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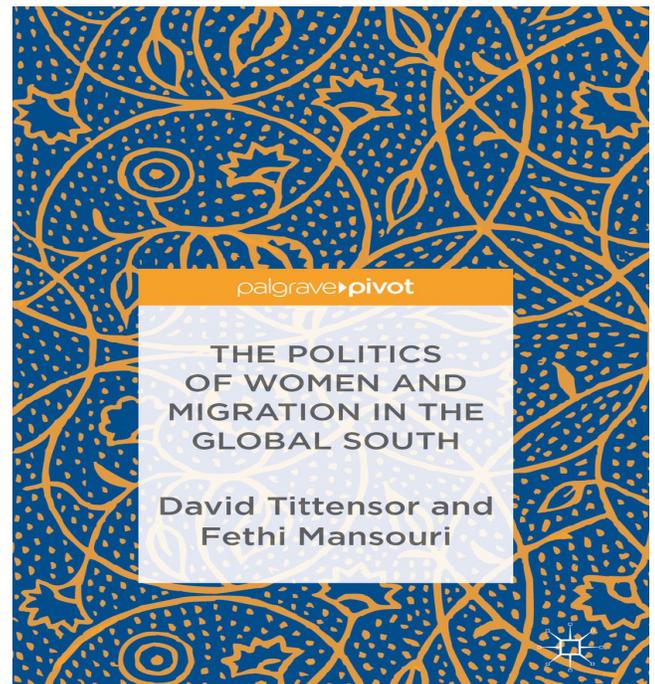Indira Gandhi National Open University, Maidan Garhi, New Delhi
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THE POLITICS OF WOMEN AND MIGRATION IN THE GLOBAL SOUTH

David Tittensor and Fethi Mansouri

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Editor's Note

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Dear Readers,

Greetings!

The issue of refugees, asylum seekers, and climate-induced migration is one of the major global concerns in the present-day scenario. Due to various conflicts and crises around the world, many individuals have been forced to leave their homes and seek refuge in other countries. Moreover, with the worsening effects of climate change, many people have been displaced due to natural disasters and environmental challenges. It is worrisome that climate-induced migrants have not been recognised in current refugee law. In the absence of major protective law, the situation of climate change refugees is more worrisome than the others.

The current issue of Roots and Routes covers the issues related to refugees and climate migrants. The current issue presents two articles and a book review. The first article, titled "Human Security: An Overview of Refugee Protection in South Asia," by Melody Khuoltaikim Singson raises concern over refugees in the South Asian region. The article argues that there is a protection gap and volatility in the regional refugee policies, as many SAARC countries are not the signatory to the 1951 Convention. At many times the refugees are often considered the major threat to national security and political stability in the region. Concerns regarding migratory populations brought on by climate change is raised in Himani Chauhan's article, "The Problem of Climate Change and its Refugees." Every year, there are more reports that climate change is displacing huge numbers of people, so legal status is required. The current issue also carries a book review titled "The Politics of Women and Migration in the Global South". It has been reviewed by Andrew Mendy.

We invite readers to participate and share their experiences with us to have a meaningful engagement. You can communicate with us through email at editorinchief@grfdt.com. We wish you happy reading and look forward to your suggestions and comments.

Happy Reading!

Feroz Khan

HUMAN SECURITY: AN OVERVIEW OF REFUGEE PROTECTION IN SOUTH ASIA

Introduction

The South Asian region has been under constant duress due to inter and intra-state conflicts, ethnic cleansing, economic subversions, and foreign invading forces. The result has been a steady rise in the number of refugees in recent years in the region. South Asia has faced an unprecedented reorganization of political governance and is now home to over 2.5 million refugees (75,927 in Afghanistan, 932,209 in Bangladesh, 197,122 in India, 21,467 in Nepal, 1,393,132 in Pakistan, and 820 in Sri Lanka).[1] The beginning of mass migration in South Asia can be traced back to the partition of the Indian subcontinent in 1947, right before the creation of the United Nations High Commissioner for Refugees (UNHRC). The partition triggered a mass religious migration between the borders of India and Pakistan. By 1951, over 14 million people were displaced; the exodus recorded is probably the largest and the most concentrated in modern history.[2] The second mass displacement (involving over 10 million people) came about in the year 1971 because of the third war between India and Pakistan. The Indo-Pakistan war led to the division of Pakistan as well as the secession of Bangladesh between East and West.[3] This research article investigates the challenges surrounding refugee protection in South Asia and the lack of a national framework for refugee protection. I argue for the need for regional cooperation to ensure the development of a legal framework, national or otherwise, that will not only regulate refugee influx but also prioritize the human security of refugees across the South Asian region.

Human Security: Refugee Protection in South Asia

Despite the mass movements in the region, it was not until more recently that a clear nexus between migration and security was established. The threats and humanitarian crisis that emerged from the large displacement due to protracted conflicts—the rise of the mujahedin and the Taliban, along with the concentrated international interest and manipulation in Afghanistan, subjugation of Rohingyas in Myanmar (South-east Asia) which led to their migration to the neighbouring country of Bangladesh, Kashmir conflict and the instability in India's northeast resulting from a steady stream of migration from Bangladesh—among the others. This varied constellation of insecurities invites a deeper analysis of the actors involved in the security dilemma.[4]

According to the U.N. Commission on Human Security (CHS) established in 2000, human security translates to protecting *"vital freedoms."* It means protecting people from critical and pervasive threats and situations and building on their strengths and ambitions. In addition, it means creating systems that give people the survival basics, and secure dignity and livelihood. To achieve human security, two general strategies are suggested: protection and empowerment.[5] However, in recent years, the challenge to integrate the diverging security interests and strategies of the various parts of the refugee regime has grown more multifaceted. The rise in xenophobia and fear of asylum seekers in many countries due to protracted conflicts, and military occupations, led to refugees being seen as perpetrators of insecurity rather than victims. This perception encouraged aggressive interception measures, higher barriers to entry, and unprovoked and indiscriminate detention, which poses new security risks to refugees.[6]There is a wide array of factors that adds to people feeling insecure; however, one of the main factors of human insecurity is surely the lack of effective *political and security instruments to address conflicts*.[7]

All actors involved in refugee protection—states, host populations, or humanitarian aid organizations, share similar broad security concerns. Traditional perceptions of security only in terms of the state's territorial integrity have been increasingly linked to new concepts of human security.[8]This new concept of human security highlights the interdependency of security threats in refugee situations. It recognizes that long-term state security is ultimately dependent on the security provid-

ed to non-state actors such as refugees. In addition, it links the security concerns of individuals and communities to a broad spectrum of threats, which is not limited to physical violence. Thus, protection now entails safeguarding not just the physical integrity but also the human dignity of every refugee.[9]

Though South Asia has a complex community network based on variegated identities comprising caste, ethnicity, religion, and race, the countries' response to a mass exodus requiring immediate action and comprehensive arrangements have almost always been positive —according refugee status to all and providing the necessities within the economic capacity of the receiving nation. For the longest time, these countries have extended protection to refugees and have shown an extremely tolerant attitude towards differences in language, culture, or race. There are several examples demonstrating the protection and acceptance of refugees. For instance, India accorded refugee status to the Tibetans fleeing China in 1959, Nepal extended protection to L hotsampa refugees from Bhutan, India protected Sri Lankan Tamils and Bangladesh protected Rohingya refugees from Myanmar. The protection extended to the thousands of Afghan refugees and the continued assistance of the remaining Afghans in Pakistan is another example of their contribution to refugee protection.[10] Until the Syrian crisis which resulted in the mass exodus to Turkey and Jordan, Pakistan was the world's top refugee hosting country. Thus, history substantiates that migrants and refugees have been widely accepted and normalised in South Asia.[11]

However, a drastic change in the conditions of refugees can be observed as was predicted more than a decade ago: *'Against a backdrop of burgeoning social, economic and ethnic tensions, the issues relating to these population movements are likely to become more complex'*.[12] This is evident in the treatment of both refugees and migrant workers in India, Pakistan, and Bangladesh, yet it somehow aligns with the global trends in which receiving states return refugees with little to no consideration of the situation in their origin countries. For example, Pakistan and Iran were accused of forcefully returning Afghan refugees. Around 170,000 Bihari were also deported to Pakistan as part of the 1974 New Delhi Tripartite Agreement.[13] In addition, there

have been reports of the repatriation of about 40,000 Rohingyas from Bangladesh and India in the New Delhi discussions with governments in Bangladesh and Myanmar. These regional and extra-regional dimensions necessitate regional cooperation on the issues of refugees through the South Asian Association for Regional Cooperation (SAARC).[14]

Role of SAARC

South Asia hosts one of the largest refugee populations in the world, yet the countries continue to resist complying with the existing international legal instruments. It must be noted that international law, irrespective of its noble intentions, failed to prevail upon modern nation-states to provide opportunities for survival to immigrants and refugees due to the non-obligatory nature of the international legal regime and the pre-eminence of domestic laws.[15]Although Bangladesh, India, and Pakistan are members of UNHCR's ExCom or its Executive Committee – meaning that in principle, the region has a voice in global policy-making on the issues of refugees – no SAARC members (except for Afghanistan)[16] is a party to the Refugee Convention of 1951 which has been ratified by 134 countries, nor has any of the countries ratified the 1967 Protocol relating to the Status of Refugees.[17] This involuntarily reflects the reluctance of regional governments to submit to international scrutiny.[18] Thereafter, making the condition of the refugee, stateless people and undocumented migrants as a marginal element in a state incessantly unstable and insecure.[19]

Several reasons explain why most countries are not signatories of the Refugee Convention of 1951, even though there is no official document to indicate or explain such reasons. One of the foremost reasons suggested by scholars is the non-acceptance of a liberal definition of 'refugees' to include the 'internal refugees' as put forward by India and Pakistan, by the international community. It is also argued that the Convention is largely Eurocentric and is irrelevant to South Asia as it emphasizes reliance on a *'bilateral approach'* rather than a multilateral one in its policies to resolve conflicts which include population displacement and refugees. In addition, given the financial and economic conditions, there exist an underlying fear of additional burdens and responsibilities that comes with ratifying the

two instruments.[20]

Many scholars and practitioners have spoken about the importance of a regional mechanism for addressing the refugee crisis in South Asia. It makes sense for a regional institution to address a regional issue; however, no SAARC member states have any national frameworks existing in place. The members prefer to adhere to bilateral refugee policies between origin and host countries. But the process is not exclusively bilateral due to the involvement of UNHCR in the ongoing bilateral negotiations between Afghanistan and Pakistan.[21] Since 1985, SAARC has organised 18 summits of the heads of state. By 2017, the organization should have organised 30 such annual meetings. However, it faced several setbacks due to the bilateral tensions existing between states—primarily India and Pakistan. For instance, the 2016 SAARC summit, which was to be held in Islamabad was cancelled mainly due to India's refusal to participate.

A strong liaison exists between human and traditional security in the region because of the bilateral tensions of some countries over refugees, illegal labour migrants, human trafficking, and smuggling of drugs. SAARC's approach to human security and its development archetype is perhaps the only politically feasible regional scheme complementing its members. If the model is to benefit the people in the region, patience, resources and joint member actions in human security are needed. This may facilitate strengthening collective regional identity, which is largely missing at this stage. [22] There have been many attempts have been made by SAARC scholars to establish regional refugee protection frameworks to manage the current of refugee migration. However, such efforts were thwarted due to national security concerns, far-right nationalist propaganda and religious discrimination, all of which undermine human security imperatives. [23]

SAARC, despite facing complicated challenges that restrict its ability to promote regional cooperation on contentious matters, has been able to develop some level of cooperation at sub-regional levels to suit South Asian regionalism. There is a provision for sub-regionalism in the SAARC Charter which promotes cooperation between three to seven member states. The SAARC leadership comprehends sub-regional cooperation as complementary to bilateral and multilateral relations among member states.[24] Sub-regional cooperation on refugee issues may potentially work because not all SAARC members find regional agreements relevant to their national interests. Additionally, there must also be a focus on the SAARC Refugee Convention for a more equitable distribution of responsibilities in managing the refugee crisis in the region and beyond.[25]

The Way Forward

The immensity of refugee trends in the region has now morphed into a crisis and is likely to more or less be seen as a permanent fixture of the South Asian community. The countries' reluctance to provide refugee protection under the Refugee Convention is documented throughout its history. As a consequence, there are protection gaps and volatility in the regional refugee policy. Major governments in the region have adopted refugee policies that are religiously discriminatory. Refugees belonging to minority religions are often considered a threat to national security, political stability and major communities. Thus, there is a need for SAARC member states to accede to the 1951 Convention as it's still the most comprehensive collection of international refugee norms in a legally-binding instrument, even though many challenges can be associated with ratifying the Refugee Convention. In arguing their case, SAARC states cited that radicalization of refugees has become one of the most apparent challenges and that refugees in the Global North have abused the Refugee Convention by raising funds and building terror networks in their countries of origin. Furthermore, some countries neglected the core principles of refugee protection with the emergence of right-wing nationalism.[26]

However, some eminent South Asian scholars have publicized in favour of ratification, including B.S. Chimni, who once argued that South Asia should refrain from acceding to the Convention[27] and now claims that acceptance of the Convention will promote refugee protection in the wake of India's signing the Global Compact on Refugees (GCR).

Moreover, there is an urgent need for a tailored yet diversified and regionally cooperative refugee protection framework that will prioritize human security and regional solidarity. Experiences of other regional struc-

tures must also be incorporated into refugee protection. There are several instruments that exist which can serve as building blocks for a broader regional framework. SAARC states must also reform their domestic refugee protection laws. National protection is what guarantees the human dignity of refugees under the International Human Rights Law (IHRL).[28] National Government Organizations (NGOs) and Civil Society Organizations (CSOs) have also been on the frontline in advocating for refugee protection by engaging with the regional governments. All these efforts might eventually contribute to the institutionalization of refugee protection in South Asia.

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[3]*Supra*

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[11] Supra

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[19]*Ibid, Chaudhury and Ghosh.*

[20]*Ibid, Vijayakumar.*

[21]*Ibid, Ahmed.*

[22] Ibid, Ahmed.

[23]*Ibid, Ahmad.*

[24] 2008a, 'A brief on SAARC. Kathmandu: South Asian Association for Regional Cooperation (SAARC).'

[25] Ibid, Ahmed.

[26] Ibid, Ahmad.

[27] Ibid, Chowdhury.

[28] Ibid, Ahmad.

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THE ISSUE OF CLIMATE CHANGE AND ITS REFUGEES

Climate change is increasingly being reported on, yet climate change refugees are not recognised. Recently, AP News published an article –*climate migration growing but not fully recognised by the world*–written by Julie Watson. This article highlighted how climate change refugees are not recognised in current refugee law. In particular, the 1951 Refugee Convention only protects those who face a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (United Nations, 1951, p.14). As a result, climate refugees receive no protection from other states because they cannot be legally recognised. Regardless, AP News' article shows how something needs to be changed so that climate change refugees can be provided with the legal status and care they need.

Watson also highlights how the world is experiencing various climate change-related issues, including "wildfires overrunning towns in California, rising seas overtaking island nations and drought exacerbating conflicts" (Watson, 2022). Environmental factors are a key factor in climate change-related issues. For instance, people often have to flee their homes when water becomes undrinkable, which reflects their worsening living conditions. In the past, it has been more common for the Global South to experience climate-related issues, but it is rapidly spreading throughout the world with the wildfires in California and Australia as well as the more recent heatwaves in Europe. These instances reflect how climate change and the refugees arising from it, will not be seeking protection temporarily, but more permanently as their homes have been damaged.

Another news article that was published regarding climate change was James Crawford's *the big idea: do nations really need borders?* Crawford's article was published in the Guardian. His article highlights how physical territories no longer play a role in constituting a state, so he calls for a reconceptualization of states'

relationships with their land, which a new international law/convention such as a second Westphalia can change. The original Peace of Westphalia written in 1648 focused on "National self-determination; Precedent for ending wars through diplomatic congresses; Peaceful coexistence among sovereign states as the norm; [and] Maintained by a balance of power among sovereign states and acceptance of principle of non-interference in the internal affairs of other sovereign states" (Timberman, 2015). However, these ideas are no longer at the centre of the international area as current issues are challenging them.

Crawford draws on how different countries are responding to climate change and its refugees. He begins his article with Simon Kofe's – the foreign minister of Tuvalu – address at the Glasgow Climate Conference last year. Crawford summarises Kofe's address and highlights how Tuvalu is "living the reality of climate change" and Kofe's claim that "when the sea is rising around us all the time, climate mobility must come to the forefront". Tuvaluans are part of the world's earliest climate change refugee population, though they do not want to be regarded as such, since it refrains them from their rights. Instead, they want to promote climate mobility so they can retain their statehood, even when all their physical territory is gone.

The Pacific Islands are experiencing drastic impacts of climate change, yet many citizens refuse to believe in them. Hermann's *Climate Change, Emotions and Religion: Imagining the Future in Central Oceania* provides an insightful account of how Pacific Islanders, especially how I-Kiribati view climate change. Hermann states that "On the one hand, their religiosity helps them to cope with the worry over their land, fear of a rising sea level and sadness at the thought of a worst-case scenario and develop social resilience. On the other hand, they rely on their beliefs to confirm their love of their land and draw hope and gain strength from it in order to take adaptive measures" (Hermann, 2020, 274). I-Kiribati also "turn to God… in their search for support and help", whilst believing that God

holds the highest power and will guide them in future events. (Hermann, 2020, 276). In addition, they refuse to believe in the research and risk that climate change poses by wanting to remain on the island until death. The government has purchased a section of Fiji land for them to live on, yet they refuse to go there (Hermann, 2020). This reflects how they do not want to lose the emotional connection they have with their land and its people.

Crawford also comments on Europe's views on climate change refugees. He brings attention to how "Austria's Freedom party (FPÖ) has stated that 'climate change must never become a recognised justification for asylum'" (Crawford, 2022). In comparison, "Italy's Lega have called for 'national climate adaptation'", where people need to adapt their ideas to live and thrive in a more damaging climate (Crawford, 2022). Austria's claims show how they do not want to recognise climate change refugees, whereas Italy wants to do their best to support climate change refugees.

Other countries in the world also need to take a similar approach to Italy as climate change can be considered a global crisis since it affects everyone. However, as discussions of climate change are only recently occurring, it feels that they have happened a bit too late. It is now the time to act on climate change, not plan for it. In this manner, countries and international institutions/ organisations should focus on working together to create set rules, and incentives for cooperation, develop reporting, provide dispute resolution mechanisms, and create norms so that the world can collectively work together on issues of climate change. In effect, creating a new international law/convention that is solely based on climate change will help improve the lives of climate change refugees and this will effectively be done when states and international institutions/organizations collaborate.

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DAVID TITTENSOR AND FETHI MANSOURI (2017); THE POLITICS OF WOMEN AND MIGRATION IN THE GLOBAL SOUTH

David Tittensor and Fethi Mansouri (2017); The Politics of Women and Migration in the Global South, eBook ISBN 978-1-137-58799-2. (2017). 134 pages.

The Politics of Women and Migration in the Global South is a scholarly study of two profound scholars David Tittensor and Fethi Mansouri on feminization of migration and its complex challenges from within context of the global south. The book is published in 2017 and sheds light on the governance, rights, and injustices that are meted out to a vulnerable and ever-expanding group of migrants worldwide: women. While remittances and brain drain continue to dominate much of the contemporary research, very little has been written about challenges with governance and the rights of female workers. In the case of women who are extremely vulnerable and have experienced sexual assault, this is especially true. The International Convention on the Protection of the Rights of Migrants and Members of their Families was only ratified by 42 nations as of 2009, making such an omission urgent. The authors thus show that due to poorly established welfare systems, migrants moving within the Global South are more likely to experience social inequalities. The book lengths 134 pages and is divided into seven interconnected chapters, each of which addresses a different book topic with various book chapter editors. Both the breadth and the depth of the investigation into this complicated issue are highlighted in the chapters. The book analyses and covers a variety of topics, including forced migration, domestic work, marriage migration, policy, international caregiving, remittances, and issues related to victimization and agency. The chapters collectively provide a critical lens to some regional case studies, highlighting the intersections between the various lines of inquiry and the difficulties faced by female migrants in terms of local stigmatization in their home countries and basic rights and working conditions in their host societies.

In the first chapter, **Introducing and Contextualising Feminised Migration**, written by **Tittensor and Mansouri**, explore the concept of feminised migration from a variety of interconnected angles. The chapters attempt to introduce the nature of the literature on female migration, the goals of the collection, and provide a brief summary of the book. The main historical factors that have influenced female migration from both sending countries and receiving communities are examined in this chapter.
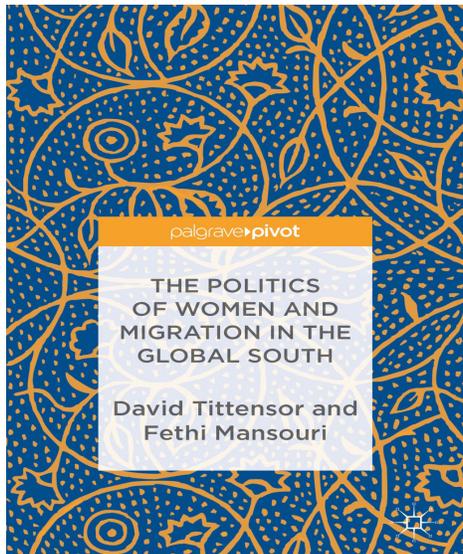
In the second chapter, **The Feminisation of Migration? A Critical Overview** brings to light the crucial role played by local, national, regional, and transnational socio-economic forces in creating the demand for a women-centric type of human mobility, which is essential to understanding the rising prominence of female migration. In addition, the chapter examines how discourses of exploitation and victimization frequently cast doubt on the notion of agency for female migrants in the contexts of Indonesia and Mexico and the discussion of changing patterns in feminised migration within Asia.

In chapter three, **Gender and Migration Policies in Asia** written by **Nana Oishi** emphasizes the importance of emigration policies in determining the scope and pattern of women's migration movements. The main contention is that welfare states are weakening as populations are aging quickly in many developed and wealthy cultures, leading to what is now known as the "care gap," which is predicted to continue to grow globally.

Chapter four '**Indonesian Maids in the Arab World: Hopes, Dreams, and Disillusionment'**. Edited by **Ismet Fanany and Rebecca Fanany** highlights and explores the experiences of Indonesian women employed in the Arab Gulf region. The chapter emphasizes the mistreatment and exploitation of Indonesian women employees, which took the form of violent acts, poor working conditions, and sexual abuse.

Chapter five, **Masculinization or Feminisation? Lebanese Emigration and the Dynamics of Arranged Cousin Marriages in Australia** by **Nelia Hyndman-Rizk's** examines the migration of Lebanese women to Australia, focusing on planned cousin weddings, which increasingly account for

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a sizable number of the women arriving from Lebanon as brides. The chapter queries the effects of female migration from Lebanon to Australia on family dynamics as well as if this feminisation of migration generally is a progressive or regressive kind of mobility. Additionally, the author of this chapter demonstrates how the complicated history of migration in Lebanon, along with the increasingly tight immigration laws being implemented elsewhere, including in Australia, has led to both the feminisation of home country emigration flows and the masculinization of diaspora migrant locations. Thus, it is demonstrated how the migration of women as brides between the homeland and diaspora reflects intricate national, regional, and global processes of earlier migration waves. As a result, what on the surface appears to be a neo-feminised flow between specific sites in Lebanon and migration-receiving countries like Australia is actually the result of these complex national, regional, and global processes.

Chapter Six **Women at Risk and Their Right to Asylum in Australia** written by **Sara E. Davies** focuses on women (and children) who seek to cross borders on treacherous journeys in pursuit of asylum, and the chapter explores the causes of such risky feminised migrations that put women and their children at risk. Then, concentrating specifically on the situations of Myanmar and Syria, Davies examines the conditions for women who have been unable to leave the camps where they are currently housed. The Responsibility to Protect (R2P) doctrine needs to be applied in the case of the Australian government's approach to displaced women and their children in crisis zones, most notably Syria and Myanmar, the author of this chapter outlines the vulnerable conditions that women asylum seekers find themselves in. In doing so, Davies reminds that each of the three essential requirements for R2P has already been satisfied in these circumstances. Namely, the state's responsibility to protect its own citizens, the responsibility of the international community to assist in times of humanitarian crisis, and the responsibility of the international community to take action when a state fails to protect its citizens, as is the case, for instance, with the current situation in Syria. The author claims that Australia needs to strengthen its commitment to human rights protection to include vulnerable women and their children in conflict zones where the risk of violence, exploitation, abuse and discrimination is likely to be greater.

Finally, in chapter seven, **Who Cares? The Unintended Consequences of Policy for Migrant Families** written by **Loretta Baldassar** looks at the idea of care and caregiving as major factors influencing human mobility in general. The chapter makes the case that women have been the primary actors in a care-driven human mobility, which has led to a dramatic feminisation of migration that includes domestic workers, middle-class migrants, and the phenomena of flying grandmothers. The author argues that a focus on the portability of care provides a new perspective on the more important political, economic, and legal migration agendas, expanding current understanding of migrant trans-local manifestations of agency and vulnerability both within the countries of origin (through remittances as a form of socio-economic care) and as the core of the migratory journey (care provision to receiving societies).

The goal of this volume, in sum, has been to buck the trend of feminized migration being centered on a single component and offer a much-needed, more thorough overview of the variety of push and pull factors that cause women to emigrate. Thus, a wide range of topics are covered in the chapters, including forced migration, the rights of refugees, the hardship of domestic workers in Gulf nations, marriage migration from Lebanon, the "care gap" in Asia, and the portability of care more generally as it relates to public policy. One criticism of this book is that it was unable to make a distinction based on historically pervasive cultural standards, the factors driving female migration, and the severity of these women's suffering as it relates to their regional experiences and histories. The book mainly focused on the predicament of women and children in both the host nations and their home countries. Additionally, it emphasizes the crucial role of state actors, who are the primary duty-bearers, and the international community in protecting women, children, and refugees in conflict zones. Despite its shortcomings, the book adds value and contributes to the field by substantially compiling, explaining, and methodizing scholarly female migration and migration related issues. Not only would it serve as an important foundation for future research but will also be of practical use both to academicians and practitioners working in the field, and policymakers aiming to further explore and transform this crucial phenomenon called migration.

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