

**THE IMPACT OF CONFLICT ON WOMEN:
THE CASE STUDY OF
ACEH AND EAST TIMOR**

**Dissertation Submitted to the Jawaharlal Nehru University in partial fulfillment of
The requirement for the award of the degree of**

Master of Philosophy

SUBMITTED BY

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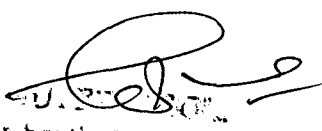
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This is to certify that the dissertation entitled "The impact of Conflict on Women: The Case Study of Aceh and East Timor" submitted by Aprajita Mukherjee, in partial fulfillment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY**, is her own work and has not been submitted for the award of any degree of this or any other university.

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*Dedicated to
My loving Family and
Brijesh*

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Preface

Known as the “Verandah of Mecca” (*Serambi Mekkah*), Aceh is strategically located on the northern tip of the island of Sumatra, between the Indian Ocean and the Straits of Malacca. Like East Timor, Aceh too has a colonial history. Until 1903, when the Dutch defeated them, Aceh was an independent political entity.

Aceh is rich in natural resources, endowed with huge deposits of liquid natural gas and oil in the areas of Lhokseumave and Lhoksukon, making it an important province for the Indonesian government.

Similarly, East Timor, though not as rich as Aceh in natural resources, but is of strategic importance to the government due to its geographical location. It was under Portuguese rule until it was forcibly annexed by Indonesia in 1975.

It is only in recent times, that the attention of the world has been riveted to these otherwise lesser known regions in Indonesia - East Timor, for its subsequent independence, and Aceh for its continuing struggle against Indonesian repression. The state sponsored violence and human rights violations invited the displeasure of the international community, necessitating UN action in East Timor. However, lost in this din, were the voices of millions of women, whose lives had been changed drastically due to the conflict.

War and conflicts have a profound and unique effect on women. Rather than being separate from women’s lives, war making relies on women’s participation. Women play many roles during wartime and conflicts, they are ‘gendered’ as mothers, caretakers, sex workers etc. They have participated directly in nationalist uprisings as guerrillas and activists.

However conventional views of the relationship between gender and war suggest that men make war, women make peace. Women remain invisible in military policy making, and all conflict resolution mechanisms, reflecting the assumptions about the 'maleness' of war. Both feminist scholarship and empirical reality challenge these prevailing assumptions about the relationship of war and conflict with women.

In this context it is important to examine the distinct impact of conflict on women and more importantly, the linkages between gender and conflict. It is also important to study the various ways that women respond to conflict situations.

The dearth of literature on women and conflict situations testifies to the abject neglect of this issue. Although the statistics on sexual violence against women in conflicts and warfare are increasingly available, the same is not true for other distinctive ways in which women suffer in armed conflicts. Thus the unique sufferings of women remain hidden. It is no coincidence that there has been a marked difference in the coverage of the Yugoslav conflict due to the increased number of women reporters in that war.

The sexual abuse of women during and after war has been of late widely documented. It has been a horrific but tolerated practice. However rape during conflict assumes a more devious design- a method of warfare- the systematic destruction of the opponents culture and morale. In an ethnic conflict as in East Timor and Aceh, this becomes more insidious. The other more perceptible fallouts of conflict (and war) on women are:

1. Women as direct casualties
2. Women as refugees and internally displaced persons
3. War time sexual violence against women

4. War time domestic violence
5. Loss of family, work, community and social structure
6. Environment destruction and women.
7. Impact of military spending on women.

It is important to note that the crises in East Timor and Aceh are distinct from each other. East Timor marks the attempts to retain the identity of the people, different from the mainland, owing to its colonial history. Aceh on the other hand is characterised by the rebellion against domination by Jakarta and anti- Jakarta feeling amongst the Acehnese population.

Though the nature of problem in East Timor and Aceh vary, yet the pattern in which they have affected the lives of women seem similar. Thus it becomes important to study the myriad ways that the conflict has affected the lives of women in the two areas.

The concept of security based on militarism carries with it the values of masculinism. War preparedness, against any possible enemies and the significance of physical strength, in such atmosphere, are often separated by a thin line from masochism, and the culture of violence.

One basic characteristic of militaristic concept of human security is the tendency to sacrifice human rights and human dignity for the sake of security. Such an interpretation is also characterised by gender insensitivity. In such definitions of security, like in a conflict situation, women are not considered at all. The notion of security has to move beyond the constricted definition of merely the national to engulf and imbibe the broader concept of 'human security'.

For this study, both primary and secondary sources have been used. Besides, newspaper cuttings and websites have also been referred to, to further augment the content and sharpen the focus the study. The dissertation has been divided into five chapters. Chapter 1 discusses the contemporary theories on Gender construction during and after War. Chapter 2 traces the genesis of the crises in East Timor and Aceh and analyses the factors contributing to the uprisings. Chapter 3 analyses the distinct impact that the conflicts in East Timor and Aceh, respectively, have had on the lives of women and the women's response to it. The contemporary notion of national security with its emphasis on the state rather, than people, is examined in Chapter 4. The need for redefining security is also analysed in that section. The concluding Chapter offers some suggestions that could be attempted to redefine national security so as to accommodate the experiences and perspectives of women for greater gender equality.

Chapter 1

Theoretical Formulations on Gender and War

During the First World War, the British author, Virginia Woolf made the following observation:

“ I become steadily more feminist, owing to the Times, which I read at breakfast and wonder how this preposterous masculine fiction (the war) keeps going a day longer without some vigorous woman pulling us together and marching through it”.

Woolf saw clearly as have many women before her, how gender and war are connected in many ways.

In the western tradition, the stereotypical vision of war has been persistent: women are supposed to be outsiders in the war. War is men’s business. They go to the front, they do the fighting, and they take risks and make decisions. Women on the other hand are the ones that stay at home, take care of the children and keep the home fires burning waiting for the soldiers to return home.

However what this prevailing stereotype overlooks is the fact that gender does not determine whether or not a person is outside of war. In different ways women have always been part of war and war making. Whether they are romanticized as the mothers who produce martyrs for the home lands or the dutiful wife waiting for the husband to return from war. They have also played different roles such as camp followers (i.e. prostitutes, comfort women providing sexual services to the soldiers) nurses in combats, soldiers, and finally as housewives and sweethearts.

In the 20th century, we find examples of how women have formed the majority of the peace movements- some of which have been distinctly female such as Women’s

International League for Peace and Freedom. But even so, 'real' peace making in the form of summits, negotiations and disarmament conferences have mostly been and are still carried out by men. This becomes clearer through the gender and power analysis.

Cultural views of femininity characterize women as naturally peaceful and non-violent. They also relegate women to the private realm. Cultural views of masculinity assign men to the public sphere and to positions of power.

Feminist research on war and peace concerns how gender is constructed in and through war, but also conversely how war is constructed by gender. In other words: How warlike values are reinforced through the behaviour that is normally expected of men and women.

A feminist ethics on war and peace analyses whether there is accordance between gender and the construction of an ethical theory defending military violence. Further it concerns how patriarchy depends upon military violence and therefore also on moral justification of its violent structures.

Gender construction in and through war:

Dr. Anna T, Hoglund examines the construction of gender in war by way of three themes, namely division of labour, complementary gender identity making and dichotomous thinking. With regard to the labour division, it can be safely stated that after biological reproduction, war is perhaps the arena where division of labour along gender lines has been most obvious. This has also led to the assumption that this division is absolute and natural, as it seems to be connected to the biological sexes. The division of labour in war is rooted in two basic assumptions: first that there is a clear line between "combatant" and "non combatant" and second that geographically there is a real place called the "front". The notion of "combatant" and "non combatant" plays a central role in the

construction of masculinity and femininity. Military education is often characterized by denial, suppression, and devaluation of what is culturally regarded as 'feminine' characteristics such as empathy, sympathy, and gentleness. Gender identity in war is shaped out of whether you take on one of two complementary roles: as combatant or non-combatant, the protector or the protected, being at home or at the front.¹

The notion of protector and protected in war must however be considered a myth. In the wars of today, with the weapons of mass destruction, which leave no clear line between combatant and non-combatant, everyone seems to be as unprotected as the other independent of sex. In fact, recent research shows, that in the wars of today, the most likely to be affected are women and children, that is civilian population. Further recent studies also show that societies with a high level of military violence also have a high level of domestic violence. This definitely damages the image of men using violence to protect women and children.

Beverly Allen argues that the more militaristic a society, the more sexist its institutions and values. This could be observed in e.g. Nazi Germany and Chile under dictatorship. According to women working in women's shelters in Serbia and Croatia, domestic violence in these countries rose by 100% during the war in former Yugoslavia in the 1990s².

At the heart of the gender construction in war lies the old war laws, built upon the chivalric code, in which the knight is supposed to adore and protect women. The chivalric conventions of warfare still work to preserve and increase the gender construction in war.

¹ Dr. Anna.T. Hoglund, 'Gender and War', New Routes, vol-6, no-3, 2001, p.6

² Beverly Allen, Rape Warfare: The hidden Genocide in Bosnia Herzegovina and Croatia, University of Minnesota Press, Minneapolis & London 1996, p. 114

They give rise to modern notions of 'romantic heterosexual warfare' where the gendered division of labour and identity construction is central.³

At the very core of the above reasoning lies an important part of the western tradition and philosophy, namely a dichotomous and binary thinking, in which everything is supposed to be divided into 'A' or not 'A'. The feminist Philosopher, Karen Warren, describes this tradition as a 'logic of domination'. This logic holds that superiority justifies subordination, concerning e.g. race, class, gender and species. A dualism is built up around the dichotomy rather than continuity, exclusion rather than inclusion and expressed in binary pairs as public/private, war/peace, front/home, and combatant/non-combatant. In these pairs the second concept is not only subordinate to but also in service of the first one. The logic of domination has contributed to, as well as supported and maintained, patriarchy and its system of structural dominance, of which the war system is one important part.

If these dichotomies are revealed, one of the pillars of warism is dismissed. It could give rise to a reinterpretation and redefinition of gender roles in war.

Warfare in what we call today's postmodern world is beginning to put these spheres into question. Women do take part in war as combatants today, and technically advanced weapons have eliminated the division of home and the front and civilian and combatant. Postmodern wars have changed much of our previous understanding of both war and peace and the role gender plays in it. The conflict in former Yugoslavia can serve as an example. Beverly Allen writes, "In this war there is no 'front' and death finds you in the breadlines, waterlines, and markets, gender roles are being radically redefined. Chores that in a patriarchal gender division of labour are traditionally assigned to women –chores

³ *ibid*, p. 114

that is having to do with domestic work and reproduction-have taken on traditional masculine values associated with heroism, risk -taking, boldness and courage”.⁴

Contemporary debates: Divergent Views

Scholarship on women and war has generated a wealth of knowledge and challenged the traditional approaches to studying war that typically ignore the role of gender and the impact of war on women. Within the sub field of women and war, a number of debates are underway.

Historically, conceptions of ‘womanhood’ generally have been used to rally women into peace movements via two hackneyed arguments. The first claims that it is antithetical to women’s natural/biological role of bearing and nurturing children; therefore women must band together as mothers and demand its end. The second argument claims that devalued ‘feminine’ traits of cooperation, caring and nurturing are superior to masculine values of individuality, dominance, and violence- and peace can thus be achieved by revaluing these feminine traits”.⁵ This argument has been the basis on which traditionalists have argued their case. They assert that men and women are essentially different from each other because of biology, which leads to the policy conclusion that men should fight wars and women should support them in distinctly feminine and maternal ways.

However, Cross cultural analysis have yielded evidence that neither men nor women have an ‘essential nature’, rather gender is a fluid social category that people express differently in varied cultural contexts and diverse roles. Neither men nor women have proven to be inherently violent or peaceful, instead humans have the capacity to be both.

⁴ *ibid*, p. 26

⁵ Jodi York, ‘The Truth about Women and Peace’ in Lois Ann Lorentzen & Jennifer Turpin (ed) *The Women and War Reader*, New York University Press, New York 1998, p. 19

this 'motherist' logic. The symbols used by the group complemented their roles as concerned mothers and housewives. At one White House demonstration, they unrolled a black long dishtowel signed by thousands of American women.

However, for many women, this 'motherist' image is problematic as it accepts women's subordinate role in the society. Some argue that doing women's work rather than making life better or increasing the likelihood of peace, merely collaborates with patriarchy by ameliorating its worst aspects, making patriarchal and militaristic oppression more bearable. The criticism to the motherist position, which nevertheless was the foundation on which most of the women's peace movements in the industrialized countries were based in this century, are put forward by the cultural feminists.

This school of thought asserts that women's psychosocial development prepares them to be connected caretakers, while the psychosocial development of men prepares them to be individualistic competitors. They connect the prevalence of the masculine mentality in men to war and thus argue that war as a principle can be avoided and averted by promoting the female mentality.

This position has been widely supported by more radical feminists peace activists, though there are differences of opinion regarding how such a situation evolved. In the extreme view the difference is biological while in the more moderate view, gender differences have instead been a result of culture and socialization.

The cultural feminists however have been variously criticized. Critics contend that it has failed to adequately counter the patriarchal dualism that constitutes the 'self' by devaluing the 'other' and further that it ignores the varied roles women play at the time of war. Laura Duhan Kaplan goes so far as to say that focusing on women as caretakers

(even with value added) employs an archetype that actually supports patriarchal militarism.⁸ She further contends that by emphasizing the differences between men and women the cultural feminists perpetuate the same dichotomy that underlies patriarchy itself. It polarizes differences between genders and ignores similarities. It assumes an 'essential' nature of men and women. Kaplan further argues that by emphasizing women's role as caretakers in society, the cultural feminists 'do not challenge conceptions of femininity which have served to silence women; they accept hierarchical thinking about gender but invert the hierarchy, placing femininity at top.'

Further by employing the dichotomous gender definitions, this position accepts the devaluation of the 'other' that has so plagued women under patriarchy. This disturbs Kaplan who argues that "a feminist peace theory begins by questioning categories of masculinity and femininity, rather than formulating solutions within this dichotomous world view".

The criticism of cultural feminism becomes more nuanced when the roles played by women in supporting the war system are examined. Women participate in war as nurses nursing the wounded thus denoting tacit participation, primary school teachers who glorify war and valiant mothers who arise their sons to be soldiers and even prostitutes providing sexual services. Critics like Kaplan assert that the idea of caretaker has been developed and utilized to silence women's resistance to war. She claims that this helps to "co-opt women's resistance to war by convincing women that their immediate responsibility to ameliorate the effects of war takes precedence over organized public action against it."

⁸ *ibid*, p. 21

In the same vein Cynthia Enloe asserts that the socialization argument does not hold good for all women who engage in violence. She calls attention to this “affront” to the ideas of cultural feminism. She questions: “ How does one account for the Nicaraguan female guerilla fighting alongside her brother with a baby in one hand and an Uzi in the other? How can one use the same argument to go to war that others use to strike peace?”⁹

In response to the virulent criticism of Cultural feminism, Ecofeminism strives to provide an alternative. This perspective argues that all oppression exists in a continuum; the differences among exploiting the earth, domestic violence and all out warfare are simply a matter of degree. It urges that women be looked at in totality and not in isolation, as part of the natural world, culturally, linguistically and symbolically. They argue that women’s oppression constitutes the ‘original’ oppression, the model for all other forms of oppression. Since in this view all oppression is essentially the same, the implication is that men and whole ethnic groups or nations are also oppressed to the extent that they can be seen as ‘feminine’ or ‘unmanly’. As such, all forms of ‘power over’ relationships among people and nations reflect the oppression of women and the Earth. Thus peace, while particularly important to women is crucial for everyone in unequal relationships.¹⁰

Recent political developments, including political opposition to the dominance of feminist organizations to by white middle class women and challenges by post modernists to all universalizing claims, cast doubt on the possibility of speaking about ‘women’ as a category. Feminism in the 1990s strives to respect the cultural and other

⁹ Cynthia Enloe, *The Morning After: Sexual Politics at the end of the Cold War*, University of California Press, Berkeley 1993, p. 35

¹⁰ Jodi York, ‘The Truth about Women and Peace’ in Lois Ann Lorentzen & Jennifer Turpin (ed) *The Women and War Reader*, New York University Press, New York 1998, p. 23

differences among women, both within and between countries and refrains from making general claims about women and war based on maternal thinking.

Radical feminists theorists like Catharine MacKinnon addresses rape in war as a universal issue specific to women but a focus on rape only addresses women's suffering not their positive potential.

Feminist theory however cannot provide a convincing case for feminist pacifism. This stems from more than merely the potential divisions between equal rights feminists and feminists pacifists and the theoretical disputes radical feminists, who make universal claims about women) and the post modernist feminists, who stress differences and the impossibility of generalizing about women. The limitations also stem from the failure to confront fundamental questions about war and pacifism. If for instance war is inevitable as realist theories of international relations suggest, or if there are some genuinely just wars, then the women's responsibility as citizens may sometimes require them to fight, regardless of whether fighting clashes with women's biologically or culturally created nature.

The recent development of a specifically feminist approach to international relations promises to bridge the gap between feminism and theorizing about war. However it must overcome the continuing disputes between schools of thought within 1990's feminist theory, including whether we can generalize about the category of 'women'.

Women and the Law of Armed Conflict: Piecemeal efforts at Problem solving

The Law of Armed Conflict is divided into the Law of Geneva and the Law of the Hague. The former is based on principles developed through the auspices of the ICRC, whose purpose are to ensure respect for human life in armed conflict as far as is compatible with military necessity and public order. The law of Geneva imposes no restrictions on the means and methods of warfare but provides for such matters as the treatment of prisoners of war, civilians in occupied territories and persons *hors de combat*. The Law of the Hague deals with the regulation of the conduct of warfare itself.

Contrasts between Human rights and the Law of Armed Conflict

Although human rights and the Law of armed Conflict have much in common they also differ in significant aspects. Human rights have had to develop within the constraints of sovereignty but within that limitation, their focus has been on conferring rights on individuals to protect them from arbitrary actions by the state. By way of contrast, the Law of armed Conflict primarily confers rights on states that are designed to further military efficiency.¹¹ A study of the development of the Law of Armed Conflict reveals that the military have traditionally supported rules protecting combatants, such as the prohibition of weapons causing unnecessary suffering and the extremely detailed provisions protecting prisoners of war. These rules may appear humanitarian in nature but they infact serve other interests.¹² By contrast there is no obvious military advantage to be gained in protecting civilians or women – infact quite often the reverse. Thus in the

¹¹ Judith Gardam, 'Women and the Law of Armed Conflict: Why the silence', *International and Comparative Law Quarterly*, vol-46, January 1997, p. 61

¹² *ibid*, p. 62

development of the Law of Armed Conflict, humanitarian considerations have always taken a second place to military necessity, especially when the restraints are to protect the non combatants.

The Inadequacy of the Law

The Law of Armed Conflict recognizes various categories of participants in war but then major division drawn in its rules is that between combatants and civilians. Judith Gardam argues that there is however a gender dimension to this structure that is distinctive to the Law of Armed Conflict. In relation to the activity that is regulated by the law-the use of force in the interests of national security, the social construct of what it is to be male in the society, is represented by the male warrior, the defender of the security of the state. Those who do not take up arms are equated with the female.

Thus to analyse the system of rules requires an appreciation of the distinction between men and women but also combatants and non combatants and the fact that the system privileges the protection of the former.

Even within the rules protecting civilians, however, there is no equality in the treatment of men and women. The rules take the experience that men have of warfare as their starting point. So to talk only in terms of civilian casualties in many cases obscures and renders invisible the particular effects of warfare on women. Thus women suffer under a double disability in comparison with combatants: their status and treatment are not only inferior as civilians but doubly so as women civilians.¹³

¹³ *ibid*, p.64

From a humanitarian perspective as well as from that of military efficiency, it is clear that armed conflict needs regulation to mitigate the horrors for combatants. Moreover many of the situations that require legal constraints are specific to combatants such as the treatment of prisoners of war, wounded and sick in the field and weapons causing unnecessary suffering.¹⁴ In relation to the system, that regulates the actual conduct of warfare itself, it is clear that the framework of the rules protecting combatants and civilians is based on the public-private split. In the activity of armed conflict it is the combatant who represents the public face of the state. The law prioritizes in its choice of areas to regulate and emphasizes the protection of the combatant.

The unspoken assumption that male combatants lives are to be prioritized is justified on the basis of military necessity. Far from being a neutral yardstick, military necessity in fact incorporates a hierarchy of values. It assumes that the military victory of the state is pre-eminent. From this flows the seemingly logical value judgment that the life of the combatant is more important than that of the civilian.

Even if the need to protect the combatant and the arguments of military necessity are accepted, there still remains the long-term reality that women are just as vital to the survival of the state as are combatants. Women keep the state going after armed conflict. Their traditional work in the private sphere of life-feeding, nurturing and tending to all the members of the state- is just as much work in the national interest as that of male combatants. Women's contribution in these devalued private realms appears to be almost completely overlooked by the Law of Armed Conflict.

¹⁴ J.G. Starke, 'Introduction to International Law, Aditya Books Pvt Ltd, New Delhi 1994, p.542

In the same vein, the law also fails to recognize that women experience warfare differently from men. This can be illustrated by the approach taken to the regulation of sexual violence against women in warfare.

There are many examples to highlight this like the failure of the law to specify in any detail the requirements for safeguarding women's reproductive health in either the third Geneva Convention dealing with persons in occupied territories, although both these documents contain comprehensive provisions in relation to health generally. Sexual violence in warfare is the most obvious distinctive experience of women in armed conflict, it is not something that they experience to any degree in common with civilians generally, and is almost universal in all types of warfare. The law however does not reflect this reality.

It may seem that the international community is now focusing seriously on the problem of sexual violence in armed conflict. However, the traditional silence of the law on the topic, the actual content of the current provisions regulating sexual offences and aspects of their enforcement, including the approach of the Statute of War Crimes Tribunal for the former Yugoslavia, illustrate a continuing failure of the law to deal adequately with the unique ways in which women experience warfare.

Until relatively recently sexual violence against women in warfare was barely regulated at all and these regulations were rarely enforced. Although there were fleeting references to prohibiting the practice of rape in warfare in the continuing process of developing and codifying the law of warfare, they were marginal and widely flouted. It is difficult to find any support for the view that non combatant immunity, the fundamental principle of the

law of armed conflict designed to protect civilians in armed conflict, at any time in its development included protection from rape.

It was not until 1949 that the first attempts were made specifically to outlaw rape. Article 27(2) of the Fourth Geneva Convention requires that, “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or in any form of indecent assault”.

Judith Gardam makes two significant observations about this provision: Although nowadays regarded by most commentators as designating rape as a war crime for which there is individual responsibility, on its face it does no such thing and was not regarded as doing so at the time it was adopted. More importantly, it specifies rape as an attack on women’s honour. Such an approach has a great deal to do with a male view of rape and very little to do with how women see it. Women experience rape as torture and it should be recognized as such by the legal regime.¹⁵

Moreover the scope of the Fourth Geneva convention is limited. It is designed to protect persons in occupied territories from arbitrary actions by the occupying power. Certainly the Convention would apply in many situations where rape occurs in warfare, but by no means all. Interestingly the definition of ‘protected persons’ in Article 4 does not cover a party’s own nationals or nationals of a neutral state and co-belligerent state who are in the territory of a belligerent state. A comprehensive treaty provision in relation to rape in respect of all situations of armed conflict was not in place until the adoption of Article 76 of Protocol in 1977.

¹⁵ Judith Gardam, ‘Women, Human Rights and International Humanitarian Law’, *International Review of the Red Cross*, vol-324, September 1998, p. 424

Although rape would be regarded by women as one of the worst practices of armed conflict, the law has not shared this perception. Neither of the provisions referred to above is specially designated as imposing obligations on parties whose breach constitutes a 'grave breach' of the law of armed conflict. 'Grave Breaches' of the law of armed conflict refers to infractions of the rules which impose obligations on contracting parties to enact legislation to repress such breaches and in respect of which jurisdiction is conferred on all state parties to seek out and prosecute persons who commit such offences.

Although rape is not specially designated as a grave breach, it is arguable that it is covered by 'torture or inhuman treatment' or 'willfully causing great suffering or serious injury to body and health', both of which are designated as grave breaches in all the four Geneva Conventions.¹⁶

Jean Pictet argues that what constitutes humane treatment follows logically from the general principle that all protected persons are entitled to respect for their persons their honour etc. Rape in Article 27 of the Fourth Geneva Convention is treated as an attack on women's honour and it is arguable that all attacks on a person's honour constitute inhuman treatment. Judith Gardam however cautions that undue reliance should not be placed on this explanation. The fact that rape is specifically referred to in article 27 but not in the articles in the Conventions defining grave breaches militates against a broad interpretation. Moreover it appears that 'inhuman treatment' was included to cover possibilities that had not been seen by the drafters of the Convention. If this interpretation

¹⁶ Walter Kalin, 'The Struggle against Torture', *International Review of the Red Cross*, vol-324, September 1998, p. 433

is warranted it is very difficult to maintain that rape is covered by this phrase as it was already a well established practice in warfare.

The phrase 'willfully causing great suffering or serious injury to body and health' can readily be constructed to cover rape. The ICRC has declared that it 'obviously covers not only rape but also any other attack on women's dignity'. Moreover the Commission of experts in relation to war crimes in the former Yugoslavia has adopted this interpretation of Article 27, deeming rape and other sexual assaults to constitute both 'torture or inhuman treatment' and also acts 'willfully causing great suffering or serious injury to body and health'. It would have been preferable however, if rape of women had been designated as a grave breach rather than leaving it as a question of interpretation.

International scholars have also addressed this issue. Theodor Meron has argued persuasively that rape could constitute a crime against humanity. This is the approach in the Statute of the War Crimes Tribunal for the former Yugoslavia. Article 5 of the Statute, which gives the tribunal the powers to prosecute persons responsible for inter alia, rape 'directed against civilian population', is in fact the only explicit reference to rape in the Statute.

Although a positive recognition of the suffering of the women concerned, this approach obscures the fact that non-systematic and non-mass rapes should also be treated as grave breaches and prosecuted under the law of armed conflict. By way of contrast, the international community does not wait until there is mass or systematic mistreatment of prisoners of war, for example, before action is taken. So the pertinent question that needs

to be addressed is why does a different standpoint prevail for offences involving only women?

Making Amends: Recent trends in the United Nations

During the last decade, women' groups, NGO's and INGO's have engaged in hectic lobbying to integrate women's perspectives on war and peace in the UN's system of working. The report of the Fourth World Conference on women held in Beijing from 4th to 15th September 1995 was crucial. Since then the issue of women and armed conflict has remained in the agenda of the United Nations.

In the 42nd session (2-13 March 1998), the Commission on the status of Women reported on Agreed Outcomes on women and Armed Conflict. Once again it proposed that governments take action to ensure gender sensitive justice, address specific needs of women affected by armed conflict. In a significant move the Security Council passed Resolution 1265 on 17th September 1999 on the protection of civilians in armed conflicts. The General Assembly had passed a Resolution on this issue in 1966 but it took more than thirty years for the issue of gender training to become a binding international law through a Security Council Resolution. Although this resolution calls for the implementation of a gender perspective on humanitarian assistance and on violence against women, women are still viewed as a population in need of protection instead of active agents in peace and security.

Women's groups and their advocates have lobbied hard for greater visibility and participation in the UN system. Due to their efforts, women's stories of suffering in situations of armed conflicts began to appear in the public eye to a much greater extent.

Asian women for example spoke out about systematic sexual slavery by the Japanese military in World War II (culminating in the Tokyo Tribunal of December 2000) and women in the Balkans and Rwanda spoke out about systematic rape as a form of genocide. The Rome Statute of the International Criminal Court, under pressure and guidance from the Women's Caucus for Gender Justice included these issues in their definitions of crimes against humanity and war crimes. In previous war trials, these crimes had not been directly addressed. Moreover the statute insists on equal participation of female judges and experts on women's issues in trials and on appropriate gender sensitive measures to protect the well being of victims and witnesses.

However, the conspicuous omission of gender in the Brahimi Report (presented on 21st August 2000 which reviewed peace keeping operations) prompted women's groups to initiate intensive lobbying to mainstream gender in UN operations. Their hectic and aggressive lobbying resulted in the passage of Resolution 1325 on 31st October 2000 which calls for the participation of women in decision making and peace processes; gender perspectives and training in peacekeeping; the protection of women; and gender mainstreaming in United Nations reporting systems and programmatic implementation mechanisms.

Since this momentous resolution, reports on UN peacekeeping operations such as that of East Timor, Afghanistan, The Democratic Republic of Congo, Western Sahara and other counties have systematically included gender.

It is however true that women still continue to suffer disproportionately in situations of armed conflict but as more women are included in decision making and negotiation of

peace and security issues, the hope is that armed conflicts would no longer be a tolerable solution.¹⁷

Though there are several implementation challenges with regard to the resolution like no timeframe for the UN Secretary General to take the necessary steps to implement the recommendations in the resolution and use of words like ‘encourage’, ‘request’ and ‘invite’ it makes implementation a matter of discretion rather than compulsion.¹⁸ But it is also being hailed as a step in time. It is now being hoped that with the passage of the Security Council Resolution 1325, women would find a larger place and representation in bodies that seek to redress the specific problems and violations that they face in situations of armed conflicts.

The next chapter discusses the conflict in East Timor and Aceh in Indonesia and analyses the genesis of the conflicts in the largest archipelago of the world.

¹⁷ Sara Poehlman-Doumbouya, ‘Women and Peace in The United Nations’, *New Routes*, vol-6, no.3, 2001, p. 32

¹⁸ Maha Muna & Rachel Watson, ‘The UN Security Council addresses women’s role in peace’, *Forced Migration Review*, 11 October 2001, p. 13

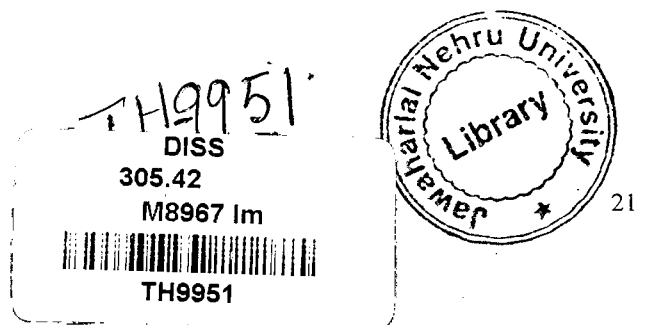
Chapter 2

Tracing the roots of the conflict in East Timor and Aceh: A saga of misery and denial

As on 20th May 2002, East Timor emerged on the scene as the first independent country of this century, a recounting of its movement for independence assumes importance. The impact that this new development would have on another trouble ridden part of Indonesia, Aceh, (the resource rich region in the northern tip of Sumatra with a predominantly Muslim population) is yet to be seen. It would perhaps not be an exxageration to say that what appears to be a low-level insurgency in Aceh could well turn out to be the most serious threat to Indonesian unity now.

It would be pertinent to make a quick comparison of the two movements, in East Timor and Aceh respectively to understand the genesis, development and the shape that the two movements have acquired. This assumes added importance given the fact that the underlying reasons behind the two movements are distinctly different from each other.

- East Timor was never considered part of Indonesia until its forcible annexation in 1976. Aceh, the westernmost part of the Dutch East Indies was integral to the Indonesian nationalist movement from the beginning.
- East Timor has some 800,000 people and few resources, although it produces coffee, and exploration of oil is continuing offshore. Aceh has four million people and is rich in oil, gas, timber, and minerals as well as being an extremely fertile agricultural region.



- East Timor's guerillas had no known international assistance in terms of arms or training. Aceh's guerillas are reportedly receiving arms through Malaysia and Thailand and some have received training in Libya.
- East Timor is overwhelmingly Catholic, and its people had strong support from the Catholic Church worldwide and from the west, through the presence of large expatriate communities in Portugal and Australia. Aceh is overwhelmingly Muslim, and its sufferings if not its independence struggle have generated strong sympathy within Indonesia, and to some extent from Muslim communities abroad. There is a large expatriate community of Acehnese in Malaysia.
- East Timor's armed resistance had strong popular support from the outset. Aceh Merdeka's support in the late 1970s was largely restricted to one district, Aceh Pidie. From 1980 to 1989 it was quiescent. When it flared again in 1989, its guerillas were present in more districts but its popular support was still limited. It has only emerged as a genuinely grassroots insurgency in the last few years.¹

The history of East Timor: the colonial legacy

The history of East Timor has largely been written from a European perspective. It documents the events through which Dutch and Portuguese colonialism extended their control over the island and it charts the level of resistance to this extension. From the Portuguese capture of Malacca in 1571 to the final attempt at pacification of Timor in the beginning of the 20th century, this history documents faithfully the shaping of its people into the colonial mould. Less well known, as John G Taylor elaborates, is that, contrary to colonial assumptions, Timorese ethnography and

¹ Asia Watch, Indonesia: Why Aceh is exploding, Human Rights Watch Press Backgrounder, 27 August 1999

anthropology present a rich tradition of oral history. This tradition helps answer the crucial question as to why Timorese society was able to resist colonial incorporation for over four and half centuries, of why its basic society and economic systems were able to survive, despite all attempts by Portuguese colonialism to undermine their reproduction.²

Long before the Portuguese and Dutch entered the region, the island of East Timor formed a part of the trading networks centred politically on east Java and the Celebs (Sulawesi). These networks were tied into commercial links with India and China. The commercial value of East Timor is highlighted in documents published during the Ming dynasty where it is mentioned as, in which, 'mountains are covered with sandal trees and the country produces nothing else'. The Dutch administrator and anthropologist, Schulte-Nordholt, illustrates the value of Timor's sandalwood trade for the Portuguese and concludes that though honey, wax etc were exported from the region, its trade focussed primarily on its rich sandalwood reserve.

The first Portuguese settlement in the proximity of Timor was on the island of Solor. Solor was however soon captured by the other colonial power in the region, the Dutch in 1613. However the neighbouring area of Larantuka remained firmly under Portuguese rule. This period of stable Portuguese rule led to the consolidation of a group, which was to influence Timor in the 16th and 17th century.

This group was the 'Topasses' or black Portuguese, a mixed race of the Portuguese soldiers and the local women of Solor.

² John G Taylor, *East Timor-The Price of Freedom*, Zed Books, London 1999, p.1

The 'Topasses' moved with the Portuguese from Solor to Larantuka. Gradually they started dominating the sandalwood trade between Solor, Larantuka and Timor and in the process started settling in Timor. The consolidation of this group along with their knowledge of the rocky terrain of Timor gave them an advantage over the Dutch, thus effectively repelling their advances in the area. The two major colonial powers in the region, the Dutch and the Portuguese meanwhile were engaged in a battle for control over the region. The Portuguese tried to introduce a governor onto the island in Lifau in 1695 and again in 1702. On both occasions they were failed by the combined efforts of the 'Topasses' and the Timorese. Meanwhile the Dutch too tried to reassert themselves in the western half of the island. The Topasses turned to the Portuguese for assistance thus effectively exploiting the enmity between the two colonial powers to keep themselves safe. A significant development in this regard was the battle of Penfui, which led to the territorial victory of the Dutch in the western part of the island. Penfui laid down the territorial division of Timor with the Dutch in the west and the Portuguese in the east. The fact that the Topasses had been forced to take Portuguese assistance to fight the Dutch ensured the former a considerable position in the island. The healthy respect engendered by the one for the other meant that neither attempted to extend their influence beyond the kingdom level, leaving Timorese society relatively free from incursion and disruption. The result of these events was that the Timorese had effectively guaranteed their future by playing off one foreign group against the other, though this is hardly recognised in the annals of colonial history.³

³ *ibid*, p.5

The Timorese society:

The Timorese had successfully maintained a society with specific characteristics. At all levels, economic, political and ideological, its reproduction was maintained by a complex mechanism unified through an elaborate system of exchange. These relations were expressed in systems of kinship and status distinction based on a common structure of production and exchange.

The entry of European powers had a marked effect on the reproduction of Timorese society. The entry of a European economic system operating through the medium of exchange thus resulted in the strengthening of the dominant values of a society based on exchange. Consequently although the Timorese economy was increasingly diverted to meet external needs and the control of the political system shifted to an external group (Topasses) the effect of this was limited. What in other societies might have produced fundamental changes in structure paradoxically resulted in the strengthening of the basic structure of Timorese society. This is important to understand as to why the Timorese were able to retain their traditional systems despite being under foreign control.

Portuguese policies at the end of the 19th century were geared to achieve the following objectives: to undermine the indigenous system of kinship exchange and to create a basis for a systematic exploitation of its colony.

Although the emergence of a fascist government in Portugal had little effect on the indigenous political system it produced some important changes in the colonial sector through its incorporation of small groups of Timorese into the administrative and

clerical elites. The government of Antonio Salazar introduced the Colonial Act of 1930 which centralized political control over the colonies bringing them under direct control of Lisbon. Of importance was also the introduction of the Catholic Church into Salazar's corporatist colonial system. After 1941, education in the colonies was entrusted to the church under the tutelage of the state. Timorese children subsequently learnt colonial values through a socialising encounter in Catholic missions. This was of importance to the emergence of political elites in the 1950s and 60s.

This system was shattered by the Pacific War. The Japanese invasion of the island prompted by the Allies use of Timor as a forward base for defence of Australia profoundly affected the colonial system and Timorese society. The Timorese gave full assistance to the Australians to fight the Japanese until the latter were forced to retreat in 1943. Resistance to the Japanese had been organised through the same indigenous political system that had resisted colonial influence. Just as the East Timorese had created a framework in which resistance to colonial rule could be organised, so too they would use in the coming struggle for independence.

East Timor and Indonesia

With the aim to consolidate its rule in the island the Portuguese began to introduce the Timorese into the administrative units by increasing their education levels. However the centrality given to Portuguese language and culture in the schools led to two distinct developments:

- the increasing alienation from colonial culture
- a marginal improvement in the levels of basic literacy skills.

Both these developments were influential in the emergence of the differing ideas about independence which developed in the countryside in the 1970s. So by the mid 60s the feeling of alienation amongst the Timorese elite was dominant and it seemed possible that new social political groups could emerge with an ability to express their increasing knowledge of the values of national development in the framework provided by the values of indigenous society.

However East Timor's vast and populous neighbour, Indonesia had other plans. In the aftermath of the Pacific war and the demise of Dutch influence, Indonesia soon became the lynch pin of South East Asian security. However the country faced a number of problems. Colonialism had undermined the economic basis for national development and left it without any viable administrative structure. Moreover the different variety of indigenous culture had to be welded into a national entity. The Dutch colonial rule had been centred on the central island of Java with the result that economic development had been highly uneven and unequal. The government superficially dealt with the problems arising out of regional inequalities rather than addressing the underlying structure of regionalism itself. Politics at the centre became factionalised and the ideological confrontation between the nationalists, communists and military politicians became virulent. In such a situation stress was laid on the external enemy and use of anti colonial rhetoric became pronounced. Foreign policy was directed towards sloganised posturing, which portrayed the formation of Malaysia as a western ploy to destabilize Indonesia. Moreover the expansionist policy of Indonesia made East Timor a lucrative proposition for the mainland.

then directed towards managing the international response to it. For this the myth of civil war continuing in the province was perpetuated meticulously. This myth based on border incursions by platoons of Indonesian troops was created by Indonesian news agencies and reproduced in the foreign press. Meanwhile for overseas consumption the Indonesian press reported these engagements as a resurgence of the conflict between Fretilin and the parties opposed to it.

Such orchestration was crucial to Indonesia's campaign as it justified a substantial increase in troops crossing the border. On 28th November 1975 East Timor fearing a full-scale invasion declared independence. On 7th December 1975, Indonesian forces invaded East Timor and to make its invasion complete, President Suharto signed a bill integrating East Timor into Indonesia. Though the United Nations calls for withdrawal of Indonesian troops from the region the Australian government on 20th January gave de facto recognition to the military occupation.

Thus began the long ordeal of the people of East Timor for their right to independence against a militarily powerful and expansionist state which devised various means to complete the annexation by using policies like relocation, transmigration, re-education and birth control to achieve its basic objective of integration of East Timor into Indonesia through social reordering and restructuring.

The majority of East Timorese in fact never considered themselves to be a part of Indonesia despite the forceful annexation in 1975. This feeling was further strengthened by lack of economic development and opportunities for the people. This is reflected by the fact that East Timor ranks (before its separation from Indonesia)

amongst the poorest in Indonesia with the highest illiteracy and among the worst infant mortality rates, 106, per 1000.⁴

Indonesian sponsored development had occurred in a way that it created new social problems and tensions. For example increased education created the problem of educated unemployment. A 1989 study by a research team from Gadjah Mada University in Java, carried out with the support of the provincial government, reported that from 1979 to 1987 the percentage of secondary or tertiary graduates who had found employment ranged from a high of 21% to a low of less than 4%.⁵ The Timorese further resented the fact that people from outside the territory appropriated even the limited opportunities that existed. The Bishop of East Timor, Carlos Ximenes Belo echoed this popular resentment when he remarked, ‘ All the teachers are from outside, all the civil servants are from outside. Go into any government office and all the employers are from outside. And these workers bring their children and their brothers and sisters’⁶. Thus the resentment and anger caused by social dislocation and ethnic division manifested in the form of organized expression of East Timorese nationalism.

The international response:

Lord Acton had very rightly said that in politics there is nothing called permanent interest but only national interest. This could well capture the essence of the international response to the crisis in East Timor. The politics of pragmatism ensured

⁴ Joao Saldanha in Stephen Sherlock’s ‘Political Economy of the East Timor Conflict’, Asian Survey, vol-XXXVI, no-8, August 1996, p. 836

⁵ Stephen Sherlock, ‘Political Economy of the East Timor Conflict’, Asian Survey, vol- XXXVI, no-8, August 1996, p.837

⁶ Interview with Bishop Carlos Ximenes Belo in Matra (Jakarta) reprinted in Inside Indonesia, September 1990, p.837

that the demands for self-determination were shelved and ignored and the policy of annexation adopted by the Indonesian government be supported.

For the *United States* the support was influenced due to strategic reasons. The Ombai –Wetar straits had to be retained at all costs. With the southward movement of the Soviet fleet enhanced by its ability to obtain bases in Indochina after the defeat of the US in 1975, it was vital for the American navy to have maximum undetected mobility for its nuclear submarines between the Indian and Pacific Oceans. This urgency was reinforced by the introduction of the Law of the Sea agreements which, although likely to establish Indonesian control over the waters of its archipelago, were quite unlikely to include agreed rights for underwater passage by a foreign power. Their retention would depend rather on the goodwill of the Indonesian military. Both the Ford and Carter administrations went out of their way to appease the Indonesian government and gave concessions to reaffirm their support for the Indonesian military. For example whilst claiming that it had temporarily stopped processing new arms sales to Indonesia following the congressional ruling that arms should not be supplied for external aggression, the Ford administration doubled its military aid from US\$83 million in 1975 to US\$146 million in 1982. Similarly during the last years of the Reagan and the Bush administration, the government passed it as a bilateral issue between the Indonesian and the Portugal governments rather than as a case of decolonisation.

On the other hand the *Australian* policy was dominated by economic reasons. The objective of jointly exploring one of the most productive oil fields in the world

dominated all aspects of Australia's East Timor policy. There were other factors too: trade and investment in the region and the state's increasing involvement in the politics of the region. When integration was recognised by the Labour government in 1985, discussions moved to a new stage – a joint development zone with the Indonesian Military. This was pursued further in an agreement establishing a 'zone of cooperation' between the two governments in September 1988.

Until 1998 there had been a consensus in Australian foreign policy that good relations with Indonesia were more important than self-determination of East Timorese. The government thus pursued a policy of 'Jakarta first'. Australian defense planning has also seen Indonesia as a 'potential' threat. The other reason was the regional dimension. Indonesia is a multi ethnic state, which includes many dissatisfied secessionist movements. It stands to reason that Canberra would prefer to deal with one sovereign state in its north than several minor and unstable sovereign territories.⁷

The other country that had a stake in the region owing to the colonial history was the colonizer itself, Portugal. For *Portugal* the reasons were primarily political. The post-Caetano government preferred integration because it provided a quick and easy solution to the problem of decolonisation. As in the colonies of Angola, Mozambique and Guinea- Bissau, the essence of the matter lay in its timing. Faced with the enormity of the task of dragging the Portuguese economy into the 20th Century and faced with internal opposition in the country from the left, right and centre, most of the leaders of the government wanted to shed the burden as rapidly as possible and

⁷ Nicholas J Wheeler & Dianne Tim, 'East Timor and the new Humanitarian Interventionism, *International Affairs*, vol-77, no-4, October 2001, p. 293

focus on the twin objectives of modernization and democratisation of their own country. East Timor thus did not figure in their list of priorities.

For most, the notion of East Timor as 'non viable' and its subsequent need to be incorporated in a neighbouring state, that would oversee its development in a regional context, was a more attractive and acceptable solution to the problem. So during the late 1980s and 1990s the Portuguese response was characterised by neglect of the issue arguing that it was ultimately neither responsible nor influential to bring about a change in the status quo.

An analysis of the voting patterns in the United Nations on the issue of East Timor in this regard would be useful to understand the politics of voting. In the years following the invasion, the UN General Assembly each year passed a resolution reaffirming East Timor's right to self-determination and calling for negotiations between Fretilin and the Indonesian and Portuguese governments. As a general rule the industrialized states abstained. Many African, Asian and Latin American states voted with Indonesia against the motion, with the Islamic bloc being particularly influential. The Soviet Union voted against the motion but after the disintegration of the USSR many states broke ranks and abstained from voting. Chinese support also faded rapidly by the late 1970's.

The late nineties however witnessed a change in the international response amidst large-scale reports of human rights violations and brutalities committed by the Indonesian forces. Wide coverage of such violence by both non-governmental organisations and civil society bodies helped to reveal the real picture necessitating

UN mediation through the UNAMET and the referendum where the majority of the people voted for independence. The large- scale violence unleashed by the Indonesian military following the referendum (known as the Santa Cruz massacre) riveted the attention of the world to this otherwise lesser- known region.

Wide condemnation followed prompting many governments to review their policy towards Indonesia and the question of East Timor. The internal developments in Indonesia also facilitated this process. President Abdurrahman Wahid was removed due to power struggles within the government and also due to his efforts to limit the role of the military in the polity of the country. The new ascendant to the position, Megawati Sukarnoputri could no longer ignore the changed perception of the major powers in the region like Australia and more importantly of the United States, which had imposed arms embargo following the massacre. The changed international situation and pressure forced the Indonesian government to reconsider its policy towards East Timor leading to the separation and consequent independence of the region from the mainland.

Aceh: will it go the East Timor way?

Until recently, for many outside Indonesia, Aceh was a place about which not many did evince interest or even know about. However in recent times, Aceh has moved from oblivion to the center stage of Indonesian politics. Parallels between the East Timor crisis and its subsequent independence have followed. The conflict in Aceh raises questions on nation building in a multi-ethnic state such as Indonesia. It provides an

example of the means and control exercised by the central political and economic elite, and indicates the extent to which the public discourse on national unity provides a cover for on the ground creation of internal conflict.⁸

Historical Background

Known as the “Verandah of Mecca” (*Serambi Mekkah*), Aceh is strategically located on the northern tip of the island of Sumatra, between the Indian Ocean and the Straits of Malacca. Like East Timor, Aceh too has a colonial history. Until 1903, when the Dutch defeated them, Aceh was an independent political entity.

Islam came to Aceh in the 13th century brought by Muslim traders from the Middle East and India before the arrival of Europeans in the region. For centuries it had been governed by Sultans. Ali Mughayat Syah founded the kingdom of Aceh Darussalam in the 16th century⁹. During the rule of Sultan Iskandar Muda in the 19th century, Aceh experienced both political and economic development. It became one of the most important trading centres in South East Asia, controlling major ports throughout North Sumatra and the Malay Peninsula. However by the middle of the 19th century this power declined due to internal conflicts and the rivalry between the two dominant colonial powers in the region, the British and the Dutch, vying for control over the rich resources. In 1873 the Dutch invaded Aceh, beginning the Acehese war, which lasted until 1903. This was had important consequences for Acehese society. Two important pillars of its society, the traditional nobility (*uleebalang*) and the religious leaders (*ulama*) played a

⁸ Sylvia Tiwon, ‘From East Timor to Aceh: the disintegration of Indonesia?’, *Bulletin of Concerned Asian Scholars*, vol –32, no 1&2, 2000, p. 98

⁹ M. C. Ricklefs, *A History of Modern Indonesia since c 1300*, Macmillan, London, 1993, p. 6

crucial role in the course of these changes. The traditional nobility entered into an alliance with the Dutch, which enabled the colonial power to be established while the religious leaders fostered anti colonial sentiments among the Acehnese people. In 1939 the religious leaders formed an Islamic reformist organization, the All Aceh Ulama Association (Persatuan Ulama-ulama seluruh Aceh or PUSA). A prominent leader of this organization was Teungku M Daud Beureu'eh from Pidie, who later became an important figure in the revolution against Dutch rule in Aceh.

The Japanese invaded and ruled Aceh from 1942 to 1945. They were once again able to do so with the help and support of the traditional nobility, which rendered support to the colonial masters in exchange for the favours bestowed on them. When the Japanese were defeated, a social revolution broke out between the national nobility that favoured the return of the Dutch and the reformist religious leaders that favoured independence.

The roots of this division between Aceh's leaders lay in the long-standing battles for the control of land, the judiciary and the administrative authority, which, had begun during the Aceh war and had become entrenched during the years of colonialism. During the period of social revolution leading members of the traditional nobility were killed or imprisoned by pro independence forces led by the religious leaders, creating a new social structure in Aceh based on unity in Islam under the leadership of the religious leaders.¹⁰

Aceh has a strong religious identity in Islam. It has influenced the course of social and political change in Aceh providing a rallying point around which Acehnese have united to repel and resist the incursions of foreigners and outsiders.

¹⁰ Priyambudi Sulistiyanto, 'Whither Aceh?', *Third World Quarterly*, vol- 22, no- 3, 2001, p. 438

These were certain factors and developments that gave ground to the feelings amongst the Acehnese that their status was different from the rest of the provinces of Indonesia:

- Aceh resisted colonization for longer than almost any other part of Indonesia and the period during which Aceh was eventually colonized was very short.
- The social revolution of 1945-46 permanently changed the social structure of Aceh, setting it apart from the rest of the Indonesian nation on grounds of religion and class. When in the early years of Independence the national leaders in Indonesia were still arguing as to whether to adopt Islam as the state religion, in Aceh people were united under Islam.
- The Social revolution in Aceh was pervasive and extensive while in Indonesia the revolution did not take place in the same extent in all parts as the independence leaders were drawn from the ranks of the Dutch speaking and Dutch educated traditional nobility.
- During the revolution for independence the Dutch left Aceh alone, and Aceh regarded itself initially as having returned to its pre-colonial independent status. However in 1947 President Sukarno persuaded Aceh to join the Republic of Indonesia promising that Aceh would be given autonomy within Indonesia and allowed to implement Islamic laws.

On the basis of these promises Aceh made significant contributions to the new republic of Indonesia. For instance, the region financed Indonesia's first aircraft and it funded the establishment of diplomatic outposts in Singapore, India and the United Nations and contributed generously to the coffers of the state.

The seeds of conflict

The promises made by Jakarta proved to be empty. Aceh was soon incorporated into Indonesia as part of North Sumatra province instead of being made a province in its own rights. Disagreements between the leaders of Aceh and Indonesia soon appeared over the status of Islam in the nation. In 1953 the Acehnese governor declared Aceh an Islamic state. In response Jakarta sent troops to suppress the rebellion. This conflict lasted till 1953 when the Indonesian government relented, unable to crush the rebellion. President Sukarno gave Aceh separate provinces status in 1959. Two years later it was given 'special region' (*Daerah Istimewa*) status and promised autonomy in the spheres of religion, customary law and education.

The relationship between Aceh and Jakarta has been fraught with problems and difficulties. The root of this can be traced to the nature of the relationship between the mainland and the province. Three broad factors have contributed to the deteriorating relationship between the two:

- ***Economic exploitation***

From the mid 1970s until the 1980s Aceh developed from being of little economic consequence to being the fastest growing provincial economy in Indonesia. The discovery of huge deposits of liquid natural gas and oil in the areas of Lhokseumave and Lhoksukon was the catalyst for this. As a result during the 1980s Aceh contributed between US \$ 2 and US\$ 3 billion annually to the economy of Indonesia. It was the fourth largest contributor after the provinces of Riau, West Papua and East Kalimantan. Sadly however, The Acehnese did not gain much from this tremendous economic wealth. The benefit was siphoned back to Jakarta. Aceh received only about \$ 82 million

annually from Jakarta for its own economic development activities. Despite its contribution to the national revenue of Indonesia, Aceh remains till today one of Indonesia's least developed provinces. This realization has been further aggravated by the fact that the people of the region have not been able to gain from the economic opportunities that have followed as a result of the discovery of natural gas in the region. People from Jakarta dominate most of the economic ventures in operation in the province. For instance, the oil and gas companies, which are operating in Aceh, such as Indonesia's Pertamina and the multinational Mobil Oil have employed very few local Acehnese, filling most of their posts with people from Java and other regions. Opportunities for Acehnese business people to obtain lucrative contracts to build infrastructure in Aceh have also been few, thanks to the preferential treatment given to other business people who have strong connections with powerful political or military elites in Jakarta. This has contributed to the feeling of anti Jakarta feeling among the population.

Although Aceh was granted special status in 1959, the province of North Sumatra from which it was administratively separated continues to play a dominant role in its economy. In particular the 1985 closing of Sabang, Aceh's export harbour means that all that all Acehnese products must be shipped through the North Sumatran port of Belawan. Exit point processing of Acehnese raw materials takes place in North Sumatra, and thus the value added benefits generated by these Acehnese products are also exported. Thus administrative separation has in effect brought little gains to the local people.

Coupled with this economic exploitation was the denial through the New Order government's 'floating mass policy' (*massa mengambang*) through legislation prohibiting political party activity in the villages. This effectively cut off some 75 percent of the population from the political processes. It was only in 1999 that this policy was cancelled.¹¹

- ***Conflict between the traditional nobility and the religious scholars***

The centralist tendency of the government in Jakarta added to the problem. In order to maintain tight control over affairs in Aceh and indeed in all parts of Indonesia, President Suharto's New Order government established a centralized system where all decisions were taken from Jakarta. In the name of fostering 'Unity in Diversity' the government tried to suppress the identity of the Acehnese by imposing the dominant culture of Jakarta.

The result of the bureaucratic focus on Jakarta further intensified the traditional enmity between the nobility and the religious scholars. During 1970 and 1980 two of Indonesia's political parties fought a bitter political battle for political ascendancy. Predictably Indonesia's ruling party the Golkar put its support behind the party led by the traditional nobility while the religious leaders joined the Development Unity Party (*Partai Persatuan Pembangunan*, PPP) a coalition of Islamic based parties. The alignment of Golkar with the traditional nobility further intensified the anti Jakarta feeling and increased the gap between the two regional parties in Aceh.

¹¹ Sylvia Tiwon, 'From East Timor to Aceh: the disintegration of Indonesia?', *Bulletin of Concerned Asian Scholars*, vol -32, no 1&2, 2000, p. 97

- *Economic and Political change*

The PPP maintained a lead over Golkar during the decade of 1971 to 1982. However a change in the political landscape took place in the years following that. In the 1987 elections the PPP was defeated by Golkar. There were many contributing reasons for this. It was part of the policy of transmigration followed by the national government to move and settle non-Acehnese in the region. This led to the gradual decline of the political and moral authority of both the nobility and the religious leaders. New types of leaders emerged in the bureaucracy, business and the universities. The emergence of the new leadership, who were perceived to serve the interests of Jakarta over those of Aceh, increased the level of resentment among the Acehnese towards the Indonesian government. The defeat of the PPP in 1987 gave rise to a significant feeling of loss among the local people. Islam had never been defeated before, even by the Dutch,, and so this event was seen as signaling the end of the *Ulama* (religious leaders) era.

The political development in 1987 coupled with the increasing feeling that the resources of Aceh and its people were being used to serve the interest of Jakarta intensified the resentment among the people. The defeat of Islam, which had been the rallying and unifying factor, playing as it did a major role in the construction of a common identity of the Acehnese people suffered a major blow. All these factors contributed to an increase of anti Jakarta feeling among the people. Against this backdrop the Free Aceh Movement (*Gerakan Aceh Merdeka*) emerged and slowly gained the support of the Acehnese people.

The Resistance Movement and the response of the National Government

The Acehese claims to independence dates back to the 1970s when the most prominent leader of Aceh, Teungku Hasan di Tiro unilaterally declared Acehese independence and established the Free Aceh Movement. The Indonesian government responded to this development by immediately launching military operations in Aceh, concentrating on the area around Pidie. Though the government was able to limit the activities of the rebelling organization owing to its military might it failed to capture its leader who formed a government in exile in Sweden. It would be important to mention here that even during this period the Free Aceh Movement (GAM) did not enjoy the wide and total support of the local population. But the excesses committed by the Indonesian military in its efforts to curtail the activities of GAM alienated the people further from Jakarta. The 1990s therefore witnessed the rising popularity of the GAM particularly in areas like Pidie, North Aceh and East Aceh. This was accompanied by the resurgence of GAM activists who attacked military posts throughout the region.

The Indonesian government responded to this development by ordering more troops to the region. Soon after the troops arrived the government declared Aceh a 'Military Operations Area (*Daerah Operasi Militer, DOM*). It was to keep this status till August 1998.

During this period Aceh became an occupied military territory similar to East Timor. The Indonesian military utilized a variety of tactics like arbitrary arrests and disappearances in the attempt to eliminate the members of the GAM. The result was deterioration of the rule of law. With the justification of restoring security and order, the military and police authorities were given indiscriminate powers to arrest, torture and

even kill those who were even suspected of supporting or harbouring GAM activists.¹²

The military units deployed in the area belonged to the Jakarta based Strategic Command and the Special Forces Regiment which were infamous for being the most ruthless of Indonesia's military units.

The step of conferring the status of Military Operations Area backfired on the government. The climate of fear and frustration created by the military presence and its excesses catapulted an increasing number of people and youths to join and support the struggle for independence. This inadvertently led to the strengthening of the pro independence forces.

However the government in Indonesia under President Suharto ignored these developments and refused to relent given the fact that Aceh was strategically located and was rich in natural resources. The idea of a political solution to the problem was of little appeal to the government. However the advent of President Habibie in May 1998 was of immense importance to the later developments in Aceh. President Habibie's ascendancy to power was accompanied by another significant development. Stories about the gross human rights abuses and violations committed in the region were widely reported in the local and national dailies for the first time as freedom of press flourished in Indonesia. The increasing use of internet by the local population in Aceh also helped in the dissemination of information about human rights abuses. This helped to galvanize public opinion against the Indonesian Government.

¹² Priyambudi Sulistiyanto, 'Whither Aceh?', *Third World Quarterly*, vol 22, no 3, 2001, p. 441

One of the results of the political and social change undergone by the region in the 1980s was the emergence of autonomous community based organizations, which included student organizations, NGOs and religious based organizations like the *thaliban* and *ulama dayah*. These organizations had members of the student community who had studied in universities in Java or abroad.

They were the driving force behind the reform movement (*gerakan reformasi*), which organized peaceful protests for the end of military rule in the province.

The flowering of similar civil society organizations in the rest of the country further facilitated this process with the result that vigorous debates were established regarding the future of Indonesia in general and the challenges, which were being faced by the regional areas like Aceh. Under the increasing pressure of the civil society organizations the government set up the National Human Rights Committee and on 7th August 1998 announced the withdrawal of the military. The government soon went back on its words following minor cases of disturbance on the day of withdrawal with the result that the government ordered the military to stay back till the situation was brought under control. This witnessed the escalation of violence in the province. There were many factors that contributed to this:

- (i) the people of Aceh especially the victims of human rights abuses were disappointed with the government's failure to prosecute those guilty of human rights violations. This was one classic example of missed opportunity where the Indonesian government by initiating such prosecution could have started the process of a political solution to the problem. Feelings of anger among the

Acehnese towards the Habibie government were expressed on several occasions by violent clashes with the military and the police.¹³

(ii) after the downfall of President Suharto there was an upsurge in the activities of the Free Aceh Movement as supporters returned from Malaysia and other parts of the world. Those who had been hiding in the mountains also returned and worked to popularize the independence movement and campaign. The activists again turned to Islam to rally the people behind its cause by making use of mosques to deliver sermons and Quran reading groups (*pengajian*) and public meetings to spread the message of independence. The resurgence of the independence movement resulted in violent clashes.

(iii) although military Operations Area status was lifted in August 1998, the ground reality was that there was an increased military presence in the province. Anti insurgency operations were regularly carried out by the military, which resulted in the death of civilians. This period was also marked by the spread of violence to otherwise peaceful areas like west and south Aceh.

Thus the people in the region were forced to live in a situation of serious conflict with no guarantee of their basic needs for security and protection from human rights abuses. This reinforced the resentment of the local population towards the Indonesian government.

¹³ Asia Watch, Indonesia: Why Aceh is exploding, Human Rights Watch Press Backgrounder, 27 August 1999

Aceh: Autonomy or Independence

The exit of the Habibie government and the appointment of Abdurrahman Wahid as the new President did not bring about any change in the policy of Indonesia towards Aceh. Mr. Wahid did not enjoy the confidence of the people of Aceh as he had failed to raise the issue of a referendum for Aceh with the Habibie government

The government of Mr. Wahid was forced to make concessions following two important political developments that had occurred in Aceh. First, the overwhelming support for the creation of an independent state and secondly, the growing domestic and international demand for bringing the ones guilty of human rights abuses to be brought to trial. In an attempt at an act of goodwill, Jakarta agreed to give more power to the local provincial government in Aceh to implement Islamic laws in the territory. In addition, two new Bills (New Financial Equity and Local Government) were passed by Parliament in May 1999. These Bills offered Aceh and other provinces of Indonesia a greater share of locally raised revenues, which in the past had gone to Jakarta, and greater share in running their own affairs. However these concessions have not been able to dilute the demand for independence.

The current government in Indonesia of Sukarnoputri Megawati continues to toe the same line as the previous governments. The government apprehends that given the strong demand for referendum on Independence and its experiences in East Timor, the referendum would go in favour of Acehnese independence. This would have dangerous consequences for the other trouble-ridden areas in the country thus precipitating the centrifugal forces in operation. This realization has been followed by some confessional measures announced by the government. Among these is the establishment of a special

court to try those who have been responsible for human rights violations in Aceh and other parts of Indonesia. The policy of the government is geared towards biding time while continuing negotiations with various parties in Aceh in an effort to keep the province intact. Former Chiefs of the Armed Forces like General Benny Murdani, Try Sutrisno and Faisal Tanjung have been asked to testify about their roles in the conflict in special inquiries established by the Parliament. The government also signed an agreement in May 2000 with the leaders of the Free Aceh Movement known as the humanitarian pause (*jeda kemanusiaan*) to stop military operations and allow the distribution of humanitarian assistance by various NGOs.

Political analysts believe that the current stalemate can be overcome and the process of reconciliation initiated by implementing three crucial steps:

1. full withdrawal of the military from Aceh
2. involvement of a neutral party into the negotiations between the government and the Acehnese
3. immediate and strong action against those responsible for the human rights violations

So far the government of Indonesia has failed to come up with a comprehensive policy to end the crisis and bring about a political solution to the problem.

On the other hand there is disagreement among the Acehnese over how to achieve an independent state, with supporters of both a violent struggle and non-violence. The former method is championed by Teungku Hasan di Tora and other supporters of the Free Aceh Movement and its armed wing, the latter by students, Muslim student (*thaliban*)

groups, Islamic school students (*pesantren*) and the Islamic teachers (*ulama dayah*) who believe that the Acehnese independence should be achieved through a referendum or other democratic process. The idea of re-establishing the Sultanate of Aceh along the lines of that of Iskandar Muda in the 17th century is warmly supported by the Acehnese in villages and rural areas. For concerted action in order to chart out its future strategy, the pro independence movement needs to develop a common strategy to achieve the common goal of independence. Till it is able to do so, successive governments in Indonesia would continue with its piecemeal efforts at problem solving, without addressing the real issue of over centralization and the dominance of Jakarta in the socio-politico and economic spheres of Indonesia, often at the cost of others. The state has dominated cultural and symbolic articulation so deeply and extensively that it has allowed little room for the growth of cultural expression and exchange among the general public. Local cultures and institutions were further disengaged from the process of modernization by the laws concerning local governments. Populations in the peripheral regions especially experienced a disjuncture between the promises of general prosperity under a united Indonesia and local reality. All these factors have renewed the debate amongst intellectuals on the limit and extent to which local culture and tradition can be subverted and transformed in the name of national identity and unity.

The next chapter would analyze the effect that the conflicts in East Timor and Aceh, (though dissimilar in nature), have had on the lives of women. The change in their roles, which have been necessitated by the conflict, would also be discussed in that section.

Chapter 3

Women, War & Conflict: the myth of the 'protector' and the 'protected'

The impact of conflict on women in East Timor and Aceh: the 'gendered' perspective

As East Timor celebrates its newfound status as the newest state in the world, the demands for bringing to justice those responsible for the gross human rights violations have gained preponderance. East Timor faces the challenge of rebuilding and restructuring a society traumatized by years of conflict and violence. The culture of violence that prevails in such situations finds expression in other structures of society like the family due to internalization of violence and its primacy in social life.

Betty A. Reardon in her critical analysis of the relationship between state and their legitimate claim to use violence to preserve social order and national interest makes the following observation, 'Preserving order and providing protection, however, have legitimized force other than state violence. The culture of war encourages violence by actors other than the state. When states use violence to serve their purposes, they legitimize the use of violence by others for other purposes.'¹ The rationale for using violence by agencies other than the state is then legitimized resulting in increased acceptability. This has been the case with many regions that have witnessed violence for a long period of time wherein the violence perpetuated in public life has often spilled into private and intimate relationships of the family. The result is not only a state espousing the cause of violence in

¹ Betty A. Reardon, 'Women or Weapons' in Lois Ann Lorentzen and Jennifer Turpin (ed) *The Women and War Reader*, New York University Press, New York 1998, p. 290

the name of preserving order, but other social structures that reflect similar violent ethos. This in turn affects the public and private lives of women.

Jean Vickers while studying the impact of conflicts on the lives of women makes the following observation, ‘Whether you look at economics, families, refugees, or war casualties, the costs of war are borne disproportionately by women and their children.’²

She illustrates the ugly picture, which in fact could account for any situation of conflict in the world. “ Left to sustain and endure the loneliness and vulnerability of separation women suffer great hardships in wartime. They, and those they care for may be killed or injured in ethnic fighting or civil disturbances. Their houses may be damaged, or they may flee from home in fear of their lives. Dwindling food supplies and hungry children exacerbate tensions. And so to the loss of husbands, fathers, sons and brothers who are killed in battle, is added the longer term suffering of further deprivation. Often defenseless against invasion, women can find that armed conflict means rape and other forms of abuse by occupying troops, as well as the loss of the means of livelihood. Rural women must carry the additional responsibilities while their men folk are absent, left to tend to both their farms and domestic needs and many have been the cases in which women farmers have lost their crops first to occupying troops and then to their own”³.

Before analyzing in detail the impact of the conflict on women in East Timor and Aceh in Indonesia it would be pertinent here to take a brief look at the international Conventions ratified by the Indonesian government with regard to upholding human rights of women, in

² Jean Vickers, *Women and War*, Zed Books, London 1993, p. 23

³ *Ibid*, p. 23

order to fully understand the extent of violations. In addition a quick review of some of the national laws would throw light on the status of women in the Indonesian society.

To understand the importance of gender politics in identity formation with respect to women it would be pertinent to mention what Djajadiningrate Nieuwenhuis in his analysis on the status of women in Indonesia refers to as the prevalence of state *ibuism* (*womanhood*). It is an ideology “which sanctions any action (by women) provided it is taken as a mother who is looking after her family, a group, a class, a company or the state, without demanding power or prestige in return”. In effect *ibuism* refers to the representation of women as housewives or mothers of development ascribing to them a particular role in development that is firmly located in the domestic realm.⁴ In contemporary Indonesia there are numerous and sometimes competing elite idealizations of the female subject, including the idea of the professional urban middle class working woman that prevails in advertising images and that owes much to the increasing influence of global cultural flows.⁵ However outside Jakarta’s middle class and in more remote areas where people have little access to popular media, state *ibuism* remains a more potent influence, insofar as the images and representations of femininity associated with it are expressed through state development programmes at a local level.

Thus the prevalent and persuasive images of women in Indonesia largely uphold the traditional gender roles of men and women and the dichotomy of the ‘public’ and the ‘private’. The state *ibuism* that Djajadiningrate Nieuwenhuis speaks of is thus reflected and

⁴ Djajadiningrate Nieuwenhuis in Rebecca Elmhirst, ‘A Javanese Diaspora? Gender and Identity politics in Indonesia’s transmigration programme’, *Women’s Studies International Forum*, Vol-23, No.4, 2000, p. 489

⁵ Krishna Sen, ‘Indonesian women at work: Reframing the subject in Krishna Sen and Maila Stivens (ed) *Gender and Power in Affluent Asia*, Routledge, London 1998, p. 55

reinforced by the state by means of laws. A clear example to this effect is the Marriage Law, which would be subsequently discussed in this section. Similarly the scope of the international conventions that the Indonesian government has ratified in its efforts to promote equality have also been duly limited by seeking amendments in pursuance of what Nieuwenhuis calls state *ibuisism*.

The Government of Indonesia has been a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 13 September 1984. It submitted its combined second and third periodic reports / CEDAW/C/IDN/2-3. / on the implementation of that Convention to the Committee on the Elimination of Discrimination against Women (CEDAW) at its 377th meeting, on 2 February 1998.

However CEDAW expressed its concern that the information provided on the situation of women in areas of armed conflict reflected a limited understanding of the problem. The Government's remarks had been confined to the participation of women in the armed forces and did not address the vulnerability of women to sexual exploitation in conflict situations, on a range of other human rights abuses affecting women in such contexts. CEDAW urged the Government to collect, as a matter of priority, data on the extent, causes and consequences of the problem of violence against women in Indonesia.

The ratification of the Convention can be taken, as the proof of the Government's political will to eliminate all forms of discrimination against women. However, commentators have expressed concern that as a consequence of the *Ratification of the Convention on the Elimination of All Forms of Discrimination against Women and Clarification Act*, which states that "implementation ... of this Convention must be adapted to the cultural and

religious values that are embraced by the Indonesian people" patriarchal, cultural and religious values cannot be challenged by invoking the Convention which seriously limits the scope of the convention. Thus the government in essence can forgo its responsibility to uphold the rights of women guaranteed under this convention in the name of upholding the 'cultural and religious values' of the Indonesian society.

Moreover the national laws of Indonesia contain provisions that are discriminatory towards women. In theory every citizen enjoys equal status before the law and in government. The 1945 National Constitution guarantees every citizen equal rights and obligations in the fields of education, law, health, political participation and employment. Furthermore, the *Pancasila*, or five core principles of the State philosophy uphold the equality of citizens. The five principles are: "1. Belief in the One Supreme God Almighty; 2. Just and civilized humanity; 3. The Unity of Indonesia; 4. Representative government and democracy; 5. Social justice for the whole people of Indonesia". Thus, all forms of discrimination against women violate both the 1945 Constitution and the *Pancasila*.

However, the de facto situation is that women remain unequal to men in terms of rights and opportunities because of a combination of traditional and cultural practices and certain laws that are contrary to the spirit, if not the letter, of the principle of equality.⁶ For example in the Marriage Law the role of husband and wife is clearly delineated. The husband is the head of the family, while the wife is the mother of the household. (Article 3)

⁶ Radhika Coomaraswamy, Report of the Special Rapporteur on violence against women, its causes and consequences, UN Doc. E/CN.4/1998/54

According to the same law the husband is the provider of the family. Article 34 provides: "(1) the husband shall protect his wife and provide all necessities of life required in a family to the best of his ability; and (2) the wife shall manage the household to the best of her ability." If either the husband or the wife neglects his or her responsibilities, the other party may lodge a complaint with the court. {Article 34 (3)}

Despite this division of labour, the Marriage Law explicitly stipulates that the rights and position of the wife are equal to the rights and position of the husband, both in the family and in society. Both parties to the marriage have full legal capacity. {Article 31 (1) and (2)}.⁷ In effect then, the Marriage Law institutionalizes the gender division of labour that has been criticized by feminists as one of the bases of patriarchy, which ensure that the men control all the resources, and are the primary decision makers within and outside the homes.

The other area, which highlights the inequality between men and women is the definition of Rape and the legal provisions associated with it. This assumes added significance given the incidence of rape as a method of warfare in armed conflicts and wars as have been evident from Yugoslavia and East Timor and Aceh in Indonesia. Rape is defined in Article 285 of the Penal Code, as: "Any person who, by using force or threat of force, forces a woman to have sexual intercourse with him out of marriage, shall, being guilty of rape, be punished by a maximum imprisonment of 12 years."

The legal definition of rape is limited only to sexual intercourse and other forced sexual actions are not covered under this constricted definition. The sexual nature of rape rather

⁷ ibid

than its violent and demeaning aspects are highlighted. In addition punishment for rape is lenient compared to other jurisdictions.⁸

Likewise Article 287 of the Penal Code states:

"Any person, who out of marriage, has carnal knowledge of a woman whom he knows or reasonably should presume that she has not yet reached the age of fifteen years or, if it is not obvious from her age, that she is not yet marriageable, shall be punished by a maximum imprisonment of nine years."

This raises concern as the emphasis is placed on the girl's conduct or appearance, which as Ms. Radhika Coomaraswamy points out, should under no circumstances, constitute a defense.

Another cause for concern is the legal requirement that the testimony of rape victims must be corroborated. Article 185, paragraph 2 of the Code of Criminal Procedure states: "The testimony of one witness is not sufficient to prove that a defendant is guilty of the act of which he is charged". The necessity of corroboration puts the burden of proof on the victim and ultimately ensures that the victim is the one being subjected to trial.

In addition, neither the Penal Code nor other regulations or policies specifically regulate cases of violence against women perpetrated by the State. State perpetrators can be charged under civil or military law; investigations into allegations of human rights violations are normally conducted by the security forces themselves, which does little to prevent the perpetrators acting with impunity as most of the accused, in the recent crisis in East Timor and Aceh are from the security forces themselves.

⁸ Amnesty International, *East Timor: Justice past, present and Future*, July 2001, p.42

It would be important to mention here that a society, which imbibes values, that are discriminatory to a particular sex further aggravates the disadvantaged position of that sex in times of armed conflicts. This is particularly true in societies where women are not considered equal to men. This has been borne out by the recent crisis in Afghanistan where the ferocity of the ethnic conflict was accompanied by a deteriorating status of women in the society in an overtly unequal society where such discriminatory practices have been institutionalized in the name of religion.

Similarly, in East Timor and Aceh, the prevalence of the discriminatory clauses in the national laws of Indonesia have made the road to justice for millions of women affected by the conflict a long and traumatic one. This is particularly so in the rape cases that have been reported in both the areas. The conflict in East Timor and Aceh and the impact that it has had on the lives of women can be studied and analyzed under the following heads:

- *Women as direct casualties*

Only 5% of the casualties in World War I were civilians. By the mid 1990s, about 80% of the casualties in conflicts were civilians, most of them were women and children. This century has thus witnessed the murder, rape and mutilation of women who have taken no active part in conflicts.⁹ Though women were not party to the conflicts, yet it has been seen that they have paid a disproportionate price for it.

Worldwide women seem to experience war and armed conflicts in an astonishingly similar manner though regional peculiarities do exist, but women's experience of gender based atrocities that escalate during the turmoil are distinctly similar in their pattern.

⁹ Jasmina Tesanovic, 'Women and Conflict – A Serbian Perspective', *New Routes*, vol -6, no-3, 2001, p. 20

In post-modern conflicts where the distinction between the 'combatant' and the 'noncombatant' is blurred, the risks for direct casualties are more pronounced. Women in East Timor and Aceh have borne the direct impact of this. They have been at heightened risks of "disappearance", extra judicial executions and the death penalty. For instance, 45 women were believed to be among the estimated 270 killed in the Santa Cruz massacre in East Timor in 1991. Women were also among the estimated 2,000 believed to have been killed during the counter-insurgency operations in Aceh from 1989 to 1993, and among those killed in the immediate aftermath of the alleged PKI coup attempt in 1965.¹⁰

The Military operations have had a direct impact on the lives of at least 12,000 to 15,000 Acehnese, including widows, orphans and fatherless children and women subjected to rape and military assault.¹¹

- *Women as war refugees and internally displaced people*

The conflict in East Timor and Aceh has rendered many women homeless in their own lands, forced others to flee from their areas to other neighbouring areas as well as forced others to flee the country to escape persecution. Thus the challenge before the authorities and particularly the new government in Dili is the rehabilitation of both the refugees as well as those who have been internally displaced known as Internally Displaced Persons (IDPs).

Worldwide, Internally displaced persons (IDPs) have emerged as a new protection paradigm, which places more focus on persons who have been displaced but remain within

¹⁰ Amnesty International, East Timor: Twenty years of violation, July 1995, p.5

¹¹ Tapol, Reign of Terror: Human rights violation in Aceh 1998-2000, March 2000, p. 1

their own borders as opposed to refugees who seek asylum in the territory of a foreign state. The numbers of people who have been displaced are telling of the extent of the situation. At first count in 1982, it was found that there were 1.1 million internally displaced persons in 11 countries. By 1997 more than 20 million were reported in 30 or 40 countries. With over 70 percent of the displaced population comprising of women and children, they are the ones who bear the brunt of the violence. This violence has been demonstrated to be gendered in nature. Sexual atrocities against displaced women are common, as is recourse to prostitution. The cases of girls and women abducted as sex slaves have been documented in several recent conflicts.¹²

The eruption of violence in East Timor, following the announcement of the results of the 30 August 1999 referendum on independence, provoked the displacement of 75 per cent of the population and the large-scale destruction of private housing, public buildings and utilities. Some 500,000 persons were displaced inside East Timor and another estimated 200,000 fled to West Timor and other areas of Indonesia.

In Aceh the situation is similarly grim where by June August 1999 the number of internally displaced people was around 250,000 –300,000.¹³

From October 1999, efforts spearheaded by UNHCR and other agencies began the voluntary repatriation operation, giving effect to refugees' free choice to return to East Timor, in spite of constant intimidation and violent opposition from militia groups. By

¹² Laurel Patterson, 'Gender Dimensions of Internal Displacement', *New Routes*, Vol-6 no. 3 2001, p. 13

¹³ Tadpole's report on Aceh, 'A reign of Terror: Human rights violations in Aceh' 1998-2000, p.2

mid-March 2000, over 150,000 persons had returned to East Timor from Indonesia and elsewhere.¹⁴

UNHCR and the Indonesian government have estimated that of the displaced population, some 50,000 vulnerable East Timorese refugees may ultimately decide to remain in Indonesia and, in a plan supported by UN Secretary-General Kofi Anan, may be transmigrated to five other regions of Indonesia. UNHCR is working closely with the Indonesian government to ensure the voluntary return (or resettlement) of refugees.

The problem of resettlement and return of the refugees is aggravated by the fact that even agencies like the UNHCR are yet to achieve unhindered access to certain refugee camps in West Timor coupled with intimidation and threat spearheaded by the militia in some camps.

Conditions in the West Timorese camps continue to deteriorate, especially following flooding due to the current monsoon season. This has affected the women and children badly, where recent reports suggest that over 700 people, mostly pregnant women and children, have died from various illnesses.

The camps are overcrowded forcing the women to stay in the same rooms with men, with little or no privacy to attend to their special needs. This is particularly grave in Aceh where it has been reported that three out of five Acehnese refugees are women. Amnesty International reported that the numbers of IDPs between June and August 1999 in Aceh were estimated to be 250,000 to 300,000. Conditions in many of the camps are poor and women often experience particular problems both in relation to their health and that of their

¹⁴ Report of the United Nations High Commissioner for Refugees from 1 January 1999 to 30th March 2000

children, and because of their lower social position, they are excluded from decision-making and other public activities.

Groups working with widows have noted that the situation for single women, including widows, is especially difficult in the camps because they do not have a husband who can represent their views or access information or assistance on their behalf.¹⁵

Cases of violence against women have also been reported in several of these camps. The reported incidents include physical and verbal aggression by husbands against their wives for being unable to provide for all the needs of their families. The women do not have any say in the decision as to whether to return back to their own homes or not. The men take all such decisions. Many women have reported being 'punched and kicked in public' by their husbands in the camps.¹⁶

Refugees interviewed by Amnesty International who had returned from camps in the Belu district in West Timor to Dili in November, spoke of repeated incidents of rape by militia and Indonesian soldiers (TNI). Women also reported the incident of a number of women being held in sexual slavery.

Moreover women and children of members of the National Council of Timorese Resistance (CNRT) have come in for special harassment as they have been prevented from returning home to East Timor. It appears that they are being targeted in revenge for the political activities of their kin.

¹⁵ Amnesty International, Indonesia: The impact of impunity on the women in Aceh, 21 November 2000, p.1

¹⁶ Kamala Chandrakirana, Violence against the women during the crisis, SMERU Indonesia, no-6 June-July 1999, p.1

FOKUPERS, a leading women's organization which runs crisis centers for women who have been sexually assaulted have reported that a number of such victims who had been sexually abused in the refugee camps have sought refuge in the centers.

Incidentally there has also been an increase in the number of cases of sexual abuse that are being reported. The area of Suai infact reported 30 such cases, which prompted Bjorg Frederiksen, head of the unit of UNHCR in that area to comment, "This is just the tip of the iceberg as many such cases go unreported due to fear and shame. it's so difficult for the women to come forward because they fear if they go to the police, there is a lack of confidentiality and amongst the community there is no sensitivity on this issue,". She says many young women returning from West Timor refugee camps have reported being raped in September 1999 and then being abused in camps in West Timor.

For the women who have been sexually abused and raped, the trauma does not end there. Unlike the men guerrilla fighters who can proudly proclaim their role in the struggle for independence, for many of their women (who have been abused or raped) it means these "fighters" are destined to live a life of shame, embarrassed about their role in the war, often shunned by their communities or their husbands and families.¹⁷

"A lot of the men think it is the women's fault," says Olandina Alves from ETWAVE (East Timorese Women against Violence), another non-government group trying to help women and children recovering from the 1999 violence.

She says some raped women have either not returned to their husbands because they fear they will not be accepted or have separated from husbands who accused the women of being militia wives or having willingly consented to sex.

¹⁷ Olandina Alves in UNHCR World News dated 9 July 2001

Until recently even the men who were part of CNRT that championed the cause of East Timor's independence had refused to accept their women who had been raped or sexually abused in the refugee camps.

“While ex-guerrillas with Falintil, the pro-independence force, have returned to their communities as heroes or become part of the new East Timor Defense Force, there has been no public recognition of how high a price the women have had to pay for the war. While some husbands accept and understand why the women were raped, in other instances women's organizations have had to work hard to stop girls' families and husbands from throwing the raped women out of their homes”, notes Ms. Alves.¹⁸

However, sadly and ironically, the significance of this fact has been lost that often, it was precisely because of the women's husbands or family connections to the independence movement that the women were raped. Even the refugee camps that they fled to for protection failed to provide them protection against sexual abuse.

- ***Wartime sexual violence against women***

Historically the rape of women in war and armed conflicts has drawn occasional and short-lived international attention. Most of the time rape has been invisible or comes to light as part of the competing diplomacies of war illustrating the viciousness of the conqueror or the innocence of the conquered.¹⁹

¹⁸ Ibid

¹⁹ Rhonda Copelan, 'Surfacing Gender: Reconceptualizing Crimes against Women in time of War' in Lois Ann Lorentzen and Jennifer Turpin (ed) *The Women and War Reader*, New York University Press, New York 1998, p. 63

Although largely ignored, until recently (especially after the mass genocidal rapes in former Yugoslavia were widely reported by the media and human rights activists) the testimonies and studies of women tortured by dictatorial regimes and military occupations make it clear that rape is one of the most common, terrible and effective forms of torture used against women. It is an effective means to 'hit at the enemy' by targeting the women. In this context it is essential to recognize the fact that the women in East Timor and Aceh were subjected to crimes against humanity based on ethnicity, religion and gender. To understand the dynamics completely, it is imperative to recognize and acknowledge that the intersection of ethnic and gender violence has its own particular characteristics.

Rape is often used against women to destabilize the society and force families to flee, because in times of war and armed conflicts, women are the mainstay of the civilian population, even more than in peace times. Women are targets not simply because they 'belong' to the enemy but precisely because they keep the civilian population functioning and are essential to its continuity. This was part of the systematic operations launched by Indonesian military where once the men rebel forces had fled to the forests to escape the military, the security forces turned to the women. With the men gone the women became vulnerable to 'proxy violence' by those who saw them as representing the defiant life of a whole society or a group within it. Raping them was a way of crushing the enemy.

Another important aspect of rape that comes into focus especially during armed conflicts is the notion of the 'protector' and the 'protected' associated with the traditional roles of men and women in the society. It has been suggested by commentators that women have often been subjected to rape in conflict situations to demoralize the 'enemy', in their inability to

'protect' their women. This has disastrous consequences for women whose demeaning and traumatic experience of rape are further aggravated when their own men refuse to accept the women back to the family fold. This has much to do with the concept of 'purity' associated with women.

In East Timor and Aceh, women whose husbands were suspected to be anti establishment and supportive of the rebel movements were systematically targeted to gather information about the men and their activities. The military did not hesitate to initiate action on mere assumption.

Ms. Coomaraswamy on her visit to Indonesia as part of the UN efforts to understand the extent of violations of women's rights in East Timor and Aceh has documented some chilling accounts of women's experience of the conflict that reinforce their vulnerability in such situations. Following is an extract from her documentation of cases in East Timor and Aceh:

"N lives in Aceh. The following events took place when Aceh was a military zone designated by the Government of Indonesia.

One day, soldiers from Kopassus, the elite army commandos, came to N's house and took her husband away. He was missing for several days. During his time at the army command post, he was tortured and he lost hearing in one ear and his thigh was fractured. Fearing that he would be taken in again, he went to another village to work as an agricultural labourer. Kopassus became suspicious, convinced that he had joined the guerrillas. As a result, they came and took N to the military post and interrogated her on the whereabouts of her husband. They disbelieved her story and continued with the interrogation. On the sixteenth day, they began to use force. They undressed her and she was raped by one of the

soldiers while the others watched and laughed. After that, she was given electric shock treatment in her ears, nose, breasts and genitalia. She suffered injuries from which she has yet to recover. To keep her quiet they put paper into her mouth and gagged her. They also took a rope and tried to strangle her. As a result of all this she fainted. Five days later she was released and asked to go home and warned that she should not tell a soul about what had happened to her. When she told officials of her treatment, soldiers from Kopassus came and threatened her. When the Government removed the designation of military zone, she went public with her story. As a result of her torture, she has many internal injuries and no money to pay for her medical expenses.” (Case interview, Jakarta, November 1998) ²⁰

Another case reported and documented in East Timor narrates the same humiliating and traumatic experience of rape for women in armed conflicts:

“ A lives in East Timor. For some time, the army had suspected her and her family of having dealings with the guerrillas. As they were forewarned, they tried to escape, but were followed by army trucks. When the soldiers detained them, they were interrogated with regard to arms and ammunitions. A was beaten, taken to a camp and then to the district military office. She was tied to a pole and beaten for about four hours. After that she was taken back to the cell. Leftover food was thrown at her through the cell window. She was kept for four days in the room. On the fourth day a soldier came into the cell and raped her. The next day she was moved to another post near the jungle. At this post, she was raped four times by different soldiers. She was detained for two weeks. Her duties included having to clean the army post and do other menial chores. Her family and the priest

²⁰ Radhika Coomaraswamy, Report of the Special Rapporteur on violence against women, its causes and consequences, UN Doc. E/CN.4/1998/54

intervened and she was released. She became pregnant as a result of the rapes. Initially she hated the child and wanted to get rid of her, but now, with the aid of counselors, she is trying to think differently. The child is one year and four months old. A has decided to take her case to court.” (Case interview in Dili, December 1998)²¹

Another distinct experience of women has been in the form of arbitrary detention and harassment, including sexual harassment, on political grounds. A common experience for in this regard has been arbitrary detention or the threat of imprisonment, where arrests and interrogations have been carried out in total contravention of Indonesian law. In many cases, detainees were arrested and interrogated in military, rather than police, detention. Arrest warrants were rarely used and, once in detention, detainees were frequently denied access to independent lawyers. Amnesty International reports various cases where East Timorese women were subjected to arbitrary detention, intense military surveillance, threats and harassment either because of their own political activities or because of those of members of their families.²²

“Lurdes Pereira's brother, Jose Henrique Pereira, was sentenced to two years and one month in jail after an unfair trial, for his role in a peaceful demonstration at the University of East Timor in Dili on 9 January 1995.

Lurdes Pereira tried to meet with her brother when he was first arrested. Instead, the officers at the police headquarters accused Lurdes Pereira of being involved in the Santa Cruz demonstrations of November 1991, and denied her access. After intervention by the International Committee of the Red Cross, she was able to meet her brother, who described

²¹ *ibid*

²² Amnesty International Report on Indonesia and East Timor, June 1999, p.68

how he had been beaten. The day after her visit, Lurdes Pereira was visited by a police officer who allegedly threatened her and her father, accusing them of being security disturbers (Gerakan Pengacau Keamanan - GPK), the term used by the authorities for alleged separatists. The policeman returned regularly after this and tried to put pressure on Lurdes Pereira to "marry" him by telling her that he could prevent the authorities' plans to arrest her if she married him. She then left Dili.”²³

The coercion and threats have also been accompanied by sexual harassment of political prisoners in total disregard of national and international laws. Since the invasion of 1975, real and suspected supporters of independence for East Timor have been routinely tortured and ill treated by Indonesian military personnel. Torture has been facilitated by the practice of unacknowledged and arbitrary detention, denial of access to independent lawyers, restricted access for human rights monitors and by the virtual impunity enjoyed by security officers in East Timor.

For scores of women in East Timor and Aceh, military surveillance has been followed by rape and other forms of sexual abuse. Women subjected to rape and torture include those suspected of being political opponents, the relatives of real or suspected political opponents, and women detained on criminal charges.

Indonesian Academician George Aditjondro, now living in Australia because of charges that he faced in Indonesia for his criticism of Indonesian rule in East Timor, has conducted extensive research on the social and environmental impact of Indonesia's invasion of East Timor. He concluded that circumstances surrounding the military occupation have resulted in sexual harassment being rife. Aditjondro's research led him to conclude that the more

²³ *ibid*, p.68

prevalent form of sexual relations between soldiers and East Timorese women was as a result of military pressure. He cites the case of Adriana dos Reis, a young Timorese woman, abandoned after sexual exploitation to live with the stigma of being an unwed mother in a society that puts premium on the 'purity' and virginity of young girls.

"Adriana dos Reis, a young woman living in the village of Abafala in the subdistrict of Quelicai, Baucau, was kept for a while as the mistress of a commander of the Baucau army command (Kodim). Eventually she got pregnant and gave birth to a son. After this, the wife of the military officer came to join her husband in Baucau. Adriana and her baby had to return to the village. However, harassment did not stop there. She was constantly threatened by the officer's men not to show her face and tell the officer's wife that she had been her husband's (forced) mistress. Eventually to prevent the young woman from reporting the officer's misbehaviour to his superiors in Dili, Adriana was forced to sign a letter addressed to Governor Abilio, wherein she stated that she apologized for besmirching the officer's name, and admitted that she had 'tempted' the officer into having sex with her. Adriana now lives in the village abandoned by her family for her misdemeanor and shunned by others as a prostitute"²⁴

The social stigma of rape along with the absence of any institutional measures to deal with the trauma has forced the affected women to suffer in silence, changing their course of lives as Ines (not her real name) who was arrested after the Santa Cruz massacre and subsequently sexually abused in military detention on 13th November 1991 poignantly recounted to Amnesty International activists:

²⁴ Case cited in the Amnesty International Report July 1999, p. 21

"If men are hurt they can recover and forget what happened but for women, if they are raped or tortured, they cannot forget. Their life is destroyed forever."

The official response to charges of rape and sexual abuse initially, was outright denial which Ms. Coomaraswamy referred to as the 'culture of denial'. In September 1995 East Timor Police Chief Andreas Sugianto denied reports of rape by soldiers by saying:

"There's no chance for such a thing to happen here... It seems that someone wants to create an impression that this region is worse than Bosnia. That's not true."²⁵

Why is prosecution difficult in cases of rape and sexual abuse:

Most of the women who suffered human rights violations in Aceh and East Timor and in other parts of Indonesia live in poor, isolated communities and are often employed as labourers. They have limited access to independent lawyers or human rights groups. This can often mean that they are more vulnerable to human rights violations and, when their rights are violated, are less likely to report it, or seek justice. So poverty, ignorance and lack of access to legal and other remedial measures compound the problem of women.

Women are still less likely to report violations such as torture, including rape, and sexual harassment, because of the societal attitude towards the victims. The feeling of shame and isolation is overwhelming. Women subjected to rape, whether by security forces or by private agents, feel a deep sense of shame for themselves and their families. In some cases women have also been forced to marry the perpetrator in order to "save their own reputations".²⁶ Women are reluctant to pass on information to non-governmental

²⁵ Jakarta Post dated 15 September 1995

²⁶ Amnesty International, East Timor: Justice Past, Present and Future, July 2001, p. 45

organizations about rape and sexual abuse, let alone to report violations to the military or police authorities. Unofficial sources indicate that women who have been raped may talk to priests or nuns. An Australian lawyer assisting East Timorese asylum-seekers in 1994 found:

"Most asylum-seekers who have histories of sexual assault have indicated that they have not spoken to anybody about these instances."²⁷

Former women prisoners describing torture and rape almost 30 years afterwards, still cry when recalling their humiliation and refuse to be publicly identified. This refusal to come out in the open has much to do with the way rape is perceived in the society. East Timorese and Acehnese women who have been raped are considered to have lost their "purity" as notions of 'purity' and 'honour' are central to the existence of women in the society and particularly so in a male dominated society like that of Indonesia. The definition of rape in the national laws and the need for corroboration for the testimony of the victim puts the burden of proof on the victim and ultimately ensures that the victim is the one being subjected to trial. Long legal battles are also a dissuading factor in reporting such cases.

Feminists have for long made their opposition and reservation known in the way rape has been defined in international instruments to protect the rights of victims of armed conflicts. The four 1949 Geneva Conventions and the two 1977 Protocols contain some 19 provisions that are relevant to women. Article 27(2) of the Fourth Geneva Convention contains the first provision specifically dealing with rape and requires that "women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any other form of indecent assault".

²⁷ Amnesty International Report September 1995, p.57

The Article has been criticized on the ground that like many of the provisions relating to women, it categorizes rape as an attack on the victim's honour and thus does not reflect the seriousness of the offence of sexual violence. The Article also fails to acknowledge the extent and gravity of the problem of sexual violence in armed conflicts as the provisions fall outside the system of 'grave breaches' of international humanitarian law.²⁸

Thus prosecution of rape cases have been hindered not only due to domestic laws but also international conventions which have failed to give due recognition to sexual violence against women especially in armed conflicts. The absence of institutional support structures to assist women to deal with the trauma resulting out of rape and sexual abuse is an added problem. There is a near total absence of such support structures in East Timor and Aceh, which was highlighted by the UN Special Rapporteur, Ms. Radhika Coomaraswamy in her report on the causes and consequences of violence against women in the two areas:

"It is increasingly recognized that victims of violence against women need to be compensated and that they require support services. Especially in East Timor, Aceh and Irian Jaya, it is important that the Government set up a process whereby rape victims are compensated. In addition, there appears to be a need for more crisis centres where victims of violence can take shelter and receive legal counseling, vocational training and psychological counseling. A government-supported initiative, in partnership with NGOs, to establish such centres should be seriously considered."²⁹

The Special Rapporteur also expressed concern at the absence of any institutional attempt to deal with the psychological trauma caused by violence against women. Many of the

²⁸ Judith Gardam, 'Women, Human Rights and International Humanitarian Law', *International Review of the Red Cross*, Vol-324, September 1998, p. 427

²⁹ Radhika Coomaraswamy, Report of the Special Rapporteur on violence against women, its causes and consequences, UN Doc. E/CN.4/1998/54

victims that Ms. Coomaraswamy spoke to, were suffering seriously from the physical after-effects of torture, as well as from depression. Most of the victims the Special Rapporteur met appeared to be in need of psychological counseling to help them cope with the violence in their lives. In her recommendations Ms. Coomaraswamy emphasized the 'need for a national mental health policy that addresses openly the psychological problems of victim-survivors of violence against women'.

Another problem associated with rape is the incidence of under reporting. This has also been the case in East Timor and Aceh where it is feared that many more women are actually affected than what official data reveals. This is primarily due to two reasons. The first as discussed earlier in this section is because of the societal attitude towards rape and the rape victim. The second reason is institutional. Years of authoritarian rule, which was far from being sensitive to the needs of women, have completely eroded the faith of the citizens in the judicial system. Moreover many women's organizations have claimed that the judiciary has been very lenient in dealing with cases of violence against women. The few that have been convicted have been given light sentences of three to one year of imprisonment.³⁰

The legal system has also been criticized for its handling of cases. Much of the violence against women in Aceh, and East Timor was perpetrated in the context of these areas being treated as military zones, which resulted in the subordination of certain civil processes. Rape by soldiers in these areas was tried in military tribunals and not before an ordinary court of law. As a result, the measure of independence necessary for passing a judgment was seriously, compromised. Rape by a soldier may be a subject for a military tribunal, but

³⁰ *ibid*

it should also be actionable in an ordinary court of law. Given that very few cases are brought before a military tribunal, it is important that the normal courts, which are technically more accessible to victims, should also have jurisdiction in such cases.

Thus erosion of faith in the judicial system along with the inaccessibility and or absence of civilian courts in the two areas made the road to justice for women a long and traumatic one.

- ***Violation of sexual and reproductive rights: Indonesian strategies for birth control***

As part of the Indonesian government's strategy to relocate the people in East Timor to ultimately destroy the traditional structures that had offered stiff resistance to the plan of total integration into the mainland, the most insidious form of control was through the measures for birth control. Here again since the basic idea was birth control, the target were obviously women.

According to the East Timor Human Rights Centre in Australia, women have borne the brunt of the 'reproductive oppression' carried out by the Indonesian government. The Centre has examined the sexual and reproductive violations suffered by East Timorese women through forced impregnation and covert sterilizations. It has also reported the use of banned contraceptive drugs like the *Depo Provera*. According to the head of the Dili center, almost 32 percent of women involved in the birth control programme were being injected with Depo Provera in 1985. From what we know from refugee accounts, it is likely that many of this 32 percent had inadequate knowledge of what was being done to them and that many agreed to the treatment only under tremendous pressure.³¹

³¹ John G Taylor, *East Timor: The Price of Freedom*, Zed Books London 1999, p. 158

These practices of birth control were institutionalized by the government in a 'Family Planning Programme' introduced in 1980 aiming to control population growth by disseminating advice on contraception via provincial and local units. This provoked widespread opposition, stemming largely from the intense pressure on women to participate in the programme, as also the fact that the population had already been devastated by the conflict. The official policy also clashed with the tremendous love that Timorese have for children. As the commentator Jill Jolliffe remarked: 'to understand the present brutality, one must understand the past gentleness, the rhythms, the magic of Timor-Leste, where children are valuable people'.³² Moreover the existence of a traditional Christian Catholic population made family planning not a favoured option.

The inherent resistance to the programme made implementation slow, consequently, the programme was extended dramatically in Dili, financed to 95 percent of its cost by the World Bank in 1985. A further 67 local units were planned in addition to the 183 already in existence. The aim was simple: to limit the population of the province. The government however camouflaged it as the highly successful Family Planning Programme essential for overall economic development.

Refugees however gave rather different accounts: Timorese women don't accept.... They defend their right to give birth to children to compensate for the many who have died since the invasion. All the women are forced to take part in this. It is one way the enemy has to make our ethnic identity disappear.³³

Others echoed similar sentiments:

³² *ibid*, p. 159

³³ *ibid*, p.159

'Now, after at least 200,000 people have been killed... there's absolutely no need for family planning, but it's quite clear that the reason why the Indonesians are resorting to this kind of thing is because they want to kill off the Timorese and re-populate our country with their own people.'³⁴

The transmigration and birth control measures initiated by the government went hand in hand with the relocation plan carried out by the government, to suppress all aspects of local culture and systematically introduce Javanese values into the community.

As a result of this policy it has been alleged that almost 80% of East Timorese women have been subjected to compulsory family planning.³⁵ It has also been revealed that more money was being spent proportionately on family planning in East Timor than in Indonesia itself, clearly reflected in the national figures of 1987 wherein 59.7% of the participants in the birth control programme used injectable contraceptives, compared to the general Indonesian figure of 19%.³⁶

The birth control policy of the Indonesians in East Timor, when combined with the casualty rates of the invasion itself, have been chillingly successful in decreasing the East Timorese population within their territory. In 1980, with a normal growth rate of 1.7% per year, the population of East Timor should have been 754,000. The actual population in 1980 was 555,000.

³⁴ Carmel Budiardyo & Liem Soei Liong in Sarah Storey's paper on 'War Against East Timor' presented at the University of Melbourne 1995

³⁵ Caroline Xia, 'East Timorese Woman Speaks out for Justice,' *The Activist* (Toronto), April 1995

³⁶ Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; Verbatim Record of the 1353rd meeting; U.N. Doc: A/AC.109/PV.1353, 25 August 1989

As one of Indonesia's leading feminist, Fanny Carmilla puts it: In pursuit of political and economic objectives, status of women has been so degraded that they are treated like cattle who can be told when to produce children and 'castrated' when they are no longer required to do so.³⁷

It would be pertinent to examine here the specific Human Rights that the coercive Birth Control measures adopted by the Indonesian government violated. The rights that these measures violated often overlap. These include:

i) The right to be free from genocide

Article 2 of the Genocide Convention 1948 states that:

"... genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

d) it includes imposing measures to prevent births within the group'

It is argued that the presence of a section on imposing measures intended to prevent births within a group is significant in itself, as it addresses the 'inhumanity of coerced or forced contraceptive use, sterilization, or abortions.'³⁸

ii) The right to non-discrimination on the basis of sex or race

The right to non-discrimination based on sex or race is well established in international law. The Preamble of CEDAW states that: 'the role of women in procreation should not be

³⁷ Interview with Fanny Carmilla in John G Taylor's, *East Timor: The Price of Freedom*, Zed Books, London 1999, p. 160

³⁸ Karen A Wilinski in Sarah Storey's paper on "War Against East Timor" presented at the University of Melbourne 1995

a basis for discrimination,' and leading scholars have argued that the prohibition of sexual discrimination is part of customary international law.

However, discrimination on the basis of sex and race tend to be viewed by a one-dimensional, strict equality standard. This ignores the reality that interactions of gender, class and race impact on 'reproductive self-determination' in many ways, with the potential for abuse of rights often being greater amongst ethnic minorities.³⁹

iii) *The right to bodily security and integrity*

The right to bodily security and integrity is a well-recognized civil right, included in many of the human rights instruments. Commentators have noted that the right to bodily security and integrity is a 'liberty' rather than a 'claim' right, which would specify that 'no decision about any manipulation of a woman's body is to be made, unless, it is the active decision of the woman herself'.⁴⁰

The coercive and systematic birth control programme followed by the Indonesian government targeting the women of a particular section, clearly violates the right to bodily security and integrity which tantamounts to human right violation.

iv) *The right to be free from cruel or degrading treatment*

This civil right is included in several of the international human rights covenants. It is also explicitly addressed in the Convention Against Torture. This Convention defines torture as being 'any act by which severe pain or suffering, whether physical or mental, is

³⁹ Ian Brownlie in Sarah Storey's paper on "War Against East Timor" presented at the University of Melbourne 1995

⁴⁰ Helen Bequaert Holmes and Susan Rae Peterson, 'Rights over One's Own Body: A Woman-Affirming Health Care Policy,' Human Rights Quarterly, vol-12, 1981, p. 71

intentionally inflicted on a person for such purposes as.... punishing him...or for any reason based on discrimination of any kind,' when such pain and suffering is inflicted with the consent of a public official.'

Though coercive birth control measures which systematically and intentionally target a particular section (based on discrimination as in East Timor) would appear to fit the definition of torture, it has proven to be a difficult exercise to have gender-specific human rights abuses recognized as torture. More obvious cases such as forced abortions have however been recognized as cruel, inhuman and degrading treatment in asylum cases.

v) *The right to found a family and to privacy*

The right to found a family and to privacy are violated by coercive birth control policies.⁴¹

The right to found a family is contained in many international human rights covenants. It has its origins in the reaction to the Nazi policies prohibiting marriages across racial and similar lines, and has yet to be applied to promote reproductive rights.

The right to privacy may be infringed not only by aggressive enforcement of birth control policies, but also by the threat to privacy posed by the very existence of such a policy. However feminist commentators caution that invoking a privacy right is dangerous in legal argument, as it is precisely the 'private' nature of the right that has allowed it to be violated without legal intervention. This may particularly be the case with birth control, which may seem very far removed from the subject matter of international law. A state may argue that its population policies are entirely within the realm of domestic jurisdiction as per Article 2(7) of the United Nations Charter, and not subject to international scrutiny, despite the

⁴¹ Sandra Coliver in Sarah Storey's paper on "War Against East Timor" presented at the University of Melbourne 1995

reality that these 'private' violations are true violations of civil and political rights, which are the 'result of specific policies consciously applied by governments.'⁴²

vi) the right to information

The right to receive information is particularly pertinent to women who are subjected to coercive birth control policies. This right is considered in several international human rights instruments. People need information in order to be able to exercise the right to reproductive health - the World Bank with regard to family planning supports this. Incidentally it would be interesting to note here that the birth control programme implemented in East Timor by the Indonesian government in the 1980s was funded by the World Bank.

The right to information is recognized within many domestic jurisdictions regarding the necessity of informed consent for medical procedures. As almost all forms of contraceptives have potential adverse side effects, education, counseling, screening and follow-up care must be provided if they are to be safely prescribed.

From details provided by women who had been affected by the policy of birth control implemented by the Indonesian government, neither were the women informed about what was being done to their bodies, nor were they given the option of selecting the contraceptive of their choice. In many cases use of banned contraceptives like Depo Provera were also reported. Moreover information on the injectable contraceptives used so readily by Indonesians on East Timorese women, which have serious and common side effects, were completely lacking.

⁴² Reed Boland in Sarah Storey's paper on "War Against East Timor" presented at the University of Melbourne 1995

- *Wartime domestic violence*

Wartime domestic violence is a pressing problem today. It has been noted widely (and is currently the topic of extensive research) that post conflict societies are characterized by marked increase in the level of domestic violence directed against women. Recent research shows that societies with high level of military violence report a high level of domestic violence. This is particularly true for countries emerging from conflict situations. For instance, according to women working in women's shelters in Serbia and Croatia, domestic violence in these countries rose by almost 100 percent during the war in former Yugoslavia in the 1990s.⁴³

Scholars deliberating on the reasons for the rise in domestic violence in post conflict societies, corroborated with women's experiences, have explained it as the following:

During violent conflict, both gender relations and opinions about the way that they should be, change. Women take up new responsibilities, and at the same time take on heavier duties. In the aftermath of conflicts, tensions rise if the newly acquired roles of women are not accepted by the new society."⁴⁴

This has also been the experience of the post conflict Timorese society, wherein the wounds of long years of conflict are yet to heal. This has prompted commentators like

⁴³ Beverly Allen, *Rape Warfare: The hidden genocide in Bosnia Herzegovina and Croatia*, University of Minnesota Press, Minneapolis & London 1996, p.114

⁴⁴ National Committee for Development Education, February 1998 in Susan R. McKay 'The psychology of Societal Reconstruction and Peace' in Lois Ann Lorentzen & Jennifer Turpin (ed) *The Women and War Reader*, New York University Press, New York 1998, p. 348

Maggie O Kane to comment, 'the conflict may be over, but for the women of East Timor, there is another battle to be won at the domestic level'.⁴⁵

Domestic violence has soared in the recent years, particularly after the conflict, according to Milena Pires, a Timorese political lobbyist funded by the Catholic Institute for International Relations. Reports of women murdered by their own husbands and brothers are no longer uncommon. In 1999, 169 cases of domestic violence directed against women were documented. The sharp increase in the incidences reported can be gauged from the fact that 40 percent of all offences reported in East Timor are related to domestic violence.⁴⁶ It would be important to note here that the data perhaps does not reveal the enormity of the problem as cases like domestic violence because of its 'private' nature, are not even recognized as an issue warranting action. Reflecting this sentiment Ms. Pires notes, "It may simply be that women are speaking out about it for the first time - but it is probably the single most important issue facing Timorese women today".

The problem lies in the tensions that have arisen following East Timor's return to an independent state. For the men who had joined the revolutionary forces against Indonesian rule, it meant little or no contact with their families, as they fled to the forests, to escape the military. As the violence abated the men of the rebel army, the Falintil returned to the homes that they had not seen since 1975. After 24 years of Indonesian occupation the men were returning home to a world that had moved on.

While the men were in hiding in the mountains, the women were holding the fort at home, taking on the roles of men like providing for the family and its security along with their

⁴⁵ The Guardian, East Timor: Return of the Revolutionaries, 15 January 2001

⁴⁶ Ibid

traditional role of caring and nurturing children and attending to household chores. This for the first time enabled them to claim the “public space” that is often denied to women in a traditional and patriarchal social set up. Some women were even furthering their education in exile.

Women contributed to and supported the revolutionary struggle in their own ways. "Women were involved at every level," comments Pires. "They helped run the camps, sent supplies, and smuggled information. And now, as the men come out of hiding, the women do not want to return to their traditional roles."

This refusal to revert back to the traditional roles has led to tensions in the man- woman relationship within families. Violence has been the recourse for men as a way to assert their authority. The long years of a cruel and brutal conflict, where the men had been exposed to sustained violence, leading to a certain level of internalization of violent ethos, has now been turned on their women.

Feminists have for long argued that the social construction of gender roles and the sexual division of labour that subsequently follows, are in effect necessary means to uphold the values of a patriarchal society based on strong notions of masculinity and femininity. A change in these roles thus challenges the very basis on which such a society is based. Resistance to such change is nearly always universal, manifesting among other forms, in violence directed at the agency advocating such change. In post conflict societies, the resistance by women to revert back to their traditional roles has thus been met with violence. This situation has further been aggravated by unemployment amongst men in post conflict societies like East Timor where the percentage of unemployment is as high as

80 percent. Men are humiliated at being without jobs in a conservative catholic society where their identities are closely linked to their roles of being the providers and ‘head of the family’. An inability to fulfill this role has led to increased frustration and subverted anger. Violence thus becomes the means to assert that lost authority.

The inability to adjust to the changed environment within homes and outside also leads to exaggerated emphasis on ‘culture’ and ‘traditions’. The attacks on women in Dili and other parts of the country for wearing ‘inappropriate’ dresses are an indication of this fact. The women were reportedly attacked because they were mistaken for prostitutes and the ‘men’ had a duty to “protect the morality of their women”.⁴⁷

The rising incidences of cases of domestic violence has prompted many women’s organization like FOKUPERS (East Timorese Women’s Communication Forum) and ETWAVE (East Timor Women Against Violence) along with many others to press for a national legislation to check the problem.

Ms. Radhika Coomaraswamy, the UN Special Rapporteur to East Timor and Aceh, also expressed concern at the absence of adequate legal provisions to address the issue. Even within the national laws in Indonesia domestic violence is not specified as a distinct crime under the Indonesian Criminal Code. Articles 351 to 355 of chapter XX of the Criminal Code set forth the general crime of and penalties for maltreatment, under which cases of domestic violence could be, but rarely are, prosecuted.

Ms. Coomaraswamy in her report (submitted in 1998) noted that, ‘the police still regard domestic violence as a private matter and do not intervene. In most cases, law enforcement personnel are not responsive to the plight of women victims. In cases of rape and other

⁴⁷ Vanja Tanaja, East Timor: Women Fight an uphill Battle, Timor Post, 21 January 2002

forms of violence against women, unless there are witnesses, the police generally refuse to bring the case to court".⁴⁸

Thus as the debate on the 'private- public' dichotomy of domestic violence continues, scores of women continue to fight an 'uphill battle' (as Vanja Tanaja, phrases it) to live a life of dignity, free of violence in post conflict Timorese society.

- *Loss of family, work and social structure*

One of the most significant effects of war and conflict is the decline in the male population as a result of death, flight and labour migration. As a result, more and more households are headed by women, often in extremely difficult circumstances. Female-headed households constitute a large proportion of those living in extreme poverty, generally as a result of the loss of financial support and male labour.⁴⁹

Likewise the conflict in East Timor and Aceh has taken a heavy toll on human lives and property and further deteriorated the economic security of women and children due to loss of work, family and other associated support structures.

Many whose husbands were killed or who escaped into the mountains were forced to live on their own in the villages. They then become soft targets for the militia. The transmigration policy displaced many Timorese, forcing them to leave behind their ancestral homes and settle in new places, which more than often was not suitable for carrying on their agricultural work, the mainstay of the Timorese population. This coupled with the fact that many of the women were carrying on the familial responsibilities alone

⁴⁸Radhika Coomaraswamy, Report of the Special Rapporteur on violence against women, its causes and consequences, UN Doc. E/CN.4/1998/54

⁴⁹ World of Work-the magazine of the ILO, ' Women and Conflict', no-42, March 2002, p. 5

(as the men had joined the resistance movement) put additional pressure and burden on them. The deteriorating conditions wherein women faced the danger of sexual assault and rape by the militia adversely affected the work of the women as they feared to venture out into their fields to work.

Many widows with five to seven children had to live on and struggle to find a daily wage of Rp 5,000, which is less than one dollar. Children suffered (and continue to suffer) from mental trauma and severe malnutrition. The destruction of infrastructure has meant no school for children.⁵⁰

The other direct impact of the conflict has been that it has rendered thousands of women widowed, their husbands murdered or kidnapped. Children have been orphaned. Data from the provincial government in Aceh shows that there are no fewer than 460,000 female heads of households, of whom 377,000 are widows.⁵¹ In fact in some parts of East Timor there exists, what is known as 'widow villages' where the majority of the women have lost their men due to the conflict.

Linked closely to this are the cases of 'disappearances' of both men and women though the number of men outnumber the women in this category. Though it is difficult to ascertain the actual figure of the number of people who have 'disappeared', the estimate is as high as 80,000 – 300,000 in East Timor alone. This figure is astoundingly high given the fact that the UN's ballot registration before the referendum in August 1999 was 850,000.

Prior to the 30 August ballot, the UN Mission conducted a voter registration process. Those in the territory who registered totaled 438,000. This number included Timorese over the age of 17 years who were eligible to vote and wished to do so. At the time, UNAMET

⁵⁰ Melani Budianta, 'Women's response to militaristic security: the case of Acehnese Women' in www.navigation.realnames.com

⁵¹ Suraiya Kamaruzzaman, 'Women and the war in Aceh', *Inside Indonesia*, October-December 2000, p.1

believed that nearly all potential voters had registered. A few Indonesians, who had either married Timorese or had been born in East Timor, were also among the 438,000 registered voters, but most Indonesians had already left the territory by then. On the basis of the voter registration list, the UN estimated the total population of East Timor just before the ballot to be between 850,000 and 890,000 inhabitants.⁵²

For most of the women whose family members have disappeared, it is a life of uncertainty. They have neither received any official communication nor any compensation for the 'disappearances'. In addition to this the families are subjected to intense military surveillance.

Amnesty International in its report on Indonesia has documented several such cases of disappearance. In April 1995 Amnesty International interviewed two Acehese women, Djumilah and Maya (not their real names), widowed when their husbands were killed in 1991 after being arrested by the military in Lhoksuemawe, Aceh. Djumilah's husband's body was returned, but Maya never received her husband's body. Their stories are illustrative of what happened to many women in Aceh, events which are now largely ignored by the Indonesian Government and the international community. The two women have had no official notification of their husbands' deaths, have not seen those responsible brought to justice, nor have they received any compensation. Djumilah said she watched her husband being arrested by soldiers from the Special Forces Command (Kopassus) during the Muslim fasting month of Ramadan in 1991. In the absence of a warrant, she asked why he was being arrested but was only told that the military just needed to take him for a while and that he would be brought back the following day. He did not return. Several days later an officer from Kopassus came requesting soap, a towel and cigarette money for

⁵² ETAN-news, no-43, 7 December 1999

her husband in detention. After eight days the Kopassus officer returned again asking for more money for cigarettes. The next day his body was discovered at the village guard post and Djumilah sent a relative to retrieve it. There were bullet holes in his neck and blue marks all over his face. There were cigarette burns all over his body.

Maya's experiences are similar. She never saw her husband again after his arrest in 1991. Eight armed Kopassus officers came to arrest him, saying that they were taking him for three days only. When he did not return, her brother went to the local Kopassus command to ask where he was, but the military denied any knowledge of his whereabouts. For two months Maya did not know if he was still alive. She herself was too frightened to go to Kopassus. Maya believes that her husband was taken to a local military detention centre called Rancun, which was well known for being a place where detainees were tortured and frequently killed. About two months after he was taken, a relative of Maya's said he saw her husband's body on the side of a road. Maya does not know for sure if this was her husband, but she is sure her husband is dead.

Neither Djumilah nor Maya know why their husbands were arrested.⁵³

For the women in East Timor affected by the loss of family, work and the traditional social structures, the newly acquired independence status of the country has not meant the end of their woes, as they find themselves marginalized in the nation building process with little or negligible representation in the decision making bodies of the country. For the women of East Timor and Aceh (demanding a referendum on the lines of East Timor), the struggle continues.

⁵³ Amnesty International, East Timor: Standing against Repression, July 1993, p.13

Role of women in conflicts: East Timor and Aceh

In time of crisis or war, women often expand their occupational roles on the home front, in order to fill in for the men who are engaged at the battlefield. This does not represent, as women would like to believe, a relaxation of the sexual division of labour in society but rather indicates a temporary shift in its boundaries, dictated by perceived necessary role of men, rather than that of women. This is why the situation is usually so quickly reversed at the end of the national crisis, although not always without protest on the part of women.

This kind of a duality can perhaps be explained by the way in which women in the society are perceived in general where sexual division of labour is persistent and rampant.

This has been particularly true in the case of Indonesia where the images of women during the independence struggle and after have reinforced such division. This has been achieved through various mediums like the media, regional literature and popular folklore. A very pertinent example towards this end is the patriotic songs composed by the late Ismail Marzuki, a well-respected nationalist composer. His songs are still sung in Indonesia even today. The song represents the duality that exists in society regarding the real role of women in peace times.

*“Lovely young girl,
You’re like a budding jasmine.
You offer your body and soul
On the Bekasi front line.*

*They call you Srikandi,
The eternal female defender.
You follow in the young men's footsteps
Helping to defend the country.*

*Oh beautiful woman defender,
Hear the call of the mother.
The rice paddies longingly await
Your sacred contribution.*

*Alas, young women,
Price of your home village,
Return to your mother's embrace
We'll serve in the field".*

The jasmine flower, as Saraswati Sunandyo explains, is a popular symbol of purity intermingled with femininity or true womanhood. Here a woman freedom fighter is given the name of Srikandi, a female warrior in the Javanese version of the Mahabharata. In this song the woman hero is praised as a capable female warrior and glorified as an object of beauty. The song suggests that although a woman could be a capable fighter, her place is not really the front. The song is powerful and romantic and its message is clear: go back to the domestic sphere. That is women must be reminded of their feminine duties once the war is over.⁵⁴

⁵⁴ Saraswati Sunandyo, 'When the Earth is female and the Nation is Mother: Gender, the Armed Forces and Nationalism in Indonesia', *Feminist Review*, no 58, Spring 1998, p. 5

This has been the case in East Timor particularly where, once now that the crisis has defused, women are expected to go back to their traditional roles of child rearing and nurturing, as permissible in the traditional Catholic Christian society.

This was the sentiment echoed by the representatives from East Timor at the United Nations Security Council 'Arria formula' meeting on the implementation of the Security Council resolution 1325 on 30th October 2001, where in, one of the representatives, Natércia Godinho-Adams made the following observation:

“Women and children frequently carry the greatest burden of crisis situations as a result of loss of income, unemployment and family displacement. Under traditional systems, women's leadership and decision-making roles were severely limited. However, while crisis creates serious problems for women it also creates opportunities. Men and women's roles changed substantially during the years of conflict and social disruption since 1974.

A significant number of women assumed active roles in the clandestine liberation front and the armed resistance. They were soldiers, they smuggled medication, food, armament, and information to the resistant movement hiding in the mountains. In the absence of the male household head, women assumed new responsibilities like providing for the family and engaging in the traditional 'male' income generation activities. East Timorese women want to build a society that will respect their newly acquired post-conflict roles, and will not force them to return to the traditional powerless roles.”⁵⁵

Elaborating further on the active role that the women of East Timor played in the movement for independence, the Statement released by Rede: Feto Timor Lorosae (a

⁵⁵ Natércia Godinho-Adams at the UN Security Council 'Arria Formula' meeting on the implementation of Security Council Resolution 1325 on 30th October 2001

network of East Timorese women's organization) on the occasion of the United Nations Security Council special session on *The Role of Women in Maintaining International Peace and Security* in Dili, on October 24, 2000 read as the following:

“In East Timor, experience has shown that an oppressive colonial rule has led to women being considered as weak by men. Women have suffered a double disadvantage in this armed conflict. Since the invasion by Indonesia, the women of East Timor have always been conscious and determined as women and as mothers of Timorese citizens and have combined that role with dedication. During the long conflict, women have made innumerable sacrifices.

From the invasion of 1975, Timorese women have contributed to all aspects of the resistance in the mountains: Timorese women were at once mothers, responsible for basic household duties and taking care of children as well as committed supporters of the struggle. We assisted FALINTIL (the armed resistance of East Timor) in the preparation of food and other natural resources for combat rations, in the making of backpacks from palm-leaves for carrying munitions and for washing the clothes of FALINTIL as well as being fighters ourselves.

Women functioned as a security watch in the free zones, taking combat rations in the free zones to be transported to the operational zones as well as taking munitions out of the operational zones into the free zones. Women also developed literacy campaigns and cultural interchanges in the free zones.

In Clandestine Operations women acted as the link between the resistance inside and the Diaspora, we searched for means to obtain munitions from our husbands or brothers to increase the munitions of FALINTIL; we wove tais and made sandals to sell them to

Indonesian soldiers as a form of exchange for fatigues or shoes for FALINTIL, we prepared the combat rations to take to the armed resistance and during periods when there was no water, we looked for means to provide water to FALINTIL, and often encountered dangerous situations.

During the military sweeps under Indonesia, we hid members of the FALINTIL in our house and in difficult situations, took messages or urgent letters inside our clothing or hair to aid the leadership of FALINTIL. We contributed a monthly allowance and when captured by the Indonesian military, we resisted and thus suffered twice as much, either by being raped or by giving up our lives.”⁵⁶

It is but ironical that despite such ‘sacrifices’ the contribution of women to the protracted struggle for independence in East Timor and the ongoing struggle in Aceh, women find themselves marginalized in the reconstruction process. During the post conflict period, in East Timor particularly, women have rarely achieved visible leadership roles due to the reinforcement of the existing household relations that have forced women to return to their traditional subordinate positions. Women were marginalized in the conflict resolution process and after independence in East Timor, women are conspicuous by their absence in the deliberations and discussions to decide the polity of the new state.

Thus, women’s experience of war and armed conflicts and their post conflict marginalisation raise crucial questions on war and the war system and the notion of ‘security’ which is central to its construction. The next chapter analyses the traditional and conventional paradigms of national security and the extent to which it has been able to accommodate the interests of women.

⁵⁶ Statement released by Rede: Feto Timor Lorosae, a network of East Timorese women's organization

Chapter 4

Engendering Security: Shift from National to Human Security

The conventional and contemporary debates on security are associated with 'state-centric' approaches, which narrowly concern itself with war and arms, excluding the larger perspective on human security particularly the basic conditions of women's day-to-day human security needs. Feminist ideology on peace and peace studies emphasise that human security and gender justice are imperatives for peace.

This emerging ideology critiques the dominant paradigm of 'national security' based on militarism and war preparedness. One basic characteristic of militaristic concept of human security is the tendency to sacrifice human rights and human dignity for the sake of security. This is the consequence of 'militaristic war preparedness' nature of many nationalistic version of security, which is insensitive to the issue of gender. Due to the male-centredness of security and peace studies, women's interests and needs have been neglected, with serious and far-reaching consequences for women.¹

National Security: politics of Inclusion or exclusion

Security has predominantly been defined in terms of the nation state. Thus the notion of national security, emanating predominantly from the field of strategic studies, is dominated by the neo-realist mode of thought with its focus on power and institutions

¹ Melani Budianta, 'Women's response to militaristic security: the case of Acehese Women', www.navigation.realnames.com

of power, especially the military. It is built on the Hobbesian notion of an anarchic state system where the state of nature is 'nasty, brutish and short'. Its later exponents, the Classical American neo-realist theorists, like H. J. Morgenthau and Kenneth Waltz highlighted the 'anarchic' nature of the state system. The British academic, Hedley Bull tried to theorise a form of anarchy characterised by at least some interdependence and co-operation in his writings on an 'international society' of states. More recent critical theory is fundamentally concerned with historicizing the status quo, and seeking structural transformation.²

This traditional notion of national security, in terms of armies, guns and war, emphasises the state as both the *primary actor and level of analysis*. It excludes other important actors and levels of analyses, including individuals and groups (ethnicities and religious groupings, political and ideological groups, and non-state actors like corporate mercenaries as well as other institutions like transnational corporations (TNCs) and multi-national corporations (MNCs), international financial institutions (IFIs) such as the World Bank, as well as the global arms trade - from manufacturers to marketers to purchasers.

This has prompted later theorists like Maxi Schoeman, who has extensively researched women's security in Southern Africa, to criticize the realist and neo-realist positions and particularly that of Waltz's for "de-historicizing" the international state system and assuming its 'inevitability, rather than admitting that it is a human

² Bernedette Muthien, 'Human Security through a Gendered Lens', *New Routes*, vol-6, no-3 2001, p. 17

construct and a product of a specific era and context'.³

The modern move away from *inter-state war to intra-state conflict*, in particular, stresses the importance of group and institutional analyses that involve regional, linguistic, ethnic, economic, state and international dimensions. It includes non-state actors such as mercenaries, arms and other suppliers, locally and internationally.

The traditional definition of security also emphasises protection from harm for citizens of a country within national boundaries, where as in intra state armed conflicts, especially in ethnic conflicts like the one in Yugoslavia and Indonesia (East Timor) this idea of protection within the national boundaries stands contested. This is amply clear from the discussion in the previous chapter where the threat to the lives of people emanated from *within* the boundaries of the country and where the 'enemy' was from within the state itself. The clause of protection from harm has also been singularly inadequate to protect the lives and rights of the people. The clause of protection from harm as it is largely understood is especially inadequate during times of conflict, where security is relegated only to mean bodily security and does not include other forms of violations that occur during conflicts, which are gendered in nature. The most 'gendered' of these violations is of course the sexual exploitation of women and the gross violation of their reproductive rights. In ethnic conflicts then, the battle lines become the women's bodies. This has been evident from the ethnic conflict between the Hutus and Tutsis in Africa, to the Serbs and Bosnians in

³ Maxi Schoeman in Bernedette Muthien's 'Human Security through a Gendered Lens', *New Routes*, vol-6, no-3 2001, p.17

Yugoslavia, to the East Timorese and the Indonesians in Indonesia. The conflict in East Timor and Aceh resulted in the systematic rape and sexual exploitation of women. The reproductive rights of women were violated with impunity as part of the government's birth control measures. Women, and through them their children, have paid the disproportionate price for this as they were sexually exploited, raped with impunity and widowed with no means of subsistence.

In addition, the traditional definition of harm does not include other aspects of safety, security or well being, including the environment, basic needs (for example food and housing), *identity and dignity*. The concepts of identity and dignity assume special importance during armed conflicts, and especially so, in ethnic conflicts. Ethnic identity construction, which is sometimes opposed to or in variance to 'national identity', is the basis of ethnic struggles, where the ethnic group struggles to retain its distinct identity from the monolith of 'national identity'. In the ethnic struggles of East Timor and Aceh, the might of the Indonesian military was directed at suppressing the *identity* of the people through the transmigration policy and the Indonesian birth control measures. Mass rapes of East Timorese and Acehnese women were thus means to erase the ethnic identity of the people. The breach of human dignity is another casualty in ethnic conflicts.

Bernedette Muthien sums up the difference between the traditional notions of security and the contemporary one's by relating it to 'Negative peace' and 'Positive peace'. She asserts that Negative peace or the absence of war conforms to traditional

definitions of security in general, and traditional protection from harm in particular. Positive peace, on the other hand, means both negative peace, as well as the realisation of even the most basic of social justice needs.⁴

Peace activists like Betty Reardon, contend that the traditional notions of security have eclipsed the needs of women in the dichotomy of the 'private' and the 'public' spheres. She asserts that the state has traditionally been concerned with the male-dominated 'public' realm. Thus issues outside of the public realm, including domestic violence, job discrimination, the status of women, have not been viewed as concerns of national security. She cites three major problems with the traditional understanding of security in the international system:

- it is dominantly masculine rather than human in conception
- it is designed to achieve the security of the state rather than that of persons or human groups
- it addresses only one of four fundamental sources of human well-being.

Betty Reardon goes on to delineate the four sources of security as the: environment, basic needs (for example food and housing), identity and dignity, and finally, protection from harm. She concludes that the condition of worldwide insecurity exists because the present state-centred security paradigm places a priority on protection against harm from others over all other sources of human well-being. It is inadequate

⁴ Bernedette Muthien, 'Human Security through a Gendered Lens', *New Routes*, vol-6, no-3 2001, p.18

and imbalanced where human needs are pushed to the periphery.⁵

Similarly, Johan Galtung's 'human security model', also questions the state centric approach of the traditional notion of security in the international system. The human security paradigm proposed by Galtung, provides a more holistic and comprehensive definition of security and protection from all forms of harm, which include structural, cultural, personal, and their respective antitheses. Structural violence (with its antithesis structural peace) refers to, for example, discrimination based on class, race or gender, that is, violence embedded in the very structure of society. Personal or direct violence implies a direct verbal or physical attack of one person on another whereas Cultural violence 'serves to legitimise direct and structural violence'.⁶

While violence against women is direct and personal (e.g. a man assaults a woman), it also embodies structural sexism as well as cultural legitimisation, which guarantees its continuous replication. A subtle example of structural violence in this instance would be 'victim blaming' which is institutionalised in law and legal practice. More pronounced forms include common practices such as female genital mutilation, forced child brides, and foeticide/infanticide. In relation to cultural violence, this is evident for example when survivors internalise their personal and systemic brutalisation. This relates to the sexist attitudes that keep women's opportunities limited.⁷

⁵ *ibid*, p. 18

⁶ Johan Galtung, *Peace by Peaceful means*, Sage Publications, London 1996, p.31

⁷ *ibid*, p.31

Thus if security is perceived as protection from harm then that protection has to be structural, cultural as well as personal. The human security paradigm attempts to address critical questions about who is secure and who is not and whose interests are being served. Reactively, human security would include the absence of physical violence, or negative peace. But proactively, human security involves establishing mechanisms (policies and structures) that will ensure that individuals and communities enjoy personal, structural and cultural security, in other words positive peace.

Women's security: the need for a separate category

Feminists and peace activists have for long advocated the cause for a gendered approach to human security. Integral to this concept of human security is gender equity.

In this regard, Betty Reardon suggests that the remedies, which could move the international system closer to a sustainable system of human security lie in the demilitarisation of security in favour of non violent conflict resolution and the building of mutually beneficial relationships among all nations, committing talent and global resources to fulfilling all security expectations within national, cultural and more importantly gender equity. These remedies can only be achieved when human needs are the primary concern of the security establishments. This concern cannot be the focus of security policy-making without the equal participation of women as

human security depends on gender equality.⁸

Contemporary research has shown that in the absence of physical, political, economic and/or cultural security, that is, in the absence of human security, women are the first and most severe victims. Gender remains one of the major societal lines of battle, as statistics on rape, domestic violence and child abuse show. This is particularly so for traditional societies like Indonesia, where the absence of such guarantees are often rationalised in the name of traditions and customs.

For feminists, violence is the central problem for peace- in all its forms and at all levels in the society. It transcends stratifications of caste, class and race. As Jill Steans notes:

Violence should not...be viewed as a specific and limited act, but as part of a complex process, which involves institutions and the way they are organised.⁹

Distinct links can be identified between traditional notions of security and the war system characterised by what Alva Myrdal called a “weapons culture.” When people and governments misinterpret security as only national security, they build armies and weapons systems, which take billions of money away from other basic needs, such as housing, employment creation, health and education. The ‘weapons culture’ that Myrdal decried has been characterised by what Betty Reardon calls ‘an addiction to

⁸Betty Reardon in Bernedette Muthien’s, ‘Human Security through a Gendered Lens’, *New Routes*, vol-6, no-3 2001, p. 18

⁹ Jill Steans, *Gender and International Relations: An Introduction*, Cambridge:polity, London 1998, p. 104

weaponry', which has profoundly influenced all public policy and the daily lives of most citizens. For women the impact has been decidedly negative.

Extensive research shows that the limits that arms spending impose on social expenditures explain the inability of societies to meet human needs. When human needs are denied, women, and through them their children, most frequently experience the greatest deprivation. The most significant contribution that women can make is to illuminate the relationship between the culture of war and the systematic violation of women's rights. Power elites must be convinced to undo the exclusion of women from high-level policy making on matters of peace and security. Thus a culture of peace requires us to reconceptualise security and even more importantly, power.¹⁰

This redistribution of power that Betty Reardon talks of is not possible without a genuine partnership between men and women. However it would not be an exaggeration to say that this process requires time, as well as an attitudinal shift in the way that men's and women's roles are perceived in the society. Thus it is no surprise that women were conspicuous by their absence in the entire peace process of East Timor and their representation is marginal in the bodies deliberating the future of the state, entrusted with the challenging work of nation building. A new definition of security incorporating the interests and perspectives of women would prove to be elusive until and unless this imbalance in representation is corrected.

¹⁰ Betty Reardon, 'Women or Weapons' in Lois Ann Lorentzen & Jennifer Turpin (ed) *The Women and War Reader*, New York University Press, New York 1998, p. 292

Thus the perspectives, concerns, insights and experiences of both men and women must be constructively combined to redefine our understanding of national security. As Debra Yaten, the coordinator of PEKA, a women's organisation in South East Asia which advocates Peace and Justice observes, 'Peace is not only a state but also a culture that needs to be developed in time. A culture of peace includes the concept of human Rights, democracy, social justice, protection for the weak, solidarity and last but not the least, gender equality.'

Thus, there is a need to redefine and engender the traditional understanding of security, in order to shift its focus from 'state to human centeredness' and even within this model to integrate women's interests. For it is evident from Yugoslavia and the current discussion in the previous chapters (on the impact of conflict on women in East Timor and Aceh) that security can no longer be constricted in its definition and must reflect the experiences and opinion of women who stand to be affected by it. In situations of armed conflict and war, the definition of security and the notion of 'protection from harm' can assume different meanings for men and women, as their experiences of conflict are distinctly different. Accommodating these varied experiences, is then crucial to the new definition of security, which is inclusive rather than exclusive of women's voices and experiences.

Chapter 5

Conclusion

When societies are assailed by wars, state sanctioned violence, revolutionary struggles or non-violent social movements, women have been important actors in these movements. It is unfortunate though, that their roles have been stereotyped and in many instances, not duly acknowledged.

The struggle for independence in East Timor and the conflict in Aceh are examples that reflect this reality. It is evident from the discussion in the previous chapters, that women in East Timor have played an important role in the nationalist struggle, both in terms of their direct participation as activists, as well as being the 'providers' of the families in absence of their men. They have also experienced warfare differently from men. While men experienced the direct violence of armed conflict in the form of illegal detention, murder and torture, women on the other hand experienced deprivation related to loss of economic structures and gendered violence in the form of sexual abuse, rape, and lack of control over their bodies- including prostitution and sexual slavery. They also suffered direct violence as political prisoners because the men in their lives were under ground and women became convenient hostages. The experience has been similar for women in Aceh, where the conflict has made them more vulnerable to gendered crimes and violence.

The role and importance of women in reconstruction, in post conflict societies, is an important part of the process of social reconstruction. This is not simply because equal opportunities for women constitute a universal, fundamental right, but also

because societies have a greater chance of developing and of achieving social cohesion if the entire population, rather than only half of it is involved in reconstruction.

Though women have been inevitably deeply involved in the reconstruction process, this involvement has been specifically *within* circumscribed areas that reinforce the existing household relations and the dichotomy of the 'public and the private'. One of the reasons being offered for the soaring rate of domestic violence in East Timor is this contradiction in the roles played by women, during and after the conflict. A resistance to revert back to the traditional role of 'caring and nurturing' for the family, and in the process give up the 'public space' that women had come to occupy during the conflict (as they had taken on the traditional male roles of providing for the family) has increased tensions in families, resulting in increased violence in marital relations. Moreover, women in East Timor find themselves marginalized in the conflict resolution processes.

The marginalization of women in post conflict societies raise important questions on the assumptions associated with the 'maleness' of war, given women's direct and indirect participation in it. It also raises questions on the adequacy of legal measures to protect women from their unique sufferings during wars and conflicts. The most common and often strongly expressed response to the call for improved protection for women by the Law of Armed Conflict, are either that all civilians warrant improved protection, or that what is required is improved enforcement. Gender is irrelevant to this response.

If it is accepted, that women experience warfare fundamentally different from men, irrespective of whether the latter are combatants or civilians, then laws that take the experience of men as the norm against which to construct the rules are unjust. It is not an answer that women already receive special protection by the Law of Armed Conflict as for e.g. when they are pregnant or prisoners of war. All these rules relate to the sexual and reproductive aspects of women's lives, which are in any case sacrosanct. The recent measures being adopted in the UN, like Resolution 1325, seek to correct this dualism. Measures to engage women in conflict resolution mechanisms and in the reconstruction process are thus being duly initiated.

To achieve what Bernedette Muthien terms 'Positive Peace', it is also essential to reflect on our traditional understanding of security and its impact on the lives of men and women. Security cannot just be defined in terms of guns, armies and weapons. After all, states justify the huge build up of arms, on the rationale, that arms are necessary to protect the territorial integrity and security of its people. Whose security does the state seek to protect if it cannot guarantee human security – including life, protection from harm and identity and dignity of its people?

Moreover the concept of security has to be responsive to the emerging global patterns, which seek to reduce the monopoly of the state in all aspects of human lives. This is not to argue that the state has to forgo its basic responsibility of protecting the interests of its people, but proposing that this interest must be inclusive and should reflect the particular concerns and experiences of women. The increasing shift from interstate to intra state conflicts also necessitates a review of the contemporary understanding of security, particularly national security. The rise in ethnic conflicts in

this century raises pertinent questions on who is secure and who is not. Moreover it needs to be analysed as to what and whose security does the state actually espouse?

Given the tumultuous times that we live in, it is imperative that a culture of peace is consciously evolved to counter the culture of waning tolerance. The emphasis has to shift from confrontation to cooperation, partnership and interdependence. To build this culture, it is imperative that women be involved in the peace making process. Women have to play and demand bigger roles for themselves in all peace making initiatives. Measures that could be initiated to evolve a culture of peace are:

- Include women in all peace initiatives and conflict resolution measures
- Eliminate all forms of violence against women and children-violence meted out to them in their homes in the form of domestic violence, sexual abuse etc
- Train parliamentarians, policy makers and leaders of civil society in conflict resolution and peace building exercises
- Emphasis on negotiation and mutual dialogue as measures to resolve conflicts
- Create constitutional mechanism backed by adequate legal measures to protect women and children from violence during conflicts
- Inculcate gender sensitive values in men and women to restructure existing gender relationships for one that is based on equality, respect and mutual support

Thus, a gendered approach to conflict does not rely on studying women's participation in movements as a static feature of social life. Nor does it claim that women are more peaceful than men. Instead it implies rethinking how we construct war, peace, conflict, security, justice, non-violence and conflict resolution so as to promote a better social transformation of the 21st century.

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