INDIAN CIVIL SOCIETY AND THE GLOBAL COMPACT ON REFUGEES

JESSICA FIELD*

ABSTRACT

The Global Compact on Refugees (GCR) is a voluntary framework that commits signatories to four objectives: easing pressure on host countries, enhancing refugee self-reliance, expanding access to third country solutions, and supporting conditions in countries of origin for return in safety and dignity. Civil society actors are key stakeholders in the fulfilment of these commitments. While many civil society actors in India, such as humanitarian NGOs and faith-based groups, have long been working towards similar objectives, much of it has been siloed and project-based. The GCR, in theory, provides a framework to cohere around and to build a greater platform of advocacy for refugees—but to what extent will it (or can it) galvanise and organise national- and local-level change for enhanced refugee protection?

This paper explores the contributions that Indian civil society can make to ensure that the country adheres to its commitments under the GCR. It focuses particularly on the second GCR objective— "enhance refugee self-reliance"—and highlights how Indian civil society actors have long been working towards similar goals. As such, there are already rich experiences and data ready to be shared at GCR platforms. However, making the most of these platforms requires recognition from international/national actors that top-down collaborative frameworks are difficult for less formalised civil society actors—such as ad hoc voluntary groups and refugee self-started organisations—to participate in for a variety of reasons. Thus, for the GCR to be truly transformative in its work towards refugee protection and its inclusion of civil society contributions, non-traditional coordination and partnership approaches are also necessary.

INTRODUCTION

The Global Compact on Refugees (GCR) is an international voluntary framework launched in December 2018 that aims to galvanise refugee protection and assistance and to support collaboration and responsibility-sharing at multiple levels. Signatories, which include India, have committed to four objectives: easing pressure on host countries, enhancing refugee self-reliance, expanding access to third country resettlement, and supporting conditions

*Dr Jessica Field is a Lecturer at Brunel University London and Adjunct Associate Professor at O.P. Jindal Global University. Dr Field also holds Research Associate/Fellow positions at the Institute for Risk and Disaster Reduction at University College London and the Humanitarian and Conflict Response Institute at the University of Manchester.

in countries of origin for return in safety and dignity. Civil society actors are key stakeholders in the fulfilment of these objectives—as advocates for these outcomes, as providers of services that contribute to these goals, as collectors of data that inform theory and practice, and as activists to hold governments to account when they are falling short.

Civil society actors in India, such as humanitarian non-governmental organisations (NGOs), volunteer groups, and faith-based institutions, have long been working towards similar objectives. Support to Partition refugees after 1947, for instance, included employment and skills training, as well as material relief and housing assistance. In more recent decades, civil society actors have developed education programmes, sought to enhance employment opportunities and hosted cultural events, as well as undertaking advocacy for increased legal protection. Nonetheless, substantial protection gaps remain at the national-level, and much of the work undertaken by civil society at the local-level is siloed and project-based, with sustainability challenges and limited opportunities to share data and good practice strategies. Moreover, as a result of a shifting national agenda over 'who counts' as a citizen in India and whether certain refugee groups are welcome, civil society actors have had to navigate an increasingly complicated and constantly evolving protection politics.

The GCR and India's support of it provides, in theory, a framework to cohere around, and an opportunity to build a greater platform of advocacy for refugees—which is vital in a country that lacks codified protection. To what extent will it (or can it) galvanise and organise national- and local-level change for enhanced refugee protection? How relevant is the framework to Indian civil society in the first place? This paper explores the role of Indian civil society in ensuring the country lives up to its commitments in the GCR. It will focus in particular on the second GCR objective—'enhance refugee self-reliance'—and will examine the ways that civil society actors have *already* been contributing to that goal, what obstacles remain, and where opportunities may still lie for change and holding the government to account on their commitments.

WHO CONSTITUTES CIVIL SOCIETY IN INDIA?

The first question when examining the contribution of civil society actors in a given situation is: who exactly constitutes civil society? In India, just as elsewhere in

the world, there is not a straightforward answer. The broad definition of civil society is inclusive of any group linked by shared interests, and these interests need not necessarily be working towards ideas of equality and justice (as exampled by the numerous civil society networks that supported fascist regimes in Europe during World War II[1] and the rise of exclusive fundamentalist civil society networks across Asia and the world today). International organisations such as the United Nations and the World Bank generally define "civil society" as including NGOs, foundations, charities, voluntary agencies, faith-based organisations and businesses, among others.[2] Working from that definition, India's civil society capacity is significant; as well as being home to countless businesses and faith-based organisations, India's Central Bureau of Investigation calculated in 2015 that the country hosted over 3 million NGOs.[3] Despite this volume, the picture of this grouping's activities related to refugee wellbeing remains complicated and incomplete.

Firstly, the number of civil society actors working with de facto refugees[4] (indeed, on any cause) is not known, as a significant proportion of civil society organisations are small scale, local in geography and irregular in their activities and/or financial reporting.[5] Secondly, welfare activities undertaken by differently- or un-regulated groups, such as faith-based groups and collectives of volunteers, may not be captured in a way that can be registered or measured as a contribution to refugee assistance/protection. Faith institutions are not required to report their donations and activities in the same way as registered NGOs are in India.[6] Moreover, while volunteering is a significant aspect of social work in India, it is often small in scale, ad hoc, reactive and unrecorded.[7] Of what is known about civil society contributions to refugee assistance and protection in India, the impacts have been important but have only addressed the tip of the iceberg of challenges that refugee groups face in the country.

CONTRIBUTIONS OF INDIAN CIVIL SOCIETY TO 'ENHANCING SELF-RELIANCE'

It is oft-cited that India has a long history of hosting refugee populations. Linked to that, the country also has a long history of supporting refugees to find work and regain a level of self-sufficiency. In the aftermath of Partition and the mass displacement of millions, employment schemes were set up as a part of the national rehabilitation programme, and refugees could access financial assistance and training in a variety of skills.[8] As the government began to

reduce its social welfare capacity in the later decades of the twentieth century, civil society stepped in to fill the gap.

Some of the most well-known civil society actors currently working with refugee groups are those with a nation-wide presence and/or programme partnership with UNHCR India, for example, Don Bosco, the Development and Justice Initiative, The Fair-Trade Foundation India, and Save the Children India. These NGOs have been working for many years across different objectives enshrined in the GCR, particularly on the issue of enhancing refugee self-reliance.

In recent years, their work has included: facilitating documentation essential for working, offering language classes and skills training for refugee men and women, establishing linkages to relevant employment markets, and offering employment opportunities within civil society organisations themselves. Overall success in supporting refugees into sustainable livelihoods has been mixed, with many refugees struggling to secure sufficient incomes and ongoing employment.[9] Nonetheless, these organisations have in many cases successfully identified opportunities for income generation and promoted interaction and sociability between refugee groups through, for instance, sports and music events (although more could be done to facilitate interactions with host communities, too).

Importantly, these types of supportive activities are not restricted to organisations run by Indian citizens; refugees themselves have founded their own supportive civil society organisations.[10] Two examples from Delhi include the Khalsa Diwan Welfare Society, founded in 1992 by Sikh refugees from Afghanistan to provide a wide range of welfare support for the Afghan Sikh and Hindu refugee community in India, and the Rohingya Literacy Group, established by Rohingya youth leaders in 2017 to support Rohingya refugee children in education.[11] More widely, the Tibetan refugee community have an even more established, self-started civil society (and Government-in-Exile) network, which has been supporting its own community in education, employability, and welfare since the 1960s. The work of these refugee-led organisations is an important reminder that refugees are often part of host communities and civil society, and that they can fulfil different needs and provide different services to refugees than other civil society organisations.[12]

Nonetheless, while these narratives suggest that Indian civil society might be making significant progress on the goal of enhancing refugee self-reliance, there are a number of challenges internal and external to the sector that may inhibit the sharing of good practice and opportunities to feed into the GCR.

CONSULTATION AND COORDINATION

Civil society actors working with refugees in India lack inclusive and effective consultation and coordination structures at the national, state and local levels—such mechanisms are vital for collecting and sharing data, reporting of progress, and adapting protection strategies.[13] While the same can be said in virtually all refugee hosting contexts across the world, the sheer size of India,[14] and its strong federal system with distinctive state-level identities, cultures and politics make inclusive and systematic coordination a particular challenge.

UNHCR India has attempted to lead somewhat in this regard by holding regular thematic consultations with partners who include programme-focused NGOs, academia, legal experts, and refugee representatives. This has included consultations on the GCR itself. However, the scale and impact of coordination can only ever be limited when UNHCR's geographical and resource scope is mostly limited to the National Capital Region (i.e. Delhi and parts of surrounding states), and when its coordination structures and partnership protocols are ill-equipped, or ill-inclined, to include non-formalised and/or ad hoc civil society groups, such as student volunteers, or refugees themselves. As has been highlighted in other humanitarian contexts, international organisations are institutionally structured to engage primarily with professional organisations that have key features, such as: a particular technical expertise; the resource and physical capacity to assist; relevant bureaucratic skills to report on that assistance; and a shared technical vocabulary related to the humanitarian issue at hand.[15] Ad hoc volunteer groups and other non-formalised humanitarian actors often do not have these attributes or capacities.

Moreover, such centralised coordination structures tend to be hierarchical and bureaucratic, and therefore slow to respond to rapidly changing ground realities and uncertainty.[16] For more effective coordination in refugee settings and other crisis contexts, norm-setting and decision-making must not be top-down, and actors at different scales require the independence to act, and shape or adapt their action around local knowledge and uncertainty—with feedback loop mechanisms built in to ensure continued learning and relevance.[17]

Where other actors and individuals have attempted to foster coordination at different scales—for example, with the establishment of a Delhi-based 'Refugee Forum' by an academic activist in 2018—a lack of resources, time, or a sense of competition have meant these initiatives have fizzled out. Indeed, the more "formal" civil society actors in India (e.g., NGOs and

businesses) are affected by the same perverse incentives as civil society groups elsewhere in the world, i.e., competition over funding, accountability to donors (often above refugee beneficiaries and peer organisations), and grant/project cycles with limited timescales for impact.[18] This can result in a reluctance to engage in forums not directed by a donor, or that are run by a "competitor" agency.

Civil society groups that are less formalised—such as small volunteer groups, faith community members mobilising for charity, or student associations—provide their time for free when they have it and are often not wired-in to the information networks of more established NGOs. Other groups, such as faith-based foundations or grassroots groups, may have no need or interest to feed into national or international reporting mechanisms, as their motives and understandings of impact may differ entirely. Much work on refugee protection and assistance, therefore, continues in siloes and is project-based or reactive to the needs of the moment (or the agenda of an organisation). For instance, after a fire destroyed a Rohingya refugee settlement in Delhi in April 2018, Ali Johar, a Rohingya youth leader commented on the response, explaining that:

> We are grateful for the generous humanitarian response that mobilised following the fire … However, the area has become a bit of a circus, with journalists, aid groups and informal volunteers pouring onto the scene and jostling for access and visibility. Some people have been vocal in blaming authorities, and we are worried that politicising the incident will cause a backlash.[19]

His concern points to competition, limited coordination and inadequate consultation with refugee communities as well as a politics inherent in protection.

THE POLITICS OF PROTECTION

The challenges noted above are neither unique to India, nor are they solely internal to civil society. Civil society organisations are incredibly sensitive to changes in political winds, as they are often reliant on governments for funding, information, and a secure operating environment.

In the 1980s, for instance, the Congress-dominated Indian State attempted to exert more control over the NGO sector, as it feared that the growth of many campaign-orientated organisations in this decade might pose a governance threat.[20] Some of this fear was steeped in the bipolar politics of the Cold War

and India's concern about international interference in domestic governance through NGO funding. It also hinted towards the different visions of welfare and governance held by different elements of Indian civil society. In the 1990s, as a result of security concerns and the assassination of Prime Minister Rajiv Gandhi by a Sri Lankan militant, refugees from Sri Lanka were subjected to tight restrictions in refugee settlements in Chennai—local and foreign NGOs and UNHCR were prohibited from operating inside the camps where the conditions were deplorable and continued to worsen.[21] There are still some areas in the country where civil society actors struggle to access, including sensitive border areas in the Northeast where many refugee and vulnerable migrant communities reside.

Beyond access, the funding environment for civil society has also long been challenging. In 1976, during the midst of the Cold War, the Indian government passed the Foreign Contribution Regulation Act (FCRA), which was aimed at monitoring and controlling foreign funds to NGOs.[22] The Act has been enforced and amended to varying degrees over the years in order to suit the political priorities of the day. In 2010, for instance, Congress amended the Act to prohibit "any organisation of a political nature" from receiving foreign funds. More recently, the governing Bharatiya Janata Party (BJP) has used the provisions under the FCRA to shut down around 10,000 NGOs in 2014, declaring failed compliance under the Act. Amnesty India —an organisation that has spoken out against the Indian government's treatment of refugees, among other issues—had their offices in Bangalore raided in 2018 with the explanation of failed FCRA compliance. The Lawyers Collective based in Delhi and Mumbai have been similarly targeted for FCRA violations since 2016.[23] Many have argued that the BJP is using the FCRA as a tool to curb the activities of organisations it finds problematic, such as human rights and environmental agencies.[24] It remains a difficult and long-winded process for an organisation to get FCRA status, and easy for an organisation to lose it.

The sense of targeting can create a "chilling effect" among civil society organisations working on refugee human rights issues. In other words, the fear of reprisals can discourage an organisation from working in contentious humanitarian areas, or can result in keeping a low profile while engaging with certain issues. This risk is high with organisations working with Rohingya refugees in India, as the refugee group has been labelled by the government as "illegal" migrants who are not welcome in the country. The Indian State is currently attempting to deport the whole community, and successfully deported seven Rohingya refugee men to Myanmar in October 2018 and a family of five Rohingyas in January 2019, after refusing access to UNHCR to assess their refugee status and wellbeing.[25] This hardening

agenda in the last two years has led organisations and individuals to lower the profile of their activities or implement stricter reporting measures than was previously necessary. For instance, one NGO working with refugees in Hyderabad operates regular voluntary check-ins with local police to keep them informed of all activities and individuals associated with the programme. This type of risk management can be beyond the time, resource and political capacity of smaller, volunteer-led organisations and therefore might push them out of the refugee-focused civil society space.

The muting of advocacy is also visible in relation to other refugee communities. Tibetan refugees, for example, have also seen restrictions on their rights and mobility as a result of India's changing bilateral relations with China. Tibetans have had national events featuring the Dalai Lama cancelled, their movement curtailed, and have seen activists arrested when the government in Delhi has wanted to carefully manage its relationship with Beijing.[26] While detentions and deportation have been less of a threat against this community than for refugees from Myanmar or Pakistan, the fluctuating protections that Tibetans receive have reinforced their "enclavement" in parts of India,[27] and have muted Tibetan civil society advocacy for further progress in rights to work, education, and welfare.

SOLIDARITY AND CULTURAL INTERCONNECTIONS

Despite these systemic political challenges, there is much to celebrate in what Indian civil society has contributed to refugee protection and assistance, not least in the form of solidarity and cultural interconnections. There are numerous civil society organisations run by Indians, migrants and refugees that have, among other examples, supported Rohingya refugees to play football, supported Afghan refugees to pursue music, and have encouraged other Indian citizens to understand refugee experiences through art.[28] While not meeting some of the more conventional protection needs, these initiatives are still vital for refugee well-being and social cohesion within the local community. Importantly, the meaning of refugee self-reliance goes beyond livelihoods; it must account for all the opportunities and capabilities that refugees have or need to live a meaningful life, which can include sports, music, arts and education.[29]

These cultural inter-connections are largely overlooked in the GCR. The text does highlight the importance of sport and culture for fostering "peaceful co-

existence" among communities, but the stated scope only includes "children, adolescents and youth" and "older persons" or "persons with disabilities" as identified stakeholders. Moreover, its emphasis on these activities as bridge-building for wider social cohesion misses their importance for individual well-being. Perhaps what Indian civil society can bring to the GCR, therefore, are good practice examples that encourage a broadening and deepening of key terms within it, such as "self-reliance".

LOOKING AHEAD

The Indian government has a history of scepticism over international compacts, conventions and agreements, viewing them, at best, as irrelevant, and, at worst, as a tool of foreign interference in domestic issues. Despite (or perhaps because of) the challenges presented by this wider political environment, Indian civil society has expanded over the decades and has continued to make significant progress in areas of refugee assistance and protection—without receiving overseas support and often without explicit reference to international norms. This poses the question as to whether the GCR is really relevant or necessary at all in the Indian context?

While the compact encourages coordination and consultation, it offers only top-down voluntary mechanisms to do so, such as the "Support Platforms" organised at the national-level to galvanise commitments and funds. Participation in these national-level mechanisms, as well as general reporting on compliance, will require additional time and resource capacity among civil society actors that many in India simply do not have. Some groups are too small, or operate on an ad hoc basis, and for others such a task may seem irrelevant if the nature of their engagement with refugees is driven by different motives (such as faith or charity).

Moreover, as noted above, public displays of compliance to an international compact may actually present problems for Indian civil society organisations. Successive Indian governments have curbed foreign involvement in domestic humanitarian issues for stated reasons of security. Additionally, in the current moment in India, popular opinion is turning away from humanitarian assistance and protection for refugees. Programmes supporting refugees to achieve self-reliance (and potentially integration) into local communities may be perceived by many as contentious and NGOs may not wish to draw undue attention to themselves as a result of engagement with the GCR.

It is, of course, not the sole responsibility of Indian civil society to ensure that India meets its obligations under the Global Compact on Refugees, but it still has a significant role to play despite the challenges noted above. This must be recognised as a two-way process between international and national/local actors, particularly in the areas of data collection and sharing analysis and good practice. Concrete data from the Indian context on refugees and host communities is desperately needed for a more accurate picture of the challenges and opportunities to support refugee well-being and protection—civil society actors in India (especially older refugee-started networks) will likely have this in abundance given their huge numbers and longevity of experience—sharing it is key and the GCR may provide the platform. Likewise, individuals and international organisations connected to the GCR should actively look for studies and good practice examples from the Indian context that are not self-selected by civil society actors who have the capacity to engage in international forums. This is vital to overcoming the entry barriers that smaller actors may have to participation in global processes, and therefore essential for ensuring cross-fertilisation of good practice.

NOTES

1. Birte Vogel, "Civil Society Capture: Top-Down Interventions from Below?", *Journal of Intervention and Statebuilding,* 10:4, (2016), pp. 472–489, p.47.

2. Adam Jezard, "Who and what is civil society," *World Economic Forum,* 23 April 2018, https://www.weforum.org/agenda/2018/04/what-is-civil-society/ <Accessed 30 Sept 2019>

3. Dhananjay Mahapatra, "Two NGOs per policeman in India: CBI tells SC", *Times of India,* 18 Sept 2015, https://timesofindia.indiatimes.com/india/Two-NGOs-per-policeman-in-India-CBI-tells-SC/articleshow/49019832.cms <Accessed 21 December 2019>

4. As explained by other authors in this issue, there is no legal framework defining and protecting refugees in India. As such, who counts as a refugee in the country is contested. This paper abides by the definition of a refugee as a person who has fled war, violence, conflict or persecution and has crossed an international border to seek refuge.

5. Mathew Cherian, *A Million Missions: The Non-Profit Sector in India,* (Delhi: AuthorsUpFront, 2014), p.142.

6. Erica Bornstein, "Religious Giving Outside the Law in New Delhi," in *Sacred Aid: Faith and Humanitarianism,* eds. Michael Barnett and Janice Gross Stein, (Oxford: Oxford University Press, 2012).

7. Cherian, *A Million Missions,* p.3.

8. Ministry of Information and Broadcasting [MOIB], *Millions on the Move.* (New Delhi: Government of India, 1952), p.22.

9. Jessica Field, Anubhav Dutt Tiwari and Yamini Mookherjee, "Urban Refugees in Delhi: Identity, entitlements and self-reliance," Humanitarian Crisis Working Paper Series, *International Institute of Environment and Development,* October 2017.

10. Non-refugee foreigners are also working with refugees in India. For instance, the Jindal Centre for Social Innovation and Entrepreneurship (JSIE) at O.P. Jindal Global University is led by Jeremy Wade, a US citizen. JSIE run regular incubation programmes for Tibetan refugee entrepreneurs.

11. Anubhav Dutt Tiwari, Jessica Field and Yamini Mookherjee, "Urban refugees in Delhi: Refugee networks, faith and well-being", Humanitarian Crisis Working Paper Series, *International Institute of Environment and Development,* (December 2017).

12. Elena Fiddian-Qasmiyeh, "Recognising Refugees as Hosts and Hosts as Refugees," Written contribution to the final draft of the Global Compact on Refugees, 2018, https://www.unhcr.org/en-us/events/conferences/5b3f61e97/recognising-hosts-refugees-refugees-hosts.html <Accessed 30 September 2019>

13. International Confederation of Voluntary Agencies, "Global Compact for Refugees," n.d., https://www.icvanetwork.org/global-compact-refugees-gcr. <Accessed 30 September 2019>

14. For example, Choglamsar Tibetan refugee settlement in Ladakh is nearly 3,500km away from the Dhondenling Tibetan settlement in Karnataka.

15. Ian Smilie, "Capacity Building and the Humanitarian Enterprise," in *Patronage or Partnership: Local Capacity Building in Humanitarian Crises,* ed. Ian Smilie, (Bloomfield, US: Kumarian Press, 2001).

16. Brian Chaffin, Hannah Gosnell, and Barbara Cosens, "A decade of adaptive

governance scholarship: synthesis and future direction," *Ecology and Society* 19:3, (2014), p.56.

17. Elinor Ostrom, "Polycentric systems for coping with collective action and global environmental change", *Global Environmental Change,* 20:4, (2010), pp. 550–557. In his article on the Odisha government's successful response to the 2013 Typhoon Phailin, Colin Walch noted that the success of coordination lay in the space co-created by the government and civil society for mutual learning. Regular information exchanges and feedback loops were established between the government, NGOs, and segments of societies previously excluded from consultations. As a result, programmes were adapted in real time. Colin Walch, "Adaptive governance in the developing world: disaster risk reduction in the State of Odisha, India", *Climate and Development,* 11, (2019), pp. 238–252.

18. Juliano Fiori, Fernando Espada, Jessica Field, and Sophie Dicker, *The Echo Chamber: Results, Management and the Humanitarian Effectiveness Agenda,* (London: Save the Children UK, 2016).

19. Jessica Field and Ali Johar, "Fire reduces Rohingya camp to ashes, exposing India's refugee policies," *Refugees Deeply,* 30 April 2018, https://www.newsdeeply.com/refugees/community/2018/04/30/fire-reduces-rohingya-camp-to-ashes-exposing-indias-refugee-policies <Accessed 2 October 2019>

20. Siddartha Sen, "Some aspects of State-NGO relationships in India in the Post-Independence era", *Development and Change,* 30, (1999), pp. 327–255, p. 341.

21. Abhijit Dasgupta, Displacement and Exile: *The State-Refugee Relations in India,* (New Delhi: Oxford University Press), p.103.

22. Sen, "Some aspects of State-NGO relationships in India …", p. 341.

23. Times of India, "CBI moves SC to arrest advocates Indira Jaising, Anand Grover", *The Times of India,* 18 October 2019, https://timesofindia.indiatimes.com/india/cbi-moves-sc-to-arrest-advocates-indira-jaising-anand-grover/articleshow/71657436.cms <Accessed 23 November 2019>

24. Michael Safi, "Amnesty says tax raid on Indian office an assault on civil society," *The Guardian,* 26 October 2018, https://www.theguardian.com/world/2018/oct/26/amnesty-says-tax-raid-indian-office-assault-on-civil-society <Accessed 23 November 2019>

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28. Tiwari et al, "Urban refugees in Delhi"; Migration and Asylum Project, 'Art', 2017, https://www.migrationandasylumproject.org/blogs/tag/art/ <Accessed 23 November 2019>

29. Field et al, "Urban refugees in Delhi".