

Biometrics and the notion of governmentality in Rohingya refugee camps

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Recently the United Nations High Commissioner for Refugees (UNHCR), with the assistance of Bangladesh government issued biometric identity cards to nearly five lakhs of Rohingya refugees sheltered in Bangladesh's Cox's Bazar refugee camps. The biometric credential is expected to aid the authorities in processing the asylum claims of refugees apart from reducing the instances of arbitrary detention that arises due to lack of adequate documentation. The datafication of bodies crossing the borders using biometrics possibly would assist the asylum countries to enforce strict policing of territories and ensure targeted delivery of aid resources, but correspondingly it also leads us to re-problematize the nature of liminal governance instituted in the administration of camps. Though camps can be normatively considered to be a humanitarian obligation fulfilled by the host countries or asylum states towards the vulnerable refugees, they are implemented as top-down structures of alternate governance carried out in collaboration with international government organisations and aid agencies. It precipitates an administrative framework that involves various entities such as state governments or INGOs that simultaneously or separately exercising power in the process of carving a humanitarian governance system. It is necessary to analyse the ramifications of introducing biometric registration within the existing patterns of marginal governance or "governmentality" within the camps. Through a detailed analysis of two scholarly postulations—"complex realm of hybrid sovereignty arrangements" (Ramadan & Fregonese, 2017: 950) and the notion of "governmentality" (Foucault, 1991) within the context of empirical case of biometric registration of Rohingya in refugee camps, we intend to introspect the way in which it impacts and potentially transforms the governance in camps. Internally among the Rohingya refugees, a hierarchy of gender is explicit in the way patriarchal norms and prejudices manifest within the domestic sphere and everyday practices. Due to the absence of gender-disaggregated data on refugees in camps, the nature of assistance available from the authorities and humanitarian agencies in refugee settlements are largely gender-blind. Yet women refugees given an opportunity within camps have shown strong indication in resource management (Chowdhory, 2016). In the context of converting bodies to biometrics, it is necessary to analyze the complexities associated with ways in which such technology produce and problematize inherent bodily differences. The following research questions will be examined: How does the biometric registration of refugees shape their gender relations in 'exile' in relation to the traditional notion of masculine and feminine that was prevalent at 'home'? Using the lens of "governmentality", how does biometric data on refugees contest/ accentuate the power relations among multiple actors in the "hybrid sovereign" structure of camp governance?

Biometric data, identity and refugee protection

The impact of information and communication technologies (ICT) in revolutionizing the humanitarian sector has been widely acknowledged. Apart from the efficacy brought about by such technology in documentation of individual identity, it also reveals the nuanced ways in which individual bodies are governed and controlled for the surveillance mechanisms instituted by the nation-state. The attitude towards the receptivity of such technology is mostly articulated through the technologically deterministic view or through the voluntarist view on technology. The technological determinist, consider technology as the “semi-autonomous force” that manipulates and determine the evolution of human society (Winner, 2012:11). Whereas technological voluntarism uphold the factor of human choice in the usage of technology as a means to achieve various utilitarian and strategic goals. The differing assessments of both these views signify the contrast between the emphasis on “reification of technology” on one side and the perception of technology as “multifactor contingent human practice” on the other side (Van der Ploeg, 2003:86). But beyond these dualisms on the implication of ICT in everyday life, the paper specifically looks at the impact of using biometric identification in the humanitarian sector.

The phrase ‘biometric identity’ itself encapsulates two inherently vivid concepts of biometrics and identity- both despite of being two diverse entities, the conflation of which creates a unique form of validated existence to an individual. Such identity has a different impact for a citizen when compared to a vulnerable forced migrant such as a refugee or stateless individual. To understand the differential impact of biometric identity on various groups, it is necessary to undertake a discursive introspection on what biomteric identity is, and how such an assemblage of body and technology constitutes an identity. This helps to assess how such a constitutive identity segregates the desirable citizen from the undesirable refugee/stateless. We have built our framework by drawing on the theoretical postulations on biometric identity by Btihaj Ajana and Irma Van der Ploeg. Biometrics here refers to the “computer-based identification of a person by such physiological characteristics as fingerprints, irises and retinas, hand geometry, and facial geometry, and/or behaviour related characteristics such as voice-recognition, signature recognition and key-stroke patterns” (Wickins, 2007:46). Such a definition mirrors an objective constitution of identity of an individual of ‘what he/she is’ as represented by his/her physiological attributes is prioritized over ‘whom he/she claims to be’.

Thacker (2004:13) conceives biometric identity to be a type of “biomedia” that re-emphasizes the evident biological through a constant mediation between technology and biology. Repudiating the “unilinear and dichotomous” nature of such association between biology and technology, Thacker considers biometrics to be more procedural in nature than being instrumental. The agency of technology in determining the material relevance of body during biometrics is further addressed in Bolter and Grusin (1999: 63) where they consider body to be the site of

“remediation”- where body itself is the medium and is simultaneously open to mediation by the technology. In exerting such a perspective, they emphasize how body and technology are deeply hyphenated in biometrics. This necessitates a need to develop an embedded view of both body and technology in biometrics as anchored in their socio- political, historical and cultural context. Such hybrid conceptualization is vital in introspecting the implication of biometric identity across a wide range of individuals such as citizens and non-citizens situated in different socio-cultural environment and constantly faced by the dichotomy of inclusion/exclusion.

Biometric systems largely function chronologically through four stages of *enrolment, storage, acquisition and matching* (Ajana, 2013:3) - so as to collect the required biological attribute of individual in digital format, to store such information, generating an algorithm that corresponds to such information provided through biometric image and finally to verify the information as belonging to the same individual by comparing it with the database. Mordini and Petrini (2007:4) points out how ‘identification’ and ‘verification’ are the two crucial procedural aspects of biometric identity. While the former helps to ascertain identity by comparing the taken biometric of individual with the larger pool of information in the database, the latter authenticates the same to be belonging to the same individual and verifying who he claims to be. In tracing the genealogy of new technology such as biometrics in constituting identity, Btihaj Ajana (2013: 25) closely examines the literature that validates the “historical continuity” of biometrics with its predecessors in undertaking ‘identification’ for the bestowal of identity. Gates (2005: 38) opines that modern nation-states fixation to identification is explicit in the various novel technological endeavours to hyphenate an identity to an individual body. Beyond the evident security question, the issue of identity generates a constant concern and apprehension across individuals where each is concerned of ‘who’ he/she is in the eyes of the state. Apart from the political implications in determining one’s membership, the threat of appropriation/misappropriation one’s identity poses the risk of fraud and crime creating a situation of perpetual “ontological insecurity” (Giddens, 1991:36). Apart from the routine surveillance of criminal subjects and distribution of welfare resources, the usage of identification through earlier systems like fingerprinting and ID cards facilitated the anchoring of citizen within the nation-state. As an evolved extension, biometrics then “refashion” and “remediate similar anxieties, motives, rationalities, functionalities, discourses, responses” that was associated with earlier identification systems like anthropometry and finger printing (Ajana, 2013: 34). If biometric identification poses refashioned and remediated complexities to the citizen, its introduction in the humanitarian sector opens up a new terrain of complexities and challenges to the refugee question.

The unfortunate growth in the number of forced migrants such as refugees and stateless persons in the last decade due to civil wars, natural disasters and conflicts have caused innovative transformations within the humanitarian sector. Registration of refugees by humanitarian organizations like UNHCR entails enumeration and

identification to be vital to ensure their general wellbeing within the camps by reducing instances of arbitrary detention and repatriation. It also helps to reduce the adverse situations such as military recruitment and improves their access to aid along with facilitating their already limited freedom of movement. UNHCR introduced *Project Profile* initially for establishing an ideal registration database for refugees that later became the more advanced *proGres platform* for refugee registration. After the concerted policy decision of 2006 that decided to introduce fingerprinting for refugee registration, UNHCR in 2010 officially instituted the biometric registration for refugees in partnership with many other private entities. The current registration system called BIMS (Biometric Identity Management System) after pilot study in Thailand in 2015 was rolled out for implementation in other sites. Humanitarian administration of refugees is not mere enumeration and administration in the camps, but in the process they establish and re-establish the socio-cultural relations in the sites where they are spatially located. Hence when UNHCR introduced biometric identification in refugee camps, it was not only the evolution of technology-aided mechanisms in refugee management, but also the potential to alter or re-enforce the constitutive social relations and modalities of prevalent governance norms existing within the camp.

Biometrics and the binarised identity of Rohingya

In its literal sense, biometrics uses technology to create binarised templates of one's existence through digitally indicating the biological and behavioural attributes distinctive to the individual. Through automating any future identity validation of collected data, biometric technology evidently simplified the securitization of identity and preventing the chances of human error. But such securitization of identity at the structural realm does not preclude from signifying the elusiveness and precarity of the concept of identity at a normative level. Though it is difficult to concede on a commonly agreeable definition for identity, the multidimensional and contextual nature of identity is widely acknowledged. While documenting the identity of an individual, there is a constant overlap between 'who is he?' and 'what is he? Caplan and Torpey (2002:3) observe that it is the "who is this person" that functionally leaches to the question-"what kind of a person is this?" Ajana (2010:5) argues that "the collapse of who into what" within the entanglement of personhood, identity and practice of identification denotes the "inherent limitations in capturing the ambiguity of identity and the complexity of the lived experience". While the 'who' is best encapsulated when the individual subjectively uses his "self-knowledge" to express who he is (Schechtman, 1990:70), the 'what' component latches on to the attributes of individual and subsequently aids in objective "re-identification" (Ajana, 2010: 8). This dualism is rather simplified in Van der Ploeg's (1999:40) observation that while the 'who' is based on the self-knowledge of individual from first person's perspective, 'what' is approached in identity documentation through attributes of individual from a third person's perspective. Further Ajana (2010) emphasizes Van der Ploeg's

(1999:40) observation that there is no authentic and exclusive means by which an individual self can be absolutely objective about his identity as it “ignores the social and cultural dimension in identity formation of even the most ‘private’ self”. The ‘what’ or ‘who’ acts in tandem to shape and reshape an individual’s identity. When a Rohingya refugee undergoes biometric registration, he/she is presented an identity by the UNHCR based on the aforementioned ‘what’ aspect, i.e., based on the attributes that is a part of his objective self. His lived experience as a ‘refugee’ that is instrumental to formulate the self- knowledge on his subjective self stems from his ‘given’ identity by UNHCR. Then it is ‘what he is’ as documented by UNHCR that will go on to shape his self-narrative on ‘who he is’. The “continuum between ‘what’ and ‘who’” (Ajana, 2010:9), in the constituted biometric identity renders it amenable to future re-identification that validates the individual existence of the refugee. It is necessary to understand this ambivalence in the formation of documented identity to fathom the impact of biometric identification in formulating/re-formulating new/existing identities.

Ajana (2010:13) regards that biometric identification rests on the premise that the self-narrative conceived by human mind on ‘who he/she is’ cannot be completely correct, whereas the biometric measurements given by the body cannot mislead. In emphasizing the suspicion of biometric technology towards the self-knowledge narrative conjured by the mind, she reiterates Aas (2006:154) opinion that “the mind is deceiving while the body is ‘truthful’”. In looking at this predisposition of biometric technology, Ajana (2010:13) revisits the Cartesian dualism of body and mind. If Cartesian conceptualization prioritizes mind over the body while discounting the indispensability of body to exist for the mind to function, “biometric dualism has a tendency to regard that body requires the mind”. But both Aas (2006:152) and Mortini & Ottolini (2007:52) goes beyond the binary of body and mind by accentuating that biometrics disregards the mutuality in the functioning of body and mind where the biometric information is more than a one-way communication between the two. According to Lyon (2008) the primary objective of biometrics is to establish and validate the consistency of data provided by individual at various times with the pre-collected data from his body. Then for the nominal individual who is subjected to biometric identification, the technology does not create new categories of identities, but only segregates them to pre-established categories of data. As observed by Balibar (1995) rather than identities, it is identification established by institutions and their intercessors that are real. Then identification is the process and identity is the end product for the individuals that serves as “their point of honor, of certainty or uncertainty of their consciousness, thus their imaginary referent” (Balibar, 1995:187). That is to say, when an individual enters his biometric information at airport checking, social security systems or for availing welfare services, he is only identifying and revalidating his existence as a dutiful citizen who is not a threat to the security of the state. But the same analysis can’t be held true for a refugee or stateless individual, who is caught within the margin of being included in the membership of the state or excluded altogether to be an outcast.

Van der Ploeg (1999) opines that if the aforementioned objective was the only priority of biometrics, then it would have been a potentially harmless technology concerning itself with mere identification. Contrary to the earlier scholarly postulations, Ajana (2010: 16) believes that biometrics not only ‘identifies’, but also ‘distinguishes’ between the individuals, not just as a passive technological innovation, but as an active instrument in “creating and establishing identities”. This argument need to be examined by introspecting the usage of biometric registration and identification for asylum seekers as instituted by United Kingdom in Application Registration Card (ARC) system and European Union in Eurodac project. With the explicit goals to prevent ‘asylum shopping’ by the applicants and to prevent ‘orbit situations’ by member states while processing asylum requests, the Dublin convention of 1990 laid the basis for Eurodac project (Aus 2003:8; Hurwitz 1999:647). While ‘asylum shopping’ refers to the tendency of the same asylum seeker to lodge numerous requests at various member states, ‘orbit situation’ refers to the aversion of directly accountable member state to process requests and evade responsibility by passing on the same asylum request to another member state. Eurodac has a ‘supranational cybernetic network’ that uses Automated Fingerprint Identification system (AFIS) as a central database for all EU countries (European commission 2005). When any asylum seeker makes a request for asylum, his fingerprints are matched with those in database. If found to be repeating, applicant was deported to the first state of asylum application, or in the worst case to the country of origin. The fingerprinting technology was later stretched to cover issues of illegal immigration (Van der ploeg 1999:298). According to Van der Ploeg (1999:300), this extension led to the hyphenation of non-citizens like refugees with delinquency and illegality, in turn created anxiety through the conflation of criminality with asylum. But scholars like Zylinska (2004) opine that systems such as Eurodac are instituted not just to provide the identity to the un-documented applicant, but also to safeguard his new identity from duplication. This ensures that dividing line between “credible and the fabricated” are well established and to demarcate the “polis from what does not properly belong” within it (Zylinska 2004:526). In a similar attempt, UK Home office initiated Application Registration Cards (ARC) for asylum seekers within its territory. An ‘asylum smart ID card’ with fingerprint and other detail of the applicant was issued instead of the earlier paper document of ‘Standard Acknowledgement letter’ (SAL), which could be easily forged. This ARC was to be used by the asylum seeker in his day-to-day transactions and to access the limited social services available to him. The ARC was hence instrumental in attributing an identity to the asylum seeker’s body and through accurate and reliable re-identification, prevented any attempts of mis-use or duplication of the identity provided to them.

The Eurodac project and ARC system are the probable predecessors of using biometric technology on non-citizens. Both the cases denote the ways in which biometric registration ‘establish’ identity of the applicant apart from future ‘verifications’ so that the applicant can avail the basic services attached to his identity as a refugee/asylum seeker (Ajana 2010:18). This validates the observation of Irma

Van der Ploeg (2009:87) that biometrics is not just “descriptive, but ‘constitutive ‘of identity’. Stateless individuals like Rohingyas who are excluded from the “state-nation-territory” (Agamben, 2008) do not have any basic rights that instill a ‘sense of belonging’ in them. The lack of state attributed identity as a citizen creates the worst kind of deprivation that prevents them from possessing documents that validates their very existence such as birth certificates, access to welfare beneficiary list and even their right to pursue basic education. The brutality of their liminal existence is such that they are casted to a life of exile in the only land that they have ever known. When such individuals flee persecution, to become asylum seekers or refugees elsewhere, they would expect an improvement in their situation. For someone who has always been excluded from the state and deprived of any valid documentation, the biometric identity that recognizes them as a refugee and enables them to access certain services entitled for their refugee identity is a significant enactment. Identity provided to Rohingya through biometric registration is reminiscent of approaches that attempt to integrate the excluded in an effort to “re-attach them to the circuits of civility” (Rose, 1999: 241). Biometric registration does not just “constitute”, but simultaneously “institute the condition for gaining access to social services as an asylum seeker” (ibid., 243). This does not propose that the attributed identity is devoid of any precarity or biasness.

The observation made by Ajana (2010:19) in the case of Application Registration Cards as a “re-attaching agent” that at once performs the task of both “attaching as well as detaching” and “inclusion as well as exclusion” is equally valid in the case of biometric identity of Rohingya. Through the biometric identity, the Rohingya refugee is ambiguously linked to the realm of society only to be perpetually prompted that they do not belong there and that “s/he is allowed to *perform* a certain form of inclusion only to *endure* another sense of exclusion” (ibid.). In converting the bodies to binarised templates of identification, biometric technology creates a ‘*quasi-identity*’ for the Rohingya refugee- an identity given based on body attributes, that in turn would help the individual to attain a life that could be potentially better than his “bare life” as a stateless individual. Even though the digital patterns created in biometric identification may not convey the unique subjective individuality central to their identity, it sets the conditions for subjectification necessary for the “individuality to (re)emerge” creating a “recombinant identity” (ibid.). The ramifications of this newly created biometric identity of Rohingya in altering/ re-inforcing the inherent hierarchies of gender and impact the gender relations needs to be analyzed. If the biometric identity is a *quasi-identity* that can facilitate the (re)emergence of subjective individuality, then by extension can the same binarised identity conjure an altered pattern of governmentality within the Rohingya refugee camps?

Biometric registration in the Cox’s Bazar camps

The biometric registration of refugees in camps of Bangladesh that is done in three phases is overseen by Bangladesh’s ministry of Home affairs and conducted

jointly by the UNHCR and Bangladesh's Refugee Relief and Repatriation Commission (RRRC)¹. The first phase was carried out in the Kutupalong camp, makeshift areas around it, Nayapara and the makeshift area of Balukhali extension. The first phase that has been implemented has targeted the registration of refugees in UNHCR managed refugee camps and was completed by January 2018. The second phase has been implemented in the areas along Teknaf and Ukhia and completed by August 2019. The third phase of biometric registration was done along the new spontaneous settlements that has emerged along Hakimpara, Thangkali and Jamtoli². Compared to the older camps in Nayapara and Kutupalong, the settlements in Hakimpara and Jamtoli are more recent responses to the continuing influx of new Rohingya refugees after the exodus in 2017. So the first and second phase had temporary make shift structures with officials that were established as the data collection points for biometric registration were refugees voluntarily visited for registration. In comparison, the refugees in new settlements are still on the move and site zoning is still in progress. Hence in the third phase, the enumerators and officials undertaking registration visit their shelters individually, meaning that refugees do not have to queue to be registered.

The below data set explains the population of refugees in Cox's Bazar refugee camps who have undergone biometric registration. These population is classified on the basis of the date of entry voluntarily provided by refugees apart from the photograph and finger prints provided for biometric data collection. Accordingly RRRC has provided a total of 6,23,969 newly arrived refugees as of 25th November 2017. The rest of the biometrically registered refugees amounting to 2,12,518 are old refugees. The distinction between old and new refugees is done based on 25th August 2017 as the demarcating date of arrival in Cox's Bazaar. 70 per cent of refugees belong to Maungdaw in Rakhine state of Myanmar and almost 76 per cent & have more than 2 members in their family. Out of the enumerated refugees 55 per cent are children and 52% women with one third of the families having at least one among these vulnerability quotient such as disability, single mother, elderly person with risk, separated child, or a member with severe medical conditions (Oh, 2017:3). International Organisation of Migration (IOM) using an alternate process of Needs and Population Monitoring (NPM) has provided a number of 6,24,319 new refugees for the same time period.

¹<https://www.dhakatribune.com/bangladesh/2018/01/18/one-million-rohingyas-get-biometric-registration/>

²https://www.thenewhumanitarian.org/opinion/2017/10/23/irresponsible-data-risks-registering-rohingya?utm_campaign=recirc

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Biometrically registered Rohingyas categorised based on date of arrival according to Inter-Sector Coordination Group

Location	Population before 25 August 2017	Post-25 August influx	Total Refugee Population
Makshift Settlement/Refugee Camps			
Kutupalong-Balukhali Expansion	99,705	341,618	441,323
Kutupalong RC	13,901	11,842	25,743
Leda MS	14,240	10,034	24,274
Nayapara RC	19,230	15,327	34,557
Shamlapour	8,433	18,265	26,698
New Spontaneous Settlements			
Hakimpara	140	55,133	55,273
Thangkhali	100	29,846	29,946
Unchiprang	-	30,384	30,384
Jamtoli	72	33,457	33,529
Moynarghona	50	21,432	21,482
Chakmarkul	-	10,500	10,500
Host Community			
Cox's Bazar Sadar	12,485	1,683	14,168
Ramu	1,600	830	2,430
Teknaf	34,437	34,075	68,512
Ukhia	8,125	9,543	17,668
Total Rohingya	212,518	623,969	836,487

Source: as taken from 'Surveillance and Control: The Encampment and Biometric Identification of Rohingya Refugees in Bangladesh' by Su-Ann Oh (2017)

According to UNHCR, data was collected with mobile devices utilizing GPS without network coverage and uploaded automatically to a secure server when a network connection could be established³. This has resulted in generation of geotagged biometric data of refugees that is organised according to their time of arrival, location of refuge and the enumerated household data⁴. The collected data is then provided to the Biometric Identification and Management System (BIMS) and in turn linked to Global Distribution Tool (GDT) system. BIMS is UNHCR's principle biometric identity management system that is used globally. Built with Accenture⁵'s UISP (Unique Identity Service Platform), it uses all ten fingerprints and two irises from each individual to build a globally available biometric record that avoid multiple

³<https://www.deccanherald.com/national/east-and-northeast/biometric-cards-issued-to-five-lakh-rohingya-refugees-753366.html>

⁴ <https://blogs.lse.ac.uk/mec/2019/05/10/when-identity-documents-and-registration-produce-exclusion-lessons-from-rohingya-experiences-in-myanmar/>

⁵Accenture is the private vendor handling biometric database for UNHCR. According to Wikipedia "Accenture plc, stylised as **accenture**, is an Irish-domiciled multinational professional services company. A Fortune Global 500 company, it has been incorporated in Dublin, Ireland since 1 September 2009. In 2019, the company reported revenues of \$43.2 billion, with more than 492,000 employees serving clients in more than 200 cities in 120 countries"

registration and data loss⁶. The GDT was launched with BIMS to allow the use of biometrics to verify identities in food and assistance distribution scenarios. The GDT accepts food distribution lists or manifests from a variety of sources and provides real-time reporting on exactly who has collected assistance by using a biometric verification with BIMS⁷. The tool facilitates alternative food collectors for the households. The GDT reports also provide detail on which households have been served, and the specifics of exactly which commodities have been distributed. The GDT includes an Android App to help the staff to track admission, and successfully record collection of assistance⁸.

The biometric registration of Rohingyas in Cox's Bazar explicitly indicates Myanmar as the country of origin of Rohingyas. Yet, it does not specify the ethnic race of these refugees as 'Rohingya' in the biometric registration cards. The reports on the ground suggests the general discontent among the refugees due to the absence of Rohingya ethnicity in the identity cards as they believe it would eventually thwart their aspirations to receive citizenship in Myanmar as 'Rohingyas'⁹. As observed by Malkki (1995:4), the displacement and deterritorialization causes the refugees to either "fit" in to the larger prevalent national scheme of things where they could elevate their marginalized identity to a distinct "nation", or alternatively there could be a "subversion of identification" where they refuse to be categorized as any distinct national identity. As stated elsewhere, Rohingya refugees do not categorically belong to either of the above scenarios as they prefer to ascertain their racial identity of 'Rohingya Muslim' identity without aspiring to be a separate nation (Poyil, 2020). They strive to carve a "niche Rohingya identity" (ibid.) within the citizenship of Myanmar. Hence the omission of 'Rohingya' as their ethnic identity could be problematic to many refugees who would see a pattern between this omission and the systematic pattern of exclusion adopted by Myanmar Government earlier. The 2014 census carried out by the government of Myanmar while listing the 135 ethnic groups had intentionally refused to acknowledge the racial identity of 'Rohingyas' and instead listed them as 'Bengali'. Whereas the 2016 census undertaken by the government of Bangladesh had listed majority of the Rohingyas located within its territory as undocumented "Myanmar nationals" and relatively the small proportion documented with UNHCR as 'refugees'.¹⁰ The Rohingyas resent this as much because Myanmar does not acknowledge them as nationals, rather have deprived them systematically of their citizenship. While many refugees consider the data gathering for biometric credentials and subsequent issue of identity cards without the

⁶ <http://www.coordinationtoolkit.org/wp-content/uploads/UNHCR-Managing-Information-inthe-Inter-Agency-Context1.pdf>

⁷ <https://www.unhcr.org/news/briefing/2018/7/5b3f2794ae/joint-bangladeshunhcr-verification-rohingya-refugees-gets-underway.html>

⁸ <https://datajusticeproject.net/wp-content/uploads/sites/30/2018/11/wp-refugees-borders.pdf>

⁹ Refer to <https://www.yahoo.com/news/race-row-hampers-rohingya-registration-bangladesh-103106620.html> and <http://www.thenewhumanitarian.org/opinion/2017/10/23/irresponsible-data-risks-registering-rohingya>

¹⁰ Refer to <https://www.aljazeera.com/blogs/asia/2016/06/bangladesh-rohingya-refugees-uneasy-census-160604033548201.html>

mentioning of their ethnicity ‘Rohingya’ as a repudiation of their primary identity¹¹. Refugees also view the partnership of UNHCR with the Bangladeshi government to implement the biometric registration with suspicion as they consider it a precursor to their involuntary repatriation.

It can be suggested that biometric registration does not further their exclusion on the basis of their race or ethnicity any more than their perilous existence as an ‘outsider’ in Bangladesh. But their survival in exile in a foreign land that shelters them can be potentially improved manifold by their validated documentation through biometrics that provides them the *quasi identity* as a ‘refugee from Myanmar’. In the Cox’s bazaar refugee camps, authorized ‘enumerators’ conducted the collection of other household data such as family count along with biometric credentials¹² as an effort towards better streamlining of the humanitarian assistance. By mapping the camps in Kutupalong extension and Balukhail extension and dividing them into zones and further into blocks and then aggregating it with the household enumerated data and biometric details, UNHCR expects to improve the efficiency of targeted assistance and aid given to the refugees. The authorities and some of the refugees also believe that the biometric identification and associated data gathering will help in enhanced protection from trafficking and also to locate the separated family members¹³. As they hope to be integrated as a ‘Muslim Rohingya’ citizen within Myanmar, it should be logical to presume that the acknowledgement of Myanmar as the country of origin in the biometric identity card could facilitate their cause of survival as a refugee and potential voluntary repatriation. But how does this precarity shape their gender relations in exile or as a refugee?

In the context of converting bodies to biometrics, it is necessary to analyze the complexities associated with ways in which such technology produce and problematize inherent bodily differences. Contextualizing the intersectionality of gender identity and racial identity configures a social hierarchy of power for the ruptured communities of refugees. As the deprivation encountered by Rohingya women are a function of multiple variables, it is necessary to undertake such an intersectional analysis that throws light on how gender and race mutually constitute their social identity during displacement and exile. Intersection of “male dominance with race, ethnicity, caste, age, religion, culture, language, sexual orientation, migrant and refugee status and disability—frequently termed ‘intersectionality’” functions at multiple realms to determine the constitution of gender relations (O’Brein, 2017:20). This is corroborated in Hankivsky’s (2014:32) observation that the human interactions transpire within a framework of connected variables and “structures of power (e.g., laws, policies, state governments and other political and economic

¹¹ See <https://www.yahoo.com/news/race-row-hampers-rohingya-registration-bangladesh-103106620.html>

¹² See <https://www.unhcr.org/news/latest/2017/10/59de0ebc4/family-count-gives-shape-refugee-population-bangladesh.html>

¹³ *ibid*

unions, religious institutions, media)” that signify mutually inclusive patterns of “privilege and oppression shaped by colonialism, imperialism, racism, homophobia, ableism and patriarchy”. It will be futile to analyze the transformation of gender relations as the vulnerability of Rohingya women are multi-dimensional in nature as their lack of privilege and choice are simultaneously shaped by the interplay of multiple factors of race, ethnicity, religion, culture, and language.

Gender relations of Rohingyas at home and exile

It would be ineffective to analyze the contested gender relations of Rohingya refugees at ‘exile’ without undertaking a concurrent evaluation of the how gender relations were established at ‘home’. Scholars like Giles (1999:85) opine that gender relations that are prevalent among the households of migrants are fashioned along the “remembrance of home”. A retrospective analysis is warranted because the potential (re)constitution of life as a refugee often involves the constitution of prevalent notions of family along with constitution of altered approaches for survival moulded by the anxieties and compulsions of exile. Such alterations in gender relations are plausible as gender is not a fixed attribute, rather an acquired socio-cultural construct. Reiterating Butler’s (1990) conceptualization of gender as a performative construct helps to refute the idea that gender identity is the embodiment of one’s inherent essence, but instead a direct consequence of one’s behavior as conditioned by one’s immediate social and cultural context. Hence a consequent change in gender identity and reconfiguration of gender relations during refugee settlement is widely acknowledged in the academia (see Kay, 1988; Kibira, 1993; Franz, 2003). Yet at the same time scholars caution against overt generalizations and emphasize the need to contextualize appropriately in the light of constant flux generated in the discourse of forced migration (Phizacklea, 2003; Pessar & Mahler, 2003).

Rohingya Muslim community in Myanmar can be considered to be patriarchal in nature (Farzana, 2017). The classic patriarchal structure¹⁴ presents the woman with a hierarchy of subordination, not just to the men but also the elderly women such as mother-in-law. Such systems of subordination also renders the effort and labor of women towards the household largely obsolete (Kandiyoti, 1988: 279). The exclusionary practices that Rohingya women are subjected to involve restrictions on freedom of choice, mobility and limitations to pursue education. The Rohingya community within Myanmar was simultaneously marginalized and structurally excluded, which brought about instances of violence initiated by the military of Myanmar towards Rohingyas had set in a continuum of fear and insecurity.

Masculinity among Rohingyas was largely associated with the bread-winning ability, trustworthiness, honesty and the capacity to protect the family, whereas

¹⁴ Kandiyoti (1988:278) indicates the presence of ‘classic patriarchal system’ being prevalent in South and East Asia specifically India, Pakistan, Bangladesh and China along with certain other demographically Muslim dominated regions such as Turkey and Iran.

femininity extolled more virtuous values like chastity, humility and compassion¹⁵. The violence inflicted on men and women, constant fear of persecution, along with the systematic denial of their citizenship had caused a liminal existence for Rohingya community in Myanmar. Such change in the socio-political circumstance can cause certain changes in the conception of masculinity and femininity too. Empirical research indicates better efficacy in resource management by female refugees in camps (Chowdhory, 2016) which exemplifies the reconfiguration of patriarchal gender roles in such sites of exception. Irrespective of the nature of assistance received, female refugees have indicated a strong tendency to ensure the well-being of household through better resource distribution indicating an “in-built capacity coping mechanism” to navigate the structural deprivations encountered in the camp (Chowdhory, 2016: 144). While the male refugee counterparts were found to squander away the meagre rations on liquor and other deriding activities, female refugees contribute to the stability of the household through better resource management and undertaking small menial jobs that contribute to household income (ibid.).

The incapacity to provide protection to their female counterparts from the torture and rape inflicted on them simulates an emasculated feeling for the Rohingya men. Many characteristics of “toxic masculinity” such as “misogyny, homophobia and violent domination” can be ascribed to such insecurity among men (Kupers, 1993). More than often this frustration of Rohingya men manifests as explicit demonstration of domestic violence towards the women in the household. Scholars such as Batton points out the as tendency of men to foster outward “negative attributions of blame” that transmute as resentment to fellow members is in contradiction to the female characteristic of internally targeting rage to “guilt and depression” (as cited in Hamblin, 2016). Ayyagiri Subramaniam (2017:11) in his empirical research on gender based violence among Rohingyas living in refugee camps denotes that different Rohingya men perceived masculinity differently, while some associated it with acquisition of “wealth and social status” others saw it as the “ability to feed one’s family”. This denotes the cultural and temporal variability in gendered subjectivities that indicates the performativity of gender. Rohingya women have been concurrently subject to structured violence such as systematic rape orchestrated by the Myanmar government and domestic violence in the form of rape and torture in their households. Their attempt to flee persecution and alienation as a stateless individual in Myanmar, caused them to seek refuge in neighbouring Bangladesh and later India. The spectrum of violence then manifested as continued abuse in the household along with human trafficking in the refugee camps. Akther and Kusakabe (2014:238) provides the narrative account of various women who are subject to domestic abuse in the Cox’s Bazaar camp as follows. Tohura, a 38 year old domestic worker narrates her predicament:

¹⁵ Rohingyas being orthodox Muslims, one can see the religion mandated virtues to be overlapping with their cultural value systems.

“My husband cannot tolerate it if household chores are not finished before he comes home. It is very difficult for me to manage all the activities. My husband sometimes cannot go outside for work, those days his temper is worse. I don’t want to give him the money I earn from hard labour because I know that sometimes he uses that money to drink alcohol with a group of men from the refugee camp. I cannot stop my husband because if I try to stop him, he threatens me that he will get another woman. So, I remain silent.”

- as cited in Akther and Kusakabe (2014:237)

Another account of domestic abused by 26 year years old Dilara corroborates to our earlier analysis of changed gender subjectivities in exile:

“My husband has a tough life; he used to regularly complain about getting abused by the local Bangladeshi community, his employer and also the local police. Once the police caught him working outside the camp and put him in jail. After his release, he stopped working. Hestays home all day. He has nothing to do. He is very frustrated with life and society. Even though he was a very nice man before, society has changed him. He is not nice anymore. Hepasses his time by drinking. If I tell him to stop drinking, he starts to physically and verbally abuse me. I cry a lot. I know he is a very nice man, he does not want to beat me, but frustration is destroying his life.”

-as cited in Akther and Kusakabe (2014:238)

Both these accounts variably portrays the vexation of Rohingya men due to the destabilized nature of their everyday “bare life” and how they vent it on the women in household. It should be acknowledged that the struggle for survival have led women to adopt new choices such as seeking a livelihood option as a domestic daily wage laborer near the campsites in Bangladesh. Deniz Kandiyoti (1988:275) in her historical analysis of patriarchal structure, presented the notion of “patriarchal bargain” to signify the ways in which women cope and manoeuvre within the framework of their contextual constraints. Such coping mechanisms which could be either active or even passive “patriarchal bargains” that significantly alter the subjectivity of women and consequently impact their gendered identity. Yet, this doesn’t inculcate an impression of empowerment among the Rohingya women probably because of their cultural preference and the reassurance of their security in household from external threats. Additionally, they are more susceptible for wage discrimination for the same work both because of their precarious status as an ‘un-documented refugee’ and vulnerability as a woman. Their previous experience of being subject to ‘rape’ by the Myanmar officials or later at the camp by people of influence and power such as ‘Mahjee’ (Rohingya leader of the camp) causes them to be ostracized and shunned by their family and fellow community. Their compounded deprivation causes many such sexual violence victims to eventually resort to sex work, (Akther and Kusakabe, 2014:239) any to be further marginalized.

It is imperative to understand that in addition to their structural vulnerability as a Rohingya, they face the systemic disadvantage in their everyday survival as a refugee woman in the camps. The Joint Agency Research Report (2018) brought about by the collaboration of agencies such as Oxfam, Save the Children and Action Against Hunger with inputs from UNHCR, UN Women and CARE identified and lists various risks and threats that undocumented refugee men, women and children in Cox's Bazar camps from a gendered perspective. Apart from prevalent gender based violence (GBV), the report emphasizes on other difficulties such as access to water, sanitation and hygiene (WASH) facilities, Menstrual Hygiene Management (MHM), and nutrition issues (ibid.). They also point out the decreased agency in decision making in the household level and unequal division of labour in the house hold chores such as water collection, cleaning, cooking etc. (ibid.). So how can biometric registration of refugees and their acquisition of quasi-identity impact their current situation?

UNHCR as the pivotal humanitarian agency that manages and facilitates the settlement and potential resettlement of refugees in the campsites of the host country underscores the need specific protection to refugee women in the nature of 'assistance-related protection'¹⁶. Such protection is dependent on the process of 'Refugee status determination (RSD) that ensures that women refugees are documented and provided with their temporary identity so as to prevent the chances of being waved off as 'illegal' in the country of asylum, precluding their chances of protection. According to the International Migration and Displacement Trends and Policies Report (2019:31), identity management processes, now largely implemented through biometric systems such as BIMS drastically "improves the operational efficiencies in the delivery of protection, assistance and durable solutions". Identity registration cards provided by UNHCR also increase the probability of access to education for Rohingya children. The assistance provision to refugees are managed through the 'Global Distribution Tool' (GDT) which is now linked to the biometric database of BIMS which prioritizes refugee women assuring goods distribution (ibid).

It is necessary to underscore the fact that these refugees living in camps and settlements are more dependent on the provisions provided by aid agencies and humanitarian organizations such as UNHCR rather than the host governments. In the case of Rohingyas this is even more pertinent as Bangladesh considers the presence of Rohingyas within its territory as "temporariness" implying that they would potentially return to Myanmar in the future (Ahmed & Mohiuddin 2019: 221). Hence they don't find it apt to "invest the scarce state resources for foreigner's capability expansion" (ibid.)¹⁷ Hence it is even more important to ensure the access of these refugees to the various aid provisions available to them which can be secured only through by establishing their presence in the 'Global Distribution Tool' system. Ensuring access of resources to women can ascertain the established fact that better resource

¹⁶ Refer <https://www.unhcr.org/excom/scip/3ae68ccd0/note-refugee-women-international-protection.html>

¹⁷ Additionally such an opinion was made in the Inter sector coordination Group (ISCG) Report, 2019.

management and decision making by women brings proportionally better productivity and well-being of the household (UNDP, 1997). This can be further attributed to the empirical finding that compared to men, women allocate priority to the betterment of children specifically and family in general in resource distribution (Singh 1978). Katarzyna Grabska (2011) in her empirical research work on the impact of gender mainstreaming in refugee camps of Kakuma in Kenya evaluated the efficacy of multi-faceted programme that involved generating awareness, providing assistance and ensuring protection. She highlighted on how the perception of females as victims devoid of any agency can limit the nature of gender mainstreaming to the constrained goal of protection devoid of substantial empowerment. In order to substantially empower them, UNHCR introduced biometric fingerprinting of refugee girls and refugee women and provided them with individual identity cards that could ensure targeted ration and aid provisions on an individual basis rather than on the household level. This automatically increased their decision making power on matters of individual choice apart from greater say in household matters. This also made it difficult for the families to repatriate young girls to Sudan on account of potential marriage to natives against their wishes, as each refugee girl/woman had to register in person using their UNHCR allocated identity cards. Grabska (2011: 91) narrates the incident of a 16 year old girl who made the individual choice of pursuing education against family/community level decision of marriage in alignment to their cultural norms. Her empowerment was explicitly evident in her words “This finger is my power. They (family) cannot force me to go back if I do not want” (as cited by Grabska, 2011:91). Grabska (2011) emphasizes on how effective implementation of gender equality was brought about by regulating the material aid provisions and rations through the UNHCR fingerprinting related identity card. This is an evident example of how Nuer community women who are structurally in a disadvantaged position due to the social system of patriarchy and the political situation of conflict at ‘home’ could be empowered in ‘exile’ bring an alteration in their hierarchical gender relations. Such instances of “patriarchal bargain” could be potentially simulated among the Rohingya refugee women through the implementation of biometric registration which can increase their chances of targeted humanitarian assistance. The biometric ‘quasi’ identity then would be instrumental in (re)configuring the gender relations of Rohingya women in ‘exile’. The next section analyses the significance of biopolitical power in refugee administration and the impact of biometric registration in humanitarian governance.

Bio-political power and managing the “undesirables”

Biopower in simple terms signify the usage of power so as to influence, manipulate or even dominate the living body. The two segments of the theoretical assertion of this biopolitical power are “anatomo-politics of human body” and the “bio-politics of the population” (Foucault 1979:135-145). Through elaborating on both these aspects Foucault emphasizes the transition that has occurred in the exercise of power over people. Earlier, sovereign used methods of “deduction” where he could

deduct the wealth or even the life of people in the attempt to secure and conserve rule and authority in his territory. Compared to earlier times, the scientific advancements and associated social transformations significantly reduced the ambit of prerequisite for being completely obligated to sovereign for subsistence. This led to the emergence of new discourse on power which was in turn based on “scientific discourse of biology” and there by impelled the “biological existence of humans in to political existence” (Vilcan, 2015:2). In comparison with ‘anatomo-politics of human body’ that involves “disciplining, optimizing the capabilities” of individual body, ‘bio-politics of population’ entails theregulation, command and control of various biological process such as birth, death, sexuality, fertility etc., of human species as a political strategy to productively administer power on the population¹⁸ (Foucault, 1998; Vilcan, 2015; Smith ,2014). Despite of being complimentary, the productive aspect of bio-political power juxtaposes it with the crude application of repressive sovereign power. The bio-political analysis can be super imposed on the functioning of state apparatus, public establishments and many facets of present governance structures. In terms of scholarly postulations, bio-politics is a pervasive yet an elusive concept. The pervasiveness of the concept can be seen in the way various scholars have applied bio-politics in various contexts, such as study of neo-liberal capitalism (Hardt and Negri, 2000); counter terrorism (Ong and Collier, 2005); national identities (Makarychev and Yatsyk, 2017). Its elusiveness is seen in the way in which dynamic and fluid elucidations have developed in explaining various phenomena through the lens of bio-politics.

Scholars such as Duffield (2007), Fassin (2007) and Scott-Smith (2014) have used the lens of bio-politics to analyse various facets of contemporary humanitarianism. As argued by Reid (Reid 2010), beginning from 18th century, liberal states have modelled their notions of security and governance by associating it with their consistent effort to encourage and safeguard the biological life of their populace. But the existing ways in which humanitarianism functions showcase intrusions of the afore mentioned logic of bio-politicized liberal governance in various humanitarian practices on a global scale (Reid, 2006; Reid, 2010; Duffield, 2008). The earlier ‘classical Dunantist humanitarian’ concerns engaged with protecting the fellow human based on the “principles of humanity, impartiality, neutrality and independence” (Hilhorst, 2018:3). Whereas, the current humanitarian practices are preoccupied with safeguarding the existence of “bio-human” (Dillon and Reid, 2009), a construed version of humanity brought about by “bio-politicization” (Reid, 2010). He further emphasizes that in forming this ‘bio-human’ politically, humanitarian establishments have been complicit in the systemic practices where the vulnerable are left to die. Even in the circumstance of immense pain and agony endured by the individual, is

¹⁸Tom Scott- Smith (2014: 23) in his work *-Control and Biopower in Contemporary Humanitarian Aid* elaborates that ‘bio-politics of population’ as a platonic shift from the “repressive “ways in which sovereign administered power to a more “productive” way of administering power , “through which the activities of the state were no longer a matter of letting people live or condemning them to death, but became concerned with nurturing the population, shaping the citizenry to act in certain ways”.

antagonistic to the ideals of bio-human life. Reid (2010:394) posits that, in refusing to acknowledge the “suffering of lives which fail to live up to biohuman criteria”, the emerging bio-humanitarian project covertly nurtures an imbedded strain of necropolitics within it.

But how does this bio-politicization of humanitarianism impact the discourse of refugee protection? As observed by Agier (2002:321) humanitarian administration entails “management of the most unthinkable and undesirable populations of the planet”. The incessant creations of refugees who flee their homes and cross over the borders pose a challenge to the nation-state’s constant effort to control the population within its territory (Steger, 2013:132). Such desire to manage its population can be considered to be an aspect of Foucault’s “biopolitical” power. According to Foucault (2002:141), bio-politics entails orchestrated steering of power at the biological attributes and behaviour of its population, through which the state tries to ascertain their compliance and efficiency. Managing the obstructions and challenges that are common to the attributes of an assemblage of individuals who comprise the population becomes the state rationality in the context of biopolitics. This signifies the transition from the earlier state logic of securing its territories to the altered rationality of securing the population as the definitive objective of government. The advancement of population that includes generation of wealth, improving their physical vitals and securing their wellbeing—all become central to the monitoring of biological life of population. In such a context, information regarding population emerging through various demographic statistics become central to the functioning of a modern state (Soguk, 1999). This can be naturally extended to fathom state’s desire to monopolize the mobility of its population at least within the territory. Any documentation such as passport that facilitates the entry and exit of people with respect to its borders is a validation for the state’s bio-political yearning to control the population. Scholars like John Torpey (1998) consider this behaviour as the “state monopolization of the legitimate means of movement” of its population. But this process of regulating the mobility of population can be hyphenated to state’s prerogative of determining the citizens that it considers to embody. And corollary to state’s moral authority of representing its citizen, is demarcating the non-citizen which includes a diverse body of individuals such as foreigners and refugees. As opined by Soguk (1999: 103), if legitimacy of nation-state is derived from the representation it provides to the citizens that belongs there, then any un-regulated presence of these non-citizens engenders a “crisis of statecraft and/or a crisis of representation” for the same nation-state.

The mobility across the border obfuscates the affiliation between nationality and citizenship and thereby complicates the ways in which nation-state governs the biological aspects of its population. Even if the mobility of displaced people is caused by the humanitarian emergencies conditioned by conflicts, political violence or natural disasters; “their movement also disrupts the perennial and not-so-perennial relations of state centric governance”(ibid.). From the vantage point of Foucauldian understanding of biopolitics, state’s population is yet another resource to be

effectively steered for gaining optimum results in state's interests. According to Sussman (2004:103), early scholars who studied population dynamics analysed the significance in the practice of enumerating individuals to assess the extent of their mobility, such that the differentiation between "mobile and immobile population" was significant in shaping the "rhetoric that distinguished subaltern population from dominant groups. Manoeuvring, segregating or even transporting the undesirable segments of population for vested interests is not a new practice. Sussman (2004:110) postulates that both voluntary movement of the relatively disregarded and poor sections of society to newly founded colonies or even the forcible movement of targeted populations as seen in Trans-Atlantic slave trade -both signify the "bio-spatial rationality" of Empire to transport the undesirable or superfluous population to occupy the colonies. The current efforts of countries of global north to implement a carefully calibrated migration policy to regulate and manage who enters their borders and who get to stay there so as to create and complement the pool of desirable population, is no different from the earlier mentioned bio-spatial rationality of the Empire. The influx of refugee population to its territory has caused the countries of global south to adopt various exclusionary strategies. Even while offering entry to its territory and protection on the basis of performative practices of hospitality grounded on the principle of humanitarianism (Chowdhory, Poyil and Kajla, 2019), the nation-state precluded the refugees from being integrated with their population in the long run. The humanitarian protection offered by Bangladesh in the context of Rohingya refugees, is constituted by a policy of sheltering them in refugee camps in the peripheries and outlands of its territory so as to segregate them from mingling with its citizen-subjects. The humanitarian protection offered to the undesirables then is a segregated protection in the biopolitical interest of nation-state to optimally govern its population by avoiding possible contamination in the pretext of protection.

Based on Macrae's (1994) postulation on the nature of transformation on the perception of humanitarian disasters, Reid (2010:395) argues that currently humanitarian emergency is regarded as "transformation of ungovernable peoples to governable peoples". He denotes an analogy between "ungovernable" and "maladapted" populations such that the ungovernable people who would go on to become a threat to global security are the same humans who have failed to adapt effectively to the ideals of the bio-human life. The specific attributes like capacity to learn, the ability to process the flood of information, to adapt, emerge and develop resilience so as to evolve as a triumphant living species are integral to the characteristic of bio-human (Dillon and Reid, 2009; Reid, 2010). Hence the suffering of maladapted population are amenable to the bio politicization of humanitarian organisations so as to prevent any potential economic disruption and political violence precipitated due to their dislocation. The plight of the population in question, the Rohingyas, then is one of an "adaptive failure" (Kent, 2002:71) where they got expelled from their country of origin on the account of not being adaptable to the homogenous state building in Myanmar making them the maladapted population. Their presence in the host state is perceived to have stretched beyond an act of

hospitality for the resource scarce and developing country of Bangladesh, such that they constitute the ungovernable and undesirable population.

Governance in refugee camps, notion of ‘hybrid sovereign structures’ & ‘governmentality’

Refugee camps in Cox’s bazar shelters are stateless Rohingyas who have been denied citizenship and thereby expelled from the “state-nation- territory” (Agamben, 2008). This statelessness also refutes them a basic set of rights that instils a ‘sense of belonging’ in them and simultaneously casts them to the “space of exception” in the camps. They live in a “zone of in-distinction between outside and inside, exception and rule, licit and illicit, in which the very concepts of subjective right and juridical protection no longer make any sense” (Agamben 1998: 170). Refugee camps, which are spatial confinements that house the ‘undesirable populations’, characterize a different trait of biopolitics through humanitarian governance that reduces the existence of refugees to ‘bare life’ (Agamben, 1998:133; Diken and Laustsen, 2005: 86). Camps here should be seen as temporary spatial constructs conditioned by the uncertainty of both exclusion and protection (Minca, 2015).

The two primary approaches regarding the analysis of governance in camps consists of Agamben’s conceptualization of camps as the “spatialization of exception” and Foucauldian notion of “governmentality”. Agamben’s approach is characterized by ambiguity arising from the lack of distinction between ‘political life’ and mere biological subsistence of the individual that causes him to lead a “bare life” in the state of exception (Agamben, 1998; Agier, 2002; Diken and Laustsen, 2005; Giaccaria and Minca, 2011). Deriving from the Schmittian notion of ‘sovereignty’, Agamben considers sovereign as the one to decide who can be excluded to constitute the “bare life” (Brown, 2010:48). His state-centric view can be considered to neglect both the presence of multiple agencies within the state of exception in camp (Martin, 2015; Ramadan, 2013) and also the possibility and potential of refugee subjects to contest their “bare life” existence in camps (Gregory, 2006; Butler and Spivak, 2007). In contrast the Foucauldian understanding of camps acknowledges the convolution of power emanating from the multiplicity of actors and can be considered to be different from the aforementioned state- centric notion (Lippert, 1999). According to Foucault (1991:102), governmentality constitutes an “ensemble formed by the institutions, procedures, analyses, and reflections, the calculations and tactics” that permits the use of power. In other words, power can emanate and flow simultaneously from both state and non-state actors within camps.

According to Foucault (2002:341), ‘governmentality’ signifies the ways in which the conduct of population is controlled where governing entails domineering “the field of action of others”. He conceived governmentality as providing the linkage between *gouverner* (governing) and *mentalite* (*modes of thought*) thereby highlighting the notions of power and the manner of subjectification implicit while tracking the

“genealogies of modern state¹⁹”. Governmentality is instrumental in forging a perspective on the linkage between “technologies of self” with “technologies of domination” so as to understand the formation of ‘subject’ vis-à-vis the state (Lemke, 2002:51). In doing so, it helps us to distinguish power from the concept of domination, beyond the usual understanding of power shaped by the binaries of consensus and violence (ibid.). Repudiating the quintessential negativity associated with ‘power’ being structured against other’s interest, Lemke (2002:53) clarifies Foucault’s notion of power as one that could bring about “‘empowerment’ or ‘responsibilization’ of subjects, forcing them to ‘free’ decision making in fields of action”. Foucault (1998:19) postulates three variants of power relations that include “strategic games between liberties, government and domination²⁰”. In signifying that what we normally consider as power is rather domination, Foucault (1998) clarifies that domination envisages the “asymmetrical relationships of power” (Lemke, 2002 :53) where subservient entity finds it difficult to navigate and contrive due to his/her inherently marginal liberty. These facets of domination are the result of the “technologies of government” that is in turn precipitated due to the alteration, organization and continuance of the power relations (Lazzaratto, 2000; Lemke, 2002). As Lemke (2002) further explains:

Government refers to more or less systematized, regulated and reflected modes of power (a “technology”) that go beyond the spontaneous exercise of power over others, following a specific form of reasoning (a “rationality”) which defines the telos of action or the adequate means to achieve it.

Government for Foucault, as opined by Hindness (1996) is the manipulated control of “conduct” through logical improvisation of suitable “technical” modes.

There is an innate correlation among Foucauldian concepts of disciplinary power, bio-politics and governmentality. Based on the aforementioned notion of government being the “conduct of conduct” that throws light on the action and conduct of the subjects, governmentality elucidates the liaison intrinsic to the government of the state, governance of self and others (Dean, 1999; Muller, 2020). With respect to the preoccupation of governmentality literature with state, Lippert (1999:295) argues that state needn’t be seen as an actor per se, rather “as a historical effect, resultant or residue of certain governmental practices”. Extrapolating this logic, scholars like Dillon (1995), Lippert (1999) had analysed the relevance of concepts like governmentality and sovereignty in the functioning of refugee regime in a global level during the 90s. Drawing on Malkki’s observation that refugee had

¹⁹The “genealogies of state” unraveled as a part of Foucault’s lectures in 1978 and 1979 in College de France. This was mentioned and analysed in Thomas Lemke’s (2002) *Foucault, Governmentality, and critique*.

²⁰ Lemke (2002:53) also explains that such strategic games are universal characteristic feature of human interconnections and it entails “structuring the possible field of action of others” in the form of ideological manipulation or logical argumentations or even economic exploitations.

obtained the relevance of a moral category, Lippert (1999) argued that 'refugeeness' emerged as a "moral-political tactic" in a larger context of usual conduct of population in a national level -both within and beyond. The overriding inclination of global north then was to implement this moral political tactic of refugee-ness through "western non-political international organisations" in the socio-political landscape of third world nations (ibid.). Admission and sheltering of refugees within the camps could be seen as a way in which refugee "subjects are gradually, progressively, really and materially constituted through a multiplicity of organisms, forces, energies, materials, desires, thoughts etc." (Foucault, 1991:108). The refugee camp in Europe acted as successor to the 'quarantined city' mentioned in Foucault's work in that apart from administering aid and provisions to the vulnerable, it also segregated refugees of various nationalities (Lippert, 1999). Essentially stripping the inmates of their capacity to exercise their rights and choice, the administration of these camps were being transmuted to sites where not just aid but discipline is administered as well. Hyndman (2000) has elaborated on refugee camps as distinct zones where discipline is inculcated and governmentality is invoked.

The conspicuous cartographic absence of refugee camps from the formal state maps of host countries is indicative of the nature of protection through exclusion offered to them. This is where the Agambian notion of refugee camps as spaces that shelters vulnerable people whose existence is reduced to a mere 'bare life' sets in. On being admitted to the 'abstract spaces' of camps which are disintegrated from "other places, meanings and traditions" (Diken and Lausten, 2005), an individual forfeits his/her original identity cast in to a zone of exception (Bulley, 2004). Within the contours of bio-politicized humanitarianism in the camp, protection is conditioned as sustenance of bare life (Agamben, 1998). The conceptualisation of refugee subjectivity as a victim without political agency is based on the camp being a zone of exception devoid of the sovereign law of the state. This analogy of refugee camp as space of exception excluded from the ambit of sovereign law where refugees are "stripped of political life" is challenged by Ramadan and Fregonese (2017:949). Using the empirical case of refugee camps in Lebanon, they argue that all camps do not fit in this widely acknowledged and perhaps oversimplified notion of exceptional space where "law is suspended by a singular all-powerful sovereign" does not take in to account "complex and hybrid forms of sovereignty" that emerges in camps (ibid.). The 'right to have rights' for man seems to be dependent on his status as a citizen, on being ousted from the political community the sovereign of the state, even the capacity to claim those inalienable rights of the man gets diminished (Arendt, 1979; Agamben, 1998). Being a refugee, does not by default assign him to a specific autonomous space demarcated for the non-citizen. Rather they are cast into distinct spatial sites monitored by the humanitarian regime where exclusion, exception, conditioned protection and control precipitates an ambiguous space.

Sovereignty though usually is defined as the state's monopoly in the use of violence within its territory, it also entails the protection of the its people from external risks and danger (Weber, 1996; Agnew, 2009). The concept of

sovereignty hoards a characteristic hyphenation with nation-state as the central actor that enacts it, giving it a status of de-facto prerequisite both in assertion of political authority and in reclamation of political rights and protection (Brown, 2010; Barrera de la Torre, 2016, Ramadan and Fregonese, 2017). Though Eurocentric perspective on sovereignty assumes a “totalizing” (Jenning, 2011:25) nature signifying political power, the context of post-colonial countries see the presence of multiple actors apart from state parleying both sovereignty and territoriality (Sidaway, 2003). The “overlaps, the cross-contaminations and the collaborations” (Ramadan and Fregonese, 2017:953) between and amongst these multiple actors negotiates and re-negotiates the prevalent “structures of legitimacy” (Gregory, 2006:100). Then Agambian state of exception in camp then is not caused due to the absence of a state ordained sovereign law, rather this exception is colluded by various actors who constitute “hybrid” arrangement of sovereignty (Ramadan, 2009; Hanafi and Long, 2010). The deferment of the sovereign law in the campsite that precipitates the exception also leads to the emergence of “tapestry of multiple, partial sovereignties” (Hanafi and Long, 2010) involving various actors like government of the asylum state, international humanitarian organisations and aid agencies. This exercise of sovereignty implemented through a complex web of administrative procedures is referred as that of “petty sovereigns” by Butler (2004:61). Foucauldian governmentality acknowledges this multiplicity of actors in exercising sovereignty in refugee camps as it involves the exercise of power through an assemblage of “institutions, procedures, analysers, reflections, calculations and tactics” (Foucault, 1991:102). Thus the presence of multiple actors that administer and govern the camps creates a hybrid institutional structure that defies the conventional state mediated governance structure and instead conjures alternate modes of “governmentalities” within the camp (Foucault, 1991; Dean, 1999; Hanafi and Long, 2010). How does this “governmentality” exercised through “hybrid sovereign” structures manifest in the camps of Cox’s Bazaar?

The Rohingyas on being denied citizenship and subjected to systemic violence in Myanmar where forced to flee to neighbouring Bangladesh where they were segregated and relegated to refugee camps in regions such as Cox’s Bazar. Refugee camps in Cox’s bazar can be considered to be an “institutional camp” (Maestri, 2017) that are built by government agencies and managed in collaboration with international humanitarian organizations such as UNHCR. This categorization of camp is similar to the “state-enforced camps” which segregates the ‘undesirable’ refugees from its citizens (Minca, 2015: 91). The absence of a state legislation for regulating the refugee protection and the lack of specific section for refugees in Foreigners Act of 1946 and Control of Entry Act of 1952 leaves an ambiguous legal space for refugee administration in Bangladesh. The Ministry of Food and Disaster Management (MFDM) has the general administrative responsibility for the matters related to camp refugees. The Ministry has in turn delegated the liabilities and duties associated with supervision of health care, water and sanitation, aid distribution and camp maintenance to the Office of Refugee Relief and Repatriation Commissioner

(RRRC). Despite of designating responsibilities and delegating duties to various departments, the Government of Bangladesh does not conjure a sovereign structure similar to that which is being exercised in the rest of its territory in the administration of the refugee camps in Coxz Bazar. These camps signify an “in-between place” (Bulley, 2014) where the territory on which the camps are built is conceded or provided on lease by the host country to the provisional jurisdiction of international humanitarian organisations such as UNHCR²¹. UNHCR occupies a significant role in refugee administration as a primary affiliate of Bangladesh Government in offering both assistance and protection to refugees in camps, solemnized formally through a Memorandum of Understanding (MoU). In addition, several other international and national humanitarian and development organizations like World Food Programme (WFP), International Red Cross and Red Crescent Societies (IFRC) and Bangladesh Red Crescent Society (BDRCS) also work in collaboration through a formal MoU signed with UNHCR to enhance the protection capacity of the camp structure²². Even though segregated from the host community through being confined to refugee camps, local community leaders called *Mahjees* emerge as local actors who navigate the concerns of refugees in the grass root level within the camps. The presence of state and non-state actors to co-operate or compete in the administration, management and control of the refugee camps has constituted these hybrid structures in the governance of Cox’s Bazar camp (Ramadan and Fregonese , 2017). As mentioned in the earlier section, Foucauldian notion of “governmentality” acknowledges this plurality of power that emanates from multiple actors like state government and non-governmental organisations (Walter, 2015).

Camps as elaborated previously, are not just spatial confinements instituted for segregation, but simultaneously also a site of biopolitical power. Various modalities of knowledge production occurs in camp sites such as medical statistics, house hold data collection, and census (Maestri, 2017) rendering refugee as a mere passive subject navigating bare life. Introduction of biometric registration and the resultant biometric data should be seen in the light of the aforementioned potential of camp site to produce and disseminate knowledge that is instrumental for biopolitical power. Amongst the plurality of governing agencies in the camp, such binarised data on refugee bodies have significant ramifications. Gates (2005: 38) opines that modern nation-states fixation to identification is explicit in the various novel technological endeavours to hyphenate an identity to an individual body. As an evolved extension, biometrics then “refashion” and “remediate similar anxieties, motives, rationalities, functionalities, discourses, responses” that was associated with earlier identification systems like anthropometry and finger printing (Ajana, 2013: 34). If biometric identification poses refashioned and remediated complexities to the citizen, its

²¹ In the case of Palestinian camps in Middle east, the international organisation involved could be United Nations Relief and Works Agency (UNRWA).

²²See Bangladesh: Analysis of Gaps in Protection of Rohingya Refugees by UNHCR, 2007 as accessed from <https://www.unhcr.org/46fa1af32.pdf>

introduction in the humanitarian sector opens up a new terrain of complexities to refugee governance in camps.

Biometric data and ‘bio-congregated *governmentality*’

The institutional camps²³ such as the Cox’s Bazar refugee camps even though are created based on the interests of host state to both provide protection yet segregate the refugees from host population, it involves the participation of non-state humanitarian organisations in their governance. Contrary to the Agambian notion of state centric authority as the determining variable that constitute suspension of rule of law and thereby creating a space of exception in the camp, this paper argues that the multiplicity of actors including both state and non-state, in shaping the camp as space of exception. The sovereign structure of the camp rather than being an “indivisible entity” (Maestri, 2017), is multiple, hybrid and layered (Hanafi & Long, 2010; Turner, 2005; Ramadan & Fregonese, 2017). The otherwise “inherently contentious” sovereign structure (Maestri, 2017) where actors compete and contest for authority, can transmute and conjure a mutually aided and concerted sovereign structure with the introduction of biometrics for refugee administration. The biometric registration of refugees within coherently hybrid sovereign structure of camp brings about an evolved governmentality –what we would like to term as bio-congregated governmentality. Here governmentality undergoes a change when the conduct of population is done using biometrics as bio-political technology of exclusion implemented through multiple and diverse stakeholders. As a biopolitical tool of exclusion, biometric data collected through registration enables the “biopolitical control of self” to be adjusted with the “collective control” of refugees and asylum seekers (Karal, 2019). Sharing of biometric data collected and consolidated by private vendors for international agencies like UNHCR again with the government authorities signifies an assemblage of governmentality. Data sharing amongst multiple actors through various procedures, methods and technological approaches signify the prevalence of this multi-layered governmentality regime. The bio-congregated governmentality then is not just an analytical tool to understand the political phenomenon at hand, but one that signifies the dispersal of diffused power through a coherently sovereign regime of state and non-state actors like Bangladesh government and UNHCR through a biometric system so as to regulate and control even undesirable lives so as to ascertain the optimal functioning of its own population that the state considers valuable.

²³ According to Maestri (2017) “institutional camps which are officially created by state and managed by governmental agencies in alleged emergency situations and which forcibly segregate (often ethnically) stigmatized subjects for a protracted period of time. As observed by Minca (2015a, p.90–91), there is a difference between “state-enforced camps” and “counter-camps” (i.e. “spontaneously created by refugees or migrants-on-the-move”).

Bangladesh border is monitored by the soldiers of Bangladesh Defence Rifles (BDR). Lack of concerted national legislation and not being a party to 1951 refugee convention, there is no standard measures for the admission and registration of refugees in comparison to other foreigners. The government of Bangladesh has not by itself provided registration to refugees formally after 1992 and had precluded UNHCR from doing the same till 2006. UNHCR has set in place a training programme for sensitizing the border guards so as to differences between asylum seekers and illegal immigrant. This in turn had caused an impediment for many refugees to access their provisions and food rations. Beginning from 2006, UNHCR conducted profiling exercises in various refugee camps in Cox's Bazar to collect demographic information and provide interim familycards that would help these unregistered refugees to at least access food rations. Even though UNHCR manages the camp, the Bangladesh government through "security gates, military and paramilitary check points", surveillance in important transit areas and executive orders that prevents the refugees from accessing public transports impedes the possibility of their mobility beyond the borders of the camp (Oh, 2017:6). Government by virtue of the sovereign authority can promulgate orders that deny official recognition to vulnerable refugees that go against the norms of humanitarian protection. But the same humanitarian framework which includes actors such as international humanitarian organisation conjures a parallel or at times even alternate pathways to materialise the normative protection that has been curtailed due to exercise of state sovereignty, with or without contesting the same. To this hybrid structures of sovereignty that exist within the refugee camp, biometric data of refugees can bring about further changes to the prevalent practices and structures of camp governance.

UNHCR, as explained in the previous sections, from 2017 undertakes refugee registration through 'ProGres' software where information gathering happens in accordance with international standards set for the same. The government has authorized UNHCR to undertake status determination of refugees as per the government mandate²⁴. In 2017 when UNHCR undertook the biometric registration of over 9 lakh Rohingya refugees with the assistance of Bangladesh government, concerns regarding the "data protection and function creep" (Rahman, 2018; Madianou). Later on upgrading to PRIMES platform, biometric data of Rohingyas were consolidated and hosted along with the biometric data of over 2.4 million other refugees in the central registry (Madianou, 2019). Along with UNHCR, organisations such as World Food Programme (WFP) and (IOM) through collaborating with UNHCR, extensively started using the biometric data to accentuate the delivery of aid provisions and developmental activities. Madianou (2019:15) lists the objectives cited by PRIMES platform in improvising biometric registration of refugees to facilitate their digital identity and inclusion as follows "a) empowering refugees through 'web-based economic activities' b) 'strengthening state

²⁴Ibid.

capacity’ and c) improving ‘the delivery of aid’ through ‘efficiency gains’, which in turn will increase ‘client satisfaction’ (UNHCR 2018)”. Even though certain tangible advantages such as facilitating the emergence of political subjectivity among refugees or empowerment of vulnerable female refugees in access to aid and provisions through a quasi-identity exists, scholars like Madianou (2019: 15) claims that comparing an “identity with biometric data and financial opportunity” shows the emergence of private sector practices in humanitarian operations. The biometric data signifies the accentuation of biopolitical power in the operations of humanitarian organizations like UNHCR.

The hostile response of Bangladesh government towards the influx of Rohingyas is conditioned by their resource crunch, economic capacity to support the refugees, national security and external relations with Myanmar among other aspects. Su-Ann Oh(2017) argues that biometric data of Rohingyas obtained through their identification and encampment has furthered the vested interests of Bangladesh government in instituting practices of surveillance and control. By collaborating with UNHCR, the Bangladesh government is not only enumerating refugees for evolving advanced provisions for aid distribution, but also facilitating the collection of biometric data that can be instrumental in devising an effective strategy for the biopolitical control of the undesirable population through segregation and containment. The linkage of these biometric credentials to ‘Global Distribution Tool (GDT)’ also creates the conditional clause that the procurement of documentation through biometric registration is the only way to access food rations and supplies. Apart from inadvertently inculcating the aid dependence, this also affirms the idea that systematic protection of a refugee is qualified by their inclination to be submissive to hybrid sovereign structure of state and non-state actors in the camp. Some of the Rohingya refugees have denied being part of the biometric system as they deem it be a controlling mechanism instituted by the Bangladesh government that would aid in their involuntary repatriation, and hence chose to continue as an illegal immigrant being illegible to the bureaucratic and surveillance system of state and humanitarian system²⁵. Bangladesh government has explicitly declared that the biometric data on refugees would be used by the state authorities to thwart the attempts of these people to fraudulently procure illegal documentations such as identity cards, drivers’ license and passport issued by Bangladesh government. Also the biometric data that includes the declared date of arrival of the refugees is used by the government to carve out separate spaces such as Kutupalong Extension²⁶ to monitor and contain the possible spread and intermingling of newly arrived refugees to the other territories of the state. Such biased handling of biometric data effectively serves as an biopolitical instrument to further the state’s interest in continued usage of

²⁵ Tarek Mahmud, “Bangladesh completes biometric registration of 224,000 Rohingya refugees”. *Dhaka Tribune* on 21 October 2017
<https://www.dhakatribune.com/author/tarek-mahmud/>

²⁶ UNHCR. “Bangladesh: Rohingya refugees moved from Kutupalong camp to new site.” 27 October 2017.<http://www.unhcr.org/news/briefing/2017/10/59f2f1a44/bangladesh-rohingya-refugees-movedkutupalong-camp-new-site.html>

refugee camps as spatial zones of segregation and containment that prevents the integration of refugees with host community.

According to Kibreab (2007), such state strategies of partial or complete segregation of refugees is to reduce the real or perceived threat of competition over resources, changing the ethnic/religious composition of host society, and the perpetual risk of ‘outsiders’ impairing the national security. Precluding the chances of the constructive contribution to host society, biometric data aided surveillance of refugee camps only furthers their perception as a burden on the host state during their extended exile. Failure of biometric registration will prevent the refugees from accessing any basic protection provided by humanitarian agencies like UNHCR, forcing them to live in conditions that would even diminish the chances of even holding to a ‘bare life’. This for the state then becomes a strategy to perpetuate “passive inhospitality” (Bjonberg, 2016) that dissuade the influx of any more refugees and ensuring the continued surveillance of those existing refugees who are amenable to the biometric system. Effectively biometrics then transcends from being a mere technological innovation that aids refugee administration, to an instrument of biopower where the attributes of refugee body is the “subject of modalities of control, regimes of truth and techniques of sorting and categorization” (Ajana, 2013:4).

Conclusion

As rightly opined by Jonathan Ina (2006:117) tools such as biometric registration *“..are designed to transform the habits of individuals and populations seen as vulnerable to particular risks or who have some sort of deficiency (for instance lack of power or self-esteem), the goal being to empower these people and turn them into responsible subjects capable of properly governing themselves.”*

At a country level, the biometric system is expected to provide a more concerted management of refugees and at the global level, it is projected to be a means for facilitating targeted aid delivery by humanitarian organizations reducing the refugee burden of global south. The biometrics might act as an enabler for accessing aid and provisions for unrecognized stateless individuals like Rohingyas during their exile in camps. Women refugees, given an opportunity within camps have shown strong indication in resource management (Chowdhory, 2016). By drawing from similar empirical cases it can be suggested that possession of biometric *quasi identity will* empower and enhance their agency in matters of individual choice and decisions on family and positively contribute to the stability of the Rohingya refugee household. The potential relative empowerment (how much ever limited it might be) of Rohingya women through better access to humanitarian assistance will help them to re-constitute the gender relations for the better. Yet, in its concerted effort to make the invisible stateless asylum seekers and refugees visible through provision of a biometric *quasi identity*, it gives thesepowerless, vulnerable refugees a false hope for potential membership to the political community. The biometric registration of the Rohingya refugees in the Cox’s Bazaar camps does not provide them with an identity on par with citizenship, it merely enlists them as a documented

refugee- a digital identity that affirms his/her refugee status. It also holds the potential to become a prominent surveillance tool on these “undesirable” and “maladapted” populations. Madianou (2019: 594) opines that “digital identity is a neoliberal project that promises freedom and economic development, while contributing to systems of migration control and the accumulation of capital”. In order to control and regulate the refugee population, biometric registration then emerges as a an instrument exerting biopower through the concerted action of multiple actors including state and the UNHCR. Governmentality signifies the power relations inherent in the “conduct of conduct” where it denotes how activities or technology of power constitute, reconstitute or alter the conduct of the population (Foucault, 1991; Dean, 1999). The notion of governmentality undergoes a change to ‘bio-congregated governmentality’ when the conduct of population is done using biometrics. In such a governmentality, the congregation of state and non-stateactors exert power on the undesirable population of refugees and uses multiple and diverse stakeholders of the camp to implement it. Both aspects of governmentality, that is the rationale of the government and the tactics, and strategies central to the technologies of governance causes it to transmute to bio-congregated governmentality in the context of governing refugees in the camp.

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