.S. regularly conduct targeted killing by exclusively unmanned aerial vehicles in Yemen and Somalia to dismantle Al-Qaeda and its allies.¹⁰³ Similarly, Israel employs this tactic against Palestinian suicide bombers and missile launchers, and justifies the action under the concept of self-defense in international law.¹⁰⁴ And, Russian forces targeted Chechen "rebels", and Sri Lankan forces used the method against Tamil secessionist (LTTE) during the Civil War.¹⁰⁵ A more effective use of targeted killing by Israel, Russia and Sri Lanka to achieve their goals can encourage other countries to adapt this strategy that would further the U.S. attempt to make it a norm in international relations, and therefore, to include in international legal order.

Conclusion

The U.S. considers targeted killing to be consistent with its national security interests, and therefore, it is trying to reshape the meaning of international law of self-defense as to make it consistent with the practice of targeted killing. The anarchic international system has directed the U.S. to fight Al-Qaeda and its affiliates in order to protect its citizens and resources. Since, most of the Al-Qaeda leaders control their operations from the tribal areas of Afghanistan and Pakistan in which land operation is not possible, the U.S. consider drone strikes as the most effective way to kill these terrorists. Although the above data found that the ratio of high value target killing is significantly lower than the civilian deaths and general level terrorists (those are not HVT), the U.S. continues its drone strikes in terrorist-host countries. In response to the criticism of international community (e.g. Amnesty International), the U.S. justifies the use of targeted killing under the Article 51 of the UN Charter

102 Ibid.

103 Max Brookman-Byrne, "Drone Use", 2017.

104 See Nanda, "International Law Implications", 2009; Laurie Blank, "The Proportionality Principle in War", 2015; Gary D. Solis, *Law of Armed Conflict*, 2010.

105 Ophir Falk, "Permissibility of Targeted Killing", *Studies in Conflict and Terrorism*, Vol. 37, No. 4, 2014, pp. 295-321; Gary D. Solis, *The Law of Armed Conflict*, 2010; Markus Gunneflo, *Targeted killing : A Legal And Political History* (New York: Cambridge University Press, 2016), pp. 1-2.

regarding self-defense. The paper argues that the central objective of this justification is to establish the U.S. brand of targeted killing as an international norm that will consequently become a part of the customary international law.

Several scholars such as Jason Fisher (2007) argue that targeted killing as a counterterrorism strategy is likely to emerge as an international norm. He examines the evolution of targeted killing based on its environmental fit, prominence, and coherence, and found that targeted killing fulfills the cycle of these three aspects. For instance, regarding the environmental fit of targeted killing, Fisher identifies several benefits of it including, targeted killing can prevent terrorism by eliminating terrorist threats before they are launched if it is successfully conducted; and targeted killing may act as a deterrent.¹⁰⁶ Targeted killing receives prominence because it is practicing by powerful states mainly the U.S. and Israel, and their effort to promote it is significant. Finally, targeted killing appears to possess a high level of coherence with several other international norms such as just war theory's proportionality and distinction as well as the norm of anti-assassination policy. I agree with Fisher to the point that international law is currently is not in a position to control state behavior with respect to targeted killing. This is because international law is the combination of a number of consent-based treaties where international legal authority has no power to a member who violates international law. Shirley Scott (2003) argues that as the world's sole superpower, the U.S. can wield a particularly strong influence on international law. While the non-compliance of the U.S. weakens the system as whole, its compliance strengthens the international legal system.¹⁰⁷ Thus, the findings of this article offer a ground for further study on whether a constant practice of targeted killing by the U.S. alone is suffice to establish it as an international norm for national security protection.

106 See Fisher, "Targeted Killing, Norms, and International Law", 2007. However, a Lieutenant Colonel of the U.S. Army, Gary D. Rowley, argues that in the current U.S. counterterrorism strategy, armed drones do not provide a deterrent effect to terrorist groups. See Gary D. Rowley, "Armed Drones and Targeted Killing: Policy Implications for Their Use in Deterring Violent Extremism", Master of Science Dissertation (Washington: National Defense College, 2017), pp. 1-3, <http://www.dtic.mil/dtic/tr/fulltext/u2/1032652.pdf>

107 Shirley Scott, "The impact on international law of US noncompliance", 2003, pp. 449-455.

EDWARD SAID ON THE IDENTITY QUESTION

Natasha Afrin*

Abstract

The paper aims to offer an engaged analysis of Edward W. Said's dealings with the question of identity with a view to unravelling the poetics/politics of identity formation as well as the hegemonic representations of Islam and Muslims by the West and the Western media. The question of identity and the issue of representation comprise some of the most significant issues in Said's oeuvre. These issues play a vital role in understanding the contemporary politics of global confrontations. Reflecting on some of the principal texts of Said, the paper demonstrates how he formulates formidable counter-narratives to all-pervasive operation of reductive stereotyping, homogenisation and binary polarities integral to the contemporary discourse of identity. The paper also brings to fore Said's alternative perspectives with regard to culture and identity; it shows how his works advocate the need for tolerance and peaceful co-existence of individuals and communities. Indeed, a liberal, inclusive and humane vision emphasising the essential heterogeneity of human existence and experience appear to have informed Said's approach to the question of identity and representation.

I think the one thing that I find, I guess, the most—I wouldn't say repellent, but I would say antagonistic—for me is identity. The notion of a *single* identity. And so multiple identity, the polyphony of many voices playing off against each other, without, as I say, the need to reconcile them, just to hold them together, is what my work is all about. More than one culture, more than one awareness, both in its negative and its positive modes.¹

In 1932, at the “mandatory government's registry office,”² a British official ripped up a Palestinian woman's passport immediately after her marriage; to her queries and objections, the official replied: “this negation of your separate identity will enable us to provide a legal place for one more Jewish immigrant from Europe.”³ This woman was none other than Said's mother whose searingly painful tale symbolises “women's disenfranchisement in a colonial situation”⁴; the incident also throws light on the debates surrounding identity politics, and one's right to exist. The experience

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1 Edward W. Said, “Criticism, Culture and Performance”, *Power, Politics and Culture: Interviews with Edward W. Said*, Ed. Gauri Viswanathan (London: Bloomsbury, 2005), 99.

2 Edward W. Said, “Interiors”, *The Edward Said Reader*, Ed. Moustafa Bayoumi and Andrew Rubin (New York: Vintage, 2000), 285.

3 Ibid.

4 Ibid.

of the ripped-up passport entails questions of the woman's predicament, the denial of her identity in an Arab Muslim society, and exposes the painful saga of Palestinian's dispossession, all of which constitute the contemporary Palestinian situation. Palestine has long been a strategic battle ground for the West and Israel, where they have sown and fuelled the politics of separatist identity, and this story unravels how the West and its allies—together in unison—allocate means in support of identity politics that not only legitimises the systematic obliteration of one's identity, but also serves political needs as well as the desire of perpetuating colonial rule over less powerful countries and communities.

This essay⁵ aspires to examine and analyse how global identity politics has fostered the illusion of a singular identity—that ruthlessly eliminates the sheer diversity of human cultures and identities—so that people can be divided along narrow lines according to their religious, political or cultural affiliations; so that human beings succumb to living an engaged life; and so that belligerent nations can exact their power and authority over less powerful nations. The present paper is premised, theoretically and philosophically, on Edward W. Said's (1935-2003) views on identity, and it discusses how his passionate engagement, conscious intellectual investigation, and penetrating observations with regard to the discourse of identity challenge the established stereotypical notions about identity, and also offer an empathetic vision regarding human relationship and existence. Through a detailed discussion of some of the major texts of Said, the paper aims to explore how for the author the question of identity turns into a subject of constant investigation for him, and how he sails through in decoding the dynamics and politics related to the question of identity.

Undoubtedly, Said is regarded as one of the most formidable public intellectuals of our time and the “most eloquent and visible voice of the Palestinian struggle in America.”⁶ He is acknowledged as a “rare breed of academic critic”⁷ and cultural and literary theorist. Said has written enormously on the Palestinian cause, and has all along been an impassioned and engaged political thinker for whom the diasporic Palestinian identity has been a central focus of intellectual investigation. He has delved deep into the politics revolving around the issue of identity, and has raised a powerful voice against the injustices and inequalities the Palestinians have endured

5 For help with shaping this essay I am indebted to my teacher and research supervisor.

6 Edward W. Said, “Back Cover”, *Peace and its Discontents: Essays on Palestine in the Middle East Peace Process* (London: Vintage, 1996).

7 Bill Ashcroft and Pal Ahluwalia, *Edward Said* (London: Routledge, 1999), 1.

under Israeli occupation. The question of identity – which comprises a significant part of Saidian oeuvre – actually entails a network of longstanding problem, for instance, the question of equal rights, of freedom and free speech, of one’s right to exist, and most significant of all—the question related to the fundamental right of an individual: the authority to define and redefine the contours of his/her identity. For Said,

these questions – which can be ascribed as reflections and meditations too – play a vital role in understanding the nature of “representation,” of contemporary history, culture and the reality we inhabit. Interestingly, it is impossible to draw a clear line of demarcation between Said’s musings on the question of identity and his views on literary and cultural theory. Perhaps no other cultural critic, except Said, reveals how “down to earth”⁸ theories can be; he opines that theories emanate from an existential need, for they come to exist in some place, in a particular historical moment, for a particular purpose. And whether Said is contemplating on the question of identity, or talking about theory, literature, the existence of polyphonic voices in a text, or about the role of the intellectuals in academics and public spaces, about the ways in which the West executes its power over Third World Countries, or even about music and opera, his own position as an Arab Palestinian is invariably inflected in his works.

As a public intellectual and commentator, literary and cultural theorist, critic and scholar, or a New York resident and an exile, Said often exhibits the paradoxical nature of identity in a globalised and migratory world. Said is an Arab, a Palestinian and indeed a Christian Palestinian; he was born in Jerusalem, and spent the early days of his childhood in two British colonies: Egypt and Palestine. In 1948 his family was displaced from their native land and forced to make their refuge partly in Egypt and partly in Lebanon. In 1951 Said was sent to Massachusetts, America; there he attended Mount Hermon school and passed a difficult time with an unmistakable sense of social alienation. So, from an early age of his life Said traversed multiple boundaries, came in contact with diverse cultures and experienced the traumas and tribulations of being an outsider, an outcast. As a matter of fact, Said’s perspectives on the question of identity are firmly rooted in his personal experiences; he derives strength and power from his bicultural background that enables him to perceive identity “as a cluster of flowing currents.”⁹ Said considers these currents as multiple facets of his life, which have shaped his “experiences in British Mandate Jerusalem, in colonial Cairo, in Lebanon and in the United States.”¹⁰ In his memoir *Out of Place*, Said ruminates on the question of identity and reveals how as a little boy straddling “between worlds,” he has always carried a sense of being “out of place,” not quite at

8 Ibid.

9 Said, “On Writing a Memoir”, *The Edward Said Reader*, *op. cit.*, 415.

10 Ibid, 399.

home with the parallels and paradoxes of his identity, but at the same time not disavowing or disowning the contradictions of his self. He notes:

These currents like the themes of one's life, are borne along during the waking hours, and at their best they require no reconciling, no harmonizing. They may be not quite right, but at least they are always in motion, in time, in place, in the form of strange combinations moving about, not necessarily forward, against each other, contrapuntally yet without one central theme. A form of freedom. I'd like to think, even if I am far from being totally convinced that it is. That skepticism, too, is something I particularly want to hold onto. With so many dissonances in my life I have already learned to prefer being not quite right, out of place.¹¹

It is the feeling of being “out of place,” individuals born out of the interaction between diverse cultural values, perceived as flexible entities, not solid objects frozen in time and place, and life as temporal migration, that inform Said's way of understanding cultural identity. What has engaged much of Said's tremendous energies has been his “sheer unremitting force” to view things in their multiple perspectives and bring to light the truths that have been suppressed by the totalitarian authorities; therefore, Said's is the journey of an exiled intellectual, a “disturber of the status-quo,”¹² who deciphers and decodes: (a) how identity is a matter of construction; how it is given a consolidated and unified form through study and scholarship, and distributed for mass consumption as a matter of hegemonic/ strategic/ political need manufactured by the media, the experts and the people in power, who use identity as a means of control; (b) how the assertion of identity can function as a way of expressing one's individuality and can be used as a tool for achieving self-determination and equity, for example, when the Palestinians assert their identity, they not only demand a just equitable society for them, and aspire for recognition of the injustices they have endured, but their assertions also entail a long history of dispossession and displacement of the Palestinians.

Now taking the first point into consideration, it can be said that Said's seminal texts: *Orientalism*, *Culture and Imperialism* and *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*, function as “useable praxis” for understanding the question of identity. Said's groundbreaking book *Orientalism*, for example, studies the power relationship between the West and the East, and throws light on the remarkable point that how the West—over a long period of time—has maintained a concerted effort in constructing and defining the identity of its “Other.” Describing Orientalism as a “way of coming to terms with the orient that

¹¹ Ibid, 415.

¹² Edward W. Said, *Representations of the Intellectual* (London: Vintage, 1996), x.

is based on the orient's special place in European Western experience,"¹³ Said notes that as an organised science Orientalism uses a repertoire of images to construct and represent the identity of Orient, particularly Arab Muslims. On the one hand, orient was a place of Europe's "greatest and richest and oldest colonies,"¹⁴ the origin of its civilisations, languages and "cultural contestant," on the other hand it became the Empire's "deepest and most recurring images of the Other."¹⁵

Orientalism, however, not only examines how the Orient gets viewed by Western lenses, but also it revolutionises the study of the Middle East. David Barsamian in his "Introduction" to *Culture and Resistance: Conversations with Edward W. Said* points out that with the publication of *Orientalism* Said has "transformed the way we look at literary representations of Islam, Arabs, and the Middle East."¹⁶ After the publication of the book it was difficult to avoid the "question of difference," the "politics of separatist identity" and the "politics of representation," because Orientalism as a systematic style of thought, a discourse, and an accumulated body of scholarship—that is grounded on epistemological and ontological distinctions between two binaries: the Orient (the East) and the Occident (the West)—not only studies how the formation of knowledge functions as an important tool to subjugate, dominate the supposed lesser people— "who have a different complexion or slightly flatter noses"¹⁷— but also unravels how representation of the Orient, and construction of its identity function as conscious Orientalist strategies that concentrate on creating stereotypical images of the Orient. Drawing examples from the works of Flaubert, Renan, T. E. Lawrence and many other prominent Orientalists, Said discloses how their writings compose "a discipline by which European culture managed and produced the "Orient."¹⁸ Orientalists not only support the hegemonic representations of the Orient—for instance, Orientals are regarded as wild animals, pictured as licentious, over-sexed, promiscuous, despotic, and lethargic bunch of people, particularly the Arabs are portrayed as bearded men, gullible and "devoid of energy and initiative," much given to "fulsome flattery," intrigue, cunning, and unkindness to animal"¹⁹—but also construct the image of an ideal "other" through the sustained

13 Edward W. Said, *Orientalism* (New Delhi: Penguin, 2001), 1.

14 Ibid.

15 Ibid.

16 David Barsamian, "Introduction", *Culture and Resistance: Conversations with Edward W. Said*. David Barsamian and Edward W. Said (London: South End Press, 2003), x-xi.

17 Edward W. Said, *Culture and Imperialism* (London: Vintage, 1994), vii.

18 Said, "Orientalism", *The Edward Said Reader*, op. cit., 64.

19 Said, *Orientalism*, op. cit., 38.

argument that Orientals are all the same, no matter whether they come from the Middle East, India or China. Generally, the image of a timeless and placid Orient – one that is situated outside history – is born out of the Orientalist’s mind. They conceive the Orient as a “living tableau of queerness,”²⁰ “an illustration of a particular form of eccentricity.”²¹ And to further emphasise the dehumanising and degrading attributes to which the Orient is attached, Said compares it with a bin where Western academics dump everything they find ‘strange.’ In this way the Orient’s “actual identity is withered away into a set of consecutive fragments”²² – an Oriental “is *first* an Oriental, *second* a human being, and *last* again an Oriental.”²³

Along with that, the female Oriental is depicted as a veiled virgin, a mysterious land and an unexcavated mine, always “willing” and waiting to be used by men, as if the Oriental women and free sex are synonymous. Because of gross generalisations “Oriental sex,” thus turns into a commodity for the consumers of mass culture, who, Said notes, can enjoy such kind of manufactured product without necessarily visiting the Orient.²⁴ Now, this systematic obliteration of one’s identity, discarding infinite diversities within an ethnicity become vital political machineries for the West; it would be a great mistake to conceive Orientalism simply as a discourse that denies the identity of supposed “lesser breed of human being”²⁵; not only it was a “political vision of reality whose structure promoted the difference between the familiar (Europe, the West, “us”) and the strange (the Orient, the East, “them”)”²⁶, but also it was a “political actuality of great and significant moment.”²⁷ Said who has been evidently influenced by the Gramscian concept of hegemony, which implies control through consent, identified that in the days of European colonialism it was necessary to construct the identity of Europe’s “Other” as a sort of degraded, depraved human being, devoid of reason and intellect, so that Europe can draw clear lines of demarcation between the Orient and the Occident. The construction and dissemination (which are phases of hegemony) of a set of mythological abstractions, ideological fictions and contrasting images concerning the Orient, have served to solidify and perpetuate Western hegemony over other nations. Thus the central theme

20 Ibid, 103.

21 Ibid, 102.

22 Ibid, 179.

23 Ibid, 102.

24 Ibid, 190.

25 Ibid, 341.

26 Ibid, 43.

27 Ibid, 247.

of Orientalism elucidates this relationship between knowledge and power, and unravels how the systematic organisation of knowledge contained within it a deep-seated inclination “to divide, subdivide, and redivide its subject matter [orient] without ever changing its mind about the Orient as being always the same, unchanging, uniform, and radically peculiar object.”²⁸ Said points out that during the era of imperialism the core of cultural thought retained a similar idea: that identity is static. Moreover, by discarding the infinite varieties of the Orient and depriving them of the means of representation, Orientalists plotted the Oriental history, character, and destiny for hundreds of years. What Said observes is that human identity is not only natural and stable, “but constructed, and occasionally even invented outright”²⁹; hence, the construction/invention of identity is entwined with the “disposition of power and powerlessness in each society, and is therefore anything but mere academic wool-gathering.”³⁰ As a matter of fact, these endless reconstructions, repetitions and received ideas and images – circulated through electronic media for mass consumption – serve political as well as economic goals. These mythological abstractions and normative images of the Orient, which reduce their individuality and even deny them their prerogatives as human beings, bear a significant strategic end—an end that aspires to *control* and *contain* whatever the West conceives as unfamiliar, inferior, strange, and exotic.

Now, apart from the systematic policy to control and contain, there also acts an imperial drive—a hideous, blinding narcissism of the West—that mindlessly, and even in an uncritical manner goes on portraying itself as a superior, rational democratic power bloc. In *Orientalism* Said points out that “European culture gained in strength and identity by setting itself off against the Orient as a sort of surrogate and even underground self”³¹; therefore, the construction of Europe’s identity depends on the process of othering; it is solely based on the dialectic of self and other, “the subject “I” who is native, authentic, at home, and the object “it” or “you,” who is foreign, perhaps threatening, different, out there.”³² Obviously, by inaugurating binary oppositions, such as us-versus-them, and by discarding and obliterating the sheer diversity, heterogeneity and multiple implications that an indigenous culture offer, the West thrives in constructing a superior image of itself.

28 Ibid, 98.

29 Ibid, 332.

30 Ibid, 332.

31 Ibid, 3.

32 Said, quoted in Ashcroft and Ahluwalia, *Edward Said, op. cit.*, 112-113.

In *Culture and Imperialism* Said sheds light on this similar issue and shows how the West uses the concept of culture in order to sustain an overbearing image of itself. He notes that in the era of imperialism it becomes a necessity to portray Europe as a civilised nation, because what redeems “[t]he conquest of the earth,”³³ the governance of it, is based on an “idea,” a concept which at its core sustains narcissistic and at the same time racist implications. The roots of Europe’s tendency in constructing a superior image of itself can be traced in the meaning of culture; culture in this sense refers to a concept that includes a “refining and elevating element,”³⁴ and stands for “each society’s reservoir of the best that has been known and thought.”³⁵ Obviously, Said here refers to Matthew Arnold’s view of culture, but he also points out the limitations of this elitist view, which can come to be associated, “often aggressively,” with the state or nation. This limiting view not only solidifies the difference between “us” and “them,” leading to almost xenophobia, but also fuels the nationalist identity politics. So, culture conceived in this way becomes the source of identity; it turns into a “sort of theatre where various political and ideological causes engage one another”³⁶; it also becomes the bedrock on which Europe’s overwhelming consciousness of its centrality and of its cultural heritage depends. “Centrality is identity,”³⁷ observes Said, “what is powerful, important”³⁸ and belongs to the West; moreover, Arnold’s “exhortations to the significance of culture”³⁹ exemplifies “the social authority of patriotism, the fortification of identity”⁴⁰ brought to the West by ‘their’ culture.

Far from being an innocent phenomenon, culture envisaged in this way, entails a various web of complexities, for example, this idea of culture not only gives birth to venerating ideas and a tendency to see one’s cultural tradition in best lights, but also leads one to think of it as something which is divorced from the material world, transcending practical everyday reality. In this sense culture turns into an insular and parochial entity, a “protective enclosure” that helps to erect imaginary walls so that people and communities can be kept at bay. Moreover, what is promoted by Arnold’s view of high culture is that to belong to a national community is an end in itself; this

33 Said, *Culture and Imperialism*, *op. cit.* vii.

34 *Ibid.*, xiii.

35 *Ibid.*

36 *Ibid.*, xiv.

37 *Ibid.*, 393.

38 *Ibid.*

39 *Ibid.*, 388.

40 *Ibid.*

reductive view of culture aspires to map out European identity by creating frontiers and enclosures around it; it feeds on collective passions and on the construction of fictions like the East and the West and “to say nothing of racialist essences like subject races, Orientals, Aryans, Negroes and the like.”⁴¹ The politics of identity formation, thus, heavily depends on the discourses of nationalism and ultra-nationalism. And through the exploitation of such discourses the West not only establishes and retains a purist notion of European identity but also perpetuates the inequities in power; therefore, Islam is portrayed as a “psychological deformation, not a real culture or religion”⁴²; not only it is seen as a competitor, but also is regarded as a “latecoming challenge to Christianity.”⁴³ To counteract such challenge, Western media has not only undermined the realistic representations of the natives, but also has manufactured/engineered the notion of enemies: since, “the collapse of the Soviet Union there has been an active search in the United States for new official enemies, a search which has now come to settle on “Islam” as a manufactured opponent.”⁴⁴

Manufacturing the discourses of Islam and Islamic identity has become vital parts of the entire mechanism of global identity politics. In *Covering Islam* Said ventures into such mechanisms and decodes the poetics/politics of identity formation by delving deep into the hegemonic (Western) representations of Islam in the contemporary era. At the very beginning of the book the author clearly states that Islam is not at all a monolithic religion, rather is variegated, and a vastly complex reality, practised by millions of people all over the world. He is at pains to show that Islam as a religious doctrine and Islam as a discourse are two separate entities; nonetheless, the discourse of Islam in both the West and the East is inseparably entwined with the question of power. Since the OPEC oil crisis of 1970s, and the end of the Gulf War, Islam has not only become a formidable opponent and “an all encompassing scapegoat,”⁴⁵ but also it has turned into a most controversial topic around the globe, due to America’s strong eagerness in circulating negative images of Arabs through diverse forms of media. The principle point Said delineates in *Covering Islam* is that the *coverage* of Islam by Western media, its reports on Islam, the construction and circulation of

41 Said, *Representations of the Intellectual*, *op. cit.*, xii.

42 Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (London: Vintage, 1997), xxxvi.

43 *Ibid.*, 5.

44 Edward W. Said, *The End of the Peace Process: Oslo and After* (New Delhi: Penguin, 2002), 46.

45 Ashcroft and Ahluwalia, *Edward Said*, *op. cit.*, 125.

state-sponsored stereotypical Muslim identities, are all acts of will and interpretation, and these interpretations must be understood against the backdrop of a particular history and context, since they aspire to serve distinct political and economic goals. At the same time, there exists a “politics of interpretation” in *covering* Islam; Said argues that the Orientalists’ project in piling up knowledge on the Orient, is not a value-free endeavour, but one that is supported by socio-economic forces, for example, American foreign policy concerns.

Moreover, Islam and its practitioners have been fundamentally misrepresented in the West; the negative picture of Islam, the text and images that are attached to global Islamic identity are constructed by a certain group of people who exercise the power and authority to disseminate *that* particular image of Muslims. It is because Western media and its experts have hijacked the means of representation; they have carved out an exoticised identity of contemporary Islamic Orient – the Arab is an oil supplier, but one who stands as an obstacle in terms of Europe’s endeavour to extract oil from the countries of the Middle East.

In addition to that, Islam has come to be associated almost automatically with the discourse of fundamentalism, and the association between Islam and terrorism, and the notion that Muslims are potential terrorists are widely circulated by Western media. As a matter of fact, Iranian Revolution—which can be interpreted as an unwillingness to embrace Western style of politics that does not confirm to their (Iranians’) own ideas and views—turns into a gesture of sheer Islamic fundamentalism, and its leader, Khomeini, becomes a potential terrorist. The reality, however, is that the West has been unable to suppress and “contain” Islam, since only Islam seemed never to have submitted completely to its dominance/authority. One may trace the origin of such kind of cultural antipathy in Samuel Huntington’s theory, which forwards the argument that in the post-war period conflicts and clashes are going to occur between Western and non-western civilisations. He believes that the “clash of civilisations” will dominate and determine the scenario of global politics, and in this ceaseless clash the West and Islam would be the two major opponents. What Said desires to point out, relentlessly, is that “the discourse and rhetoric and tropes of terrorism”⁴⁶ are the constituents of politics of identity; various identitarian forces function in diverse nationalist nations where blind patriotism, “Eurocentric values” and “Judaean-Christian values” become parts of the “economy that creates the

46 Said, “American Intellectuals and Middle East Politics”, *Power, Politics and Culture: Interviews with Edward W. Said, op. cit.*, 331.

limitlessly expanding discourse of terrorism, by which things “we” do not like are identified with terrorism.”⁴⁷ Thus, the anti-Islamic campaign, the politicised version and the “malicious generalisations” about Islam circulated by Western media and unthinkingly consumed by mass people, not only become the inherent part of a global identity politics but also discards the possibility of any kind of equal dialogue between “Islam and the Arabs, and the West or Israel.”⁴⁸ The West-versus-East dichotomy thus proliferates through situating the Occident and the Orient at two extreme ends, which, in effect, leads to a greater denial: the denial of subjectivity and individuality in Arabs and particularly Muslims, and in the case of Palestinians such kind of denial precipitates the assertion of their identity.

Now, let us turn to the second point, whereby I shall try to substantiate how the assertion of identity functions as a way of giving voice to one’s individuality. In *After the Last Sky*, one of his autobiographical books, Said presents a searing portrayal of Palestinian life and identity. Here Said not only deeply probes into the Palestinian people’s predicaments, and examines the trials of an exilic existence, but also argues that the issues concerning Palestinians’ rights and the freedom of self-expression are inevitably bound up with the question of identity. The book, while exploring the history of Palestine, attempts to include the tales of the plight of people who are forced to live their life as outcasts, displaced as they are from the ‘interior,’ from *al-dakhil*. Providing several examples of distinctive daily cultural practices of Palestinians, such as, the use of indirect language, the arrangement of similar food, eating habits, rituals of offering and physical activities like karate and body-building, Said shows that with these repetitive acts Palestinians desperately try to create a private space for themselves. These repetitive gestures, however, turn into “an assertion of self, an insistence on details beyond any rational purpose,”⁴⁹ and a pressing desire to give voice to the distinct traits of one’s identity. The contemporary history of Palestine has turned the insider into an outsider – the Palestinian Arabs cannot reach the ‘interior,’ which stands for the historical Palestine, governed by Israeli military forces; moreover, they are not given the opportunity to represent their life, their culture, let alone articulate their dreams and history; “[e]verything about Arab Palestine is rewritten,”⁵⁰ and Palestinian Arab identity—though it has other

47 Ibid.

48 Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*, op. cit., xxxv.

49 Said, “Interiors”, *The Edward Said Reader*, op. cit., 271.

50 Ibid, 283.

identities too—has faced a continual defacement; Palestinians have almost “imperceptibly become “they,” a very doubtful lot.”⁵¹ It is because the history of Palestinians, as Said mentions, is not rewritten “according to the best efforts historians have made to try to determine what occurred, but according to the greatest powers (the U.S. and Israel) say is allowable as history.”⁵²

The denial of Palestinian identity and the continuing infringement upon Palestinians’ lives and rights by Israelis and the West have engendered resistance movements also. For instance, the act of throwing stone while resisting the military forces of Israel may seem a hopeless, futile and ludicrous gesture in waging battle against an army that is highly equipped with powerful and effective armaments – but this anguished action not only symbolises an urgent need to withstand illegal Israeli occupation in diverse occupied territories of Palestine and Gaza, but also turns into a medium of asserting Palestinian identity and becomes an available tool in enunciating a long history of deprivation of civil and national rights. What is crucial in understanding the contemporary Palestinian situation is how Western media, its experts and its allies (primarily Israel) have systematically obliterated the Palestinian narrative, the essential heterogeneity of Palestinian identity and culture, and the most fundamental right that has been denied the Palestinians is that their “*right to write*” their own history. Documentation of history can be regarded as a process through which one is able to preserve memories of a certain era. Memory operates as “one of the main bulwarks against historical erasure,”⁵³ and Said notes that memory plays a vital role in preserving identity; he writes: “In the case of a political identity that’s being threatened, culture is a way of fighting against extinction and obliteration. Culture is a form of memory against effacement.”⁵⁴ Culture regarded in this light, becomes a composite of distinct life practises, values, ideas, dreams and hopes of a particular community; it becomes a reservoir of collective memory and Said believes that collective memory is a “people’s heritage and also its energy,”⁵⁵ and it must be “activated as part of a people’s identity and sense of its own prerogative.”⁵⁶ Culture and various cultural expressions thus, can become a significant part of the

51 Ibid, 283.

52 Edward W. Said, *The End of the Peace Process: Oslo and After*, op. cit., 353.

53 Barsamian and Said, “At the Rendezvous of Victory”, *Culture and Resistance: Conversations with Edward W. Said*, op. cit., 183.

54 Ibid, 159.

55 Said, *The End of the Peace Process: Oslo and After*, op. cit., 158.

56 Ibid.

“consolidation and persistence of Palestinian identity.”⁵⁷ Without having a thorough understanding of their history, Palestinians will fail to translate their dreams into reality; will fail to preserve their identity from the claws of extinction; but then, with the help of memory as a cultural form, they can formulate forceful resistance and raise dissenting voices against multiple forces of neo-colonialism. Said, however, is clearly critical of the kind of nationalist discourse that supports “smug self-complacency,” “communal pride” and hatred for others. He is at pains to show that nationalism, which is an unavoidable tool to resist colonialism, turns into a “kind of fetishisation of the native essence and identity.”⁵⁸ The sterile notion of identity, of essence, of Englishness, Americanness, Africanness, Arabness, etc. manifest reductive view of reality; no doubt, this kind of “departmental view” gives birth to blind nationalism thereby turning identity politics into separatist politics, which forces people to retreat into their own enclaves. Said refers to these pitfalls of uncritical nationalism and writes:

I have this strange, paranoid feeling that *somebody* enjoys this—usually people at the top, who like to manipulate different communities against each other. It was a classic of imperial rule. In India, for example, you got the Sikhs and the Muslims and the Hindus dependent on you and suspicious of their compatriots. That is all part of the process of nationalism.⁵⁹

This extract unravels how the petty discourses of nationalism and patriotism ultimately become an ally of the cruel and ruthless processes of identity-formation. The notion of nationalism creates an illusory concept of a unique identity that is characterised by a divisive policy and this kind of policy—which serves economic as well as political agenda—has been responsible for civilisational partitioning. So, Said strongly resists the theory of an unreflective nationalism, which affiliates itself with the ideologies of a specific party or is blinded by an irresistible temptation to serve the gods in power, or is thrilled by the notion of newly invented “belligerent identities.” Thus, in the case of Palestinians, if the assertion of identity merely becomes a manifestation of patriotic zeal, and if it fails to transcend nationalistic concerns and demands, then it gets transformed into a miniature version of Western hegemonism, replicating strategies of colonialism within a particular location. For instance, Said alludes to the political ideologies represented by the PLO and Hamas,

57 Ibid.

58 Said, “Wild Orchids and Trotsky”, *Power, Politics and Culture: Interviews with Edward W. Said*, *op. cit.*, 175.

59 Said, “Edward Said: Between Two Cultures”, *Power, Politics and Culture: Interviews with Edward W. Said*, *op. cit.*, 240.

and notes that both are inadequate at the present moment to envision a productive and fruitful future for Palestinians: while Yasir Arafat's peace treaty has only strengthened Zionist colonialism and has solidified Israeli economic hegemonism over Palestine, Hamas' resistance movements against Israeli occupation cannot be considered as an alternative to the existing authority. Both of the parties have used the concept of identity nationalistically; they have not been able to devise a platform where Palestinians and Israelis can converse with each other in equal terms.

The fact lies that the Palestinians and Israelis share intertwined histories; their cultures, life practices, daily rituals and traditions, geopolitical concerns are inextricably connected with each other. The denial of Palestinian identity, and the quest for a mythicised home, believing that the kingdom of Jerusalem belongs to only Israelis where Palestinians even do not have the right to exist, and the belief that the victims (Israelis) of holocaust can in turn victimise Palestinians by denying them the "right to return" and the *right to relate* their own narrative, manifest a history of long-standing racial hatred. Against this backdrop of racial prejudice and intolerance that may precipitate endless war, Jewish and Palestinian identity must be defined in such a way that permits bases for coexistence; that may create a situation of harmony, mutual respect and recognition of each others' histories of deprivation and injustice, and where the "other" is welcomed as equal, but not exactly the same. Thus, Said's dealings with the case of Palestine offer us his alternative articulations on the question of identity, which I would like to substantiate in the next section.

The 1967 Arab-Israeli war functioned as a defining moment in Said's life. Prior to that cataclysmic event, he had not been politically active. As an Arab Palestinian, he became deeply disturbed to encounter the discrepancy between Western media's *coverage* of the war and what actually went there in the battlefields. The Arabs were represented as cowards, and it was thought that the European army would easily beat them while the truth stands that they could really fight and win. The 1967 war, its reception and coverage in America, helped Said to discover the paradox of his own position; being an Arab, he could no longer remain silent, since his personal experience bears testimony to a different history of the Middle East that Orientalism and Western media have consciously denied and distorted; hence, he started to challenge and question the "authoritatively given *status-quo*"⁶⁰ and the existing forms of representation, which help to construct and define identity not in terms of actuality, rather in terms of sheer lies.

60 Said, quoted in Bayoumi and Rubin, *The Edward Said Reader*, *op. cit.*, 369.

Said's perspectives on identity, however, are unmistakably clear; he perceives culture and identity as intertwined processes that are constantly making and unmaking themselves. He holds the opinion that cultures are not "watertight little packages,"⁶¹ or monolithic; rather, they are too interpenetrating, "their contents and histories too interdependent and hybrid, for surgical separation into large and mostly ideological oppositions like Orient and Occident."⁶² While Huntington's theory ruthlessly disregards the inevitable hybridity of all cultures and civilisations, and tries to retain the myth of an unadulterated, self-enclosed West, Said's texts uphold the view that cultures and identities are inescapably plural and heterogeneous. He argues: "The notion that pure culture, pure identities, and pure nations really exist is supremely arrogant and without merit at all. No culture, no nation, no people is free of an enormous variety of mixes."⁶³ Neither culture is pure, nor is identity, therefore, to imagine that Western civilisation and its identity is made up of things that essentially belong to the West, or to assume that Europe can retain its cultural purity by denying the presence of other ethnic communities, betrays a myopic tendency of the West to distort the fundamental cultural diversity of human existence. To assume, for example, that France is still made up of "Duponds and Bergeracs, England of Smiths and Joneses,"⁶⁴ is to represent an insular and parochial image of our universe that is characterised instead by plurality and diverse classifications. This kind of fundamentalist standpoint emerges from a pre-conceived notion that views culture and identity as static. Against such essentialisations, Said's own words aptly describe his notion of identity:

Every identity therefore is a construction, a composite of different histories, migrations, conquests, liberations, and so on. We can deal with these either as worlds at war, or as experiences to be reconciled. It is one of the prerogatives of power historically to classify lesser peoples by placing them in eternal categories—the patient Chinese, the servile Black, the devious Muslim are well known examples—that condemn them to solitude and apartness, the better and more easily to be ruled or held at bay.⁶⁵

Moreover, an individual is not a "sealed" gearbox. His identity is not a divinely ordered thing, existing from the time of genesis, nor is it fixed and stable, rather it is *situational*, which means that though an individual bears multiple avatars, she/he may align herself/himself with a particular affiliation in a given context, since one's life is not characterised by a particular association, a particular tie. The text of his life

61 Said, *Representations of the Intellectual*, *op. cit.*, 119.

62 *Ibid.* xii.

63 Edward W. Said, *The End of the Peace Process: Oslo and After*, *op. cit.*, 264.

64 *Ibid.*, 142.

65 *Ibid.*

is coeval with the history of mankind, which comprises a series of journey, movement and migration, and the journey itself paints his life with multi-coloured ink. If we take note of Said's earlier life, which he defines as a boy's life lived "between worlds," then we would see how this influential scholar and leading public intellectual of twentieth century—who had been wedded to a life-long vocation to speak "truth to power,"⁶⁶ and whose relationship with authorities was *oppositional*—had himself experienced the uncertainties of a "rootless cosmopolitan life," and his own words testified to his awareness of being an incoherent person: "I don't think of myself as a coherent, single person. I'm many different things. And I don't try to balance between them. I don't see myself as somebody who's trying to patch up all the differences. I try to live in the differences."⁶⁷

It is because Said envisages identity as a contrapuntal ensemble, a polyphonic play of various ideas, opinions and shifting personalities that can simultaneously coexist like the dissimilar notes in music, playing against each other, contrapuntally. No doubt, Said's background as an "accomplished pianist" plays a vital role in shaping his opinions on the question of identity. Deriving ideas from Adorno's view that music is best understood "through dissonance, not through consonance,"⁶⁸ he seems to argue that the concept of identity is best understood in the light of dissonance. In this way identity becomes an exuberant celebration of the contradictory currents of our own self. It likens to the ceaseless, and at the same time, the seamless flow of contrapuntal notes which need no harmonising, no balancing. Said, for example, from the very outset of his life, has lived under the shadow of an embattled existence, retaining the "unsettled sense of many identities."⁶⁹ Firstly, as a Palestinian, he has been unable "to live an uncommitted or suspended life,"⁷⁰ and has not hesitated to express his affiliation with an unpopular cause: the demand of a just and equitable society for Palestinians based on democratic principles. Secondly, as a citizen of New York, he himself acknowledges that he would not wish to situate him anywhere else on this earth apart from this metropolitan city.

Now, to wind up the discussion so far, Said alerts us to the grave and tragic consequences of the contemporary identity politics that is primarily grounded in

66 Ibid, 283.

67 Barsamian and Said, "At the Rendezvous of Victory", *Culture and Resistance: Conversations with Edward W. Said, op. cit.*, 192

68 Ibid, 191.

69 Said, "On Writing a Memoir", *The Edward Said Reader, op. cit.*, 403.

70 Barsamian and Said, "Introduction", *Culture and Resistance: Conversations with Edward W. Said, op. cit.*, ix.

simplistic binarist system that by default generates conflicts and wars among individuals and collectives. He successfully decodes numerous strategies through which identity gets constructed, and deconstructs the ‘purist’ myths surrounding the idea of a unique identity. The stereotypical production of ethnic identity, its mass circulation and unthinking consumption become integrated part of a global identity politics which aims at erecting divisionary walls between individuals, leaving them entrapped in an unceasing senseless war. Said warns us against such kind of dangers of contemporary identity politics and envisions a universalistic, and inclusive identity firmly established on the principles of equality, justice, and reconciliation of diverse peoples and communities. As a humanist, Said believes that humanism’s actual ideal would be fulfilled if we do not blindly adhere to any purist notion of identity; if we are able to reduce the binaristic policy and if we can perceive ourselves and others, as global citizens. The true spirit of humanism is democratic – not constricting, rather liberating; its goal lies in envisioning a future for humanity where there would be less conflict, less violence. Our world is already full of “so much factionalism, so much sectarianism, so much petty squabbling over definitions and identities.”⁷¹ That is why Said considers Aime Césaire’s idea so significant: Césaire envisions a world where people coming from diverse classes, races and ethnic backgrounds will have space/room for all, since “no race has a monopoly on beauty, on intelligence, on strength,”⁷² alone. It is obviously clear that Said proposes peaceful coexistence of diverse individuals and ideologies; possibly, the central value of Said’s oeuvre lies in the way his writings unravel the xenophobic potential and elements of blind nationalism engrafted in the commonly celebrated nationalistic politics, the way his works advocate the need for tolerance and coexistence. To conclude, Said’s prose vibrates with impassioned empathy for humanity in general, and likens to a tapestry diligently woven with optimism and hope.

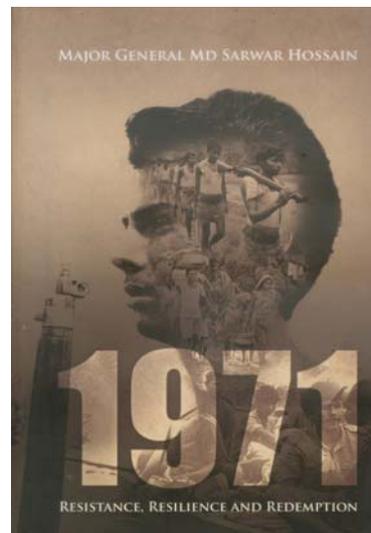
71 Barsamian and Said, “At the Rendezvous of Victory”, *Culture and Resistance: Conversations with Edward W. Said, op. cit.*, 190.

72 Fakrul Alam, “Confronting the Canon Contrapuntally: the Example of Edward Said”, *Literature, History and Culture: Writings in Honour of Professor Aali Areefur Rehman*, Ed. Abdullah Al Mamun and Maswood Akhter (Rajshahi University: Department of English, 2014), 704.

Book Review

Major General Md. Sarwar Hossain BSP, SGP, ndc, hdmc, psc, PhD, *1971: Resistance, Resilience and Redemption*, Published by Bangla Academy, Dhaka 2018, Pages: 490, Price: Tk. 1500, ISBN: 984-07-5707-5

The 1971 Liberation War of Bangladesh has drawn the attention of scholars across the globe. Books and research articles have delved deep into the events of that fateful year and shed new insights on the conflict, genocide, sexual violence and the humanitarian tragedy which accompanied the war. In spite of a rich outpouring of literature of different aspects of the conflict, a lacuna existed on the tactical and operational aspects of the war until now. Major General Md Sarwar Hossain's book *1971: Resistance, Resilience and Redemption* is a valuable contribution in filling up this gap. The book has made a tremendous effort to narrate the history of the Liberation War—strategy of



of resistance by Bengali servicemen, irregular forces and general people; and discuss the blend of conventional and guerrilla war tactics in overall war effort. The book is the product of intense scholarly work, a doctoral research undertaken in the Department of History, University of Dhaka. In author's own words, this book focuses on "the growth and strategies of Bangladesh forces, its impact on the overall outcome of the war" (p. xvii) in offering a researched account of the 1971 Liberation War to the readers.

Among many academic and popular literature on the Liberation War of Bangladesh, a few provide such a rare opportunity to read the strategic account of the event with operational strategies of the actors and tactics of employment of forces. In this regard, it may appear to someone as a technocratic piece of scholarship targeting the specific audience of military and security. Nevertheless, anyone would enjoy reading

this book as the author has done a proper judgment with the subject matter by blending political rationale behind strategic decisions in the context of the war. The author has mixed his long years of service in Bangladesh Armed Forces with his academic knowledge of doing a research in the discipline of history to frame the narratives of the war, which offer a politico-strategic flavour for both informed and general readers of home and abroad.

This book is organized into ten chapters. The first chapter offers a background of the Liberation War by analyzing political, cultural, religious, linguistic, economic and geographical factors of the region. The discussion is extended from pre-British era to draw inferences on the reasons for coming to the stage of 1971. The chapter offers a succinct and a very clear picture of political instability and draws inferences on the democratic deficit in the then Pakistan. It, therefore, sets a political backdrop for the rest of the book. The second chapter introduces geographical attributes of the then East Pakistan and military disposition at the pre-1971 phase. It discusses the position of Pakistani security forces in different geographical parts of the country. In addition to the empirical information, the author posits Bangladesh's geographical depth in a favour of fighting guerilla warfare, unlike what Mao Zedong has suggested in his writings on revolutionary war. Bangladeshi forces and citizens had to fight with uniformed forces three times bigger than the peacetime force of Pakistan.

Chapter three describes the patterns of initial resistance offered by the members of the armed forces who defected from the Pakistani military establishment and other security forces. It has carefully described the geographical division of the country and the responsibility of the newly formed armed forces, their leadership, force strength, and tactics. The discussion cites interesting examples of civil-military cooperation to build resistance against the Pakistani forces. This chapter sheds light on the fact that this initial resistance had been very crucial to win the war, as the author claimed: "if there were no initial resistance war, probably the spark of the political movement animated by Bangabandhu Sheikh Mujibur Rahman would have prematurely fallen" (p. 119).

In chapter four, the author describes the factors of the evolution of Bangladesh's armed forces. Building up a uniformed force was not an easy task during the turmoil of warfare. It was a few senior officers and a significant number of mid and junior-level officers who constitute the tactical and strategic positions to form the forces to fight the war. The author also discusses India's cautiously cooperative role in extending its support for the organizing of the forces in Bangladesh. The chapter also highlights the necessity of building a mixed force of regular and irregular/guerilla warriors. Chapter five discusses the formation of different sectors and operational brigades across the country in 1971. Furthermore, it has detailed out the strength of

the sectors and brigades. Two small sections of this chapter highlight the evolution of Bangladesh Navy and Air Force as the products of a multi-dimensional warfare.

Chapter six highlights a crucial factor, i.e., the existence of irregular forces of the 1971 Liberation War. The author discusses both internal and external causes of the emergence of various 'indigenous forces' and the necessity of a central control from the then Government-in-exile. Among others, informative discussion on Mujib Bahini, Kaderia Bahini, Mirza Abdul Latif Bahini, Afsar Battalion, and Hemayat Bahini will attract the attention of the readers. Chapter seven begins with a significant theoretical discussion on the ideas of liberation war and unconventional/ guerilla warfare. It has further discussed the reasons for mixing conventional and unconventional forms of war. The latter part of the chapter contextualizes these ideas in the context of Bangladesh's Liberation War. The example of the "Crack Platoon" is noteworthy who "asymmetrically fought their adversaries gaining advantage through creating imbalance" (p. 216). This chapter also describes the patterns of unconventional war engagements in different regions of the country. The author argues that the role of irregular forces is a threat multiplier and both auxiliary and unconventional groups worked hard and side by side to fight against the adversaries of Pakistan.

In chapter eight, the author analyzes the role and effectiveness of Bangladeshi forces in achieving the final victory in the Liberation War. This is acknowledged that the indicators to measure effectiveness are subjective and they depend on the context. Chapter nine describes Pakistan plan and allied offensive in details. A region-based discussion constitutes a better understanding of the comparative aspects of the disposition of Indian forces along with Bangladesh forces in the battlegrounds. The author also highlights certain cases of allied offensive that are very instrumental and mobile. This chapter also discusses the challenges for both Pakistani and Indo-Bangladesh allied forces. It highlights difficulties the major rivers posed for allied forces' mobility. However, the author's explanation in this chapter clearly depicts how strategic superiority of the allied forces defeated the Pakistani force that could not get an opportunity to retreat or to defend Dhaka in the very final days of the war.

Finally, in the concluding chapter of the book, the author discusses the major findings of his analysis with the political and strategic lessons learned in this process. He sheds light on major relevant factors related to the Liberation War, such as Pakistan's use of force for resolving political issues, the political consciousness of the Bengali people, so on and so forth. In addition, the author has also discussed the role of national and international media in projecting the war, particularly the plight of the people in front of the global mass. The chapter concludes showing how the

great political and military leadership and strategy made it possible to defeat a dominant military force in 1971.

This scholarly write-up has used legible, colourful and superior quality graphs in most of the chapters to support its arguments. The sources of primary information and its position in the book have made it unique. Moreover, the book contains more than 125 pages of annexure with valuable primary information. This will draw the attention of the readers who would like to continue further academic research on the subject matter. This book is therefore highly recommended to the researchers and practitioners of multiple disciplines—strategic and war studies, genocide studies, and peace and conflict studies. Furthermore, anyone who has keen interests in the modern history of Bangladesh and South Asia should be interested to read the book to enhance her knowledge of the time period.

As a doctoral research work, this book would have been enriched by primary data collected from a set of significant key informant interviews. This would also serve the purpose of triangulation of primary data that are already used in this study. Nevertheless, it has maintained the authenticity of data collected from recognized primary sources. Unlike many writers of the 1971 War, who have predominantly narrated their personal accounts of the Liberation War, the author of this book has objectively analyzed various factors and presented his arguments in a very structured way for the readers. This book, therefore, will be a trailblazer for many emerging academics who may be inspired for a mixed method academic endeavour—a blend of structured primary data and un-or-semi-structured personal experience—to reflect on various facets of the Liberation War of Bangladesh.

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