

Gender Conflict and Displacement: Contesting 'Infantilisation' of Forced Migrant Women

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# Gender Conflict and Displacement

## Contesting 'Infantilisation' of Forced Migrant Women

*The experience of the refugee or the internally displaced person is one that is fundamentally disenfranchising. While women and children make up a majority of the forcibly displaced, international humanitarian discourses confer on them a presumed passivity that is naturalised in practice. Systems of care and protection even in UNHCR camps remain largely gender insensitive especially in south Asia where national laws reinforce gender discrimination. This paper uses a gender sensitive perspective, analysing the way a woman as a refugee subject is configured as a non-person so as to gain fresh insights on the 'infantilisation' and 'de-maturation' of the refugee experience. Moreover, it raises questions on the secondary status women occupy as citizens in south Asian polities.*

RITA MANCHANDA

Innocence, in the sense of complete lack of responsibility was the mark of their rightlessness as it was the seal of their loss of political status – stateless persons.

–Hannah Arendt

### I Conceptual Concerns

**T**he contemporary image of the forcibly displaced, the refugee and the internally displaced, fleeing life and livelihood threatening situations, is a woman usually with small children clinging to her. Be it the Rohingya refugees in Bangladesh, the Tamil refugees in India or IDPs in Sri Lanka, the Chakma and the Chin forced migrants in India, Afghan refugees in Pakistan and the Bhutanese refugees in Nepal, the image is of helpless and superfluous women and children, dislocated and destitute; uprooted and unwanted.

The forcibly uprooted from social and political community – refugees, stateless persons, IDPs, escapees from violence and natural and man made disasters – are configured by the international state system as the alien, the marginalised and the 'rightless'. In the state system, rights or the right to have rights, flow from being recognised as a citizen. The woman refugee/IDP represents the epitome of the marginalisation and the disenfranchisement of the dislocated. Her identity and her individuality are collapsed into the homogeneous category of 'victim' and community, devoid of agency, unable and incapable of representing herself, powerless and superfluous. The fact that women and their children make up 80 per cent of the forcibly displaced makes their abject rightlessness more easily naturalised, because in our patriarchal acculturated state system, women are largely seen as non-subjects, enjoying at best secondary citizenship. Indeed the dyad of women and children in the dominant statistical discourse of forcibly displaced persons of UNHCR and the humanitarian agencies reinforces the configuration of women IDPs/refugees as victims and deems them as devoid of the possibility of agency.

In south Asia, women make up 42 to 52 per cent of refugees, stateless persons and IDPs. Moreover, recent gender sensitive analysis of international labour migration reveals an emerging

'feminisation' in some labour sending countries.<sup>1</sup> For example in 1999, in Sri Lanka 90 per cent of its international labour force were women. Indeed, the emerging focus on women in the knowledge/policy frameworks on migrants from Bangladesh or Myanmar (Rohingya and Chins) raises critical questions for the distinction between migrant-refugee and the ensuing international care and protection regimes. Ranabir Samaddar a trenchant critic of the rational choice 'pull-push' framework of voluntary versus forced migration argues, "if refugees are escapees from violence what of migrants like women sex workers from Bangladesh or the women workers engaged in various forms of sweat labour who have to leave Bangladesh for fear of endemic violence by husbands and other males, from unorganised garment industry, the village and society as a whole".<sup>2</sup>

The complex web of factors that often underlie migration, especially in south Asia, make determination of voluntarism and coercion not a particularly useful approach, for example, in understanding the labour migration of Sri Lankan women refugees. The episode of agents scouring the refugee camps in India recruiting 'maids' for the Gulf countries, was part of a process that goes back to the conflict in the north and east. There is the demographic imbalance resulting from the violence, flight and refuge, the withering of the host state's political and humanitarian concern and the suspicious gaze that fell on women refugees in the wake of the media spotlight on female suicide bombers.<sup>3</sup> The vulnerability of women separated from their social community, the increasingly oppressive conditions in the camps, the wilful indifference of the 'protecting' government and the lures of the recruiting agents, all created the situation of exit.

In this paper I propose to use a gender sensitive perspective (i) To problematise the distinction made between refugees and migrants in the context of south Asia which is characterised by mixed population flows and forced migration by focusing on the question – Why do women leave/flee? The answer has major consequences for humanitarian politics and existing international gender indifferent regimes of exclusion. (ii) Its reverse is the phenomenon of the internally stuck, where again the majority are women, children, disabled and the aged. What conflict conditions produce the 'internally stuck'? (iii) The paper will examine the continuing inadequacy of national and international

gender insensitive regimes of care and protection. It will challenge the construction of the refugee woman as a non-subject, i.e., only a victim and belonging to the community. It will seek to recover the heterogeneity of women refugees/IDPs. (iv) The analysis will interrogate the possibility of women's agency and the cultural particularities that enable or constrain it and the implications for reworking gender relations. A gendered analysis prompts an exploration of the implications of the social construction of masculinities and femininities and the tension and domestic violence resulting from 'angry men' disabled from performing their 'provider' role and women pushed to take up non-feminine roles. Arguably, (v) an analysis of the way woman as a refugee subject is configured as a non-person will help us gain fresh insights on the 'infantilisation' and 'de-maturation' of the refugee experience which is a fundamentally disenfranchising process. Also, it should prompt us to question the secondary status of women as citizens in our polities.

Forcibly displaced people are not a homogeneous group and are divided by class, caste, ethnicity religion and gender. The use of gender as a category of analysis is premised on the assumption that women experience dislocation and displacement/refugeehood in a particularly gendered way and that protection, care, resettlement and migration regimes need to become more sensitive to women's experience of dislocation and population movements. The emphasis on using a gendered lens runs the risk of over determining gender as a category of analysis and clearly, gender is intersected by other and often more compelling identities. Nonetheless, the fact that nearly half the forcibly displaced are women predicates taking seriously the category of gender to analyse why women flee and the way women are treated as refugee subjects in refugee management.

Gender-based persecution is not recognised as grounds for asylum determination in the international refugee regime determined by the 1951 Convention. As the paper will show, women are vulnerable to gender-based violence both as an inducement to flight, during flight and in the place of refuge and return. Also, the substantive increase in the conflict related growth of female headed households among the forcibly displaced, further emphasises the need of a gendered lens.

## II Why Women Flee?

In south Asia, population movements are marked by a pattern of mixed flows of forced migration that challenge any neat distinction between refugees/IDPs and migrants, i.e., between political and economic reasons. The minority Chakmas (Buddhists) of the Chittagong Hill tracts in Bangladesh were displaced by the construction of the Kaptai dam in 1964 and became 'environmental refugees' across the border in Arunachal Pradesh, India. Another exodus in 1979 was the result of conflict induced displacement.<sup>4</sup> The overlapping linkages are evident. It is the indigenous peoples and the ethnic minorities that are politically discriminated and persecuted in the state's homogenising nation building project; it is their lands that are appropriated for resettlement of the dominant community and become the sites of development projects that impoverish and uproot them.

Arguably, the protection determining criteria of 'well founded fear of persecution' has been expanded to accommodate the phenomenon of masses in flight – the escapees from fear of generalised violence. But how valid is the distinction between

life threatening and livelihood threatening for the victims of structural violence. In south Asia, the one blurs into the other and violence cannot effectively distinguish a refugee from a migrant as evident in interviews of Bangladeshi women 'migrants' to India.<sup>5</sup>

In south Asia the two discourses of migrants and refugees/IDPs have got linked. For example, in Nepal, national and international humanitarian agencies have tended to grossly under report the phenomenon of an estimated 1,50,000-2,00,000 people displaced by the Maoist insurgency. It is categorised as a spurt in seasonal migration. Officially, the government recognises only 7,343 persons/families, the criteria being – "a person who has been displaced due to murder of a family member by the terrorists".<sup>6</sup> In Nepal where one out of three persons depends on seasonal migration for family survival, there is need to interrogate the assumption of 'voluntary migration' in a situation of structural violence. When infrastructure, educational and health facilities in the rural areas are degraded by the conflict; agricultural production and local markets disrupted and economic blockades straining a fragile subsistence economy, the strategy of ICRC to view displacement as an increase in normal migration rates, raises questions for humanitarian politics.

The UN Guiding Principles normatively defines IDPs as persons who have "been forced or obliged to flee or to leave their home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border". The phrase 'in particular' widens its application but only somewhat as we see in the case of Nepal where national and international agencies have used the continuum between migration and conflict induced displacement in Nepal as grounds for not giving priority to the plight of IDPs in Nepal.

Let us fragment the homogeneous category of the 'forcibly dislocated' and turn our focus on the subjectivity of why women flee? Rohingya, Chin, Bhutanese, Bangladeshi forced migrants – are viewed as economic migrants and illegal immigrants. A Rohingya woman refugee in Karachi explains, "We have come all the way here, not just because we were trying to escape poverty and find a way to earn a better living like the Bangladeshis, but because it was our only option to save our lives".<sup>7</sup> The Rohingya Muslims from Myanmar's eastern state of Arakan, fled discrimination and persecution from the majoritarian Burman (Buddhist) state and co-ethnic Rakhine (Buddhist) thugs. Made stateless by a discriminatory citizenship law, repeatedly picked on to do forced portage (beaten and starved), their lands confiscated as they were made 'alien' and the women systematically raped – 2,00,000 fled to Bangladesh in 1978 and 2,50,877 in 1991 (51.3 per cent women). A UNHCR source in the camps is cited by Chris Brunette, claiming that the 1991 exodus was triggered by the mass rape of adolescent girls in Myanmar. 'Voluntary repatriation' aided by UNHCR was halted in 1994 because of continuing gross abuse. The outflow continues. Rejected in Myanmar as Bangladeshi economic migrants, these 'illegal aliens' are unwanted in Bangladesh, their first site of 'refuge'. Starvation rations, intimidation by the police and fear of push back makes them 'voluntarily opt' to being trafficked as illegal migrants to Karachi.

Traffickers eagerly seek vulnerable adolescent girls or young widows whose husbands have been killed in the fatal conditions of repeated forced portage and food deprivation. Destituted and often with dependent children, for them flight begins with gang

rape, and sexual violence continues throughout their flight as they are likely to be raped by the Bangladesh Rangers, in the refugee camps or slum settlements and then by the Indian and Pakistani border police. Brunette's interviews with Rohingya migrants in Karachi shows how notional the idea of voluntarism in terms of rational choice theory is. Farida was raped and abandoned by her husband who kept the children. "I chose to leave, alone". Rahima came with two small children to Pakistan in 1998. "The army took away my husband as porter and for two weeks he got no food. He died of beatings and starvation. I had a house with three acres of paddy land. The government took it away and gave it to the *Maghs* (Rakhine Buddhists). You are not our people, they said. I had relatives in Pakistan. I decided to join them", she said.<sup>8</sup>

Institutional regimes of protection and care have only in the last few decades come under pressure to recognise gender-based violence. Feminist activism has resulted in the International Criminal Court of Justice recognising rape as an instrument of war. Gendered discourses have exposed the use of rape as ethnic cleansing and its significance in the group dynamics of community identity and nation state formation. In south Asia has prompted revisiting gender-based violence during the 1947 and 1971 partitions and the construction of woman as allegorical and physical marker of the body of the nation. Also as elaborated later, the patriarchal state infantilised the abducted and raped women, denied them the possibility of representing themselves and in the process effectively disenfranchised them.

The 1951 refugee convention does not provide for a separate category for women who suffer gender specific persecution or human rights abuse in the private sphere of the home and violence for gender-based cultural transgressions. Since 1985 UNHCR has tried to develop more gender sensitive frameworks as evident in 1991 Executive Committee Guidelines for Protection of Women.<sup>9</sup> But as Mekondjo Kaapanda and Sherene Fenn elucidate, while it recognises that there may be a specific nature of an abuse suffered by a 'social group', and encourages women to be covered as a 'social group', it is left to individual states to follow.<sup>10</sup>

In the case of south Asia, none of the states are signatories to the 1951 convention or the 1967 Protocol. (They are signatories to CEDAW.) UNHCR's protection mandate is subject to bilateral agreements. Thus refugee determination, protection and care becomes ad hoc and vulnerable to competing strategic and economic compulsions as in the case of the Chin (Burmese) refugees in Mizoram. Following a review of India's hostile attitude to the military junta in Myanmar and with the security establishment keen to improve relations, from 1994 the Chin refugees have been subject to expulsion. It coincided with a local 'sons of the soil' upsurge against 'aliens' (Mizos and Chins are co-ethnic divided by post-colonial state borders). The Chin refugee camps were peremptorily closed down and a policy of push back threatened 40,000 persons – deemed by bureaucratic fiat 'economic migrants'.<sup>11</sup> The Chin refugees appealed, largely unsuccessfully, to UNHCR in Delhi for protection and against 'refoulement' that for most meant arrest, rape and execution at the hands of the Myanmar army.

In the case of the women, who constituted half of the dislocated, it is argued that the failure of UNHCR and the Indian authorities to recognise gender-based violence as grounds for asylum, has trivialised rape and placed women at great risk. A recent case of a Chin women asylum seeker, exposes the crass lack of gender sensitivity in the interview process of the UNHCR office in Delhi.

A (19) (name withheld) fled from her village on the Myanmar border and reached Mizoram on March 24 and Delhi on May 6, 2000. Her brother had been active in student politics and escaped from the military junta to a third country. The army came after the family and A was raped by an army captain. In her first interview on September 23, 2000 with UNHCR Protection Officer 'B' (name withheld) she was asked to describe the structure of the room in which she was raped. Her asylum request rejected by UNHCR she appealed. In the second interview on March 13, 2003, the legal officer 'C' (name withheld) asked her "How did the captain rape you? Show how you were raped? Show all the actions of how the captain raped you and what you did?" Her appeal was rejected.<sup>12</sup>

The consequences of this gender blind attitude was painfully exposed in the fate of Mary (alias) the daughter of a Christian pastor who had sought refugee in Mizoram in 1993 after she was beaten and raped by an army officer for criticising the military junta. She was teaching in Mizoram till 2000 when she was pushed back. As she was marked for being politically active, the military went after her. She fled to Guam. There she tested positive for TB in a skin test. Being pregnant she could not have an X Ray done. She was kept in isolation for several months until she was rescued by a visiting Reverend of the University Baptist church.<sup>13</sup>

Mary's story reveals not only the trivialisation of rape as a grounds for protection and asylum but also the prejudices and superficiality of the framework for understanding women's 'fear of violence' and consequently protection and care regimes. Also, her story as well as the stories of the Rohingya, Bangladeshi and Sri Lankan dislocated women emphasises the limits of trying to distinguish between 'economic' and 'political' migrants, forced and voluntary dislocation. Above all these stories reveal the abject rightlessness of woman as refugee subject and its throwback on woman as citizen in south Asia.

### Internally Stuck

Internationally, displacement discourses accept that the majority of the conflict induced displaced are women and children. In modern conflicts, there is no segregated battlefield, the home front is the war front. Today's armed conflicts particularly internal wars, insurgencies, counter-insurgencies produce conditions of generalised violence and terror that target women to undermine support for the struggle; ethnic conflicts target women – the purveyors of group identity. While protection and care regimes are focused on the displaced, there is the twin phenomenon of the 'internally stuck', often the most vulnerable – women, children, the elderly and the disabled – those who cannot flee.

In 1998, the writer visiting the mid western hill district of Rolpa in Nepal where the Maoist insurgency was particularly severe, found villages with few able bodied men. They had gone 'farar' (underground) to escape being caught by the police or the Maoists, some had joined the rebels, other had migrated to the cities or across the border to India and still others had melted into the jungle. Mirule was one such village with few men, so much so that women were taking on new roles – getting into local government and constituting all women wards, using the plough (taboo for women) and trading sexual favours for male labour to thatch their homes.<sup>14</sup>

Subsequently as the conflict expanded into a civil war in 2001 and the cadres of the Communist Party of Nepal (Maoists) spread

their control over the villages and the security forces fortified district headquarters and bazaars, the masses of the displaced swelled. Generalised violence, forced recruitment, the use of food as an instrument of war, the disruption of agricultural production, food for work programmes, education and health services, drove thousands to leave and thousands not to return from seasonal migration. But as Esperanz Martinez in the first structured study of Nepal IDPs observed it also produced the phenomenon of the internally stuck. "The most vulnerable groups such as women, children and the elderly have been left behind in their villages".<sup>15</sup> They are left to face increasing deprivation and violence. However, conflict inadvertently produced conditions which has expanded space for empowerment. In Gorkha district, in the early years of the insurgency in 1998-99, the displacement of the men and 'boys', deemed to be greater risk from the police and the Maoists- produced a vacuum in the local schools which was filled by many more 'girls' in schools. A survey by *Sancharika*, a Nepal based NGO revealed that 50 per cent of the students are girls in the village in schools.<sup>16</sup>

Arguably, the ideological nature of the conflict, protracted conflicts, internal conflicts and particularly armed conflicts structured around identity politics in which rape is a weapon of war, will impact differentially on the forced displacement of masses of families in flight. Generally, the pattern is of the forced migration of first the men and young boys with the women left to take care of the children, the elderly and the land and house. Policy frameworks for protection and care need to factor in the implications of gendered stages of the 'internally stuck' and the forced migration of families in protracted conflict situations.

In the Bhutanese case of ethnic cleansing, persecuted *Lothsampa* (ethnic Nepalese) men fled the country, leaving behind families who were labelled anti-national. Female heads of household, disabled women, and girls were particularly abused. "The officer raped me. I was 13 years old at the time. They raped me three or four times a day for seven days. I was taken from my house along with two other girls, my aunt's daughter, and daughter-in-law. After that, we didn't feel like staying there", a refugee told Human Rights Watch.<sup>17</sup> A survey undertaken by the Nepal-based NGO CIVIT reported 156 rape victims in the camps.

Feminist social scientist Rada Ivekovic raises the gendered implications of the social pattern of men at high risk fleeing, and women and children 'internally stuck', left to face the wrath of armed attackers who demonstrate equal violence towards men and women. Drawing upon the Guatemalan conflict experience, Ivekovic asks, "Is it by chance that when soldiers approach the men flee towards the mountains, if they haven't already gone away with guerrillas. And women are left behind. Men explain that they think the soldiers will not harm women (although the opposite is true). Women are left behind with children to drag to safety, the result is the army catches them. Rape and assassination follow".<sup>18</sup> With regard to resettlement, too, a gendered pattern can be picked up in the case of Sri Lankan refugees. Women were sent back first to test whether it was safe.<sup>19</sup>

### Women as Refugee Subject: Infantilised and Disenfranchised

Narratives of the forcibly displaced and dislocated reveal how the 'refugee'/IDP experience is a fundamentally disenfranchising process. The refugee is denied the right to represent herself/himself. With women and children constituting the majority of

the forcibly displaced, their rightlessness in international humanitarian discourses and their presumed passivity in practice, is naturalised. Notwithstanding the 1991 Executive Committee Guidelines for the Protection of Refugee Women, the systems of protection and care in UNHCR aided camps, remain largely gender insensitive especially in south Asia where national laws reinforce gender discrimination. Moreover, the cultural specificity approach of 'going through the men' for example in the Afghan refugee camps, tends to reinforce oppressive local patriarchies. Sharon Krummel, an advisor on aid programmes for Afghan women refugees observes that they tend to construct all women as 'vulnerable' and as 'victims'. Pakistani feminist Rubina Saigol argues that they prop up local patriarchies and justify the claimed necessity of male protection of women.<sup>20</sup>

In south Asia, where women are particularly hemmed in by oppressive gender discriminatory social regimes, the patriarchal states while affirming equality of citizenship, have in law and practice provided for gross inequalities and denial of rights to women as citizens. The 'her' story<sup>21</sup> of the state project to recover women abducted in the 1947 India-Pakistan partition, irrespective of what the abducted/resettled women wanted, the denial of their right to represent themselves and the rejection of their claims to their children, exposed the state's paternalistic bias and its configuration of woman as citizen-less-rights. Between 1947-55, the government's of India and Pakistan sought to recover 20,758 abducted women.<sup>22</sup>

The story was repeated in the wake of the 1971 violent partition of East Pakistan from West Pakistan and the emergence of Bangladesh – thousands of women in Dhaka and other urban centres had been dislocated and corralled in camps and made available to Pakistani soldiers. Geoffrey Davis, then an Australian medical graduate specialising in advanced pregnancy termination procedures, recalled that the medical teams dealt with a 100 MTPs a day in Dhaka alone. The 'Birangona' (rape survivors) were diseased, malnourished and traumatised. When he arrived in 1972, the camps were being disbanded and women were being sent home, often to be killed by husbands as defiled. He worked for six months in Bangladesh performing MTPs. Thousands of babies were given away for adoption to International Social Services, US. Did the women consent? Was there a process of finding out what they wanted? He did not know.<sup>23</sup> President Mujibur Rahman, the new ruler of Bangladesh had publicly denounced the children born of the rape of Bangladeshi women-citizens-as aliens, to be sent outside.

Arguably, where national laws are discriminatory, women refugees or peoples of concern to UNHCR would be subject to those discriminatory practices especially as none of the south Asian countries are signatories to the 1951 Refugee Convention. Also there is no national or regional refugee law. In the case of the Bhutanese refugees in Nepal and the Afghan refugees in Pakistan, bilateral agreements define the protection agency's mandate in Nepal and Pakistan.

### *Bhutanese Women Refugees*

Discriminatory citizenship law, persecution, violence, rape and forced 'voluntary migration' resulted in the flight of masses of ethnic Nepalese from Bhutan to India and then to Nepal. By 1990s there were 1,00,000 refugees in Nepal in seven camps managed jointly by the government of Nepal and UNHCR and aided by WFP and several INGOs. 48-49 per cent of the population is

female. The camps are regarded as models. However in 2003, Human Rights Watch on the basis of a survey in the camps, indicted UNHCR and the government of Nepal for failing to protect refugee women's rights adequately.<sup>24</sup> A key source of this failure is the continued use of a registration and ration distribution system based on household cards listed under the name of the male household head. The government of Nepal will issue a separate ration card to a woman only if she obtains a legal divorce. But under Nepalese law divorce endangers their custody of children and their property rights on return to Bhutan. Consequently, Bhutanese refugee women who face domestic violence are either forced to stay on in abusive and polygamous situations or make ad hoc arrangements with the refugee camp management to collect their food rations separately, thus relying on the mercy of the management rather than a system fair to women. They are unable to obtain separate housing and have to find refuge with other family members in already overcrowded huts.

Also, the protection regime in the camps trivialises gender-based violence as reason for flight and domestic violence in the camps. The mechanisms for grievance redress and the camp decision-making structures are both gender insensitive and tend to infantilise women. "Sometimes I was beaten so badly I bled. My husband took a second wife. I didn't agree. He said, "if you don't allow me to take a second wife, then the ration card is in my name, and I'll take everything." I have asked my husband for the health card and ration card and he doesn't give it to me. I have not got approval to get a separate ration card". Geeta M (alias) Bhutanese refugee.

Refugee women are not entitled to register their children as refugees, if not born of a Bhutanese (refugee) father. Camp administrators base registration procedures on Nepalese law, which discriminates against women by denying them the ability to transfer citizenship to their children. This discriminatory policy denies unregistered children access to rations of food, clothes, education and health, and makes them ineligible for repatriation to Bhutan. Refugee men can register children born of non-refugee women. A Bhutanese refugee woman who marries a Nepalese citizen and separates (divorce means losing custody of children) and returns to the camps, can have her rations reinstated but her children will not be registered. SAFHR's sample survey of unregistered asylum seekers<sup>25</sup> found that 41 per cent were children like Samjhana (3 years) born in Beldangi II camp. Rupa her mother had been expelled from Bhutan in 1991 and found refuge in the camp with her parents. She married a Nepalese man but while she was pregnant her husband deserted her. She returned to the camp and her rations were reinstated. But Samjhana remains an unregistered child refugee.

The inability of refugee women to register their children not only deprives them of aid packages but also prevents them from participating in the verification and categorisation process that would allow them to be repatriated to Bhutan. Moreover, the verification process places women at a disadvantage to have their claims fairly considered. The Joint Verification Team (JVT) conducting interviews at Khudanabari camp had no women on the team. Women were unable to have independent interviews even if they were separated from their husbands. Furthermore, women and children who had found safety by living separately from abusive heads of household remain linked and dependent on them for purposes of verification and repatriation. "They asked my husband about why he left Bhutan. But I was not given a

chance to tell my story, and I was tortured (in Bhutan) more than he was" (Kala G Khudanabari camp)

The Bhutanese refugee camps have been hailed as model arrangements. At the other end of the spectrum are the UNHCR aided Rohingya refugee camps in Bangladesh where the fate of 21,000 refugees (and the unregistered 'new arrivals') remains undecided. Subsequent to the bilateral agreement negotiated with UNHCR on protection and care in the camps nine months after the exodus began in 1990-91, UNHCR chose not to make changes in camp arrangements which threatened women's physical security, i.e., location of latrines, water sources and dim lighting. Khandekar and Haider's account of the protection of Rohingya refugee women reveals that "young and adolescent girls have become hostages in the hands of their own community. Refugee leaders are said to command a force of 200 men who have taken the camp population under their control ignoring directives of the government and UNHCR".<sup>26</sup>

'Return' and resettlement policies are rarely formulated with a gendered perspective. For dislocated women with small children, the camp provides a semblance of community. In a visit to an IDP camps in Kokrajhar areas of Assam, Rashmi Goswami of North-east Network observed that while others were talking of the need for resettlement, Phulmoni (22 years) and a mother of three looked lost and blank. Her husband had been hacked to death while they were fleeing. The relief camp was congested and uncomfortable, but she felt secure.<sup>27</sup>

### *'Going Through Men' – Aid Programmes Reproducing Local Patriarchies*

Humanitarian protection and aid discourses, especially service delivery strategies emphasise 'cultural specificity'. International advisors on accessing displaced Afghan women have stressed the need to be sensitive to the culture and tradition of the Afghan tribes. However Rubina Saigol who has been working on the Afghan refugees in Pakistan argues that these advisors do not problematise 'culture and tradition'.<sup>28</sup> Culture and tradition are not permanently fixed, they are being reformed, especially in the social upheaval conditions of conflict. The question that need asking is – who is making that culture? Who is invoking that tradition? Arguably, uprooting and dislocation, the loss of the male identity as breadwinner, the exigencies of the mixing of tribal ethnicities in a refugee situation, produces and reforms 'tradition' and 'culture' as evinced in the reconstruction of the majority Pashtoonwali identity. In a refugee situation, the groups' needs to preserve community and culture intensifies. The jihad comes to be aggressively centred on women's bodies by making them invisible. A fatwa<sup>29</sup> issued by the United Ulema of Afghanistan detailing restrictions on women reveals the hysterical paranoia of a conflict destabilised society. The more insecure the men the stricter the seclusion of women, the more extra domestic activities are denounced, the more aggression and domestic violence marked the male identities.

Saigol argues, that "when women are helped in ways that reinforce an oppressive status quo the only people helped are the powerful males of the group". Feminist analysts like Cynthia Haq, Nancy Dupree and Hanne Christensen have advised forums set up for the protection of Afghan refugee women and children to 'go through the men', i.e., to first ensure the support of male leaders.<sup>30</sup> Saigol warns that this will strengthen local patriarchies and further marginalise alternative voices like that of the Afghan

Women's Network and RAWA. Arguably, the reach of these urban educated women is limited and controversial, but Saigol emphasises the need to probe these gender sensitive approaches as practical alternatives. In particular, Saigol denounces strategies that seek to win space for women's education and income generating schemes by projecting them as enhancing jihad. Interviews with women refugees reveal that women don't perceive the violence as jihad – and could be a potential resource for promoting peace.

Interviews of refugee women in camps in Peshawar and Islamabad reveal that they are not helpless, passive non subjects. Some like Masooma assert, "We think that women can do so many things. Afghan women are strong and have the ability to work. They can take steps on the way to peace provided conditions are made conducive for them to work and facilities are provided them." Afghan Women's Network has been appealing to all international missions to involve women in peace building work, as they unlike the men do not have a stake in the war and know from close quarters the suffering and deprivation of war. The hypocritical attitude of UN bodies on taking women seriously was exposed when Angela King's UN Gender Mission visited Peshawar and Islamabad and some women asked her to mobilise educated Afghan women in peace-making. King reportedly asked them to apply for UN jobs.<sup>31</sup> It is a reflection of the 'Going through the Men Approach' that justified the surrender of the camps by the Pakistan government and international aid agencies to Taliban control.

### III Ambivalent Agency: Reworking Gender Relations

In the iconography of conflict and displacement, women are helpless victims in need of protection and care. Clearly as we saw above dislocated women suffer loss, deprivation and violence. Moreover, in south Asia conflict has produced 'nationalisms' and 'fundamentalisms' that have been particularly detrimental to women's autonomy and life fulfilment chances. However feminist research in recovering what women do in wartime, has revealed that conflict has directly and indirectly opened up spaces for women to develop agency. Analogous to the traumatic loss and destitution suffered by women, conflict has opened up intended and unintended spaces for empowering women, effecting structural social transformations and producing new social, economic and political realities that redefine gender and caste hierarchies. The survival needs of the family have pushed women to take on new roles; women have been mobilised in support of conflict, but also they have been in the forefront of a (informal) politics of mitigating the impact of violence and peace-building. Women dislocated by conflict, internally or across borders in south Asia, have demonstrated what Darini Rajasingham,<sup>32</sup> analysing the situation of IDPs in Vavuniya Sri Lanka, describes as ambivalent empowerment as it is born of loss and devastation.

The 'gains' from conflict discourse is a highly controversial and contested one, especially when articulated by non 'victims'.<sup>33</sup> But the need to validate the possibility of conflict producing spaces for ambivalent empowerment is crucial for reshaping humanitarian policy responses, peace-building and post-conflict resettlement policy frameworks and shoring up women's rights. It involves – (i) the recovery of women's experience of conflict

induced displacement as a resource and value and policy frameworks that recognise that women are not just passive victims structured in the humanitarian discourse as 'dependent' on aid hand outs. Instead, it asks for refugee/IDP situations to be viewed as an opportunity for seeding education, health, income generation and political awareness capacity; (ii) to factoring in women's agency in post-conflict resettlement policy frameworks; (iii) to safeguarding these unintended 'gains' for reworking gender relations; and (iv) to recognising women's activism for peace-building and reconciliation and strengthening it.

Arguably the claim that conflict and displacement can create conditions that open up spaces for women begs the question – Is it meaningful to talk of agency or ambivalent agency of women refugees/IDPs as a homogeneous grouping when confronted with the reality of the situation of Afghan women refugee/IDP? Researchers like Khattak and Saigol assert that their plight exposes the 'myth' of conflict producing spaces for developing agency.<sup>34</sup> The Afghan refugee woman symbolises abject destitution, passivity and submission to successively increasing restrictive, violent and oppressive regimes of seclusion and denial. Abducted, raped and tortured by all sides, the Afghan women – the embodiment of the honour of the community, faces continuing and often greater violence in the camps. Frustrated and insecure men whose masculinity as 'the provider' has been undermined take it out on the women. Moreover the need to provide sons for the jihad results in their reproductive capacity being appropriated by the ethnic group. The resurgence of fundamentalist attitudes towards women in the refugee population places the women in totally dependent situations. The result, observes Nancy Dupree in 'The Afghan refugee family abroad', is greater confinement, depression, illness and violence.<sup>35</sup> "Our future is clear there is nothing for us" said, a refugee woman.<sup>36</sup>

However, visits to the Afghan refugee camps show men sitting idle, while the women are busy and active. Several of the interviews done by SDPI with Afghan women refugees reveal a sense of self-worth and identity reminiscent of the interviews with internally displaced women in camps in eastern Sri Lanka. Selvy Thiruchandran, analysing the responses of the displaced Tamil and Sinhala female heads of household writes, "These women did not feel powerless when we talked to them and they showed an individual capacity for political discourse".<sup>37</sup> Indeed the quotes of refugee women cited by Saigol reinforce this assessment. Somia asserts "None of the leaders have worked for their people but for their own interests and hunger for power". Fahima states, "Majority of Afghans don't want to be involved in war. People have hatred towards those who fight(sic). The common man is fed up with this meaningless war." Masooma understands, "foreign hands work among Afghans. Every country seeks its interest in the destruction of our country. For example all our neighbours want a government friendly to their interests."

Mosarrat Qadeem's study<sup>38</sup> of Afghan IDPs reveals the complex adjustments dislocated women have made to rebuild community for survival of female headed (and male disabled) displaced families in Kabul city. According to UNICEF about 3,00,000-4,00,000 families were displaced by the conflict in 2000. Qadeem describes the complex forms of kin related women households that emerged. "So many men died in the conflict that it was not uncommon to find compounds run by charismatic matriarchs responsible for 8-10 married, widowed daughters and daughters-in-law. Sometimes nuclear households without full time males would cluster around a respected female elder of the

community.” Protectionless (without men) women with small children would gather informally in groups or cooperatives. In these groups of unrelated women food and other resources were shared and labour divided. Inevitably, these groupings attracted suspicion as unattached women are regarded as – prostitutes.

Moreover, in conditions of forcible displacement and exile, the initial ‘de-composition’ of social structures that provides space for loosening patriarchal reins and reworking gender, caste and community relations, soon gives way to ‘re-composition’ of patriarchy. In the Afghan situation it has meant greater veiling and mobility restrictions for refugee women. Khattak and Saigol argue that “women dislocated and forced to come out of their homes to sustain families. This may seem like liberation and increased mobility – that is decomposition – however upon closer examination ... rather patriarchy found another way to maintain its tenuous hold”. Men frustrated at being forced to live of a woman’s earning took it out on the women in the form of increased domestic violence. The male ideal among Afghan refugees came to be centred on manifesting domestic aggression. Several women complained of greater violence by maimed husbands.

In the midst of the situation of shrinking space, it is important, nonetheless, to recognise that women continue to demonstrate degrees of resistance. As Saigol points out, many women were beaten and tortured by their in-laws for not submitting to re-marrying. They dared to challenge an interpretation of Pashtun culture that sanctioned such re-marriages. As Rahima asserted “Pakhtuns have no tradition that obliges a woman to leave her children and marry another one”. Their rejection was a practical one. “He (brother in law) used to beat my children. He asked me to marry him. I told him I already have five children. I don’t want to ruin my life....I don’t want another husband to own me. He used to beat my children and me. When they used to hide behind me I didn’t have the courage to stop him from hitting them,” said Noor Jamal.<sup>39</sup>

### *Sri Lanka: Female Headed Households*

The Sri Lankan civil war for cultural and political rights of the Tamil people transformed the north and east of the island into war ravaged zones under shifting control of the government and the LTTE. Some 55,000 women were widowed, and more than 7,60,000 people internally displaced, 10,00,000 made refugees and nearly a third of affected households female headed. Selvy Thiruchandran exploring the structural implications<sup>40</sup> of female headed households argues that they demonstrate that the ‘domestic need not be fixedly gendered’. Empirical studies of female headed households, particularly in a refugee like situation, – Sinhala and Tamil – have shown a reworking of gender and familial relations.

Feminist research has focused on the experience of women in the Sri Lankan conflict to critically analyse how the difficulty of assuming the double burden of nurturing and being primary decision-maker and income earner in women headed households has set off unintended processes of desirable structural transformation. This is not to minimise the psycho-social traumas that displacement entails, nonetheless, it is argued that long-term displacement has provided women the opportunity for greater personal and group autonomy and experiments with identity. Circumstances are worse for displaced women who are forced to live in refugee camps where privacy is non-existent and levels

of generalised violence, alcoholism and domestic violence are high, but displacement has also produced a liberating displacement of caste and gender hierarchies. Traditionally, caste ideology frames the gender status quo in Tamil society.

Darini Rjasingham-Senanayke,<sup>41</sup> in a study of the Siddambara-puram refugee camp outside Vavuniya in Sri Lanka, demonstrated how displacement and the spatial exigencies of camp life had produced an erosion of caste hierarchies and pollution practices. She quotes a mother saying “because we are poor as displaced people, we have only two glasses to drink from. So when a visitor from another caste comes we have to use the same glass. Now, my daughter she refuses to care about maintaining separate utensils. However Sitralega Mounaguru who works with the Suriya network, claims that the initial ‘de-composition’ of social and caste hierarchies, was soon followed by a ‘re-composition’ of caste differentiating structures.<sup>42</sup>

More significant and with far-reaching implications for socio-structural change are young widows, especially from female headed households, challenging the ritual seclusion and inauspicious status of the widow. Rajasingham argues that many of these young widows are challenging the construct of the ‘good woman’ as one who is married and auspicious (‘sumangali’) Increasingly many young widows who have to go out to work to sustain young families are redefining the perception of widows and unmarried women as inauspicious (‘amanagali’) by refusing to be socially ostracised and culturally marginalised. It is symbolised in the determination of several young camp widows or half-widows of the disappeared in Vavuniya town to defy tradition and wear the red ‘pottu’, the auspicious mark reserved for married Hindu women. Rajasingham cautions that the possibility of being ‘dislocated’ near a town where employment is available, is a critical factor in providing space for empowerment. In Selvy Thiruchandran account of female headed households in the east, the space for the widow to challenge ritual norms of social exclusion is much less.

Also, there is a stark contrast in the experience of dislocated Tamil in comparison with the Muslim women refugees. It is a reminder of the need to fragment ‘displaced women’ and factor in particular cultural considerations. Some 75,000 Muslims were displaced to camps in Puttalam in 1990. There is the familiar pattern of an insecure community in exile reinforcing its cultural identity by exercising greater control over its women as evident in the new emphasis on purdah. Zackriya and Ismail’s empirical study of the experience of women IDPs in 1992-97, reveals high rates of school drop outs, early marriage and a cycle of dependence perpetuated and sustained by violence and legitimised by recourse to religious tradition. The official policy of a cash assistance of Rs 25,000 in lieu of dowry to a displaced couple marrying, has been a further inducement to early marriage. In the Puttalam area with employment opportunities very low, displaced men are largely unemployed. It has encouraged the phenomenon of women migrating as housemaids to the west Asia.<sup>43</sup> This trend of feminisation of international labour movement in Sri Lanka raises questions for gender relations that are beyond the scope of the paper to examine.

The picture as we see, is a mixed one, of conflict opening up spaced for development of women’s agency. Moreover, as in the case of the young Tamil widows, it is an ambivalent empowerment, for the women carry a burden of guilt about the empowering spaces that their loss has opened up. Rajasingham argues that the failure to develop cultural frameworks that legitimise these



new empowering structural transformations, add to the burden of guilt of these women. Moreover, it raises questions about the sustainability of these changes in the aftermath of conflict. In the current phase of Sri Lanka's ceasefire-peace process, there is need to recognise the capacity of female headed households as full agents. The workings of the 'women's committee' comprising nominees of the LTTE and the government is being closely watched all over south Asia as a possible model for mainstreaming gender in resettlement and peace processes.

For safeguarding the 'ambivalent gains' from conflict, solidarity networks need to be built at the local, national and international levels to make sure the spaces opened up do not close even before there is a realisation that they existed. Humanitarian and development discourses need to recognise and shore up these empowering changes during the resettlement process. Culturally enabling frameworks which legitimise new empowering roles and new realities, need to be consciously strengthened, especially as the ideological frameworks of nationalist and ethnic struggles tend to configure women as purveyors of tradition and community identity. In the aftermath, the process of return to 'peace' should not mean a push back to the gendered status quo and the secondary citizenship status of women. A gendered analysis of the forcibly displaced, by focusing on the way the experience of dislocation infantilises and disempowers women in particular, can provide us critical insights on the need to shore up women's rights post-conflict. [27]

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## Notes

- 1 Tasneem Siddiqui 'State Policy and the Nature of Female Migration' in *On the Margins* edited by Chaudhury Abrar, RMMRU, Dhaka 2000, p 82.
- 2 Ranabir Samaddar 'Still They Come: Migrants in Post-Partition Bengal' in *Reflections on Partition in the East* edited by Ranabir Samaddar, Vikas 1997, p 104.
- 3 Female suicide bomber Danu and Shanthe and Lakshmi – wives of co-conspirators in the Rajiv Gandhi assassination case, drew suspicion to the women in the refugee camps. Subsequently women and children were kept in high risk special camps. See Asha Hans 'Refugee Women and Children: Need for Protection and Care' in *Refugees and State...* edited by Ranabir Samaddar, Sage, 2003.
- 4 Chittagong Hill Tracts: Uprooted Twice' Sabyasachi Basu Ray Choudhury in *Refugees and State Practices of Asylum and Care in India*. pp 249-80.
- 5 See Ranabir Samaddar's disturbing interviews with Bangladeshi women 'migrants' 'Still They Come: Migrants in the Post-Partition Bengal' op cit, p 114.
- 6 See Sarah Kernot 'Insurgency and Displacement in Nepal, SAFHR Paper no 14, 2003 and The Nepal IDP Research Initiative, GTZ, INF, NHRC/ NRC, SNV UNDP/RUPP – Report, Dhulikhel, March 2003.
- 7 Chris Brunette 'Trafficked from Hell to Hades', *Images Asia*, Report November 1999.
- 8 See also Zulfiqar Ali Haider Khandekar, 'Protection to Refugees: Case of Rohingya Women' in *On the Margins* edited by Chaudhury Abrar, RMMRU, 2000.
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- 11 Rita Manchanda, 'Nowhere Peoples: Burmese Refugees in India' in *States, Citizens and Outsiders*, edited by Bose and Manchanda, SAFHR/ Manohar, 1997.
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- 16 'Where There Are No Men', op cit.
- 17 Human Rights Watch, September 2003 <http://www.hrw.org/reports/2003/nepal>.
- 18 Rada Ivekovic, 'Between Myth and Reality', *Refugee Watch*, June 2000, pp 2-3.
- 19 In the Sri Lankan resettlement process the women were sent first. In 1992 women made up 52 per cent of the refugee population by 1997 it was down to 21606 to 23927 males. See Asha Hans, op cit.
- 20 Sarah Krummel, 'Refugee Women and the Experience of Cultural Up-rooting' Refugee Service WCC, quoted in Rubina Saigol 'At Home or in the Grave: Afghan Women and the Reproduction of Patriarchy' Paper presented at WISCOMP Conference on Women and Security, Delhi, 2000.
- 21 Ritu Menon and Kamla Bhasin, *Borders and Boundaries*, Kali for Women, Delhi, 1998.
- 22 See Asha Hans, 'Refugee Women and Children'.
- 23 (Dis) Appearing Women in Nationalist Narratives Interview with Geoffrey Davis by Bina D'Costa, the Australian National University, June 1, 2002 in South Asia Citizens Web (SACW) June 1, 2002 [sacw@sacw.net](mailto:sacw@sacw.net)
- 24 Human Rights Watch, op cit.
- 25 Unregistered Bhutanese Asylum Seekers: A Pilot Survey, SAFHR, Kathmandu 2003.
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- 32 Darini Rajasingham, 'Ambivalent Empowerment: The Tragedy of Tamil Women' in *Women War and Peace in South Asia* edited by Rita Manchanda, 2000.
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- 37 Selvy Thiruchandran, *The Other Victims of War: Emergence of Female Headed Households in Eastern Sri Lanka*, Vol II, Vikas, New Delhi, 1999.
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