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# **The Stateless in Pakistan**

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**By**

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### **Introduction**

The Stateless are those individuals who are not recognized as citizens of a country (UNHCR). The official statistics on the stateless reveal that there are around 4.4 million stateless persons globally. However, since many countries do not report the number of stateless population, it is estimated to be around 10 million (Siddiqi, 2020).

Pakistan was neither a party nor a signatory to the 1954 or 1961 UN Conventions on Statelessness (UNHCR). Approximately 2-3 million is the stateless population of Pakistan; of which there are roughly 400,000-500,000 Rohingya refugees, 1 million undocumented Bengali Pakistanis and Biharis, and 1.5 million undocumented Afghan refugees (Siddiqi, 2020). Most of these people reside in shanty towns in Karachi, barely scraping by with scarce access to necessities such as food, water, clothing and even a proper home. Being stateless means, they are denied access to property and basic services, i.e., housing, schooling, healthcare, jobs and even marriage registration, which is a violation of fundamental human rights per the Universal Declaration of Human Rights, 1948.

### **Stateless, Internally Displaced and Refugees**

What is the difference between the stateless, internally displaced, and refugees? In simple terms, as earlier stated the stateless are those who are not recognized as citizens of a country, while refugees are those who had to flee their country due to conflict or war e.g., the Afghans. The internally displaced are those who are forced to leave their home due to persecution but do not leave the borders of their country. Although the Rohingya and Afghans have become stateless because of fleeing their countries, the Bengalis and Biharis were left stateless overnight due to a lack of responsive governance, nor with any distinctive reason as to why their right to citizenship was revoked on the creation of Bangladesh, making them neither internally displaced nor refugees.

## The Stateless Groups

- **Bengali Pakistanis/ Ethnic Bengalis**

To understand why so many ethnic Bengalis remain stateless in Pakistan, we first need to understand the history behind this current predicament. In 1947, the Indian sub-continent was split into two countries, Pakistan and India. Pakistan comprised West Pakistan and East Pakistan. East Pakistan, modern-day Bangladesh and the Bangla-speaking part comprised 56% of the population, whereas in West Pakistan, the majority was Punjabi. Islam, as a religion, was the primary factor of unity amongst Pakistanis. To cultivate a uniform 'Pakistani' identity, the government decided to enforce Urdu as the official language due to its historical significance in the Mughal Empire. However, this meant the exclusion of the majority Bangla-speaking population in East Pakistan, as Urdu was spoken by only 6% of the population. The imposition of Urdu became a source of contention and ethnic unrest between the two provinces. Cultural and linguistic biases led to the exclusion of the Bengalis from having significant representation in the government. The dissolution of the national assembly by Yahya Khan on 1st March 1971 was to avoid the transfer of power to the Awami League, which had won the elections in 1970. This led to civil unrest and protests emerging in East Pakistan, and military intervention from the West Pakistan escalated the situation, leading to a civil war. After the war, East Pakistan claimed independence on 26 March 1971 as a sovereign state, Bangladesh (Sethy, 2020).

However, many ethnic Bengalis who remained in Pakistan post the 1971 war were promised to be repatriated (Farhat, 2019), and under the tripartite agreement between India, Pakistan and Bangladesh in 1974, which came into effect in 1978 stated that if proof of domicile was provided, they would be able to attain the citizenship. This law was never fully implemented. By 2000, many Bengalis had their Pakistani ID card stripped away from them and had to register themselves as aliens through digitization processes under the National Database and Registration Authority (NADRA) and National Alien Registration Authority (NARA) (Imkaan Welfare et al.).

- **Biharis**

Who are the Biharis? The Bihari are an ethnolinguistic group; they were initially Urdu-speaking Indians who, after Partition in 1947, moved to the province of Bihar in East Pakistan. Bihari's, by the Bengalis, was used for all Urdu-speaking groups. After the war in 1971, around 170,000 Biharis migrated from Bangladesh to Pakistan in 1974 under the tripartite agreement between India, Bangladesh, and Pakistan (Arif, 2018). This meant that full Pakistani citizenship would be granted to them but this was not implemented in totality. Political instability and lack of commitment on the part of government evidently could be attributed to the lack of progress.

- **Afghans**

Until 1973, Afghanistan was a monarchical state. Ties with the USSR (Modern-day Russia) were strengthened after the military coup which led to proliferation of many pro-Soviet militant groups over the years. The unrest which ensued could not be effectively suppressed even with the Soviet support. In 1979, direct Soviet military intervention in Afghanistan (Hannah, 1980) led to an influx of refugees into Pakistan through its border with the North-West Frontier Province (Khyber Pakhtunkhwa) (Crisis Group Asia Report, 2014). By 1988, around 4-5 million refugees, it is estimated, came to Pakistan. With the Taliban's rise to power in 1996, there was further a greater inflow of refugees. After the end of the Taliban's regime in 2001 due to a US-led invasion in the region, around 1.5 million refugees went back. However, Taliban's return to power, following US military withdrawal in August of 2021, prompted many Afghanis to come back to Pakistan (Imkaan Welfare et al.). Pakistan, now, has around 1.63 million registered Afghan refugees and 1.4-1.5million undocumented (Crisis Group Asia Report, 2014 & Siddiqi,2020), and with no actual national laws in place on the treatment of refugees. Since Pakistan did not sign either the 1951 or 1967 UNHCR Refugee Convention, the treatment of the refugees is at the whim of the government (Crisis Group Asia Report, 2014). Today, there are millions of ethnic Afghans born and raised in Pakistan, who are not invested with the legal status as Pakistani citizens (Imkaan Welfare et al.).

- **Rohingya**

The Rohingya are an Indo-Aryan, Sunni Muslim group from Rakhine State in Myanmar. Following independence from the British in 1948, in 1989, the government removed the Rohingya from their 135 official ethnic groups (Albert et al., 2020). Before that, in 1982, their citizenship was revoked by the government, during which they were meted out persecution and violence. Since then, around 300,000 Rohingya have sought refuge in Karachi. However, seeking refuge did not mean they were safe from further persecution and harassment; many Rohingya refugees living in the slums of Karachi have been reported to be constant victims of ridicule and harassment. They have also been unable to attain recognition or citizenship (Saeed et al., 2024).

## **Issue**

One of the main issues regarding statelessness of various groups in Pakistan is the sheer disparity and inaccuracy in the data on stateless people- some sources mention the population around 3 million ethnic Bengalis (Imkaan Welfare et al.), while others approximate the number to be around 200,000 (Siddiqi, 2020). This lack of clarity and accuracy becomes an issue when assessing the problem's magnitude and the resources required to address it.

## Policy Suggestions

The issue of statelessness needs to be resolved with utmost urgency and priority. The process for each group, however, will be different. Since, under the Citizenship Act of 1952, Bihari and ethnic Bengalis are legally Pakistani citizens, they could be granted citizenship forthwith. For Rohingya and Afghans however, who are refugees, a separate process should be put in place to grant them citizenship. Following concrete actions are recommended:

**Registration:** Ethnic Bengalis and Biharis should be eligible for immediate citizenship on presentation of the necessary documents to prove their status. In case they fail to do so, a mechanism for their registration should be put in place to process the citizenship.

Similarly, for Rohingya and Afghans, a registration process should be implemented to document them and process their citizenship. This registration process should also make them eligible to work, obtain an education, and access healthcare and housing with better infrastructure.

## Conclusion

Addressing statelessness in Pakistan is important from a humanitarian and practical standpoint. It deprives individuals of fundamental rights and opportunities, trapping them in a cycle of poverty and marginalization. By granting citizenship to stateless groups such as the Bengalis, Biharis, Afghans, and Rohingya, Pakistan can take a leap forward towards rectifying historical injustices and fulfilling its international human rights obligations. Granting these groups citizenship will also help promote social cohesion and economic growth. Pakistan can integrate these communities into society by providing access to education, healthcare, and employment to contribute positively to the country's sustainable development.

Furthermore, resolving this issue will enhance Pakistan's international standing and relationships with neighbouring countries and the global community, demonstrating Pakistan's commitment to human rights and setting a precedent for other nations grappling with similar issues.

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