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CONFLICT INDUCED DISPLACEMENT OF ASSAM (INDIA): THE IMPACT

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Abstract

The state of Assam in general and the western part of Assam particularly populated by various ethnic and other communities have been experiencing ethnic conflict since last few decades. The conflict which erupted between the Bodos and the Adivashis during the nineties and again between the Bodos and the emigrant Muslims in the beginning of 21st century displaced more than 300,000 and 400,000 people respectively from their habitats, forcing them to stay in the temporary relief camps in the most dehumanized conditions. These groups of people who were displaced due to ethnic conflict were not given the status of refugee, as they had not crossed any international border. Therefore they were deprived from receiving the assistance and protection that the refugees receive world over. As per the guideline of the United Nations, to be recognized as refugee, one has to cross the international border and live in the relief camps.

The significance of the paper is that the conflict between the communities has been going on unabated around the world and often authorities in question are not in a position to come out with clear cut policies to solve such issues. Of late the subject has found a place in the academic circles and is being discussed, although whether this will translate to more attention and concrete action is another matter altogether. In this write up, an attempt has been made to highlight the causes of recurrence of Conflict, impact of displacement on the socio-educational and to critically examine the rehabilitation package given to the displaced persons.

Key words: Conflict, Displacement, Ethnic, Bodos, Adivashis, emigrant,
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Introduction

The State of Assam in India and the western part in particular is populated with ethnic and other communities such as Bodos, Assomiyas, Bengalis, Rajbongshis, Santals, Rabhas, Garos, Muslims among others. They have been experiencing ethnic conflict for a long period of time (Goswami 2001). The conflict between the communities in the western part of Assam is and always has been a major concern and focus in terms of longstanding instability in the region. The conflict which took place between the Bodos and the Adivashis in the 1990s led to the displacement of more than 300,000 people from their original habitats in the western part of the Bodoland Territorial Area District (BTAD), Assam and consequently forcing them to stay in the temporary relief camps for more than a decade. Another major conflict broke out between the Bodos and the immigrant Muslims in the year 2012 in which more than 400,000 people got displaced from their habitats. The displaced people stayed in the temporary relief camps, government institutions and makeshift arrangements. There were about 279 relief camps in Kokrajhar, Chirang and Dhubri district of Assam respectively with more than 400,000 inmates (The Sentinel, 2012). Although, the inmates of these relief camps have returned to their villages, many of them are still found to be taking shelter in camps near the villages of their habitats. The government has initiated the rehabilitation process by providing Gratuitous Relief to the affected families, however, some of them still face acute shortage of food, drinking water, sanitation and medicine supply issues; to mention a few of their difficulties among many. They are also encountering deep psychological problems and have a deep sense of insecurity even while staying in the camp sites near their villages. This has manifested into a deeper sense of insecurity and resultant unwillingness to return back to their places of original residence. The affected people of 1996 conflict which broke out between the Bodos and the Santals have still not been entirely rehabilitated and are found to be living in areas populated with and in a way dominated by their own communities.

Such recurrence of conflict in the region has germinated a feeling of hatred among the communities living in this part of the country and has resulted into the formation of Boro and Oboro (Non-Boro) organizations. The situation is so volatile even today that conflict may erupt at any time given the slightest of provocation.

Though many conflicts have occurred in the past and dissensions have led to the formation of various organizations, be it militant or democratic in the name of protecting individual communities; it has become inevitable today for all the communities to sit together and sort out the differences and work for bringing about permanent peace in the region through reconciliation. This paper highlights the identified causes of such ethnic conflict, consequent displacement and its impact on the socio-educational fabric. It also critically examines the rehabilitation package given to the displaced persons.

Pertinent to note is that the displaced people as a result of the conflicts in the region during the 1990s and 2012 could not be granted the status of refugees. The guideline set out by the United Nations Organization for getting the status of refugee underlines the requirement that to get the status of refugee one has to cross the internationally recognized border. The displaced people of the conflicts have not fulfilled the requirement as they are within the territory of the Indian State. However, in the present context they have been designated as Internally Displaced Persons (IDPs). Thus, the displaced people of the conflicts remain deprived of the benefits received by the refugees globally.

Genesis of Conflict induced displacement

The longstanding conflict in the Bodoland areas has left many displaced and homeless which is a major distressing factor. There is no doubt that the influx of population from neighbouring countries and districts has been a major factor in this perennial conflict in the BTAD areas. Apart from this, there are emerging causes that are fuelling and aggravating the present situation.

The influx of immigrants into the region is not of recent origin. It commenced centuries ago and continues even today. When Kokrajhar was a part of undivided Goalpara district, the immigrants came to Goalpara district from Mymensingh, Pabna, Bogra and Rongpur district of Bangladesh and settled on char lands. This had begun as early as 1901-11 (Barooah, 1979). The ingress continued through the porous border even after independence of India.

The conflict which is experienced today in the tribal areas between the immigrant Muslims and the Tribal communities is also not a recent, as has been mentioned. There have been many such conflicts in the past. The earlier conflicts had occurred due to lack of understanding of the land laws by immigrants in the belts and blocks meant for certain protected classes of people. This brought about the conflict with the locals from time to time. It is also a well known fact that the creation of tribal belts and blocks has a direct relationship with the large scale immigration of people from eastern Bengal especially from the Mymensingh area (Bordoloi, 1999).

The Congress ministry in Assam headed by Late Gopinath Bordoloi did realize the dismal situation of the tribals and undertook policy initiatives and measures to create of tribal belts and blocks for tribals and backward classes with amendment of the Assam Land and Revenue Regulation Act 1886 by adding chapter X in 1947. This had a direct relationship with the large scale immigration. After the recent conflict between the Bodos and the Muslims in the western part of Assam, it has been further unraveled that the land belonging to the protected classes of people have been encroached upon by a large population which is not ineligible to claim permanent rights to reside in those belts and blocks. The State government had inadequate checks and balance to prevent the illegal transfer of land in those belts and blocks. The district authorities have been instructed to send quarterly report with respect to illegal encroachment and transfer of land to the higher authorities but the letters have gone into oblivion.

The western part of Assam had earlier experienced conflict between the Adivasis and the immigrant Muslims during the 1980s just after the creation of Santal Colony Tribal block in the year 1977. The Santal Colony Tribal block has as many as 43 villages with 57,930 bighas of land in the western part ofAssam created by the Assam government, vide notification No. RSD.9/77/11 dated 24.08.77, to protect the lands of the Santals and the tribals from the land-hungry immigrants. The conflict during 1980 forced the immigrants to vacate the colony and settle outside the border of the colony. The Santal colony tribal block was encroached upon by ineligible people, after the Santal-Bodo conflict of 1996. Though many Bodos lived in the colony prior to 1996 conflict but not a single Bodo family is found to be seen today after the conflict. There are about 113 Bodo families with original patta lands, who were displaced from the Santal Colony Tribal Block during the Santal-Bodo conflict and they have still not been rehabilitated till date.

The emigrant families who were displaced from the north of Bongaigaon more than 20 years ago and about 100 families of the 2012 conflict are still found to be living under unsafe and uncertain conditions along the national highway near Rakhaldubi and Bhodiaguri respectively. The families who are found living in the temporary relief camps, be it Adivasis

or immigrant Muslims, have all been identified by the government officials as encroachers on forest lands. The government provided assistance to these families from time to time but they could not be rehabilitated. The families who had "patta" lands and got displaced from their habitats have been fully rehabilitated in their respective villages by the government in a phased manner except the 113 Bodo families of the Santal colony tribal block. A few displaced Adivashi families identified as encroachers resettled inside the forest areas and the authorities evicted them recently which also propelled lot of protests from organizations. Even today, encroachment and settlement on forest lands is continuing and this has large potential of creating another conflict in the days to come.

Ethnic clashes and immigration of population from across the border and other parts of India are the most important contributors of displacement of population in the area. The Santal-Bodo conflict in the Kokrajhar district of Assam displaced more than 300,000 population belonging to the Adivasis, Bodos, Rabhas etc. forcing them to live in the relief camps for more than a decade. Whenever ethnic conflict occurs, people are ill-informed and their bid to escape from the area with whatever they can carry on person creates further distress as they know that what they leave behind will get destroyed.

Historically, the district of Goalpara was the main gateway for the influx of population from Bangladesh in to Assam. (Barooah, 1979). The presence of such numbers of immigrants whose language, manners and customs differ widely from those of the indigenous people, has affected the economic, political and social structure of the area. Their hunger to grab land was so great that they even encroached the land belonging to tribal communities. Initially there was no problem of land as such but when the availability of land became scarce due to increase in population land-grabbing brought them in direct conflict with the tribal people and other indigenous people of Assam (Barooah, 1979).

The communities of Bodos and Santals lived together as good neighbours for more than a century but the conflict which erupted between the two communities has brought a feeling of hatred. One of the root causes of the conflict is the control over forest resources. In addition to this, the issue of control and access over land and forests has resulted in unprecedented hostilities between the dominant and non-dominant ethnic groups of the area. In an already unsettled environment further differences have crept in between the various agitating groups thereby aggravating the situation even further (Goswami, et al. 2005). The Bodos enjoyed superiority as they are categorized as scheduled tribe population. Whenever there was tender for logs, only Bodos and others who were categorized as Scheduled Tribe (ST) were allowed to take part in tender. Although the Santals are the indigenous population of India and categorized as STs in their original states, do not seem to have either been granted or recognized as having the status of ST in Assam till date. They were deprived from applying for such tenders that were meant for the ST population. So, dissatisfaction and discontentment started breeding among the Santals.

Of late, another problem being faced by the region is the demand for Scheduled Tribe (ST) status by the communities currently designated as Other Backward Class (OBC).The bandh call given by the ST status demand committee affected the entire region adversely as the Central government has failed to convey any concrete decision on the issue. The tribes have designated status of STs (14% of Assam's population) are vehemently opposing the move of the central government to grant ST status to these communities who are fighting for it. There is fear in the minds of the existing STs that once the six communities are accorded ST, they will be deprived from all the benefits being enjoyed by them currently. There is also an apprehension in the minds of the existing STs that once the six communities are granted ST status, they will be simply wiped out in elected bodies as well as from education and jobs.

In the year 1996, a community called Rajbongshi was accorded ST status for six months and during that time most of the seats in the Engineering (17 out of 21 seats), Medical (33 out of 42 MBBS seats) B.Sc (35 out of 45 seats) and other services which are reserved for ST were taken up by the community. (The Indian Express, 2016).

Information gathered from various Bodo people of Gossaigaon sub-division further says that, the possible concealed reason may be banning entry into the forests in lower Assam by the National Democratic Front of Boroland) NDFB – an insurgent group of the Bodos. Santals who were closely associated with the forests for their survival got frustrated at such activities of the NDFB. On the other hand, the Santals started suspecting that NDFB allows Bodos to enter the forests but the Santals were being prevented from entering the forests. This led to internal hatred towards NDFB in particular and Bodos in general and started preparing for fighting against Bodos and it was capitalized by other anti-social elements.

An informant of the study area, Mr A.S.Koch, Head Master of Kashiabari school was of the opinion that there was a third force that was believed to be behind the conflict between the Bodos and the Santals. According to him, Bodos and other indigenous people of the area considered the immigrants as strangers and the immigrants were chased out by the local people once in the year 1950 as their number started increasing by leaps and bounds in the area. Creation of Santal Colony Tribal block in the western part of Assam in 1977 (Bordoloi, 1999) resulted in the Santals chased out the Muslims from the colony in the 1980s as they considered them as intruders. However, the third forces instigated the Santals to act against the Bodos to divert the attention of their intrusion into the restricted areas. The militants too used to kill the people belonging to all the communities who went to the forest to cut trees. Killing of people by the militants were considered as a part of the design of Bodos to have full control on the forest. So, when the conflict erupted in 1996 and 1998 respectively, the two communities were busy fighting and the third forces were exploiting the situation. They went on intruding into the restricted reserved lands. Now many people belonging to the minority communities are found to be settled in the colony in western Assam which is created for the Santals and the tribals.

Another social worker of the area Mr Moken Narzary was of the opinion that the root cause of the Santal-Bodo conflict was mainly due to political reason. The 28 Gossaigaon LAC was always under the control of the Adivasis for a pretty long time. But the winning of Bodo candidates from the LAC in 1996 assembly election made the Santal feel uneasy, which led to the conflict between the two communities.

The recovery of three dead bodies belonging to Bodo girls near Satyapur under Gossaigaon sub-division in the Kokrajhar district on 10th May 1996 was only one of the instigating causes of the Santal-Bodo conflict. However who killed those three Bodo girls, why and how and where was not known. When the dead bodies were recovered and brought to Gossaigaon, thousands of Bodos gathered to see the dead bodies. It was assumed that the Santals killed them and there was no deliberation or second thought given to any other motive like personal enmity or conspiracy of some third party who knew about the germinating hatred of Santals towards Bodos. Proper investigation of the killing could have saved the carnage that followed. In the gathering some of the Bodo youths got furious and started beating Santals in Gossaigaon town itself. Later in ensuing days, some villages belonging to both the communities were reduced to ashes. The Bodo insurgent groups took this opportunity to show their patriotism towards Bodos and burnt down several Santal villages with impunity and show of power; and also killed many Santals and Oraons. In retaliation underprepared Santals retaliated with bows and arrows and burnt some houses of the Bodo villages and killed few Bodos.

Table (i) Internal displacement in western part of Assam (1990 onwards)

Region	**Year**	Bodoland movement	**displaced persons**	**Population groups affected**
Western Assam	1991-93	Massacre at Kokrajhar, Barpeta and Bongaignaon	60,000	Bengalis
	1994 (July)	Massacre at Relief camp at Bansbari in Barpeta	1000(60 villages)	Na Assamia Muslim peasants
	1995 (October)	Santal- Bodo conflict	70,000	Na Assamia, Muslims, Hindu Bengalis
	1996 (May)	Reoccurrence of Santal-Bodo conflict	250,000	Ethnic Santal, Bodo, Rabha
	1998	Indigenous- Muslim conflict	82,000	Santals, Bodos, Rabhas
	2008 (October)	Bodo-Muslim conflict	97,090 (Udalguri district only)	Bodos, Muslims, Garos, Aassamiyas, Nepalis, Biharis, Rabhas
	2012	Bodos –Muslim Conflict	400,000	Bodos and Muslims

Sources: (i) Joshua Thomas, C. (2002), (ii) USCR (1999), (iii) Hussain, M (2000)

(iv) Deputy Commissioner, Kokrajhar and Deputy Commissioner, Udalguri, 2008.

(v) (The Sentinel, 2012).

Rehabilitation Issues:

The present level of assistance for the protection of the IDPs appears to be insufficient. The critical issue for IDPs is unlike that of refugees and as yet there no clear-cut international mandate for protection and assisting IDPs. Declaration of Hague on the future of refugee and migration policy articulates (Anon, 2002) that in many situations, IDPs find themselves living perilously among the already poor and deprived local populations. The impact of such type of displacement not only affects the psychology of the people but also the socio-educational and economic condition of the people.

The displaced people have been living in temporary relief camps for more than 15 years and some of them who could not go back, are still found to be living in the small huts erected near the campsite. After the conflict that erupted in 1996, many displaced people returned to their native villages in 1997. However, after staying for sometime in the village, major conflicts between the two communities such as Santal and the Bodos again erupted in 1998, which led to the displacement of many people from their original habitats. The affected families of 1993 riot belonging to Muslim community are currently living in the temporary relief camps along the National Highway near Rakhaldubi under Bongaigaon district. There

are altogether 3658 families or about 18000 people currently living in the said relief camp (Deputy Commissioner, Bongaigaon).

After the recent conflict between the Bodos and the Muslims, the government of Assam and the Bodoland Territorial Council (BTC) started rehabilitating the displaced persons in the places from where they had been ejected. But there were some obstacles as both the parties involved in the process of rehabilitation could not come to unanimous decision in regards to the guideline of the rehabilitation of the displaced people. Both the parties had several rounds of discussion and came out with the decision that the displaced people having land pattas would be rehabilitated in the first phase. The process of rehabilitation started as per the decision of the Group of Ministers (GoM) and the BTC authorities but it did not last long as yet again conflict erupted between the two communities which led to the killing of 15 persons within a week (Sentinel, 2012) and the administration was forced to impose indefinite curfew in the entire Kokrajhar district as a measure to control the situation from further deteriorating.

The Santal-Bodo conflict erupted again in the year 1998 as the process initiated by the State government did not follow some of the criteria for rehabilitation. The process initiated by the government raised some contentious issues such as:

a) Firstly, what was the real number of IDPs in the camps, relatives, houses and other buildings. Many of the IDPs could not register themselves as displaced persons. This was very important because only registered IDPs were eligible for assistance in the camps and for resettlement packages. With registration itself unreliable, there might have been many unknown displaced people and they would not be assisted to return home.

b) Secondly, there were also many IDPs who did not wish to be resettled. Reasons were many, such as trauma from violent incidents. Some had fears of security related to their areas of origin, some had lost their will to survive independently and had become dependent on camp life, while others were still unwilling to return to their areas of origin as they knew that there was a lack of infrastructure and other basic services.

c) Thirdly, some IDPs may have been resettled to unsafe areas. The declaration of areas as safe for resettlement is the main factor in effectively ending displacement. Thus, before taking up any resettlement strategy, the government should clearly state the criteria for resettlement. These criteria should include the complete absence of hostilities, unhindered and safe access of humanitarian workers and sizable and spontaneous return movement. Virtually, the entire area should be officially declared as safe for resettlement after applying the above criteria (McGoldrick, 2003). If the areas for resettlement are declared by the government as safe without proper application of the above criteria then there is a possibility of re-occurrence of conflict as it happened with the Bodos and Santals in 1998.

Further a cause of concern is that inadequate resettlement packages, combined with a chronic lack of shelter and basic services in areas of return have forced many who tried to resettle towards urban areas. Plans for community rehabilitation programmes have not yet been developed partly due to in donor funding both from the government and donors. Initially the displaced persons were shifted from the relief camp to the place near the original village so that the poor and affected people could look after their lands and undertake agriculture in

their lands. From the shifted camps the poor villagers moved to their original settlements but there were still a feeling of insecurity in the minds of the people.

Some of the conflict-induced displaced persons lived in the relief camps for more than a decade. As per the information provided by the camp inmates that they were supplied with 10 days ration in a month, which included rice, salt and dal. An adult and a minor displaced person received 600grams and 400 grams of rice per day respectively for 10 days in a month. That means an adult could manage to get 6 kgs. of rice and a minor got 4 kgs. of rice in a month, which was not at all sufficient for the affected people. Some of the camp inmates received the ration provided by the government up to 1997, some up to 1998 and thereafter the supply of ration was stopped. While a displaced Kashmiri Pandit received Rs.750/- per month, an adult Bru received Rs.2.67 paise per day i.e. Rs. 80/- per month (ACHR, 2006). It is clear that the government of India must do more to protect the fundamental rights to life, security and dignity of the IDPs. Not only is the current assistance and protection inadequate, government policy towards IDPs is inequitable with Kashmiri Pandits receiving more assistance than the IDPs in the Northeast. Additionally through the reduction of food rations and medical assistance, the government ignobly pressures IDPs to return to areas in which they feel unsafe.

In case of the IDPs situation in Kokrajhar district, the state government provided a meager amount of Rs. 10,000/- only as rehabilitation grants to those who were uprooted from revenue villages. The damages of the affected families were divided into two categories such as fully damaged and partially damaged. The families who lost everything including household assets during the time of conflict were placed under fully damaged category and they were given Rs. 10,000/- only as rehabilitation grant. On the other hand who had partially lost their properties were considered under the partial category and they received compensation @ Rs.5, 000/- only. In the-phase wise rehabilitation measures, the affected people of the recognized forest villages or encroachers on forestlands were not given the rehabilitation grants. The government rehabilitation policy has serious deficiencies. For instance, it nowhere takes on the issue of livelihoods of the affected people after their return to villages from where they were uprooted. During the time of conflict, not only the houses and other assets were destroyed but also the livestock, which happen to be very important for the poor people to till their lands. In the absence of livestock and without a concrete livelihood scheme, it became very difficult to start a new life for the poor people after the devastation.

After the receiving of rehabilitation grants, the villagers went back to their villages but the amount sanctioned by the government, as the rehabilitation package was not sufficient to purchase livestock and other basic requirements to start a new life. The livestock is very important for the poor affected villagers to plough their lands and the meager amount sanctioned by the government as the rehabilitation grant is not sufficient to purchase bullocks and other basic requirements. Therefore most of the inmates decided not to go back to their villages. Most often it was reported that the money sanctioned by the government was utilized in repaying the debts. So many families remained displaced after having received the rehabilitation grants.

Table 2. Requirement of rice for 10 days Gratuitous Relief (G.R.) and its cost etc in a month as per arrangement as on 1st December 2006 in Gossaigaon Sub-division.

Items	**Quantity**	**Cost**
Rice	1311.24 quintals	Rs.11, 53,891/-

Carrying Charges		Rs. 24,295/-

Total Rs. 11, 78,186/-

Source: SDO, Civil, Gossaigaon Sub-division, Gossaigaon.

Table 3. Statements showing the ethnic break up of communities affected during the year 1998.

Name of Community	No. of families	Total population
Adivasi	21,290	1,33,357
Bodo	12,837	95,332
Rabha	264	2,233
Total affected	34,391	2,30,922

Source: SDO (Civil), Gossaigaon.

The Muslim displaced in 1993 had officially been declared as encroachers on forestlands. Their settlements had been set up since 1960s when they reportedly migrated from neighbouring districts of Assam and West Bengal. As a result of their status as encroachers, their rehabilitation has been delayed and responsibility of rehabilitation shifted to district administrations in their places of origin (Goswami, 2006).

Such dualism related to status of displaces does not apply only with the Muslim displaces of 1993 conflict. After the Santal-Bodo conflict of 1996, about 1057 families in Sapkata Relief camp and 378 families of Kachugaon relief camp belonging to Adivasi community have been identified as encroachers on forest land (Anon, 2006). The families, who were declared as encroachers, have been still living in the temporary relief camps since May 1996. They could not be rehabilitated like other displaced people till date.

Table 4. Statement showing the number of persons killed during the period from May 1996 to October 2001 under Gossaigaon Sub-division (Causes of death was due to ethnic violence and extremist attack)

Name of community	**Total No of deaths**
Santhals	84
Bodo	59
Oraon	55
Muslims	34
Rava	3
Bengali	3
Bihari	2
Others	11
Total	251

Source: SDO (Civil), Gossaigaon.

Findings:

From the foregoing analysis, the following findings can be listed:-

1. Displacement due to ethnic conflict causes more damage to the life and properties of the individuals, as the people are not informed well in advance about the probability of occurrence of conflict. On the contrary induced displacement according to a plan and development strategy causes less damage as the people and State machinery are prepared to take preventive as well as corrective actions in advance.
2. The Santal-Bodo conflict of 1996 and 1998 displaced more than 3 lakhs of people from their original habitats but the figure would have been higher as the government kept the record of the displaced people housed in the camp only. Data of those who got displaced elsewhere during the week or month of violence could not be maintained.
3. When the first conflict erupted in 1996, displaced people returned to their villages with nominal grant received from the government. The government did not take into consideration the possibility or contingent situations that could follow during the process of rehabilitation of the communities and therefore conflict between the two communities erupted again in 1998 further displacing more people.
4. The ration provided by the government was insufficient, which included rice, dal and salt in the beginning but later on it only supplied rice that too only for 10 days in a month. Some of the camp inmates received the ration up to 1997, some up to 1998 and thereafter it was stopped forcing the people either to return to their villages or move to other areas in search of livelihood.
5. Some of the conflict-induced displaced persons were found to be living in the relief camps for more than a decade now. As per the information provided by the camp inmates that they were supplied with 10 days ration in a month, which included rice, salt and dal. An adult and a minor displaced person received 600grams and 400 grams of rice per day respectively for 10 days in a month. That means an adult could manage to get 6 kgs. of rice and a minor got 4 kgs. of rice in a month, which was not at all sufficient for the affected people. Some of the camp inmates received the ration provided by the government up to 1997, some up to 1998 and thereafter the supply of ration was stopped.
6. When compared the community wise break up data, it was found that the Adivasis have been the major victims of the ethnic violence.
7. The rehabilitation process initiated by the government could not cover the affected families who happened to be encroachers on the forestlands. About 1057 dispalced families of Sapkata relief camp and 378 families of Kachugaon relief camp under Gossaigaon sub-division have been identified as encroachers on forestlands. They could not be rehabilitated till date.
8. About 113 Bodo families of Shyamaguri, Majadabri and Srirampur could not be rehabilitated due to the location of the villages in the sensitive areas. They remained displaced since the eruption of first conflict in 1996 till date. The sub-divisional administration miserably failed to rehabilitate these people although they are the original patta holders of their lands. They cannot cultivate their lands by themselves and are forced to give it to the Santals to cultivate as sharecroppers and the return depends on the willingness of the cultivators.
9. Many scholars often put the blame of the conflict on the Bodos. They are of the view that the Santal-Bodo conflict was a part of the policy of the Bodos to make the Bodo areas Bodo majority. The hidden truth has not been ascertained as to why

and how the conflict erupted. It is not the original inhabitants who create the problem but the intruders in others areas. Whenever conflict occurs, the people who have come from outside have alternative option to move to their places of origin for safety but the locals have no other alternative but to defend their land. Just after the independence of the country, tribal belts and blocks were created to protect the tribal areas from encroachments by non-tribals. One of the important points is that in the demarcated tribal belt and block non-tribals cannot have immovable property. But today in most of these belts and blocks, non-tribals have occupied plenty of land and have legal documents for which tribals are becoming minority in the tribal belts and blocks itself. Under such scenario, the idea put forwarded by scholars- that Bodos are maintaining demographic balance by resorting to ethnic cleansing to make the Bodo areas tribal majority does not hold good.

Conclusion:

The western part of Assam, home to various communities, has been experiencing conflict for the last few decades. Due to reoccurrence of conflict, lakhs of people have been displaced from their habitats over a period of time, which needs immediate and positive responses from the governments for ending the conflict permanently. It has been seen that the recent conflict which erupted in the Kokrajhar district of the BTAD is not the first time in the region. There is no doubt that the influx of population from neighbouring countries and districts has been a major factor in this perennial conflict in the BTAD areas. The pressure on land in the bordering district of Kokrajhar and the republic of Bangladesh is very high, which might have been compelling the people to come and encroach on the belts and blocks created for the protection of down trodden people of Assam. Conflict erupts frequently on longstanding issues which have led to conflict in the Bodoland areas and rendered many homeless and displaced. The rehabilitation programme would do well to look beyond the immediate humanitarian assistance and focus on the issues of preventing further recurrence of similar conflict. To exterminate hostilities from the minds of people of various communities trying to find a resolve easy access of humanitarian workers in the resettled areas and effective government implementation of reconciliatory and protective measures will be paramount.

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COUNTERING TERRORISM THROUGH CPEC IN THE REGION

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The tournament of global terrorism wreaked havoc in Pakistan after NATO invasion of Afghanistan. Many innocent people died both in Pakistan and Afghanistan in the war against nameless and faceless foe. For the sake of global and regional peace Pakistan sacrificed seventy thousand citizens and more than hundred billion US dollars material losses. Pakistan bore huge losses when became a frontline state against global terrorism. Despite unfortunate strategic environment it fought for regional peace, security, and prosperity. China became global economic power in the 21st century. Being a regional ally of China Pakistan welcomed this development. The convergence of interests between China and Pakistan paved the way for joint economic projects. Being global economic giant China initiated One Belt Initiative to realize its dream of revival of ancient Silk Road in the 21st century. One Belt One Road is a dream to connect and integrate Asia, Africa and Europe and bring prosperity in different regions of these three continents. The maritime component of OBOR seems to impact even Latin America. The improved road, rail and air transportation system will enhance geographical linkages. The completion of CPEC will increase people to people contact and trade volume. For the purpose Dawood 50MW Wind Farm Project, Sachal 50MW Wind Power Project, UEP 100MW Wind Farm Project, Sahiwal Coal-fired Power Plant, Zonergy Solar Power Project, Three Gorges Second Wind Power Project, Port Qasim Coal-fired Power Project, China Power Hub Generation 2×660MW Coal-fired Power Project, Thar Block II Lignite Mining and Coal Fire Power Plant Project, Karot Hydropower Project. Suki Kinari Hydropower Station Project , Feasibility Study of Upgrading Mainline-1 & Establishment of Havelian Dry Port, China-Pakistan Faqeer Primary School Project, China-Pakistan Cross-border Optical Fiber Cable Project, Development of Gwadar Free Zone, Lahore Orange Line Project, Gwadar Smart Port City Master Plan Project, Peshawar-Karachi Motorway and KKH Phase-II (Havelian Thakot) Project are analyzed. CPEC is economic regionalism in a globalized world and considered a future dream of a peaceful and prosperous region. China Pakistan Economic Corridor will benefit China, Pakistan, Afghanistan, Iran, India and Central Asian States and the region at large. The paper explores to analyze that China Pakistan Economic Corridor is an attempt to counter terrorism by integrating the region through projects focused on infrastructure, energy, education, health etc. Will addressing the problems of poverty, ignorance, malnutrition, and unemployment will help to overcome the problem of regional systematic violence.

KEYWORDS: CPEC, Pakistan China, South Asia, Terrorism, peace, economic development, Silk Road

Gender and Post-Conflict Development:

Analysis of Reintegration Program

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ABSTRACT

This paper aims to identify the barriers to the social reintegration of female ex-combatants in post-conflict settings and to discuss the necessary assistance to female ex-combatants. This study refers the case of Sri Lanka. The conflict between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) ended in 2009. During the conflict LTTE actively recruited female combatants and women consisted of 20% -30% of the entire LTTE combatants. However, female combatants were visible and took crucial roles in the conflict; they are rejected by the community after the conflict. First of all, LTTE was fighting for Tamil independence, but the Tamil community has various opinions towards LTTE, and many people oppose LTTE members. Second, female ex-combatants deviate from gender norm of society. Therefore, the local community had a sense of obstruction to cooperate with female ex-combatants. Third, female ex-combatants changed their ideas through the conflict. Consequently, they felt a high resistance to returning to the traditional gender roles. Thus, according to the interview research, it is found that gender norms and roles generate their hard situations. From these, female ex-combatant disguised that they were not combatants to avoid the risk of social exclusion. But their social reintegration is not successful, and they are left out of the support program. Also, female ex-combatants are not motivated to participate in women's groups, such as women's living improvement program for the entire community.

Introduction

It is inevitable that the field of development studies actively engages in peacebuilding and security fields. Many areas supported by development project have experienced armed conflict, especially internal armed conflict considering the proportion of internal armed conflicts is consistently high since 1946. Consequently, security stability is indispensable in ensuring development projects. In post-internal armed conflict, they are conflicting groups and members in one country/community, and consolidation of each member is crucial, particularly social integration of ex-combatants.

In the recent armed conflict, the number of female combatants in the government forces, guerrilla groups, and terrorist activities is more remarkable. And the role of women in conflict has undergone significant changes (Sjoberg & Via, 2010, p5). In the conflict between Sri Lankan government forces and Liberation Tigers of Tamil Eelam (LTTE hereafter) which ended in 2009, the requisition of female combatants by LTTE was renowned.

LTTE formed the "Birds of Freedom," women's wing, in 1986 and women involved in all LTTE activities (Stack-O'Conner, 2007). Behind this active recruitment of female combatants by LTTE, there was propaganda "liberation of Tamil women."

There are various opinions towards female combatants. Becoming LTTE combatants is a significant opportunity for women who feel oppressions in Tamil society (Alison, 2003: pp. 48-52). The social change does not allow women to return the original (Tamil's traditional) social position or role (Rajasingham-Senanayake, 2004: pp.158-159). Thus, LTTE female soldiers are "symbols" to embody the change in the value of Tamil society. These perspectives construct the images of female combatants who actively fought for Tamil independence and gender equality.

Female combatants examined in these studies are women who participated in the early or middle phase of the conflict. Then, how the experience as combatants influences their life after the end of the conflict.

Research from other conflict areas shows female ex-combatants are exiled from the family and the community or stigmatized. Accordingly, female ex-combatants do not confess herself as ex-combatants (Mazurana & Cole, 2013: p.206). Female ex-combatants are not considered as "combatants" even though she took a central role, and they do not obtain profits and support from the social reintegration program (Cohen, 2013).

This research aims to discuss the necessary perspective to support female ex-combatants for social reintegration. However, this interview research aims to understand their post-conflict experience to identify the barriers to social integration, their motivation to be a combatant and experience as combatants during the conflict are also examined because these points are deeply influences to their post-conflict experiences. Thus, this study examines and focus the individual experience of ex-female combatants through three stages of their experience; joining conflicts, during conflicts and post-conflict. Also, impacts of the conflicts to gender relation in the community are examined.

This paper consists of three parts. Firstly, this paper briefly examines the conflicts and government's reintegration policy. Secondly, it shows the result of interview research to female ex-combatants. Thirdly, the barriers to social reintegration are discussed.

Civil war in Sri Lanka

On May 19, 2009, President Rajapaksa declared in Congress that he won the civil war between LTTE (Sengupta, 2009). This conflict lasted more than 20 years with LTTE, and on May 17, 2009, the LTTE side issued a statement that allowed the defeat. During this protracted conflict, the third party such as the government of Norway tried to stop the conflict. Unfortunately, this conflict did not come to an end by agreements.

Although the conflict in Sri Lanka is expressed as "ethnic conflict," this is not a conflict between Sinhala and Tamil which existed from the time before independence, but was mainly "brought" or "made" by politics after independence "(Hayashi, 2004, p. 170). Sri Lanka consists of Sinhalese, accounting for about 75%, Tamil who accounts for about 15%, and other ethnic groups (Ministry of Foreign Affairs website). After independence from the Commonwealth of the United Kingdom in 1948, Sri Lanka launched a preferential policy for the Sinhalese. For example, the policy with only Sinhala as the official language (Official Language Act No. 33, 1956), and the 1972 Constitution to protect the Buddhism that Sinhalese believe mainly (The Constitution of Sri Lanka (1972), Chapter II, Buddhism).

Creation of these policies is to reconfirm the identity of the Sinhalese who was oppressed during the colonial era (Biziouras, 2012). In response to these policies, the momentum and demands for separation and independence of Tamils living mainly in the north and eastern areas increased. These political movements began in the 1970s, and it was initially non-violence. However, with the adoption of the Constitution in 1972, the Tamil people's opposition strengthened and evolved into armed conflict in 1983. The news coverage of this armed conflict, the expression "Tamil extremists" used (New York Times, Jul 27, 1983), and there were several groups at that time including LTTE. There were various groups such as a political group of Srilankan Tamil to demonstrate their demand democratic ways and organizations with the use of force like LTTE. These groups have repeatedly conflicted and divided.

Tamil society and LTTE

Leading members of Tamil armed groups are mainly from middle and lower caste groups. Hayashi (1999) explained that the Tamil political party, which had power in Congress, was dominated by relatively upper caste, and the Tamil ethnic movement has evolved rapidly, becoming extreme, since the lower caste group becomes the player of politics. In fact, LTTE banned caste in the 1980s. This policy gives opportunities to people in the lower caste (International Dalit Solidarity Network, 2008, p. 3) and that it gives legitimacy to the activities of the LTTE (Biziouras, 2012, pp 554-555). Consequently, LTTE tried to have Tamil's independence, as well as an "attempt" to solve the problem within Tamil society.

On the other hand, it is also possible to view that LTTE strategically needed the contributions of lower caste population. To maintain long-term conflicts, LTTE needed to secure the numbers of combatants. Such propaganda may also attract people from lower castes. Further, the sustainable funding source is also significant for maintaining conflict and LTTE had stable funding.

In the area dominated by the LTTE, "collecting funds" has been carried out by various means. Twenty percent of the LTTE funds were from "tax collection and security costs" in the controlled areas (Monoharan, 2004). LTTE used illegal activities to collect funds like 'smuggling of people' (Chalk, 2008, pp 101-102). Also, Tamil diaspora established a national-wide ethnic network to support the movements and conflicts in Sri Lanka through access to advanced communication technologies and financial resources (Wayland, 2004, pp 419 - 424). Tamil Diaspora financially and ideologically supported the struggle for Tamil independence (International Crisis Group, 2010).

However, the financial supports by Tamil diaspora were not always a deliberate one. LTTE raises overseas financial support networks for continuing the dispute, and "forcible donation" was taking place (Asahi Shimbun, January 17, 2006).

Forcible activities were also taking place in Tamil community in Sri Lanka. There was a problem of forcibly recruiting one person from household to secure a combatant including children. For example, UNICEF recognized more than 6000 cases of recruitment of child

soldiers by LTTE between 2003 and 2008 (UNICEF, 2009). Moreover, LTTE used civilians in the northern part as "human shields" and continued resistance to government forces while losing their areas (Human Rights Watch, 2010). It is no wonder that many Tamil people developed their anti-LTTE opinions.

Social Reintegration of ex-combatants and policy of the Government of Sri Lanka

Social reintegration of ex-combatants is one of DDR (Disarmament, Demobilization, Reintegration) process. In 2005, the secretary-general of the UN General Assembly addresses the social reintegration (Secretary-General, note to the General Assembly, A / C.5 / 59/31, May 2005). According to this statement, social reintegration support is a formal medium- and long-term effort carried out by the government's responsibility, implemented at the community level, and ex-combatants can stable income resources and citizenship through the support of the entire community.

The Secretary-General's report in 2011 (A / 65/741) mentions more necessary points on support for social reintegration. It addresses "Multidimensional Reintegration" which shows the importance of social and political aspects in addition to the economic aspect. The social aspect is including reconciliation and mental support (22). The political aspect includes the assertion of rights and the participation in political activities that can participate in election and community level decisions.

Regarding support for reintegration of female combatants into society, special consideration should be given. For example, in UNSCR 1325, those involved in DDR are referring to the needs of female ex-combatants. Likewise, UNSCR 1889 (S / RES / 1889 (2009)) also indicates to grasp the needs of female combatants and ensure access to social reintegration support. The IAWG (Inter-Agency Working Group on DDR), formed by several UN organizations, points out that gender needs to be considered for planning, implementation, and evaluation of social reintegration programs.

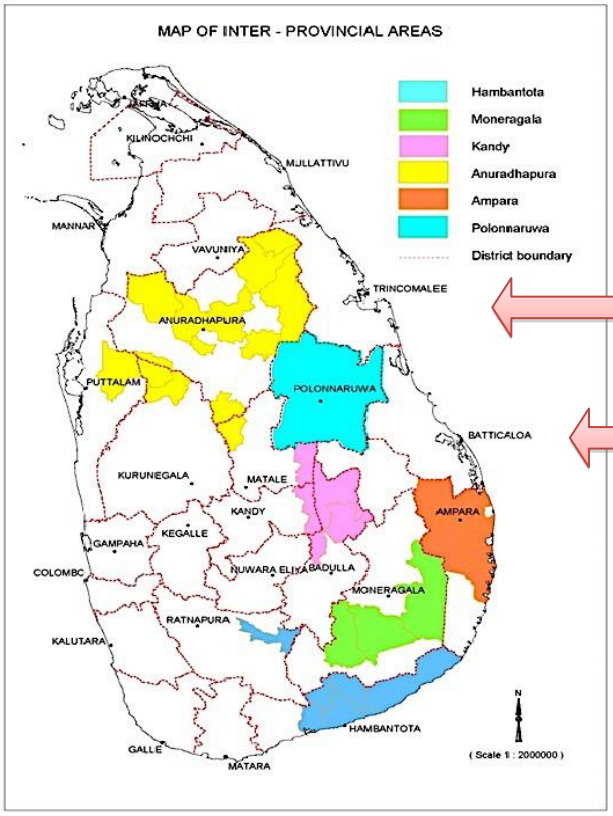
The Sri Lankan government is implementing a rehabilitation program for combatants who surrendered and "chose" this support. According to the Sri Lankan government, ex-combatants who participated in this program totaled 11,664 (11,070 adults, 594 under 18 years old). Women account for 18.4% of adult combatants, 38.9% of child combatants.

Interview Research

The interview research was conducted in July 2013 and July 2014 in Batticaloa and Trincomalee, and follow-up interview is still conducting now. Batticaloa and Trincomalee are located in the eastern part of Sri Lanka.

Based on the data of UNDP Sri Lanka (2014), 72.6% of the population of Batticaloa is Tamil, and Sinhala consists of only 1.2%. Batticaloa is a region suffering from severe conflict (ADB, 2001, p13). Trincomalee does not have apparent ethnic deviation as much as Batticaloa. Sinhala consists of 27% populations, Sri Lanka Tamil is 30.6%, Moors is 40.4%, and others are 0.3%.

The target group of this interview research is female ex-LTTE combatants. Contacting female ex-combatants were made through the interviews with female self-help group, male combatants, NGOs, local government. Ultimately, this research interviewed 32 female ex-LTTE combatants, 25 male combatants, 14 NGOs and three local government offices.



Trincomalee

Batticaloa

Source: Ministry of Agriculture of Sri Lanka
(Retrieved from http://www.agrimin.gov.lk/web/images/Inter_provice.jpg)

LTTE and female combatants: motivations for recruitment and participation

Women's participation in LTTE was varied since LTTE had functions such as banks, postal mail, police, court, television, and radio in dominated areas (South Asia Terrorism Forum). However, many female combatants fought on the battlefront, and LTTE recruits female combatants. Why did the LTTE proactively recruit female combatants?

Before the armed conflict started, this was a non-violent political activity. However, Tamil's women were not politically active. There is a mention that Tamil women are respected but placed in a limited position at the same time, and participation in women's political activities is not general (Hellman-Rajanayagam, 2008, p2- 3). Interview research addressed the similar opinion as such "Women regardless of employment; it is common for women, especially for married women, to engage in domestic work, and contributing to families. This is shared norms in Tamil Society" (interviewed to Women in Need). These opinions do not lead to the image of women who actively participate in political activities. However, female participation in political activities and combatant roles are not forcible ones. In the 1980s, various women's groups requested participation in armed organizations (not only LTTE), and gradually women participated in medical activities, propaganda activities, intelligence activities. Moreover, soon, women participate combatant training, and the battle began (Alison, 2009, p.124). In 1983, LTTE organized Women's Front of the Liberation Tigers (Hellman-Rajanayagam, 2008, pp. 6-9).

LTTE had a propaganda of 'liberation of Tamil women. Velupillai Pirabaharan, the leader of the LTTE, gave a message to "International Women's Day" in 1993 and 1996. His speech addressed that liberation of women is an indispensable part of their conflict and called for

Tamil women take weapons to liberate our society and women and to fight injustice (Tamil Nation Organization website).

It is distrusted to understand that this propaganda enables to recruit such a large number of female combatants in LTTE. The recruitment of female soldiers of LTTE has become active after June 1990 (Alison, 2003, p. 39), the conflict began in the full-scale battle between the government forces and the LTTE since around 1983. There is some commitment by the third country to this conflict. For example, Indian government dispatched a peacekeeping force in 1987 but withdrew in 1990, Norwegian government tried to mediate this dispute in 2002. Nevertheless, in the 1990s, it was "a complete battle situation, " and securing combatants was important. Thus, in the 1990s it is likely that the intention to respond to the shortage of soldiers could be behind the proactive recruitment of female combatants.

Why do many women join LTTE as combatants? What are the motivations behind their participation? Many women agree with the LTTE propaganda "liberation of Tamil women"?

There are several opinions. Adele (1993) says that women show their opposition to suppression and current social status by participating LTTE as well as clarifying themselves as a decision maker. Schalk (1994) address that women who participated in LTTE contributed to the liberation of women and to gain opportunities in post-conflict society (p. 163). From these studies, a woman who dissatisfied with the gender norm of Tamil society enters the LTTE, and fought for Tamil independence as well as dismantling the asymmetric gender relationship inherent in Tamil society.

Certainly, the female combatants targeted by these studies were those who became combatants in the late 1980s, and it was a time when separation demand was the uprising. Thus it is not surprising that many women agreed with LTTE propaganda including "women's liberation." However, in the interview of this research, all of them were members of LTTE until/nearly the end of the conflict, and they became combatants after 2000. So, the motivation of becoming LTTE combatants are inconsistent. For example, many women explained as such " I wanted to help my family with poverty" (Interview on 16 July 2013, 18 July 2013, 2 July 2014). "I grew up with an orphan within the LTTE occupied territory "(interview on 18 July 2013). "Because my sister was a soldier "(interview on 16 July 2013). "I was kidnapped on the way from school"(interview on 17 July 2013).

According to the interview in this research, there is no one sympathized with LTTE's political goals including "women's liberation." Poverty was a reason behind their participation in LTTE, but it does not mean LTTE combatants are paid. Poverty household can reduce their economic burden by diminishing household members.

Experience in LTTE

Female ex-combatants indicated that "when she fought was more peaceful" (interview on 16 July 2013), what does this mean?

Despite there was various process to be a combatant among interviewees, and there was no aggressive attitude, there is a kind of commonality in experience as a combatant. For example, female ex-combatants has a sense that "I felt that I was accepted" (interview on 2 July 2014), and "I realized I could do anything" (interview on 7 July 2013), "first recognized feelings" (interviews on 16 July 2013). According to the interviewees, there was no experience of discrimination against women in LTTE. There was no exception even the recruitment accompanied by coercion such as kidnapping.

It is not appropriate to regard this point as a positive experience or empowerment of women because same interviewees also mentioned that "LTTE training was extremely harsh and always wanted to return home" (interview 16 July 2013), "no conflict is the best " (July 2, 2014). According to interviews, it was apparent that being LTTE combatants are hard and

painful, and they do not want to take combatant's role or participate conflict again. Still, their experience as LTTE combatants raising their self-esteem, confidence and expanding their capacity.

However, LTTE use women's liberation propaganda, and female ex-combatants felt equality in LTTE, it is not right to consider LTTE achieve gender equality as a "organization". Female participation in a combatant role is not addressing gender equality in the first place because binary social structure such as "masculinity" and "femininity" is (re)constructed around the conflicts. This binary structure preserves the violence inherent in conflict and military, and gender asymmetric and hierarchical social structures are making violence possible (Enloe, 1990: Cohn & Ruddick, 2004). In other words, reinforcement of conflict and gender equality are not cooperative.

Many interviewees address the difficulty to be a combatant because they are required to internalize military masculinities. In addition, in LTTE, combatants are not allowed to marry until 25 years old for women and 27 years old for men (South Asia Terrorism Portal), while female soldiers are strongly encouraged to marry when they are nearly 30 years old. In fact, one interviewee has arranged marriage by the LTTE, and she was forced to quit combatants and was provided the new role in LTTE bank (interview on 4 July 2014). For LTTE, married women were recognized as being unable to fight. Even when recruiting women, married women were excluded. LTTE has double standards for women.

Female Combatants in Post-Conflict Society

In a group discussion with ex-combatants, there were a few male ex-combatants who were detained by the camp and subsequently received vocational training for social reintegration provided by the government. On the other hand, female ex-combatants had no experience to be detained; no one received assistance for reintegration except one person. One who received support for social reintegration was very young and received short-term computer-related training by IOM.

Male ex-combatants (many but not all) are engaged in agriculture, civil engineering, construction work, transportation (transportation of luggage, water, etc.), and repair work regardless of vocational training. Their income is not a stable one, and many of them faced income shortages.

On the other hand, female ex-combatants showed difficulties in obtaining cash income source even unstable one. In particular, many female ex-combatants live without the support of their families or relatives (some cases that family refused their return). They engage in daily labor in agriculture or temporary construction site, or they grow crops for self-sufficiency.

Throughout the interview, female ex-combatants faced severe issues to obtaining cash incomes. They show their interests in supports by government or NGOs, but they do not want anyone notice that they were combatants of LTTE. (Interview on 20 July 2013) . Also, many of them experience exclusion/isolation from local women's group (interview 16 July 2014).

From the interviews, many women are frustrated by the limited opportunity and options given to them. Interviewees mentioned "opportunity is not given even though I can do men's job" (interview on 5 July 2014), "I can do, but I am judged as no capable" (Interview on 8 July 2014). "Participation in women's group for income generating activities does not suit me" (interview on 18 July 2013).

Many female ex-combatants wanted to go abroad, but they are worried about the application process of passport (interview on 16bJuly 2013). They assumed to have harassment from authority in the passport application process.

Female ex-combatants and their gender norms

According to the interview, two points are addressed. First, being a combatant was an extraordinary opportunity to increase self-reliance. Second, female ex-combatants tried to cover the fact they were combatants during the war and keep a distance from the community.

According to the interviews, female ex-combatants want to receive support, but they are not choosing the opportunity. The interview hears various reasons, but most of them are relating gender norms and gender roles.

The first point is that they hide the fact they were combatants to community members. The reason is those female combatants are the excess image of women in Tamil society, and many female ex-combatants encounter rejection, exclusion from the community including own family and relatives. They are many community members who feel anxiety about LTTE members, but it is merely seen that male ex-combatants are excluded and isolated from own family and relatives. Thus, they hide they were combatants, and they avoid the risk to be supported.

At the same time, female ex-combatants feel so challenging to re-adapt themselves to expected gender norms. While they were fighting the front line, they are free from traditional gender norms. In fact, many female combatants say they have not limited any activities because they are women in LTTE, and they felt pressure to return the society which expects specific roles to women. This feeling is also reflected in the way of thinking towards community activities.

For example, female ex-combatants are incorporated into community-based women's group activities. However, participating women's group is another problem for them. According to the interview, the type of activities is not in line with their needs and wants, as well, they feel uncomfortable about limited and preserving women's group (Interview on 16 July 2013 and 2 July 2014). Most of the activities of women's groups are sawing/weaving or home garden based on groups expectations, and many female combatants feel no interests about these activities. Female ex-combatants are intent to obtain independent financial sources such as fishery and poultry rather than just having additional household income.

Gender norms in Tamil society

Local NGOs point out that women, especially married women, are expected to engage in household work, at the same time, the number of women who are the head of the household is increasing in recent years (interviews with NGOs). In fact, female migrants to the Middle East (mainly Jordan) as a domestic worker are rapidly increasing.

A question appears to the result of the interviews. Throughout the conflict, Tamil society might have changed their gender norms and roles. If the phenomenon shows the changes of gender norms and roles in Tamil society, then why female ex-combatants fear about the gender norms. Gender norms can be a barrier to their social reintegration, but it should not be severe factors.

It is also possible to think that migration as a domestic worker is "for the sake of the family" and does not deviate from the traditional image of women, working for the family.

Through conflict, Tamil society also has the following experience. Under conflict, the security of the LTTE's controlled area was getting worse. For example, as one interviewee was kidnapped on the way from school and forced to be a combatant (interview on 2 July 2014). In particular, in the Tamil society where does not expect women and girls walk alone, the perception of "protection" of women and girls has been strengthening during the conflict. Similarly, in the field research, a girl's early marriages during the conflict seen certain areas. That is because LTTE actively recruited female combatants, but married

women were not a target, and many parents motivated their daughter to marry early as possible (interviews with NGOs).

Besides, one interviewee indicates conflict strengthened the male respect. LTTE requested at least one person per household to serve as a combatant. One interviewee said that “My brother said he is going because he is the oldest son. My family thanked my brother, and we regret very much (Interview on 20 July 2013). " In many households, male members of the household became a combatant upon the request of LTTE. Although this type of recruitment is a forced measure and extreme pressure for men and boys, it strengthens patriarchal norms through appreciations and respect to male members.

Female ex-combatants changed their idea during participation in the conflict, and experience as combatant was an opportunity to raise self-reliance. Changes in gender roles are seen in Tamil society as such female-headed households are increasing throughout the conflict. However, at the same time, patriarchal norms are strengthened during the conflict. These circumstances make it more difficult for female ex-combatants to return to society. Returning to society after the conflict is nothing but a process of "disabling" for female ex-combatants under the current situation.

Conclusion

This research aims to identify the barriers of social reintegration and discuss the necessary perspective to support female ex-combatants for social reintegration. Thus, this study examines and focus the individual experience of ex-female combatants through three stages of their experience; joining conflicts, during conflicts and post-conflict. Also, this study examines the impact of the conflicts to gender relation in the community.

According to the interviews with female ex-combatants, the barrier to social reintegration of female ex-combatants is strongly rooted in gender norm. It seems that gender norm cannot be such severe barriers. However, female ex-combatants struggle with the ideas towards them based on gender norms and the life choice limitation based on gender norms. These experiences disconnect them from a community and stimulate their self-struggles.

Experiences in LTTE impacted on self-esteem or self-reliance of female ex-combatants which never felt before becoming a combatant. However, self-esteem and self-reliance felt by female ex-combatants have driven their lives after the conflict into more difficult. Female ex-combatants are against the role and image of women in the community, and the community does not so welcome their reintegration. Furthermore, female ex-combatants cannot as well as not willing to readapt themselves into gender norms of the community. Female ex-combatants were fully aware of being a target of exclusion if the community gets to know they were combatants. Social reintegration support currently done by the government is too official to participate for female ex-combatant due to expecting a risk of exclusion. On the other hand, female ex-combatants may confidently join a community-based support, but the closeness of women's groups and its activity do not motivate them. Individual support that matches the needs of female ex-combatants is required as an issue that has been seen from this research.

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Rights of Working Women in Arab Societies
A Study to National and International legislation

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Abstract: Since the beginning of time women were considered a marginal human and they have a secondary role in the life and production, except the role of family in the upbringing of children and interest in the affairs of their houses and things of their husbands, they have suffered a long period of time to the misery and suffering of all aspects of economic, social and even despite the varying quality of legal oppression and injustice directed to in every society until the principles of Islamic law came, based on justice and equality granted to workers women many of the rights and made it the subject of special attention.

The study comes on the reasons for the current economic and political empowerment for working women in the light of legislation in the Arab and Islamic sharia law to highlight the most important pieces of legislation and jurisprudence, which works to empower Arab women economically and politically for their rights as men for work, the study try to reach what is known as the Legal Empowerment Arab Women and the lines of what he has got Western women, taking into account the concepts and Islamic values which govern the behavior of the Arab.

Keynote: Legal Empowerment, Social & Economic Rights, Women Rights, Lobar Law.

I. Introduction:

Since the beginning of history there have been many issues of an economic, social, political or cultural or others, which occupied the attention of humanity, and emerged the other hand many of the provisions, regulations and rules for the resolution or mitigation but there are some issues that remained open until now despite the diligence which the legal and doctrinal research and studies that have worked to address them in various ways and different methods.

Among these cases, which are still pending and complex have not been addressed as desired the issue of women in general, economic and political rights of Arab women.

By the nineteenth century and the birth of the civil law distinguished rigid emitted towards women, new ideas at the level of awareness about women's issues, the twentieth century witnessed many changes came, in the forefront of global war and the Bolshevik revolution and the legacy of the developments and shifts in beliefs and ideas and the consequences it had in various areas, massacre War forced the bourgeois class to allow women to work in most areas, and replaced men position in many professions, commercial, industrial and agricultural projects, the role of women evolved, so some of them called this era as the era of women.

Industrial revolution had a major impact on the exit of western women to work, because there are conditions and a favorable climate for getting out, the economic situation of having to participate to work side by side with men, in addition to the use of machinery in the industry, making the nature of the work consistent with women nature[(1).] Women has occupied most of the laws of in contemporary western stature and prominent position, as they have under those laws as men of the rights and freedoms, and it appears very evident in the resolutions of the United Nations and the agreements issued by, most notably the Convention on the Elimination of All Forms of Discrimination against Women for the year 1981, the western women equality with men in terms of the law, however, that this is despite the reached and has not lived up to the point of equality real practical potential, this is what Encyclopedia Britannica modern said: women are concentrated working outside the home in jobs with lower salaries and at the bottom and you get women lower wages than men even if they had performed the same work, the women salary in the United States is 60% of men's salaries in 1982, average reached in Japan to 55% of men's salaries, the reason for this lack of adequate legal safeguards, which shall ensure respect for the rights granted to working women in international and national legislation.

On the Arab level, the Arab region is not a separate part of the world which is witnessing rapid changes in different aspects, these changes have created new requirements caused the challenges and pressures imposed on the departments to take advantage of the capabilities inherent in the remarkable leadership, which can deal with these variables out of nature of these leaders, women as man, she is capable of managing organizations with rapid changes. These changes met a positive response to the Arab women through the women's own desires to get rid of the restrictions imposed by society and inherited social traditions, the society view and its commitment to the advancement, progress and realize its ambition and hopes to keep pace with the times and formed a rate of 10-20% of the total workforce in the Arab World.

Arab constitutions have provided for the protection of working women and guarantee her rights in this area, despite the fact that Arab constitutions have provided for the economic and political rights for women and ensuring her enjoyment of those rights, the issue of Arab women are still so far from the outstanding issues, hence this study came to answer the following questions:

- What is the effect of recent economic and political on status of Arab women?
- Is the scope of this influence positive or negative on its legal and constitutional rights?
- What are the economic, political and social reasons driving towards the need for legal empowerment of Arab women?.
- What is the role of Islamic law in approving or rejecting the economic and political rights for Arab women?.
- Did the constitutions and Arab legislation decide for the protection of the minimum economic and political rights for Arab women?
- Is legislation complied with the Arab workers constitutional principles and provisions of the Arab and international conventions?
- Can the Arab Labor-text legislation keep pace with current developments and changes in the world is alleged at all social, economic and political levels on the bases that working women part of this and all affected by these developments?

The present study will compare and analyze approach by which texts and rules will be analyzed, then supporting the results reached by courts decisions, Arab and international conventions will be used in this area, the Egyptian Labor Law, The Jordanian labor legislation Law, some Arab and foreign unions legislations. The study will be divided into a number of the themes of the concept of women empowerment, and the impact of global economic developments on the legal status and the reasons are economic, political and social rationale to empower Arab women, as well as clarifying the concept of economic and political rights of women and of the situation of Islamic law, the role of Arab legislation to provide legal protection for Arab Women in the exercise of their economic and political rights.

II. Economic and political dimensions of the global evolution of women in Arab society:

Arab world has witnessed developments in great quality in the last quarter of the twentieth century was the phenomenon of Arab economic integration with the global economy, which was taking in the acceleration since the mid-seventies, where she became the hallmark of the Arab economy with it's main feature is the incorporation of location dependency, rather than from a partnership and integration, which led to the transformation of the Arab economy to focus on internal development to meet the benefits to joining the advanced capitalism. The Arab countries faced as a result of variables in this stage of capitalist development acute economic problems, brought with it significant social tensions, especially in the Arab countries committed to the policies of the IMF and the World Bank, and became economically marginalized, culturally and educationally social groups, broad range and threaten for further problems resulting from the widening gap between rich and poor, accordingly, a trend appeared to adapt to the new global division, admitting the existence of centers of capitalist control in decision-making to the whole world, the latest trend calls for isolation and return to the past, The third trend is based upon the idea of accommodating the new changes and deal with it from the situation of partnership and equality, the necessity to put complementary policies on levels of the Arab economic, also in investing in human experience, going to the Arab world as an effected and efficient force[(2).]

A. The concept of working women:

Work is the first major appearance for the life of men and women, it is not just a source of revenue, but is a manifestation of the essential human activity and the tool

fills the vacuum of the individual life, it is difficult to imagine people without work, since the individual non-working man is an empty life human being, it is a great fault to look at women as a creature does not have any social activities or process in life while it is running half of them, intended to work as it is manually, physically or mentally, whether paid, salary, remuneration or participation, also equally well to be agricultural, commercial, industrial vocational or non-career, if women are valid for its performance and capacity allowed by(3).

The Jordanian Labor Law No. (8) for the year 1996 in its Article 2 defines the labor that: "Every person, whether male or female, performing work for a wage and be subordinated to the employer and under his command and includes events and who was under probation or rehabilitation." Notes on this definition, the Jordanian legislator addressed clearly that the term applies to the working men and women, working women apply to special provisions governing the employment of women in terms of both the type of work, time or maternity leave in order to care and protection of working women as well as the rest of the general provisions that comprised by law, which applies to all workers, in accordance with the provisions of Article III of the Labor Law which states: ((taking into considerations the provisions of paragraph (c) of Article (12) of this Law shall apply the provisions of this law to all workers and employers with the exception .. ...)).

It is already clear that the term (labor), whether in Jordanian legislation, Egyptian or in Arab comparison Legislation includes all who is doing work manually or mentally, as it applies equally to the work is physically, mentally or technically, does not affect the status as a worker connected with more than one contract work (4) and acting independently, along with its relationship to the contract of employment (5).

Looking into the text of Article II of the Jordanian Labor Law No. (8) 1996 and Article I, paragraph (a) of the Egyptian law No. (12) for the year 2003, the issuance of the Labor law and the provisions of labor legislation in the Arab comparison definition of the labor, we find that there are several conditions required to be exist for the availability status of working women in the legal mean, and these conditions are:

1. Human adult female.
2. Performs work as either an act of mentally or manually, and that is the performance of this work for someone other natural or legal person meets the character of the employer.

3. Performing this work under the supervision and management of the employer (a dependency factor).

4. Performance of this work for pay received by working women, whether paid in kind or cash [6].

B. Economic empowerment of Arab women:

After the deterioration of economic conditions in Arab countries as a result global economic developments and the emergence of the so-called globalization, the Arab countries followed a programs of economic reform and structural adjustment in order to raise the rate of economic growth, women were the first victims in developing countries when any economic changes happened, as changes in economic policies, but mainly aimed mainly the redistribution of resources to achieve a higher degree of stability and growth without regard to distinctions in conditions of equality, and have found that these male-biased policies in the labor market and fail to understand the response of the privacy status of women in the labor market which are subject to men in all institutions and existing social structures, these economic conditions that explain the excellence of the prevailing economic policies against women, as follows:

1. Specific division of work: where it is the element that some actions are designed to fit men more than women, and vice versa, because the pattern of prevailing social values.
2. Non-recognition of unpaid work: That is what the women do not get paid for it, such as helping her husband in the field without charge, and do housework and others not recognized by the official economic statistics.
3. Inequities in the distribution of burdens and benefits of women in domestic economy: as the cost of living without increasing the resources available to women to meet the burden of social and family [7].

The reasons for discrimination against women in the labor market and the lack of equal opportunity with men[8] also to economic difficulties and rising living costs, which push many poor families and low-income people to withdraw their children especially girls education and their early payment to the labor market and the denial of education, and the areas work available to those females are limited, and weaken their competitiveness in the labor market, in addition to that the failure of economic and social construction and cooperation with many of the beliefs, values, negative behaviors and the spread of illiteracy, professional, administrative and management

led to the denial of women's opportunities to learn the rules of financial and administrative management for small projects and practices and to be able including[9].

The women continued to represent the constraints imposed by the specific nature of its role in society, and that is what makes its contribution in the development process with significant cost [10], and therefore employment opportunities given to men, while women tend to work in the informal sector are faced with competition [11], and believe that there are other problems with working women such as the bias in the recruitment policies and to fill vacant posts for the benefit of men. The women face bias in favor of the privileges of men, such as holidays, the powers granted, physical and mental promotion when presenting creative work and multiple efforts, and to give opportunities to enroll in training courses and scientific scholarships within and outside the country[12].

Working women may face other economic problems - in addition to the above - while they work, such as lack of employer health insurance or not also providing social security, which helps the security of working women and encourages them to enter the labor market with what it offers[13], guarantees and social incentives and economic systems, and the women workers had been facing economic problems such as lack of nurseries and its efficiency from side of qualified cadres and facilities provided and the high prices, as an obstacle to working women and their integration into the work as intended, and therefore the employer to provide such facilities for working women's children solving a big problem with working women, care for their children during the hours of permanence at work, and that failure to provide the employer for transportation to and from the workplace may pose a difficulty for the working women to get to work every day, especially when there is no public transport easily and economic challenges as well as facing working women business owners in the face of the latter was reluctant to hire women because of the expenses incurred due to the employment of women from the nurseries and places of comfort, and paid wages during maternity leave or child care leave, as well as reluctance on the operation of working women under the pretext of frequent absence from work due to pregnancy, childbirth and child care, and the fact that the economic burden falls on business owners because of the derogation production effort by working women taking place on the leave may be contained or remedied by allowing the employer had to manage before the establishment of working women leave period and authorized to

appoint other working during the leave temporarily with designating a reserve for working women, the first work upon the expiration of the leave, and this just reconcile interests - interests of the mother and child and the interest of the employer - and when the partiality of interests outweigh the interest of favored interests of the mother and child[(14)]. Add to all that that entitlement to women's wages is not considered as grant or donation, if you look at what they do care for their children in the context of economic and social development at the national level [(15)].

As shown above, the economic inequality experienced by women in different societies, as well as the lack of opportunities available to them and working conditions that provide them with a decent human life, which requires the need to keep pace with economic developments in the world and the changes imposed by the national economic policies and economic reform policies to join the train of globalization and which would also require study of the economic reasons which led to the legal protection of working women and addressed through the imposition of legal rules to ensure the command of women's rights in the employment field, and provide working conditions they deserve and achieving a peace of mind, security and stability.

III. Political Reasons to Empower Arab Women:

The problematic situation of Arab women at this level complex and complicated, they are living in countries that lacked most of the availability factors of political stability and absence of the policy renaissance inclusive democracy, where movement diffused between the trends of isolation and modernity, which has gone beyond national to the global border to avoid possible confrontation with valid political systems, and narrow margin of fundamental freedoms. In monitoring the evaluation tracks of an Arab woman, most of the reports published recently on the national women's organizations on the easy questions: the sense of appreciation of the positive achievements made on the level above, and identify the various forms of delay among women, and to develop plans and strategies designed to address as well, but their Daily work programs lacks the necessary plans in order to achieve these objectives, and to encompass all the living conditions of Arab women's steady rise as the size of marginalized social and disadvantaged groups and groups causes and treatment methods[(16)].

The upgrading in dealing with Arab working women to the rank of the case requires linking of social phenomena with two basic pillars: the overall development

policy, characteristics and laws, and political democracy, and institutional factor, as the availability of these two conditions is necessary in the climates of international pressure in the direction of "democratic" Arab communities and focus the rights of women to assume leadership positions in the State, and under increasing political awareness among Arab women, and development of roles of Arab women's in civil society organizations, in order to defend the democratic rights of humanity, and raise the level of efficiency and experience of women, especially that Arab societies suffering from increasing shortage the size of provided government services, and reduce the margin of public freedoms at the same time when the expanding demands unity of living and democracy.

One of the main reasons that prevent women from reach their rights is weak contribution of women in planning and decision making positions, men who have the authority the right to issue decisions, and planners in the Arab world, are often men not have any idea about the needs of working women that they are planning to, so their decisions often come to realize their benefits, and this contributes in continuation of the status, so there must be an invitation to establish a planning units planning units concerned with issues of working women, and of the organizations of central planning, or to the Ministries of Labor and Social Affairs in the various Arab countries(17).

A basic problem facing Arab women, which aggravate the situation and is the man looking to women as only good for the regular routine work because women are less efficient and less productive than men, and therefore the jobs occupied by women workers is the kind of jobs do not include leadership positions only in rare cases. Linking movement and the performance of Arab women in leadership positions in the overall development strategy on the one hand, and the need to expand the margins of political democracy on the other hand allow a very seriously and flexibility leadership role, and providing them with a broad prospect for development, therefore all of Arab working women in positions of decision-making invited to do distinct roles in the context of reconciliation between the regimes and peoples based on justice and the rule of law, political democracy and the rule of distribution of wealth and national independence(18). Also to activate the national constitutions and its provisions of equal rights and duties, as well as laws and legislations concerning the organization of social life and upgrade legislations and regulations in line with the interests of all groups and specifically marginalized groups(19).

For Arab working women in decision-making positions to be more sensitive and vigilant to uphold the subject of democratic freedoms more than others and defending it should be an integral part of its defense of the gains and the reality and the future of her country and its people.

IV. Social Reasons for the Empowerment of Arab Women:

Some factors which supported the position of social discrimination stood against women, and women suffered from the scourge of social attitudes and traditions that prevented them from going out to the field of work and depriving them to join much of men's work, we can review the most important factors and the social causes which stand against women's work as the following:

First: social attitudes to women and its function in society as mothers and nurturers, and that the primary function is to take responsibility for her family and serve her husband and her children, her work outside the home raising children and then affect the future of the nation, and therefore in charge of women prevents them from taking to the field. So, if the women had the role of the custody and of the physiological and emotional things, the duty of good education and preparation for new generation is the duty of the father to the mother's side [(20)].

Second: employers are reluctant to use women's preference for men to choose the pretext of working women when they going to work, then they fear for her child and this creates a tension and irritability and fear on his education and her concern for the problems of her family and her husband, her children and then it leads to lower productivity of worker woman.

Third: The high rate of illiteracy among females compared to males, and low educational level of the majority of educated women [(21)], where illiteracy is an obstacle to constitute a phenomenon threatening the power and productive efficiency, and thus decrease the number of women in leadership positions [(22)].

IV: early marriage, where social customs, requiring prevailing on the girls education within the village or city and do not allow them to complete the study and collection of university, which means that the role of women is to marry and to have children to be a housewife only.

Fifth: men controlled mostly on the areas of business, and give priority in employment no matter how competent applicants for work. Assessment of the man for his daughter or wife in each house creates a general atmosphere of acceptance of the work of community and equality of women.

Sixth: the lack of supporting factors such as the mechanisms or employed in the house to enable women to integrate its work in better dual roles.

Seventh: the values, customs and traditions prevailing in society at one time undoubtedly affect the type of work done by women, and the nature of human and moral for women's components may prevent joining certain jobs [(23)].

Eighth: the exploitation of women business owners and workers forced to work long hours of time, or in acts harmful to them or their cumbersome [(24)].

All the foregoing, and others, the matter needs to organize a special legal for women to work as that need was confirmed as a result of traces of the past that were considered women's work as an exception, this regulation is necessary to protect working women, the labor legislation in the various countries in the world prevent employing women in jobs harmful to their health or morals, as well as in the hard work, as by labor legislation stipulated not to employ women at night, giving special care to her in pregnancy and lactation, and nursery.

V. Economic & Political Rights of Women in Islam:

Islam equates between women and men in rights and duties except in some of the issues specific to women's point of being a wife and mother, Islam did not differentiate between, women and men in the maintenance of life, property, honor and granting women fully must civil and performance as men, she have full capacity in the area of civil rights as men. But the issue of protection of women is from the most important social issues that are still pending to be resolved in the Arab world, where women is still simply rougher, and this view is on the contrary to the spirit of Islam, described the women as sisters of men, and all people created by God ((of one and the same creation, including her husband and broadcast a multitude of men and women)) [(25)]. In the Arab nation as well as put women in categories established by western civilization without regard for differences in Islamic conception of the relationship of gender counterparts in other cultures [(26)].

The varied opinions on women's enjoyment of political rights in the system and Islamic thought and out to the field of employment, where the Principles split into two sections: one see that Islam prohibits women from political rights, the right to work, and the second said just the opposite and decided that Islam granted women political rights, economic, and going to get each of them, respectively:

First: the view that to deny women their political rights and right to work [27]:

The majority of scholars advances the view of the inadmissibility of women from taking political positions, and they rely on the fact that few women are under-mind the view, and supporters of this trend of modern law scholars, the Pakistani Abul Ala Mawdudi, Sheikh Jamal al-Afghani ... etc..

Second: the view that granting women the right to work and political rights [28]:

According to this view that the participation of women to men of different activities of life is a must to fulfill its mission in life, and Islam does not put men and women into the critical and requires it to be in sin from this participation, but to confer legitimacy upon etiquette also bestowed on other fields of activity and a social movements [29].

VI. Protection of Women in International Conventions:

The issues of working women and their problems are deeply rooted in social, economical and cultural systems and, therefore, the protection of the rights of working women take special attention from interested women's affairs at the international level, as reflected in international agreements and conventions to improve the legal status of working women and protect them from society abuse and achieve what is called job security of women and enhance their participation in the comprehensive development and elimination of discrimination between them and men to achieve real equality, therefore the United Nations Charter stressed – which was adopted unanimously at the Conference San Francisco in 1945 – on his faith in fundamental human rights and individual dignity and worth and equal rights of men and women and of nations large and small, the third paragraph of Article I of the Charter provided to "promote respect for human rights and fundamental freedoms for all people and encouraging all without distinction as to gender, language or religion, do not differentiate between men and women".

Article (55) of the UNs Charter provides that to "promote universal respect for human rights and fundamental freedoms for all without distinction as to race, gender, language or religion, does not differentiate between men and women, and the observance of those rights and freedoms already," and demanding material (56) all members guarantee to take common and separate action in cooperation with the Organization for the achievement of the purposes set forth in article fifty-fifth session, and reiterated its seventy-sixth article stated in paragraph (c) of Article V of the Charter.

With regard to working women Article (10 / 1) of the Declaration states that "taking into account the need to take all appropriate measures to ensure that married women or unmarried equal rights with men in economic and social life. Article (10 / 2) of the Declaration states that: "to prevent discrimination against women because of marriage or maternity and to ensure their effective right to work must take the necessary measures to prevent their dismissal in the event of marriage or becoming a mother, as well as taking what is necessary to be able to get maternity leave with pay necessary to ensure its return to its previous work, the provision of social services necessary services including custody"[30]. Article (10 / 3) further provides that" does not constitute discrimination, any measures taken to protect women in certain types of businesses for reasons of physical composition"[31].

In 1968 an international conference on human rights in Tehran and issued a declaration that included a number of areas of human rights and have included women's rights, which stipulates the elimination of discrimination which women are still victims in many parts of the world and the achievement of equality between men and women without discrimination and should contribute to women in economic life, social and cultural rights [32]. in 1979 the United Nations Convention agreement issued on the Elimination of All Forms of Discrimination against Women, the agreement is a (Declaration of the Rights of Women) where Article (11 / 1), including the need to oblige States Parties to take all appropriate measures to eliminate discrimination against women in the field of work with respect to the right to work, equality, equal opportunities and freedom of choice of profession and employment, promotion, all the requirements and conditions of employment[33], receive training and rehabilitation, retraining and continuing training, the right to equality in pay and benefits unions, and the right to equal treatment in respect of work of equal value and equal treatment in the evaluation of the quality of work and the right to paid leave and protection of health and safety in working conditions and the right to social security and the right to prevention, care, health and safety in working conditions, including the safeguarding of the function of reproduction[34].

At the Copenhagen conference in 1980 shows for participants that women still victims of discrimination in most areas of the work, and called for the elimination of the difficulties relating to the inequality in pay and inadequate training and lack of contribution to professional associations in order to achieve genuine participation of women in various kinds of decisions[35]. In 1985 the Third World Conference on

Women in Nairobi, Kenya, held under the slogan "Equality, Development and Peace" and it was agreed that the manifestations of disability in employment for women is still, and thereby increasing the persistence of serious problems of unemployment and underemployment, the Conference stressed that the strategies Expected for the advancement of women during the period between 1986 to 2000 is to take rigid measures to eliminate obstacles to the achievement of the goals for the advancement of women(36).

In 1992 in Brazil Earth Summit conference held and adopted its agenda item on "Global action for women towards sustainable and equitable development," The Declaration of the Conference, known as the "Rio Declaration on Environment and Development," the emphasis on action plans and agreements previously reached by the international community which aims to integrate women in all areas of development, especially strategies (Nairobi) Forward-looking for the Advancement of Women, which confirm their participation in nature conservation and environmental protection and sustainable development(37). While, by 1993 in Vienna the International Conference of Human Rights held, the conference recommended that participation of women full and equal participation in political and civic life economic, social and cultural rights at the national, regional and international levels and the elimination of all forms of discrimination on the basis of gender.

In 1994 in Cairo International Conference for Population and Development was held, the conference recommended the need for equity and empowerment of women to achieve better positions, as a result for facing in various parts of the world many threats as a result incurred a lot of workload and lack of power, and therefore must take the necessary measures to protect women and improving their status, and ability to support decision-making. At the Beijing Conference in 1995 called the Conference in its Declaration to take all necessary measures to eliminate all forms of discrimination against women, and the advancement and empowerment, and strengthen their economic independence, and providing job opportunities and the elimination of the burden of persistent poverty and growing reality for women, and to ensure access on an equal access to economic resources(38) also asked the states to intensify efforts to ensure respect for international law, including humanitarian law for the protection of women and development capabilities and strengthen its role in the development process.

In Amman, Jordan, 1996 the Arab Conference held to put a program of a unified Arab plan and follow-up the mechanism of the Fourth World Conference for Women, the participants discussed the document prepared by the experts entitled "Worksheet-Arab cooperation of the post-Beijing," The document contained three tracks to overcome poverty for women, and women's participation in decision-making, women in the family, focused on the Conference recommendations adopted by the General Conference of Arab Ministers of Social Affairs the need to review the legislation in force relating to women and work to develop and modified to enable women to contribute to the achievement of comprehensive and sustainable development and financial support to strengthen their efforts in the areas of development and capacity support , the recommendations also included the need to develop strategies for information, education and quality to suit the proposed priorities and women's empowerment, and ensure that the final report of the Conference of the need to create a national mechanism and structures at the national level in Arab countries where there are no such mechanisms for women's affairs in all areas[39]. As well as the Earth Summit conference held in New York on June 22, 1997 that was focuses on the discussion agenda of the twenty first -century, including a comprehensive assessment of what has been done the steps in the implementation of the Declaration of "Rio." [40].

VII. Protection of Women's Economic & Political Rights under Arab Legislations:

The Committee for Arab working women significant which formed in 1973 a strong incentive for Arab governments to amend their legislations in the field of women workers, the Arab Labor agreement as well as on working women in 1986 to give a good indicator of the Arab Labor Organization desired importance to the role of Arab working women in social development and comprehensive economic.

Arab constitutions and legislations recommended to protect women and guarantee their rights in this field: in the Arab Republic of Egypt confirmed all Egyptian legislation on the principle of equality among citizens in the workplace, where Article (14) of the Egyptian Constitution of 1971 states that: ((public jobs is right of citizens and are assigned to those in the service of people)) this text gives all citizens a constitutional right to hold public jobs without discrimination between men and women, and Article (11) as well as the Egyptian constitution that: ((The State guarantees reconciling the duties of women towards family and work in society and the equal men in the fields of political, social, cultural and economic spheres without

breaching the provisions of Islamic law, Arab Republic of Egypt ratified on many international labor conventions and Arabic, and Egyptian labor legislation was currently being applied to a large extent consistent with the provisions of the Constitution and held at the fringes of the texts that the constitutional protection of working women , as summarized by the specific provisions relating to being a mother and a working woman(41).

Article 6 of the Jordanian Constitution states that (the Jordanians in front of the law are equal in rights and duties on grounds of race, language or religion), as stated in Article (23) of the same Constitution that:

1. ((Every Jordanian the right to hold public job, the conditions prescribed by law and regulations, and work is a right for all citizens and the State shall provide to the citizens by directing the Jordanian economy and the promotion of.
2. The State shall protect labor and enact legislation based on the following principles,....d - to improve the conditions for the work of women and juveniles), and the equality enjoyed by women with men was summed up by Jordanian law rules of private law in the Labor law in order to achieve legal protection because the work is a measure of women's emancipation and intellectual development (42).

In Lebanon, the Lebanese Constitution devoted equality between all Lebanese particularly in Articles VII and XII of it, Article VII to: (All Lebanese are equal before the law and in the equally enjoy civil and political rights and bear the obligations and duties without distinction among them). Article XII of it to ((the right of every Lebanese to hold public job, no preference for one over the other only in terms of merit and merit according to the conditions provided for by law)) (43).

In Kuwait, Article (41) of the Constitution of Kuwait in 1962, that: (every Kuwaiti has the right to work and to choose the type of work and duty of every citizen necessitated by personal dignity and the common good, and the State to provide for locals and the fairness of the terms)). According to the Bahraini Constitution of 1983, as well as in Article (13) of which:

a) The work is the duty of every citizen necessitated by personal dignity and the common good and each citizen has the right to work and to choose the type of in accordance with the General and literature.
b) The State shall guarantee to provide work for citizens and fair conditions)).

The Constitution of the United Arab Emirates in 1971 for in Article (34) provides that: ((Every citizen is free to choose his profession or trade within the law and taking into account the legislation governing some of these professions and trades, may not be forced to work, except in the circumstances special prescribed by law and subject to compensation, nor any person may be excluded)). The contemporary Arab constitutions [44] emphasized the principle of equality between women and men, were in the core text on non-discrimination on grounds of sex and some of these constitutions referred in particular to equality between women and men in political and social rights, economic, cultural and stressed state guarantees of these rights and doing what needs to be to realize equality [45]. It is also the Arab constitutions emphasized the role of women to participate fully in building of the society and national development and the work of the State to remove the restrictions that hinder this participation [46].

There are a number of Arab constitutions, favor to the working women special attention, explicitly ban on gender discrimination in employment or the conditions or payments [47] and declared the State to guarantee equal opportunities and the provision of guarantees and protection for working women. And reconciling the duties of women towards family and work in the community, and pointed at its core some of the rights of working women from vocational training and paid maternity leave, and finally, most Arab constitutions have emphasized, in particular to take care of family, protection of motherhood and childhood[48].

VIII. Conclusion and Recommendations:

This study addressed the causes of economic and political empowerment of women in the light of legislation in the Arab and Islamic law, in the context of the role played by women in the composition of the family and society, women that go out to the field of employment adds to the role played by this would be to carry out their duties on the practical and vocational as well, so They are subject to the will of the community, guidance, and labor legislation is set aside for planning, community service and development at the same time, which imposes the need for provisions governing the work of women in providing them legal guarantees be given them in the performance of their role family practical.

When you follow some legislative texts relating to women in the Arab or European legislations shows the positions of the ambiguity of these legislations about how to put the right bases for the establishment of a full and comprehensive system of justice,

equality, as if the entry of women into the field of employment and production was without the consent of the male element, bringing the wages of workers from women, and failure to implement equal pay and lack of access to work by women, and not to female labor towards important sectors of the effective work are all factors that necessitated an automatic discrimination inherent behind the actions of employers or enterprises, weak of legislations, labor unions and variability and its inability to eliminate such discrimination under the great void of the surveillance devices.

In order to provide legal protection of economic and political rights of women and ensure the provision of such protection and exercise of the actual practice of legal thought and progress in this area to the level we hoped that the study recommends the following: --

First: at the international level

We hope to unite all the efforts of international and domestic legislation in a work-based consolidated basis and is based on the spirit of justice and equality without any discrimination between women and men in the field of work and production only to the extent appropriate to the nature of the work or activity.

Second: On **the national level:**

The study recommends to have a special legal legislation for women to work as the need for practical and long experience in this field has been confirmed as a result of traces of the past that were considered women's work as an exception, it must be the legislator to take into account the dual role of women in society and to address the texts in accordance with the conditions this role out of concern for social justice for working women, and provide the conditions and working conditions they deserve and achieving a peace of mind, security and stability.

Thirdly: the necessity to keep pace with labor legislations for working women of the changes and international developments at all levels of social, economic and political order to enable working women to meet the rapidly evolving challenges in various forms and formats and overcoming the obstacles encountered.

Fourth: The will of the working women of the emotions of human emotion, and by its very nature requires a specific human need to have a plan for workforce and career guidance for women.

Fifth: The Arab countries must be ratified by the Arab labor agreements to cope with and to cope with the levels and standards of international and Arab labor, so that the

protection of working women can not be achieved only real process of translating standards and levels of Arab and international labor.

VI: a list of prohibited employment of women is subject to periodic review for the emergence of many works that seem to be easy and affordable with it, in fact, involve risks such as working in front of electronic screens for a long period of time.

VIII: Article (69) of the Jordanian Labor Law No. (8) for the year 1996 that ((determined by a decision of the Minister, after consultation with the competent official authorities: ... b - The times that women can and exceptional cases)), but the Minister Jordan's labor does not work on the version of such a decision so far, and we suggest it should make a decision quick limitation of working hours for women and exceptions contained them.

IX: Article (68) of the Jordanian Labor Law No. (8) 1996, to: ((both spouses working to leave for a one-time without pay for a period not exceeding two years, to accompany the spouse if he moved to another job is located outside the province in which it operates within the Kingdom or the work falls outside)), and this step of Jordanian law is positive and will maintain family relationships.

X.: Some Arab labor legislations did not address the set time, which requires the physician to assign patients to a clinic workers, male or female, and improves the Arab labor legislations does not foresee that the legislative remedy this deficiency.

Eleven: the Jordanian Labor Law No. (8) for the year 1996 does not include in the texts are special provisions concerning the provision of transportation, housing and nutrition for workers, contrary to what did the Egyptian labor legislation which allows for the right of the worker and organized under the provisions of law No. (12) for the year 2003, and therefore we recommend Jordan's legislation at the earliest legislative treatment of the Jordanian Labor Law remedy this deficiency in order to provide care for workers, especially working women.

Twelve: The Jordanian legislature amend the text of Article (72) of the Jordanian Labor Law so that it is reducing the number of women married to the institution to ten workers, rather than twenty, and that the number of children five instead of ten, and without specifying the age of these children.

Thirteen: The Jordanian legislature to expand the scope of legal protection accorded to working women and give them greater legal safeguards protects it, the need to amend Article (29 / f) of the Jordanian Labor Law No. (8) for the year 1996 to be allocated by the attack, but never be without Customize, and so does not require

assault on the worker and his family only, but also are not necessarily as well as the abuse during an act of duty or because it is launching any attack, whether job-related or connected to it.

Fourteen: It is noted that the Jordanian Labor Law No. (8) for the year 1996 had been included in the texts of legal materials impose criminal penalties for violating the provisions of the Labor law, but these materials were not collected by separate one section, and propose to the Jordanian law that singles out a special chapter in the Labor law in addition to the twelve chapters dealing with the penalties imposed for violation of its provisions.

Fifteen: We propose that the Jordanian legislature to add to the provisions of the Jordanian Labor Law precautionary measure allows the administrative authorities prevent the continued violation of the provisions on limitation of working hours and not be confined only to the penalty of the original imposition of the financial penalty in this aspect.

Sixteen: All Arab labor legislations that provides for a fine as punishment for violating original rules of the law most of the work or its complementary laws.

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The Penal Policy in the U.A.E Federal Labor Law

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Abstract: The current paper deals with a very vital subject related to the penal policy in the U.A.E federal labor law, thus this study tries to reveal the legislative aptitudes regard labor conflicts and labor settlements. It concentrates on many issues such as the nature of labor law penalty, types of labor penalties, doubling of labor penalties, fines as principle and precautionary penalty. The study aims at revealing the attitude of the U.A.E federal legislator in criminalizing and penalizing the labor violations, either those committed by employers or employee, and it deeply explained the description of labor penalties that adopted by labor law, and the scope and limits of its imposition.

The study concludes with many suggestions and recommendations related to the main issues of its core.

Keywords: labor law, labor penalties, penal policy and United Arab Emirates

I. Introduction

The rules of U.A.E Federal Labor Law and its Regulations organize the legal relation that arises between the two parties to the labor contract, such rules are not only limited to regulate workers' relations with employers, but also they provide legal protection to the working class. Thus, there are special rules that have been devised to protect juveniles and women whether in terms of nature of work assigned to them or working time during which they should carry out any tasks assigned to them.

Therefore, the rules of labor law are considered as mandatory ones that may not be violated unless they are aimed at serving the best interest of the worker. This means that legal protection is provided to workers against the arbitrary powers of employers, and any violations to those rules invoke the imposition of harsh penalties, such penalties may take the form of administrative, civil or criminal penalties. The present study tries to highlight nature of Labor Law penalties and penal policy of the federal legislator and it explains the mandatory capacity of the labor law rules and the legal description of penalty and by identifying the approach adopted by the legislator in assessing and increasing the penalty through its integration.

A. Problem of the Study:

The workforces have set of labor rights; those rights should not be violated by the employers and moreover labors cannot waive their rights. The criminal penalties may be imposed on the employers when they violate the labor law rules and public safety ordinances. The problem clearly arises because the labor law obligates the concerned authorities not to apply penal sanctions until after exhausting the administrative procedures, such as the advice and written warning…etc, but this makes the penal punishment to be turned as a precautionary penalty.

The rules of labor law have no specific categories of criminal penalties; such penalties are provided as general, where they can be applied on all types of labor violations. This may complicate the task of the labor judge in contrary to the situation under the Punishment Code, where the doctrine of, *"Nulla poena sine lege"* or "no penalty without a law" is mainly applied. In contrary to the general criminal policy of penalties that adopted in U.A.E, the labor legislator adopted special policy by recognizing the principle of multiple penalties, where there could be multiple punishments of fine for many offense in the same organization, as the provided that the maximum fine to be paid by the employer for each guilty should be (5) million UAE Dirham.

In general, the imposition of penalties depends upon the number of the committed crimes, as the court impose several penalties for each crime. This approach is applied in criminal law. In contrary, the federal labor law applies different approach, where the penalty can be imposed upon the multiplicity of corporate workers whom were the subject of violation.

Moreover, the federal labor legislator enlarges the scope of application of criminal penalties in order to involve other parties than perpetrator, such as punishing the undertaker for the crimes of the employer; such penalties are against the principle of personality of punishment. Furthermore, the legislator adopted the rule of combination of penalties instead of the general rule of integrating sanctions in crimes of felonies and misdemeanors.

B. Statement of the Problem

The present study is devoted to ascertain the penal policy adopted by the U.A.E federal legislator in Labor Law in the light of the general policy adopted in criminal law. The central research questions of this study are as following:

1. What is the nature of labor penalty and its types?
2. What are the main features of penalties in Labor Law?

3. How is to figure out the labor Penalty as an alternative?
4. Do labor criminal penalties have any diversity or priority of special Cr. Procures?
5. What is the legal Stranded for Accounting Penalty?

C. Importance of the Study

The present study deals with issue of penal policy under U.A.E labor law, where the national labor legislator adopted special penal policy for criminalizing and penalizing labor offenses, which goes beyond the general policy adopted by criminal legislator. The current study is considered significant because is considered it reveals the vials on the issue for the first time, and it deals with vital issues related to both economic and social envelopments, as well as labor rights in U.A.E.

D. Aims and Objectives of the study

The main objectives of this research are as following:

- To ascertain the main features of penalties in Labor Law.
- To identify the nature of labor penalty and its types.
- To clarify the diversity penalties and the priority of its special Cr. Procures
- To delve to the labor Penalty as an alternative.
- To analyze the legal Stranded for Accounting Penalty.

E. Methodology

The methodology adopted in the current research is doctrinal, which emphasizes the legal propositions and doctrines. This methodology is founded upon the analytical and critical study of statutes, its interrelationship and interpretation of statutes made by the judiciary. On the same context, the research is conducted through investigating and using secondary sources includes books, review of case law, statutes, and international treaties, articles and journals. Material collection shall include intensive library research and internet searches.

II. Nature of Labor Penalty:

In UAE, the Federal Law No. (8) Of 1980 on regulating labor relations preserves the workforce's rights and responsibilities and it stipulates disciplinary rules, termination, rights and end-of-service settlements.[(1)] Article 102 of the labor law provides that some kinds of disciplinary rules, such as warning and fines may be imposed by the employer or their legal representatives.[(2)] The rules of suspension with reduced pay may be imposed on the worker for a period not exceeding 10 days, therefore the rule of deferment of periodic bonus or deprivation from promotion and dismissal from work, without affecting end-of-service gratuity.

Moreover, the Federal Labor Law in its Article (4) provides for legal protection for the workers, as it mentions that the penalty of fine against worker may not exceed the equivalent of his/her pay for 5 days, while Article (6) of the same law states that the penalty of fine may only be imposed once a year. The federal law provides in section (181) criminal penalties for specific violations, such as the breach to imperative provisions of this Law or of its executive regulations or orders, the crime of preventing concerned employees from performing their duties and the crime of divulging, even after termination, any work secret or patent rights.

A. Types of Labor Penalties

(1) The federal Labor Law No (8) of 1980 is comprehensive law that regulates all aspect of the labor relationships between employee and employers, it is also the first law the deals with those and it has been modified for many times

(2) See Sections 1 of the Federal Labor Law

1. Fines

Fines are divided into two types under U.A.E Labor law, these are fine as principle criminal penalty and fine as additional criminal penalty:[3]

1.1: Fine as Principle Penalty:

The U.A. E Federal Labor Law recognizes the fine as principle criminal penalty in case of when the employer recommits the violation or commits intentional violation to the amended section 181 (2), which provides *a*ny employer that is caught employing illegal foreign workers will face a AED 50,000 fine per worker on the first offence.[4]

Hence, the penalty of fine is a principle punishment, and the judge has no choice except imposing it. This means that the general rules of criminal penalties are applied on this form of fines, such as the rules of criminal repetition, personality of punishment and prescription. Therefore, the fine is paid to the government treasury in contrary to the financial fines that paid and distributed among the entire worker in the company….etc.

2.1: Fine as Additional Penalty:

This type of fine is considered as additional penalty that can be applied along with the penalty of imprisonment, as provided in the mentioned above section 181 (1) of Federal Labor Law. Therefore, the judge has the right to decide either impose the collective punishment of bot imprisonment and fine together, or to impose them separately.

2. Imprisonment

The penalty of imprisonment is recognized as a criminal punishment in the Federal Labor Law, such penalty can be optionally imposed on the employer for violations of rules of labor law. This penalty is provided under section 181 (1) of the labor law and it is describe as misdemeanor crimes that can be replaced by a fine. The problematic legislative issue in section 181 (2) is that this paragraph stipulates sever penalty for criminal repetition of violations by the employer, but it does not clarify whether it should be the penalty of imprisonment or fine.

In this context, it should be observed that the penalty is subjected to the doctrine of personality of punishment, while the labor legislator declines this doctrine by making non-accused persons liable for labor violations on the basis of the existence of the contractual relationship with the employer, as assured in sections 126 and 184 of the Federal Labor Law.

B. Nature of Labor Law Punishments:

The U.A.E federal labor law contains two types of penalties, namely civil and criminal penalties, those penalties are designed to stabilize both the rights of employee and rights of employers. [5] The civil penalty concludes compensations, while a criminal penalty concludes both the penalty of imprisonment and fine.[6] Therefore, there are many regulatory penalties that are applied directly by the employer when workers commit some minor violations, those includes the advice and written warning…etc

1. Civil Penalties:

The rules of labor law are described as mandatory rules, and the agreements against them are prohibited unless if such agreement is in interest of the worker. Principally, if the labor contract contains any illegal condition or clause that violates the rules of federal labor

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([3]) See the Ministerial Decision No 42/1 of 1980

([4]) Decision of the Federal High Court No 450, Issued by 17/6/2003

([5]) Ahmed Hassan Buraie, Al.Wasit in the Explanation of Social Law, Illustration of Labor Contract, Second Part, Da'ar Al.Nahdah Alrabiah, Cairo. Egypt, 2003, Pp.127-128 (in Arabic)

([6]) Hisham Frawn, Labor Law on the Light of U.A.E Legislation, Issues of Emirate University, 1989, p.6

law, such conditions and clauses are nulled.[7] This type is called an absolute nullity, especially when the common clauses or conditions of the contract breach the rights that emanates from the legal rules of Labor Law. In the context, the federal labor law in section 181 provides both sorts of imprisonment and fine penalties, this section states that "a penalty of imprisonment for a period not exceeding six months and/or a fine not less than three thousand Dirhams but not exceeding ten thousand Dirhams".

In contrary, the federal labor legislator did not adopt the general rule of nullity, where the application of relative nullity is preferred than the absolute or abstract nullity. Hence, if the violative clause or condition that provided in the contract for the interest of the employer, then these clauses' or conditions are invalid and they should be abolished, while if those clauses or conditions in the interest of the worker, they will be deemed as valid.

2. Criminal Penalties:

The federal labor law provides some sorts of criminal penalties for violations of its legal rules, such sanctions are featured with its harshness and severity, especially when the employer breaches the regulative rules of labor law that concerned with protection of workforces from risks of work and safeguard reasonable work environment for them.[8] The aptitude of federal labor legislator in dealing with labor criminal penalties focus on two types penalties of imprisonment and fines, while the U.A. E judicial courts in practice tend to impose the penalty of fine more than the imprisonment penalty, which makes this penalty as punitive fine rather than compensative fine.

The doctrine of equivalency between penalty and violation must be in the interest of the workforce, and it cannot be only for regulative aims, hence some sort of harsh financial penalties should be provided in the federal law against the employers, especially when the employer violets any of the contractual and essential rights of the workforces, such as salaries, the end-of-service gratuity and annual leaves …etc.

III. Legal Adaptation of Labor Law Penalties:

Section 181-186 of the federal labor law deals with the labor offences and violations, those sections include number of penalties imposed on anyone violating rules of labor law. Thus, there are many related issues to be explained, such as Penalty as an alternative, diversity of penalties and priority of special Cr. Procedures:

A. Legal analysis of Labor law Penal Rules

1. Penalty as an alternative:

The labor penalty is characterized as a secondary, while the penalties provided under Punishment Code are considered as primary, which means the penalties of Punishment Code have the priority to be imposed in case of labor violations, especially when those penalties are more severe and harsher than the penalty provided in labor law.[9] For instance, section 181 (1) provides the penalty of this section can be applied unless there is harsher or severer penalty mentioned in other laws, which means the penalty mentioned in section 181 cannot be applied in parallel with the penalty of section 342 of Punishment Code.

For example, when the employer neglects the use of public safety tools, which are necessary to avoid work risks and to protect workers against the harms of deferent machines

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([7]) Adnan Al.Sarhan & Nwari Kahter, An Explanation of Civil Law, Sources of Personal right "Obligations": A Comparative Study, Da'ar Al.Thaqfah for Publication and Distribution, Jordan, 2008, P.465

([8]) Humam Mohamed Mahmoud, Labor Contract, Individual Labor Law, 1987, p.217

([9]) See the Ministerial Decision No 42/1 of 1980

or the fallen items, and in case it causes the death of worker then the employer will liable for committing the neglected murder crime, as provided in section 342 of the Punishment Code, and the employer will penalized with the punishment imprisonment for not less than one year. Here, it is to be noticed that the penalty for the negligence of public safety measures by the employer is penalized with the punishment of imprisonment for not more than six months. This makes the penalties provided in the Labor Code a precautionary measure, which makes them impracticable in the case of a harsher penalty in another law. :[10]

2. Diversity of penalties:

There are various penalties for labor violations that committed by employers, some of these penalties are provided in Punishment Code or in the Federal Labor Law and others are stated in regulations, ordinances and decisions issued by the Ministry of Labor. Accordingly, there is no problem with applying the penalties of both Punishment Code and Federal Labor Law, as section 181 (1) of the Labor Law solved the problem by giving the priority of applying criminal penalties of punishment code, especially when they are sever or harsher than the penalties of labor law.[11]

The problem of imposition of labor penalties appears when the penalties that stated in ministry's regulations, ordinances and decisions are severe and harsher than the penalties of Punishment Code, especially in case if such penalties do not include the punishment of imprisonment.

Therefore, if the penalty for the same offence is provided in the labor law and ministry regulation, then the applicable penalty is the penalty of labor law, especially when the violation deserves the punishment of imprisonment, as this type of penalties cannot be provided in the ministry's regulations. While, if the contradiction is between the penalty of Labor law and the penalty ministry regulation, for instance when the fine of labor law is lesser than the fine provided in the ministry's regulation, the principle of harsher punishment is applied. This means the judge will apply the punishment of imprisonment provided in section 181 (1) and the punishment of harsher fine provided the Ministerial Decision No (589/2007). Moreover, the ministry decisions may contain some violations to the principle of legality by criminalizing the action without providing a penalty for it, such as when the decision No (788/2009) criminalizes the act of abstaining from paying salaries by the employer without stating a specific criminal penalty for such violation.

3. Priority of special Cr. Procedures:

The legal procedures for labor violations committed by the employers cannot be initiated unless after advising and warning them through the Labor Ministry, or settling the conflict with them by the same ministry. Therefore, the officers of the Ministry of Labor are obliged to follow the above mentioned procedures; otherwise they will be criminally and legally liable for acts of authority abuse and neglect of functional duties.

The federal labor law in its section 34 contains some provisions that are against the principle of personality of offence, such section makes the employers, representatives of employers, trustees of the juveniles and the husbands of minor wives criminally liable for the acts of risky works, harmful tasks, exhausted jobs, illegal acts and the nighty industrial works.

B. Legal Stranded for Accounting Penalty

([10]) See the Ministerial Decision No 44/1 of 1980

([11]) Adnan Sarhan & Youssef Obidat, Non Obligatory Sources, Alafaq Al.Mushraka Publishers, 1st edition, 2011, p.147

1. Collective Penalty

There are two legislative approaches on the issue of accounting criminal penalties, the first approach which applies absolute standard that advocates the idea of imposing and executing all penalties decided by courts gradually regretless the nature of offence, either felony or misdemeanor…etc [(12)] This approach is adopted by the U.K legislation. The second approach applies a restricted stander in accounting criminal penalties on the basis of imposing and executing the harsher penalty. This approach is adopted by the U.A.E legislation in criminal cases, as it applies in the cases of felonies and misdemeanors, and not for violation.

The aptitude of the U.A.E labor legislator on the issue of accounting criminal penalties for labor violations is impacted the two legislative absolute and restricted approaches.[(13)] The labor legislator applies the principle of harsher penalty for accounting penalties, especially when the violations fall within the same category and different types of offence. This approach appears clearly in Sections 181 (1) of the Federal Labor Law. While in case of repetition of crime by the corporate before exceeding a year from the date of its first crime's commission, then section 183 of the federal labor law states that the fine will be doubled as regard the number of the corporate employee and the maximum amount of the fine must not go beyond AED 5 million, as assured by section 182 of the same law.[(14)] Moreover, the federal labor legislator influenced by the absolute approach by gathering penalties, especially when the violations fall within the same category and same types of offence, as revealed in the ministerial decision No (44/1) of 1980. Therefore, the court may impose two types of penalties of suspension from work as well as the fine, and it gathers both types of penalties in one penalty.

2. Doubling of Penalties:

While in case of repetition of crime by the corporate before exceeding a year from the date of its first crime's commission, then section 183 of the federal labor law states that the fine will be doubled as regard the number of the corporate employee and the maximum amount of the fine must not go beyond AED 5 million, as assured by section 182 of the same law.[(15)]

Section 183 of the federal labor law makes the issue of doubling the penalty voluntary matter, as it is not compulsory for the judge deiced it. The judge may impose the doubled penalty after ascertain the conditions of each violation separately and its causes in contrary to the provisions of section 181 (2) of the same. The federal legislator in section 183 does not expressly state which type of penalties can be doubled as there are imprisonment and fine penalties, but in practical way courts resort always to double fines and they do not double the durations of imprisonments.

Section 181 has not clarified whether the doubling of penalties is imposed for the first violation or for the second violation in the case of criminal repetition. It is advocated that the doubling of penalties should cover only the first violation, such opinion is in harmony with

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([12]) Aboud Sieraj, Punishment Code, General Division, Damascus University Publications, 10th edition, 2002, p.371

([13]) Ali Adnan AL.Fial, Criminal Connectivity in Islamic Sharia and Criminal Law: A cooperative Study, Journal of Al,Azhar University, Gaza, 2007, Vol.9, Issue 1, p169

([14]) Mahmoud Mustafa, An Explanation of the Punishment Code, General Division, Da'ar Al.Nahadah Al.Arabiah, 10th edition, 1983, p.561

([15]) Mahmoud Najieb Husain, An Explanation of the Punishment Code, General Division, Da'ar Al.Nahadah Al.Arabiah, 5th edition, 1989, p.667

the principle of criminal legality[16] where no punishment to imposed without a crime as well as to achieve the aim of criminal penalties of the individual and public deterrence, especially if the second penalty after doubling dose not reach the maximum degree of the original punishment.[17] It has to be noted that section 183 of the Federal Labor Law makes the doubling of penalties as voluntary option for the judge in all type of violations, while section 181 (2) makes it compulsory for specific violations, such as employing illegal expatriate workers, un-employing the trusted expatriates, or given a permission to expatriates to be employed with other corporates and individuals in contrary to the existing regulation.[18]

The penalty may be doubled when the employer recommit a violation before a year from the commission of first violation, but if the employer recommit violation after a year for the first crime then the section 183 will not be applicable and section 181 which contains the original penalty will be applied in this case. Moreover, the federal labor law does not differentiate for the establishment of legal liability whether the crime is committed by the employer or the employer's representatives, but the main issue is the existence of the unity of aims for the commission of labor violations.

IV. Conclusion:

The study dealt with one of the most important subjects in the area of labor law and criminal policy. It reveals the legal mechanism adopted by the labor legislator for criminalizing the illegal acts and violations of the employers, and penalizing them upon the judicial decisions issued by ordinary criminal courts. However, the referral of labor case to criminal courts is the last resort that can activated upon the failure of conflict settlement made by Ministry of Labor.

The present study suggests the following results:

1. The federal labor legislator specifies the penalty of imprisonment and fines for the violations committed by the employer.
2. The penal penalties of labor law are characterized as Precautionary penalties, which are not applicable in case if there is harsher penalty in other laws.
3. The federal legislator permits the judge to double the penalty provide in Section 181, especially in case of repetition of crime by the employer before a year from the commission of the first crime.
4. The financial penalty "fine" is doubled as regard the number of corporate workers and the maximum amount of the fine shall exceed ADE 5 million.
5. The violative employer can be sent to the judiciary unless after finishing specific procedures by the officers of Labor Ministry.

Upon the above conclusion and results, the current study recommends the following:

1. The amendments of sections 181-186 of the federal labor law is recommended in order to solve the labor conflict on fair and just basis and to make balance between the two parties of labor contract.
2. The amendment of Section 183 of Labor Law is recommended in order to specify the penalty that can be doubled whether the imposed penalty for the first crime or the original penalty which is provided in section 181.

([16]) Abdalwahb Al.Badarin, the Criminal and Disciplinary Crimes of Civil Servants in the State and the Private Sector, Year of 35, No. 3, 1991, See also Mohamed Sobhi Najm, Penal Code, General Section, Dar Al-Thaqafa Publishing and Distribution, Amman, p. 17

([17]) Abdul Raouf Obeid, Principles of the General Department of Egyptian Penal Legislation, Third Edition, Al-Nahda Al-Arabiya Press, Cairo, p.719

([18]) Adnan Al.Sarhan & Nwari Kahter, Supra Note No (7) at 465

3. The limitation of doubling of crimes should be applied only for high risky violations that may affect the rights of workers in order to create the labor satisfactory and stability for the workers.

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Waging Nonviolent Resistance against a Regime led by former guerrillas

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This presentation discusses nonviolent struggle against the Zimbabwe African National Union Patriotic Front (ZANU PF) regime in Zimbabwe. Zimbabwe has been under a regime led by former guerrillas since independence in 1980. Many agree that ZANU PF regime was one of the most repressive in Africa, especially between 1980 and 2013. Waging nonviolent struggle against ZANU PF was a risky endeavor. Drawing from experiences of the liberation struggle, the regime leaders employed measures that made the environment for nonviolent struggle inoperable. However, nonviolent movements did not acquiesce to ZANU PF's brutal rule. Although they did not succeed to remove it from power, they pressured it to respect the rule of law, respect human rights and introduce democratic reforms. Currently, the authoritarian regime seems to be unbundling; generational turnover, factionalism and severe economic crunch are stifling it. Nevertheless nonviolent movements seem be failing to take advantage of these propitious conditions to unleash a nonviolent struggle. Why has nonviolence civil resistance hitherto failed to rid the country of dictatorship? The last part of the paper provides some recommendations that nonviolent movements could adopt to wage successful nonviolent resistance against the guerrilla led regime.

What motivates governments toward international cooperation?

Kunmin KIM*

Traditional functional theory explains the development of the international cooperation (integration) as an aftermath of political will, spill-over effect, and active cooperation among transnational actors. However, functional theories fail to explain international political history, which shows only limited international institutional integration in Europe – the most important case study for advocates of free trade advocates – as well as considerable pushback in counter cases, such as Brexit and Asian Paradox.
This study suggests exponentially increasing cost of integration and gradually increasing interests of integration. Under these conditions, governments are encouraged to maximize the net benefit of international integration. If there are changes of social stress in a crisis, governments may move further step for international institutional cooperation and integration

There are 6 conditions which motivate international cooperation and integration. The 6 conditions are serious, solvable, repeated, internationally common crisis which is government responsibility, and policy solution for the crisis has mutual interests. About type-decision of the international cooperation, a regionally shared policy solution motivates regional integration (i.e. EU and ASEAN), while a globally shared policy solution makes global cooperation (i.e. World Health Organization); if two governments can be each other's policy solution, they develop a bilateral partnership (i.e. Korea and U.S. alliance).

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1. Introduction

As market economy developed and matured, regional integration was expected to be global trend, especially in Europe and Asia. Experts and state-leaders began to focus on creating ideal conditions for functional integration and institutional peace throughout the region. This optimistic vision did not demand complicate explanations. The vision itself became justice and ideology of international peace studies.

Today, however, there is evidence of increasing political tension and confrontation among the economically interdependent economies in Europe, Asia, and America. The institutional peace and international integration that took decades to take root are in danger of disintegration. The passionate vision became empty. This is what we observe in international politics.

Basically, a nation-state and her government have very limited reasons for institutional cooperation and regional integration as these would mean sharing sovereignty and limited autonomy. These entities, by nation-state's very design, seek independence and autonomy, therefore, governments need special motivation and incentives to cooperate and integrate. This is what this study seeks to understand. International trade could support international cooperation.

Traditional functional theory explains the development of the international cooperation and integration as an aftermath of political will, spill-over effect, and active cooperation among transnational actors. However, functional theories fail to explain international political history, which shows only limited international institutional integration in Europe – the most important case study for advocates of free trade advocates – as well as considerable pushback in counter cases, such as Brexit and Asian Paradox[1].

This study suggests exponentially increasing cost of integration and gradually increasing interests of integration. Under these conditions, governments are encouraged to maximize the net benefit of international integration. If there are changes of political input to government, governments may move further step for international institutional cooperation and integration.

2. Regional Integration: a higher degree of lock-in and loss of sovereignty

Regional integration is starting from international cooperation and logically the highest level of international cooperation. Therefore, it is important to understand core definition of regional integration to understand essence international cooperation. Non-disputable but too wide definition of regional integration is ‘highly developed liberalization over barriers of each state.’ EU Commission borrows this comprehensive definition of regional integration

Regional integration is the process of overcoming barriers that divide neighboring countries, by agreement, and of jointly managing shared resources and assets. Essentially, it

[1] '“Asian Paradox” which is marked by the disconnect between the region’s burgeoning wealth and its lingering historical disputes and new power rivalries, nationalism and arms spending.' (source: http://www.friendsofeurope.org/event/asian-paradox-rising-wealth-lingering-tensions, Retrieved Nov. 5th, 2017)

is a process by which groups of countries liberalize trade, creating a common market for goods, people, capital, and services. The European Union advocates regional integration as an efficient way of achieving prosperity, peace, and security[2].

The definition of EU Commission describes broad phenomenon of regional integration. Liberalization only include societal changes; governmental and state level changes are not fully explained in this broad definition. In 2005, Colette Kritzinger-van Niekerk (Senior Economist, World Bank) added meaning of governance in the definitions of international cooperation, harmonization/coordination, to integration[3]:

> • Cooperation may be the weakest and issue-focused arrangement. Countries may cooperate for a joint development project. They may also do so for facilitating the exchange of information and best practices.
> • Harmonization/coordination: They imply a higher and more formalized degree of cooperation and commitment, hence a more efficient lock-in arrangement as compared to simple cooperation.
> • Integration implies a higher degree of lock-in and loss of sovereignty and also tends to apply to a broader scope, although it could as well be limited to a specific market.

In the definition of Niekerk, the most specific feature of integration is ‘a higher degree of lock-in and loss of sovereignty.' Regional integration is differentiated from free trade and investment which can be seen in every region and globe. Regional integration is obviously continuing institutional promise of a high level of lock-in. This research will re-define the term, ‘regional integration: the institutional free flow of commodity, labor, capital, and information, with common rules and shared sovereignty, in same region.’ This definition focuses again thee fact that ‘international cooperation is exceptional policy choice of nation-state.’ Regional integration and a nation-state’s autonomy is trade-off relation. This is why this study finds exceptional logic and process of nation-states’ international institutional cooperation.

3. Understanding of spectrum from international cooperation to integration

To understand the artificiality of inter-governmental international cooperation, it is worthy to note that not all incentives result in the development of international cooperation systems. Rather than falling into place in one fell swoop, it is constructive to view cooperation among international government actors as an evolutionary process, forged through the gradual exchange of ideas and the institutionalization of efforts towards a common goal. The key components that allow international cooperation, after all, are forged through the ratification of numerous treaties and the organization of structures, which are, in turn, the outcome of policy process. Policy process is based on policy background, which accounts for strengths, weaknesses, opportunity, and threats as well as social persuasion. An example would be the idea of organizing a government based on ‘Federalism' and ‘Regionalism', which is the result of lengthy, in-depth studies by political thinkers. EU, UN, ASEAN, and many federal polities (e.g. U.S.A., Germany, Canada), began as policy ideas

[2] Regional integration - European Commission. (n.d.). Retrieved July 13, 2016, from https://ec.europa.eu/europeaid/sectors/economic-growth/regional-integration_en

[3] Kritzinger-van Niekerk, L. (2005). Regional Integration Concepts, Advantages, Disadvantages, and Lessons of Experience. *World Bank, Washington, DC. http://siteresources. worldbank. org/EXTAFRREGINICOO/Resources/Kritzinger. pdf*.

and logical frameworks to balance state and national interests. In this chapter, this paper will attempt to discover the logical process that established regimes of international cooperation.

The simplest form international cooperation is through trade. Since most economies within given geopolitical regions possess a ‘comparative advantage' (i.e. skilled labor force, wealth of particular resources), this gives rise to states depending on each other to ensure the flow of goods, services, and commodities. Trade, by its very nature, operates according to need and thrives when regulatory mechanisms offer mutually beneficial terms. As such, governments have the option to establish further institutional cooperation such as a rule of payment, common industrial standard, or a dispute resolution system for the purpose of stabilizing trade. At the far end of development of international economic cooperation, governments may even organize a single market and common currency system. This is ultimate international economic cooperation and has proven to be integral to the process of political and fiscal integration, the former demands integration and recognition of a legitimate polity while the latter is characterized by a shared legal and taxation system.

Beyond trade and economics, a different type of international cooperation exists in security. The provision of military aid or forging mutual defense alliances with foreign governments provides policy makers options for reducing armed conflict. However, it is unthinkable to consider automatic military intervention without first recognizing inter-governmental artificial policy process. Most of the countries institutionalize security cooperation in forms of formal treaties, which require scrutiny and should be ratified by legislatures. Military information cooperation, crucial in developing systems to counter terrorism and other potential transnational security issues also undergo thorough reviews and need a government to be fully behind its adoption. This official promise can strengthen the military capability of one nation. If the alliance is vital and significant for one nation, it may develop to make command integration and army integration. An example of this is the NATO, which has a united military command system, formed in the wake of World War II to ensure Western democracies had a common front in facing the aggression of Soviet Russia. The US-Korea alliance is organized along the same lines considering the belligerence of North Korea towards American interests in the Asia-Pacific region.

Judicial cooperation is also a key institutional foundation of international cooperation and integration. Of primary importance in this aspect are fair jurisdiction, the guarantee of property, and a reliably consistent judicial regime built on the fair and equitable application of the law. Other legal measures such as extradition and international police cooperation also demand intentional institutional cooperation among governments. There is Eurojust which is dealing with judicial cooperation among EU countries. Development of Judicial cooperation reaches to common court. There is European Court of Justice which coordinate legal dispute in EU.

Meanwhile, social cooperation at its lowest levels is led by the civilian or private sector, but it is important to establish an active social integration policy to build common value and conviction. For example, the European social integration policy dubbed *European Education Exchange Program: (ERASMUS),* which enables all EU students to access education within the EU regardless of national borders. Social cooperation among states help to develop a sense of common community. Therefore, it is a basement of common government. Because, when a government distributes sources, there is always benefited area and sacrificed area. Without a sense of sense of one common community, common government and common governance may not work as well.

Both continuing economic and security cooperation can develop toward political integration, which requires a deeper sense of community and identity, as all forms of international cooperation have impacts on national sovereignty. Institutional pacts and being increasingly dependence between and among governments reduces political autonomy of individual nations and enhances the importance of the commonweal. ***Table 1*** emphasizes that international integration is highly developed international cooperation. Intentional effort of governments makes more integrated world.

Table 1. Spectrum of international intergovernmental cooperation and integration

	More natural / Less intentional **Less intervention of government** **More independent**				**More intentional** **More interventional** **More interdependent**
Observed phenomenon	***-------- Free flow of Information ---------- Free flow of Commodity ---------- Free flow of Capital ---------- Free flow of People***				
Economic Cooperation & Integration	*International trade*	*International settlement* *Free trade*	*Common market* *Common standard*	*Currency integration* *Fiscal integration*	***Political & Regional integration*** *- Common Act* *- Common Policy* *- Common Court* *- Common Parliament* *- Common Government*
Security Cooperation & Integration	*Humanitarian rescue operation and disaster aid* *(Natural military tension and balance)*	*Exchange of security information (e.g. GSOMIA[3])* *Exchange of military officer*	*Military aid* *Alliance* *Provide military training*	*Command integration* *(e.g. The US-Korea Alliance)*	
Judicial Cooperation & Integration	*Principal of fair jurisdiction* *Guarantee of property rights*	*Extradition* *International police cooperation*	*Exchange of judicial officer (e.g. observer, researcher)*	*Common procedure*	
Social Cooperation & Integration	*Natural exchange of culture and religion*	*Prohibition of ethnical or cultural discrimination* *Prohibition of discrimination by nationality*	*Social integration policy* *(e.g. European education exchange program: ERASMUS)*	*Free labor relocation*	

Note. **(1)** Groom and Taylor (1990) explained spectrum of regional cooperation from co-ordination→co-operation→harmonization→association→the parallel national action process, supranational: Groom, A. J. R., & Taylor, P. G. (1990). *Frameworks for international co-operation (27-122p)*. Burns & Oates.
(2) GSOMIA: Agreement between the Government of the Republic of Korea and the Government of Japan on the Protection of Classified Military Information, 2016

4. Demonstration of functional integration and complex interdependence

Previous chapter discussed the long spectrum from natural international cooperation to intentional integration. But, why they have to integrate? As noted above, a nation-state started to enjoy independency and autonomy. To understand basic motivation (incentive) of international cooperation of governments, it is useful to use figures and graphs.

Figure 1 exhibits the functional theory with the vertical X-axis representing interests (benefit) or costs of one state and the horizontal Y-axis showing the level of integration[4]. Increasing the free flows of the following elements: information, commodity, capital, and people (labor) are then juxtaposed in phases. It must be noted, however, that 'free flow' requires some kind of institutional cooperation which explains why these steps are separated. Normally, information and commodity flow freely first (with less institutional support), and free flow of capital and people follow as the latter two demand more comprehensive institutional reform.

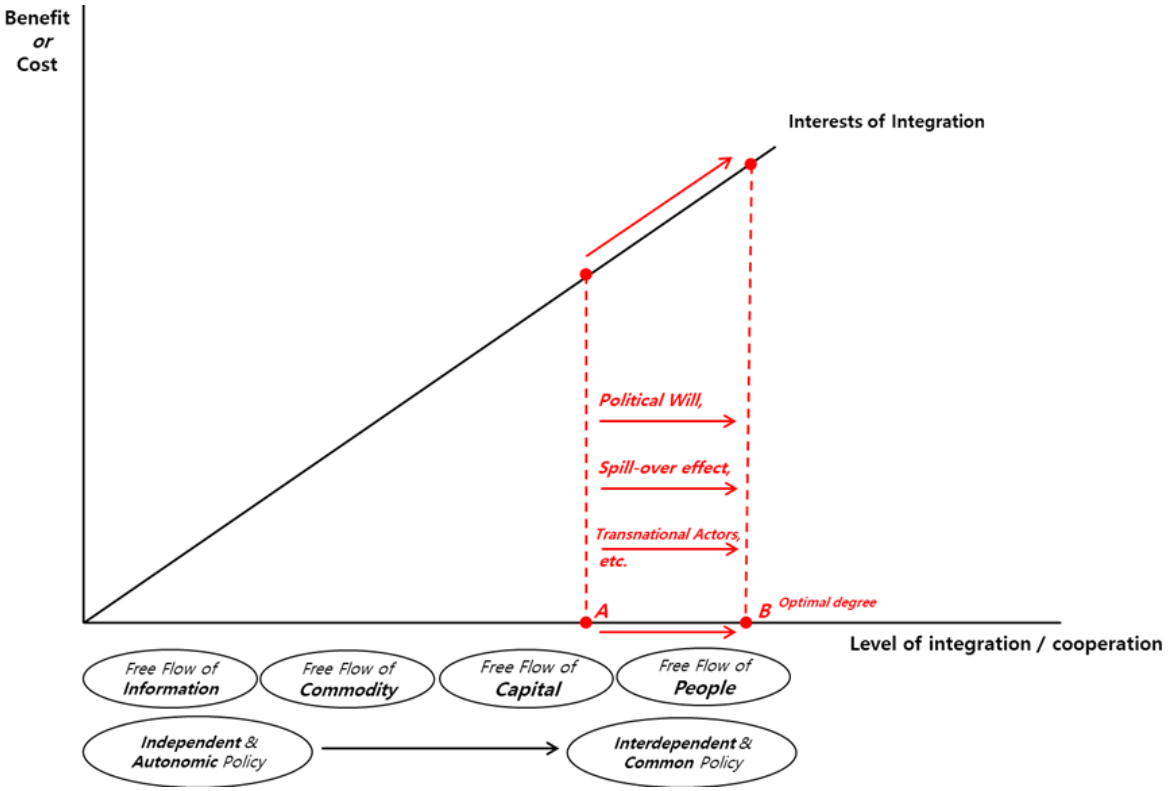


Figure 1. *Functional theories*

Traditional functional theory explains the development of international cooperation (integration) as the aftermath of political will and an active, leading cooperation among transnational actors. If there is political and social momentum, international cooperation and

[4] *An attempt at measuring cost and benefit is difficult as significant portions of these are subjective, intangible, and cannot be quantified. This figure was included to express the logic and framework behind the functional integration theory.*

integration follows based on cooperative interests (benefit). This theory explains that leaders of each sector play a part in enlightening society to move toward international integration. Distilled largely from the story of European integration, this approach is based on affirming common interests through international cooperation. Therefore, this is optimistic and static model. However, functional theories failed to explain international political history, such as Brexit and Asian Paradox. Because, functional theorists did not seriously take into account stagnation, disincentives or a retrograde of regional integration[5].

5. *Two Actor Model* and explanation of international cooperation

This chapter will discuss the dynamic changes within each degree of integration. Modern[6] governments and nations which afraid lock-in often swing the stance of regional integration; this is the actual phenomena in modern politics. Therefore, explanation model should be able to explain the changes of integration policy.

The cost of integration and institutional cooperation have the potential to exponentially increase when there is cultural conflict especially when the free flow of commodities and information prove inimical to vested interests. This has been a common cost of integration in its early stage. However, when capital and people move freely, cultural conflict may trigger national conflicts and identity crises, arising from an inclination to preserve the familiar resist change especially if externally-driven; this is why **Figure 2** has exponentially increasing curve of 'Cost of Integration.' Admittedly, while the cost of Integration is not easy to measure **Figure 2** provides a framework with which to show the logic of integration (institutional cooperation)[7].

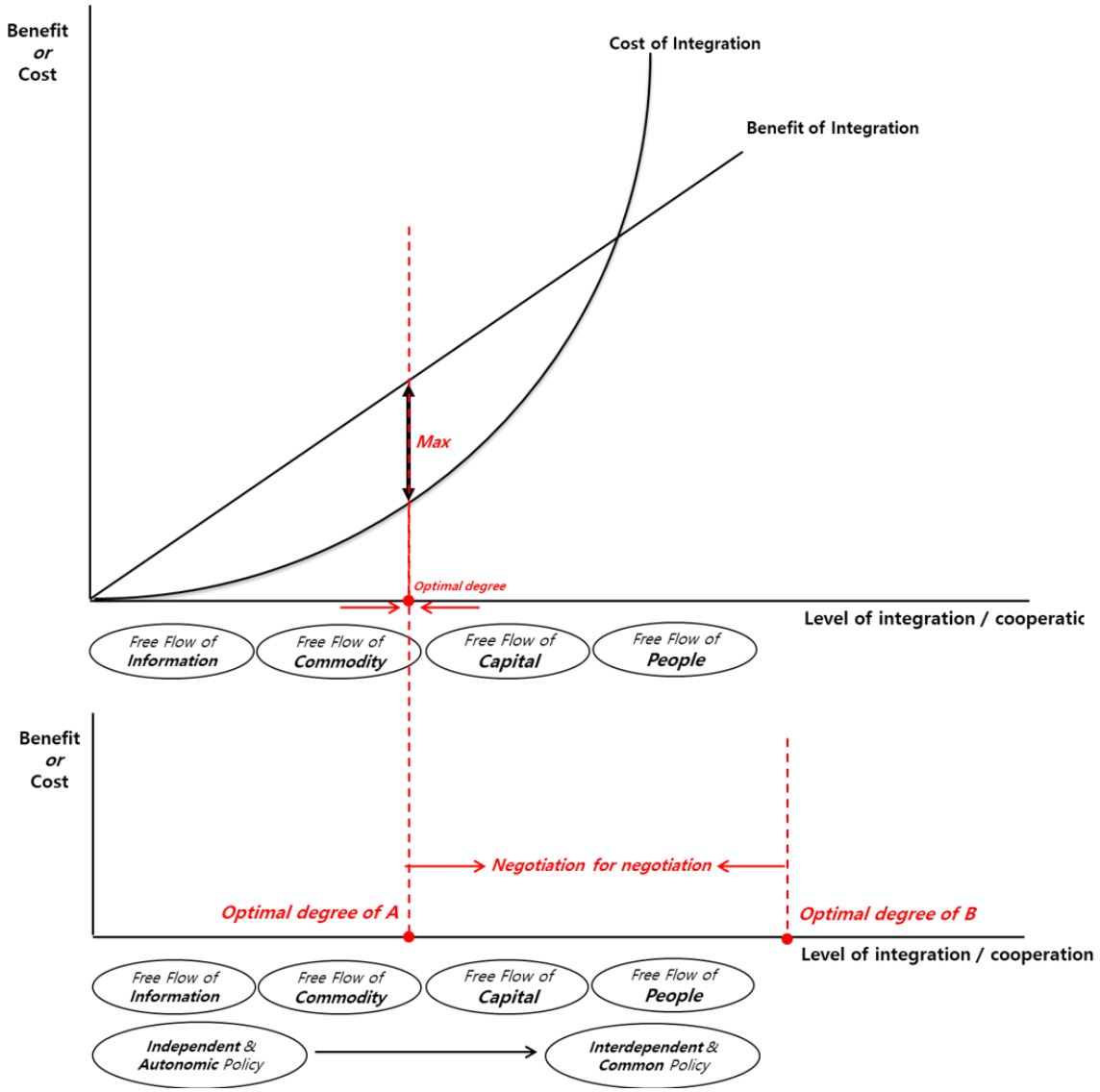
Suppose the cost of integration which is exponentially increasing, and suppose gradually increasing interests of integration. the optimal level of integration can be decided when there is the same amount of cost and benefit of integration. Should there be present a larger benefit for integration than Cost of Integration, the level of integration may increase. Meanwhile, if the cost proves to be more substantial than the benefit, the level of integration may decrease. Political will and spill-over effect may work well toward an optimal level of integration. Partner governments of cooperation and integration also have their own optimal level of cooperation and integration. Two government negotiation may decide actual level of cooperation and integration. Even after governments decide specific level of integration, there could be additional changes. If there are enough changes in cost or benefit of integration, the governments may request additional negotiation for changing level of integration. A government is designed to response social input and make proper output; it is assumption of this study, but in the long run governments which cannot response properly, they will disappear.

This explanation model is named *Two Actor Model* by Yamakage (1982). However, Yamakage (1982) focused economic relation of two countries, while this study uses this model more on explanation of dynamic changes of international cooperation. Both economic and political (social) changes affect cost and benefit of international cooperation. Therefore, we can explain zigzagging international cooperation including Brexit and Asian Paradox.

[5] Rosamond, B. (2000). *Theories of European integration.* 50-73.
[6] Assumption: A modern government estimates cost and benefit of international cooperation.
[7] Wadsworth, J., Dhingra, S., Ottaviano, G., & Van Reenen, J. (2016). Brexit and the Impact of Immigration on the UK. *Centre for Economic Performance. LSE*, 34-53.

After this study built logical explanation of international cooperation, it can advise policy direction also.

Figure 2. *Optimal level of integration*



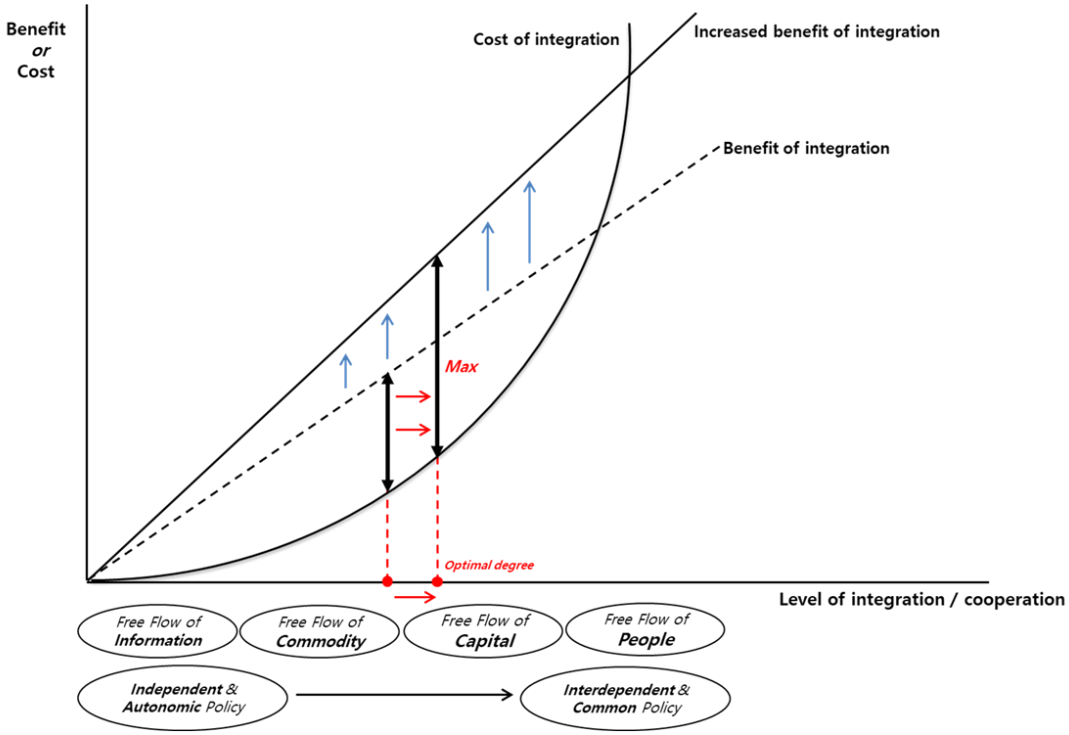
Note. Similar model of explanation is originally used by Yamakage (1982). Yamakage (1982) focused net benefit of international exchange, considering concepts of benefit and cost.
Source. Yamakage, S. (1982). Modeling Interdependence and Analyzing Conflict Mathematical Representation. *International Political Science Review*, *3*(4), 479-503.

6. *Two Actor Model* and *Policy Window*

A sophisticated application of *Two Actor Model* is shown by **Figure 3** as it can explain why nation-states choose (or changes) different levels of regional integration. In **Figure 3**, the increased benefit of integration changed optimal (desirable) level of international coopetition of the government. It is important to understand that there is always gap between social input and government's policy output. A government's policy is composed by official process and institutional activities. Moreover, a government's foreign policy demand more sophisticated policy process and institutional efforts. Therefore, minor changes

in optimal level of integration may not move a government simultaneously. If the governments has to move, there is internal consideration for efficient use of policy resource including budget, labor, and many other opportunity costs. To apply this ideal model, *Two Actor Model* (Yamakage 1982), to real world, actual government's policy process should be applied in.

Figure 3. *Increased benefit and new optimal integration*



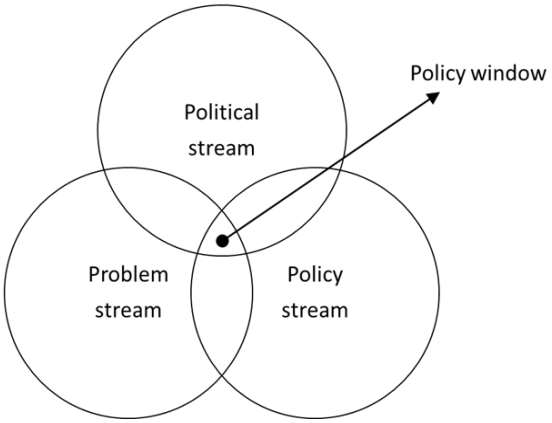
In addition, there should be serious consideration of sovereignty and independency of nation-state. Institutionalization of cooperation is very necessary to develop international integration. An international cooperation with institutionalization (e.g. FTA, alliance, regional integration) demands longer and deeper logical backgrounds which persuade government and supporters. Given the nation-state's highest aim is independence, it is a practical reminder to consider an institutionally-entangled governance could be anathema to this goal. That is because; international institutional cooperation consists of many official promises and obligations between and among states. Moreover, these encumbrances necessarily limit a nation-sates' autonomy and the flexibility of its policy choice. In essence, international cooperation has two faces: while international contracts protect nation-states' independence, it also diminishes its autonomy. Therefore, normally the longer and tougher policy process are carved in constitutional laws of nation-states, which demand additional consensus from representatives or referendum. This is the fundamental bases for the ratification of treaties as they oblige the whole governance apparatus to be engaged and accepting of the policy direction.

Therefore, even if there is an improvement and increase of benefits of integration, institutional integration policy does not automatically follow. As this paper has mentioned, regional integration means 'sharing sovereignty,' therefore an integration policy should be a complex and difficult choice of the nation-state. After all, both independence and autonomy

are basic to the founding of a nation-state. And any attempt to diminish sovereignty over a territory or aspect of its governance would naturally be treated with suspicion. In history, nation-states have developed to protect its domestic industry and establish a means to protect its borders. Regional integration is defined 'highly institutionalized international cooperation among states.' Moreover, a key program of regional integration is 'sharing sovereignty' with other state or international organization. This 'surrendering sovereignty' is frequently unacceptable for historically developed nation-states; nation-states developed its wall against another state. Regional integration is the unexpected path of modern nation states. The Constitution is designed to represent domestic interests, and bureaucratic system supports the representing process. This explains the inconsistencies of regional integration even within the EU and other regions. Therefore, to understand the logic of international cooperation, the endogenous logic of government behavior should be examined.

Governments craft policy based not only on principle but on practical considerations of tight public budgets, limited personnel, and finite resources. It could even be concluded that states respond and develop policy based on given circumstances of a certain moment, which has been dubbed a 'Policy Window[8]'. The concept of policy window (Kingdon, 1984) shows that certain opportunities can be opened by three conditions, particularly the problem stream, political stream, and policy stream. Policies are often complex and require lengthy, thorough periods of debate, but when problems and pressures from the public (policy stream) increase, political changes like a new election (political stream) or a significant policy process itself can be the motivation for opening policy window. The policy window theory derivate the concept of '*policy entrepreneur*' whose role is critical in bringing together these three streams. A *policy entrepreneur* is someone how opens policy window with will and opportunity.

Figure 4. *Depiction of Kingdon's Multiple Streams Theory*



Note. This figure is not directly cited from Kingdon's research paper. However, many papers[9] depict his idea like this way.

[8] *According to John W. Kingdon's 'policy window model,' three 'streams (input)' should be aligned to be policy issue: (1) the problem stream (socially significant enough), (2) the policy stream (possibility of policy), (3) the political stream (politicians' will). When these three streams come together, a window of opportunity (to be a policy) is open, and action may be taken. (Kingdon, 1984 & 1995)*

[9] Khayatzadeh-Mahani, A., Sedoghi, Z., Mehrolhassani, M. H., & Yazdi-Feyzabadi, V. (2015). How Health in All Policies are developed and implemented in a developing country? A case study of a HiAP initiative in Iran. *Health promotion international*, *31*(4), 769-781.

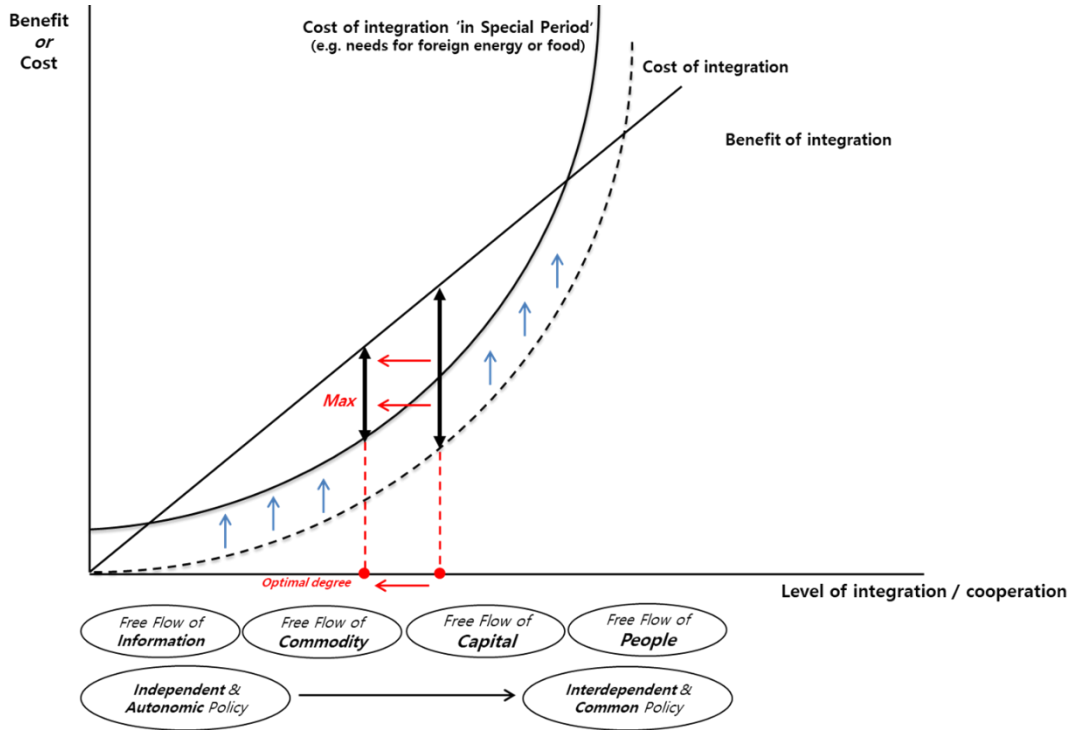
7. *Two Actor Model* and changes of regional integration

This study tries to understand the dynamism of nation-state's zigzagging history of international cooperation. Not only improvement but also adverse changes of regional integration (Brexit or Asian Paradox) can be explained by this model.

To explain adverse changes, this study assumes increased cost of integration in times of special period. In **Figure 5**, there is a description of the special period of crisis and following change of optimal integration level. The cost of integration (of a government) might increase in times of crisis; the cost includes both tangible and intangible cost. Even emotional and intangible differences can make meaningful changes to governments and voter's policy preference. For example, racial conflict, economic crisis, or security crisis make different cost of integration. And, it makes new optimal level of integration[10]. When optimal social equilibrium changes, the government, political entrepreneurs [11], and transnational actors may try to build a new institution for the new state. Therefore, the crisis is regarded as one of a significant negative factor which motivates the government to withdrawal from international cooperation.

When there is crisis, a government finds solutions to overcome crisis. This is an efficient government which can last in the long-run. Modern governments' policies are maximized efforts to survive. Without these efforts they could be disappear or disappearing.

Figure 5. *Increased cost of integration and new optimal integration*



[10] There are empirical studies on correlation between energy crisis and changes of public opinion: Carlisle, J. E., Feezell, J. T., Michaud, K. E., & Smith, E. R. (2016). *The Politics of Energy Crises (40-68p)*. Oxford University Press.

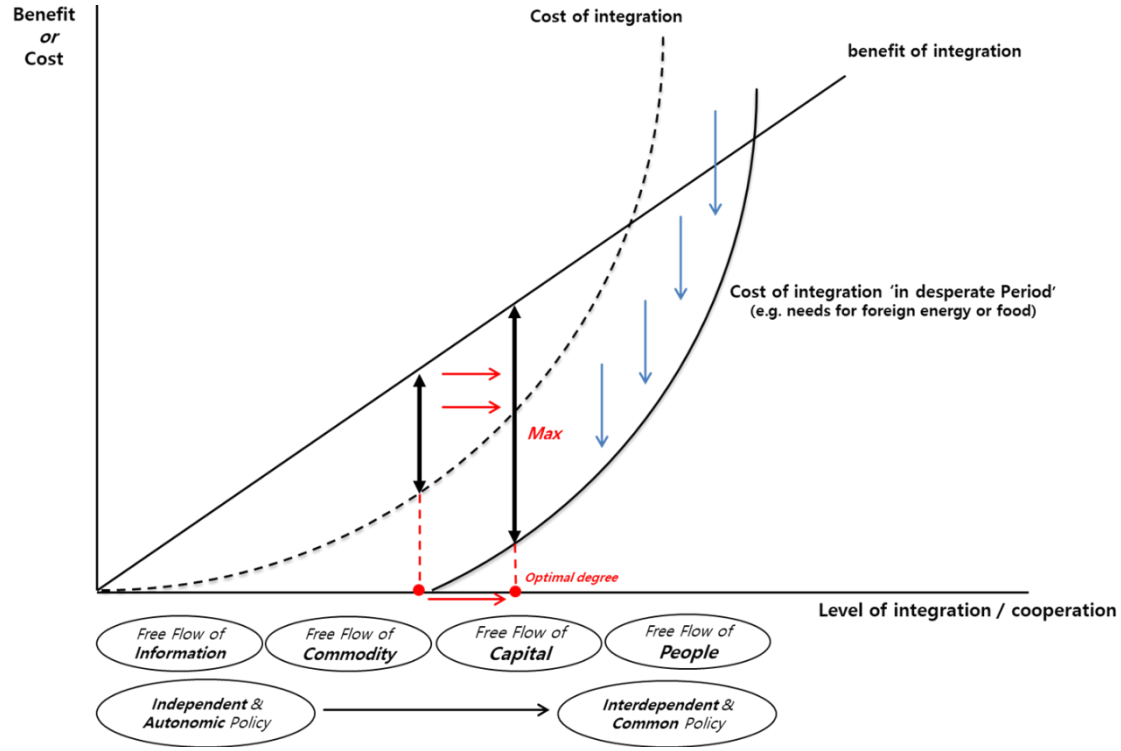
[11] Political Entrepreneur: People who seek political chances to promote new political ideas. Jean Monnet is one of an example of Political Entrepreneurs.

There are historic evidences of the time of crisis which increased cost of integration. France, the birthplace of European integration, withdrew from integration when the Gaullist political movement was dominant in the 1960's. Influenced by the brand of nationalism espoused by revered War leader and later statesman Charles de Gaulle, Gaullists pushed for more autonomy for the French government within the European community. This ideological movement led to France bolting from EEC (European Economic Community) and NATO Military Committee. Moreover, this caused the relocation of the Supreme Headquarters Allied Power Europe (SHAPE) from French territory to Belgium.

8. How crisis motivate regional integration

Some crisis can decrease cost of integration, and increase degree of international cooperation. For example, if there is a crisis of military security, the benefit of institutional security cooperation (e.g. alliance, military integration) may increase, or the cost of it decreases in every situation. This change of public's policy preference exerts pressure on the government, and a government has more reason to change to be the more entangled state, resulting in a more interconnected governance. These are logical steps for international cooperation as described in **Figure 6**.

Figure 6. *Decreased cost of integration and new optimal integration*



This explanation model does not include internal process of policy changes, however. Therefore, it is exogenous model. This model explains how changed input to government changes policy preference and different output (regional integration). An additional

explanation is needed to explain how policy process works in times of crisis. And, what kind of crisis moves government for cooperation.

9. How crisis motivates government toward international cooperation?

Two Actor Model enabled us exogenous explanation of how crisis changes optimal level of integration. However, this missed explanation of internal policy process of government. In policy process, governments typically choose international cooperation (integration) as one of policy option. Government policy is a kind of problem solving process, a process by which cost is reduced while increasing interests.

From the inside, there is a government's internal logic to build international institutional cooperation policy. In this chapter, the endogenous logic is the focus of study. A government chooses optimal policy means and input with the limited source. Historically developed bureaucracy is a sophisticated system designed (and has evolved) to use limited policy-source more efficiently. From time to time, a government may fail to be the best user of policy source. Media has pointed out government behavior of wasting sources (e.g. budget, personnel, political chance, public mobility), however, she cannot waste huge source repeatedly and sustainably. That weak government may face the political challenge and public condemnation from within and internationally.

This research suggests certain internal process and logic for international institutional cooperation policy of the government. There are six conditions which motivate international cooperation and integration. The six conditions are serious, solvable, repeated, internationally common crisis which is government responsibility, and policy solution for the crisis has mutual interests. Each of these logical steps works similarly to a policy window as previoulsy described. When a government passes these policy windows, one by one, a cooperation policy develops to more institutionalized and complex policy.

Finally, when a government decides international institutional cooperation, there is terminal policy window which decides actual types of international institutional cooperation. There are three types of international cooperation by some participants, these are global cooperation, regional cooperation, and bilateral cooperation. Above all is the endogenous logic of international institutional cooperation policy.

9.1. Serious crisis

The first window to be international institutional cooperation is the seriousness of the crisis. For the government, seriousness means that ‘majority of citizen or elites group of nation’ regard that the crisis is a portent of negative changes. Therefore, it can be replaced by another term called ‘wide crisis,” which is defined as having significant and far-reaching consequences that provides government with a fundamental reason to take action.

Not all serious crises make the government make foreign policy for cooperation and integration. There are too many crises in which governments cannot help people. This is a second logical process, policy window of 'solvability.' The government takes action only for working (expected to work) policy. For example, each industrial cycle results in the decaying of certain industries within each national economy. If the former economic powerhouse is the

main industry of the national economy, it may be a crisis for the government. However, the public sector has limited tools at its dispsal to either reverse or dampen the impacts of decline. Even through regional cooperation, the government cannot solve the problem. What public policy can offer are extra subsidies, tax cuts, or public loans, which are hardly adequate for a structurally decaying industry. For example, the Finnish government could not take an active role to protect Nokia Corp. while it was struggling with bankruptcy. Nokia, at one point a monolithic telecommunications business, was a significant player in the Finnish economy with its revenue amounting to 20% of Finland's GDP in 2011. Collapse of Nokia[12] was so severe for Finish government, however, it had very limited policy options for Nokia's recovery. In the WTO order, the government cannot directly help the private company. Moreover, even if there were indirect support policies of Finish government, there was no promising possibility of impact in the global market.

9.2. Crisis which regarded as Governments' Responsibility

Next, a government faces another policy window of policy responsibility. Although a serious and solvable crisis come, a government does not always take action against it. From Anglo-American states to European welfare states, individual and private issues hardly become policy issues[13]. Normally, religion, ethics, and family matters remain in private concerns. The government has no reason to intervene, as people do not welcome it. Therefore, a government has an internal process to judge the characteristics of intervention.

Considering high and increasing inflexibility of foreign policy, it is expensive policy. Therefore, there is a higher standard of intervention. Many troubles in private sector are out of foreign policy concern. For example, in the 1980's, Unification Church was rushed from South Korea to U.S. and Japan. More than half million citizens were troubled with an unusual way of belief and lives. Many media took an adverse opinion on the influence of Unification Church in Japan and U.S.A. However, it could not be government issues. That is because, in those democratic constitutional laws, religious issue was still in private civil sector, especially if the religion makes no violation of law.

9.3. Repeated and expected to repeat crisis

A repeated crisis makes the government make institutional policy. When a risk is a single event, governments have less reason to risk their sovereignty. Repeated crises mean not only more severe and wide damage, but also desperate needs of institutional prevention. Institutional readiness prevents second and third damage from repeated crises. In other words, repeated crises make institutional policy. Making Law, building agency, making contract and treaty are all examples of institutional policy.

Also, repeated crises make the government avoid selfish strategy as institutions decrease the uncertainty of policy environment. Institutions also help to collect information, check the readiness, and harness international sources (e.g. budget, experts, and legal support).

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[12] Bouwman, H., Carlsson, C., Carlsson, J., Nikou, S., Sell, A., & Walden, P. (2014). How Nokia failed to nail the Smartphone market.

[13] Modern government is based on democracy, and democracy put its feet on individualism.

It is important that institutionalization is a link between international policy and domestic policy. A none-institutional policy hardly becomes international policy, because international policy should avoid the uncertainty of foreign partner government. Repeated crises and following institutional crises are needed to prevent the selfish and none-cooperative action of policy partners. In other words, institution prevents prisoner's dilemma situation in policy. Because of repeating crises, the institution contains promises of the fair burden of each policy partner. In international policy, a selfish government cannot get be guaranteed by other foreign government in next crisis. This shared-burden system (institutional policy) helps to keep international policy more reliable and continuous. Small states can ensure their minimum voices in institution and power states can secure small countries' contribution.

9.4. Common crisis among states

The institutional policy becomes an international institutional policy through fifth policy window, commonness. If the crisis is limited in a state, it cannot be a motive for international cooperation policy nor integration. If states can solve a problem independently, they shall not choose international cooperation which risks autonomy. To be a motive of international cooperation, causes of crisis should widely prevail over border lines.

For example, when prostitution remains a domestic concern, governments hardly expect international cooperation. However, when Eastern European prostitution spread to Western Europe through organized crime, international cooperation among governments was required. Now, many European governments work together to tackle this problem, as a part of EU's *Rights, Equality and Citizenship Programme.*

9.5. Existence of joint solution with mutually shared interests

Seriousness, repetition, and commonness of a crisis make institutional policy, but international cooperation is in another dimension. International cooperation is based on the agreement of participant-governments. This is the sixth policy window of 'existence of joint solution with mutually shared interests.' Logically, governments cooperate only when there is a common solution which is mutually beneficial. When international cooperation is becoming clearer, it has a specific form of policy. The possible cooperation method is discussing at the last logical step. If the international cooperation has no mutually shared interests, the government may not participate for the cooperation program. At least, the cooperation should have interests of international solidarity or long-term interests.

Sometimes, mutually shared interests are not clearly understood nor apparent. The interests remain vague and the subject of unpromising rhetoric. Therefore, this last policy-process sometimes depends on congressional debate or public opinion. Political entrepreneurs act for more close cooperation. Transnational Actors, functional theory focused, are working at this area. Above process is the core logic of international institutional cooperation policy.

In this logical step, to persuade common interests, government-government and civil-civil relation become more important; this is co-called 'two-level game[14]' of Robert Putnam (1988). In Putnam's explanation, partner governments persuade each other government based on intra-national understanding. The scope of the understanding is called 'mindset.' If the shared interests among states are prominent and visible, it is easy to persuade both domestic public opinion and partner country's national public opinion.

9.6. Number of participants and Regional Scope of International Cooperation

Even after a government's policy process reached international institutional cooperation, there remains a matter of choice for policy types. One of important criterion, at final logical step, is some participants and geographical scope of international cooperation. There are three categories of policy on some participants and geographical scope; The three are Regional Cooperation, Global cooperation, Bilateral cooperation. For the first, regional integration is discussed as a part of foreign policy solution for many economic and security crises. It is important to understand the logic of regional integration. It should be noted that regional integration is a kind of international cooperation, has more than three governments participating, and a regional boundary. Many of economic and security crises are a regional phenomenon, and regional integration could be desirable policy solution. Sustained Economic recession (crisis) and repeated security crises of Europe were motives of organizing European Single Market (1993) and European Atomic Energy Community (EURATOM established in 1958).

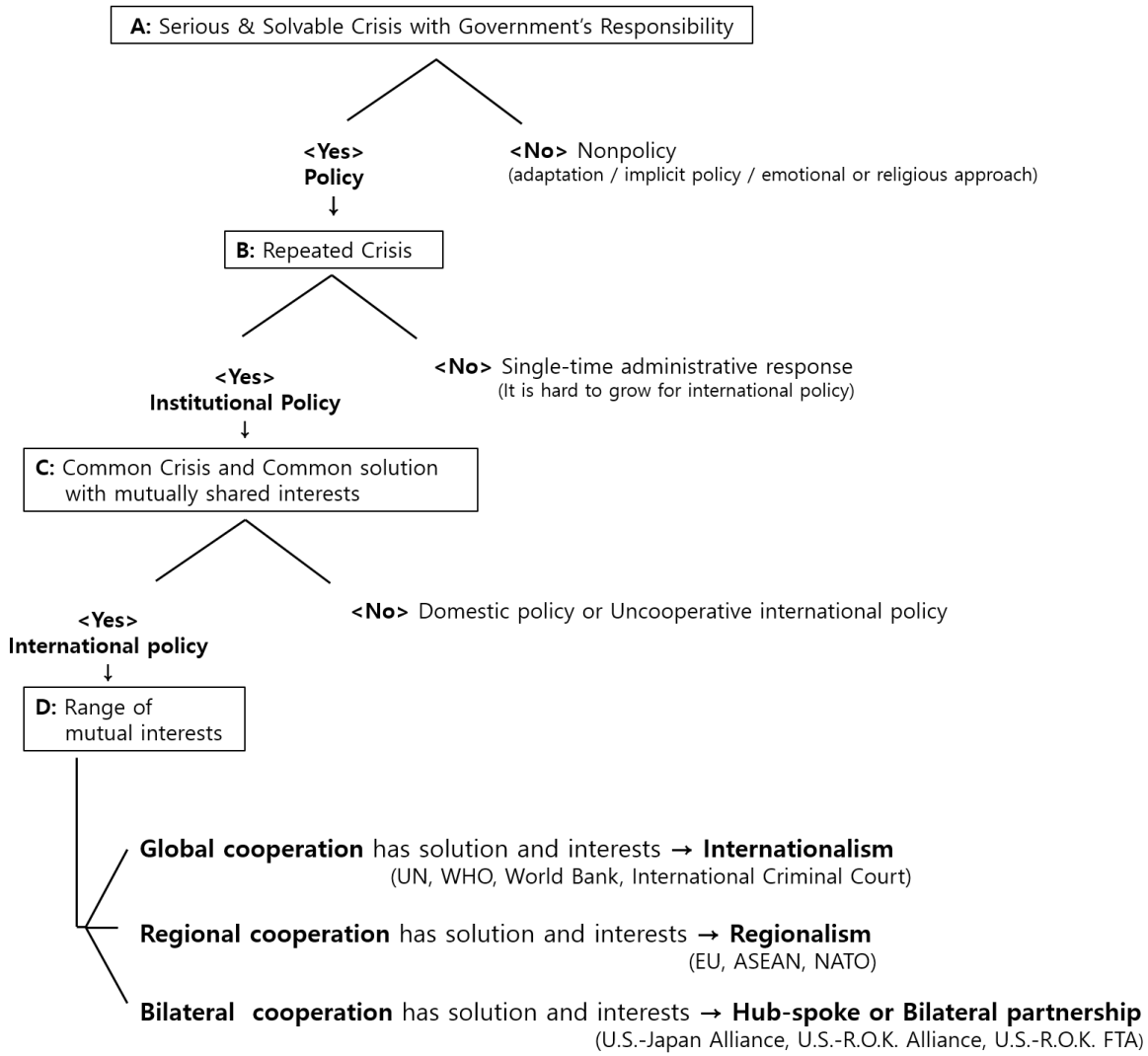
There are two other kinds of international institutional cooperation categorized by some participants and geographical scope. First, there is 'global cooperation'; it is global level cooperation which is among many governments without geographical boundary. When there was repeated World Wars, after World War Second, global cooperation for peace was institutionalized as the United Nations, from the declaration of Atlantic Charter' in 1941to effectuation of 'Charter of the United Nations' in 1945[15]. This is one of an example of Global level cooperation for peace.

Finally, bilateral cooperation which is the international cooperation between two governments. When two states share crises and policy solutions, bilateral cooperation is generated. The less number of participants the more flexibility of policy cooperation and changes of policy. If there is imbalance of vulnerability, less vulnerable government may lead the relationship. So, it can be referred as a hub-spoke relation. In a larger sense, this bilateral cooperation included triangle cooperation. The alliance between the U.S. and South Korea is de facto functioning with U.S-Japan defense cooperation. There is no explicit cooperation between Japan and South Korea in military security, but it is under cooperation via U.S. Via U.S. security system, two bilateral cooperations are linked to the foundation of regional security order in Northeast Asia.

[14] Putnam, R. D. (1988). Diplomacy and domestic politics: the logic of two-level games. An *International Organization*, *42*(03), 427-460.

[15] Charter, U. N. (1945). Charter of the United Nations. *June*, *26*, 59.

Figure 7. *Policy process for international cooperation and integration*



10. Conclusion

This study tries to find both of exogenous and endogenous motivation toward international cooperation and integration. International integration is a kind of highly developed international cooperation. Any regional integration originated from institutional development of international cooperation. By the way, a nation-state is designed to be more independent. Therefore, she has very limited motivation for international integration. A certain crisis could push government to make policies including actions for international cooperation and integration. 'Serious, solvable, repeated, internationally common crisis which is government responsibility, and policy solution has mutual interests' could be positive input to government to make policy for international cooperation (integration). And, range of mutual interests affects to types of international cooperation.

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"Wilmar International and Large-Scale Land Acquisition in Nigeria: Critical issues and Conflict Dimensions"

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Abstract

While there are several studies on large-scale land acquisitions in Nigeria like in other places, little attention has been paid to their attendant conflicts. The centrality of land to rural peoples' livelihoods and the violent response to the massive dispossession is the interest of this study, with particular focus on the activities of Wilmar International in Cross River State of Nigeria. Specifically, this study examines some critical issues that affect the dispossessed and how the activities of Wilmar adversely affected the environment thereby triggering conflicts. Understanding issues such as the right to Free, Prior and Informed Consent (FPIC), which balances the power asymmetries between foreign investors, the state and local communities by ensuring their participation in matters concerning their land are important in mitigating conflicts. This study uses qualitative data and relevant information generated via both field and desk work to critically examine the extent to which Wilmar's acquisition of large-scale land and activities had engendered conflict in Nigeria.

Keywords: Land Acquisition, Conflict, Wilmar, Environment, Nigeria

Introduction

One of the manifestations of land grabbing is seizure of large tracts of agriculturally sound land – land grab, water grab/seizure and green grabs (Ganho 2011; Fairhead *et al*., 2012; Kay and Franco 2012). The character of land grabbing is therefore imperative to its conceptualization, and aids the formulation of inclusive understanding of conflict dimension. What constitutes land grabbing can also be understood from the Tirana Declaration of May, 2011, which agreed that land grabs involve one or more of the followings: violation of human rights, particularly the equal rights of women; not based on free, prior and informed consent of the affected land-users; not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; not based on effective democratic planning, independent oversight and meaningful participation.

Nigeria, Africa's biggest economy and most populous country — with the expected projection of becoming the world's third most populous in 2050 (Obasanjo, 2014; Oshikoya, 2008) — is a major target for land grabbing. It is among the top 20 most targeted countries globally (Osabuohien, 2014) and among the first ten of such on the continent (GRAIN, 2011). The concept of land grabbing began to be understood in Nigeria when the white Zimbabwean farmers acquired 13000 hectares of land in Shonga District of Kwara State, Nigeria in 2004 (Attah, 2016; Ariyo and Mortimore, 2015; Odoemene, 2012; Mustapha, 2011). Dominion Farms, an Oklahoma-based United States firm also acquired 30,000 hectares of swampy land for commercial rice farming in Gassol Chiefdom of Gassol Local Government Area of Taraba State. Wilmar International, which is the focus of this paper represents another case of land grabbing in Nigeria. The Wilmar case involves two categories, namely, a northern and western triad called the Biase, Ibiae and Calaro plantations, and a southern and eastern flank, called the Obasanjo plantation in Ekong-Anaku of Cross River State. The manners of these deals triggered violent conflicts and failed the basic critical issues necessary for peacebuilding in land deals, namely, Free, Prior and Informed Consent (FPIC).

In Nigeria, land is central to livelihoods, food security, identity, and even spiritual signification of the people, hence it is hallowed, and any breach on its importance has always been problematic. It is not surprising, then, that the emerging wave of large-scale land acquisitions in Nigeria as in other African countries has sparked violent concerns. The

manner, which they are structured, particularly in Nigeria, the investments rather than create the 'rhetoric' new opportunities to improve rural living standards, appear to have further marginalised the poor. An analysis of this complex and shifting situation, lays out key trends and main features of how to make the renewed momentum in land agricultural investment on land work for the investors without consideration for local development and livelihoods, a situation that has resulted in violent conflicts. Nearly a decade of the current wave of land grabbing in Nigeria, there have been cases of conflicts over land dispossession as triggered by the activities of Wilmar International in Cross River State without definite clue to how the conflict would be resolved (Odoemene, 2015; Attah, 2013e).

Understanding Conflicts over Land

The new wave of global land grabbing has in most cases made rural dwellers victims of large-scale land acquisitions and their traditional subsistence threatened by dispossession, thereby limiting access to land and its appurtenances (Quan, 2000; Adnan, 2011; Schneider, 2011). Adnan (2011:4) observed that the reactions of dispossessed groups in the course of land grabbing have involved violent struggles for gaining possession or repossession as in the case of Wilmar in Cross River State. It is in this sense that there is a dominant assumption that peasants are opposed to land deals. However, the World Bank Group has pointed out that large-scale land acquisition, to some extent, can be beneficial to the dispossessed. In some cases, many people are incorporated into the land-based investments, through a variety of schemes (contract farming, plantation workers, and so on) (Mamonova, 2012). The situation however amounts to proletarianization of the peasants, and what Hickey and du Toit (2007) rightly describe as "adverse inclusion", which works against the dispossessed as they are condemned to the margin of the land deals.

Studying the current wave of global land grabbing, local resistance emerges in response to the contestations over access to land and landholding, which intersects not only with the current struggles over land rights, but also resource rights. In Nigeria, the laws on land as represented by the 1978 Land Use Act tend to operate from the premise that the state owns the land, under which resources are found, and therefore treat land deals as if the communities do not matter. Local discontents concerning land deals are therefore not limited to compensations, but also with how land is framed in the relevant statues. Conflicts over land or resource dispossession ultimately become "double-edged". The resources mentioned here are not restricted to only mineral, but also crops and economic trees that are lost in the event of dispossession. In this way, theories of resistance merge with theories of resource

rights, which Hall, Hirsch and Li (2011) have argued, emerged from "double edge" exclusion.

Hall, Hirsch and Li (2011) have identified four central forces that influence dispossession – laws (formal and informal), force (militarization and violence), the market and legitimation. These forces are often at play in overt and covert processes of resistance to dispossession, which are always counter-claims to possession. Claims to perceived rights from which subalterns are excluded (whether for land, fair wages, compensation, social services, etc.) and struggles against dispossession from landholding rights are often at the root of the various forms of conflicts. Counter-claims in the face of dispossession are a form of resistance, which may involve actions whereby local people attempt to assert exclusive land claims as in the case of Wilmar that is strongly supported by the Rainforest Resources Development Centre (RRDC). This may lead to "resistance identities", which are constructed according to specific constellations of power.

Critical agrarian studies, especially struggles around land have made important contributions in explaining conflicts over land resources (Hobsbawm 1959 Tilly 1986). Struggles over land have often reflected clear class consciousness, albeit of a smallholding peasant in the characteristics of the poor rather than a proletarian character. Borras and Franco (2013) therefore suggest that understanding reactions to land deals 'from below' requires locating the dynamics in broader agrarian transformation processes and the main axis of political conflict. There are three main categorization of this conflict in this sense, namely, "poor people versus corporate/landed elites, poor people versus the state and poor people versus poor people" (Borras and Franco 2013; Borras, Franco, and Wang 2013). The infamous case of Kampong Sugar in Cambodia illustrates instances where poor people confronted corporate and landed elites (Borras, and Franco, 2011). Relatively, more common is the confrontation between dispossessed villagers and the state as played out in the Philippines between 2006 and 2007 over the allocation of 1.4 million hectares of land to Chinese investors (Borras, and Franco, 2011).

However, the most frequent type of conflict is one that combines the first two categorizations, namely poor people versus corporate/landed elites and the state. The state is always implicated in the current land rush when considering these two conflict types (Wolford *et al*. 2013). For example, the role of the Cross River State government in Wilmar's land acquisition eloquently represent these categorizations. The poor-on-poor conflict, which represents the third category typifies the situation where some social groups are divided and with varied takes on responding to land deals. While some may invoke the principle of free,

prior and informed consent (FPIC) to justify opposition to a land deal, another group may justify their acceptance and incorporation into it, usually fanned by those behind land deals (Franco 2014).

This situation is exemplified in the conflicts between two communities, namely, Dumagi and Faigi on one hand and Shonga community on the other hand in Nigeria (Attah, 2013e). Still on the last categorization, namely, the poor-on-poor conflict, is found the dominant conflicts over land in Nigeria between two neighbouring communities and the understudied conflicts among family members over farmlands. However, our focus here is the first two categories of conflict – poor people versus corporate/landed elites and the state as triggered by the activities of Wilmar.

Wilmar International and Land Grab

The New Alliance for Food Security and Nutrition, which was launched in 2012, has provided the opportunity for land grab in Nigeria. The Alliance is a strategy by the G8 countries to mobilise foreign investment in Africa's agricultural sector. The commitment of Nigeria to the New Alliance has led to the allocation of 350,000 hectares of land to eight New Alliance companies, which include Wilmar (Action Aid, 2015). Under the Alliance, investors are "guaranteed land acquisition", benefit from "low average wages" and tax holidays. Already, as at 2014 some 21 Nigerian and 14 international companies have signed letters of intent to invest in Nigerian agriculture. According to a 2014 Progress Report by the New Alliance, these companies have made commitments to invest $3.8 billion, with $611 million invested so far. This is in addition to some $455 million committed to Nigeria by the G8 states under the New Alliance (New Alliance, 2014).

Although the stated goal of the New Alliance is to end hunger, the increasing foreign investments have become part of the drive to secure large-scale land and agricultural markets in Africa for multinational corporations and rich countries to the detriment of food security (Action Aid, 2015). Companies involved in the New Alliance include Monsanto, Diageo, SABMiller, Unilever, Syngenta, and PZ Wilmar, all of which have major commercial interests in Africa (New Alliance, 2014). Among the mentioned companies; Wilmar is one of the major players in Nigeria. The activities of the New Alliance suggest that enabling environments are provided for big businesses to access land in the South without the small-scale food producers benefitting. In fact, the New Alliance is increasing the risk of land dispossession and endangering the right to food security in the host countries as exemplified in the case of Nigeria (Action Aid, 2011; 2012).

Wilmar International is a Singaporean firm, which is one of the world's largest palm

oil plantation owners, traders, and processing companies. Its leading position as oil palm giant is reinforced in its control of about 45% of all globally traded palm oil (Alimen, 2014; Colchester, 2011). The firm, valued at $17.9 billion USD, holds a "land bank" of over 600,000 hectares across the globe through its subsidiaries (). The company is expanding its oil palm plantations frontiers into Africa, against the background of the current wave of global land grabbing as exemplified in its activities in Cross River of Nigeria (Odoemene, 2015).

As a global economic player, Wilmar International is financed from across Europe and America through bank loans and bond issuance by major financiers. Similarly, pension fund groups willing to take advantage of the profitability of investments in large-scale farming also finance Wilmar International (Odoemene, 2015). In 2012, European and U.S. financial institutions had about 4% Wilmar's shares, valued at €621 million. On the other hand, pension fund administrators held about €55 million of the firm's shares (van Gelder and de Wilde, 2013). Odoemene (2015) observed that at the end of 2012, Europe and the United State shareholders accounted for 34.2% of the company's assets. Besides, the World Bank and the International Finance Corporation contribute substantially to the firm's financing (Colchester, 2011; Oxfam, 2011). From the foregoing, the financial powers of Wilmar cannot be underestimated as it represents a capitalist hegemony.

Already, there is a joint venture between PZ and Wilmar for agro-fuels production in Nigeria. The joint venture, PZ-Wilmar Ltd, has built a state-of-the-art palm oil refinery for the processing of agro-fuels in Lagos State. In pursuant of the agro-fuels regime, Tunde Oyelola, the Vice Chairman of PZ-Wilmar announced in 2014 that the company planned an aggressive expansion of palm oil production through 240,000 hectares of plantations within five to six years while also employing over 250,000 within the same period (Agri-business Africa, 2015). The plans are in tandem with the government of Nigeria's active promotion of private sector investment to restore its agricultural economy. However, the consequences of these plans are not always put into consideration. It must be noted that PZ-Wilmar's investments on large-scale land in Nigeria is also part of the country's commitments to the G8 New Alliance for Food Security and Nutrition, which has remained elusive.

Wilmar's land deals in Cross River State fall into two categories, namely, a northern and western triad called the Biase, Ibiae and Calaro plantations, and a southern and eastern flank, called the Obasanjo plantation in Ekong-Anaku. Historically, the Biase, Ibaie and Calero plantations lands covering about 19,173 hectares was earmarked for oil palm development in 1963 by the Eastern Nigerian Development Corporation (ENDC), when the

communities entered into a 99 year lease agreement with the government (Friends of the Earth/Environmental Rights Action, 2015). However, the ENDC abandoned the plans to establish oil palm plantation on the land, thereby making it possible for the local farmers to go back to the land, which they have been actively cultivating since the 1970s.

In 2011 when Wilmar bought the Biase, Ibaie and Calero plantation lands through the Cross River State Privatisation Council, about one-thirds of the land was already under use by the small-holder farmers who depended on it for their livelihoods and assumed the right to farm there in perpetuity. The controversy resulting from Wilmar's acquisition of the land has brought up the ambiguity of land rights in Nigeria. Despite the position and the controversy surrounding land law/rights in Nigeria, it is individuals and families, not communities, who claim ownership of and title to the land (Friends of the Earth/Environmental Rights Action, 2015). It is in this sense that no agreement signed with a community representative is considered binding on the entire population due to the fragmented social dynamics of most rural communities.

In the course of the acquisition of these lands, the Cross River State's Investment Promotions Bureau, on behalf of the state's Privatization Council, sought the consent of the Councils of Chiefs and Elders that Wilmar was interested in buying their lands. Although most of the chiefs were apprehensive of the Wilmar's land deal, the government assured them of the development that Wilmar will bring to their communities such as schools, hospitals, clean water and electricity, and other infrastructural developments. However, it was reported that Wilmar had begun investment on the lands before the process of consultation started (Friends of the Earth/Environmental Rights Action, 2015). The lack of consent from members of the affected communities and the attendant loss of farmlands, community conservation, and non-timber forest product collection has resulted in the agitation for the return of the land. However, Wilmar appears to dismiss the concerns of the farmers, which have been documented by Schonevelde (2013).

The case of Ekong-Anaku, the southern axis land acquisition by Wilmar was equally controversial. The land was originally ceded to the Cross River State government by the indigenes in 1992 under an agreement that allowed for the conservation of 10,000 hectares of "traditional forestlands – Ekinta forest – into a reserve" (Odoemene, 2015). The agreement was based on the promise of agroforestry programmes, credit facilities for small farmers and development for the people (Odoemene, 2015). Unfortunately, but unsurprisingly, the promises were not redeemed in the characteristic manner of governments in Nigeria. By 2002, the then Governor of Cross River State, Donald Duke, gave the same 10,0000 hectares

of land – a public property of the Ekong-Anaku rural community as gift to the then President, Olusegun Obasanjo (Friends of the Earth/Environmental Rights Action, 2015; Odoemene, 2015). This situation amounts to gross abuse of office without regard to the people, therefore causing the community to protest what they consider as unlawful act.

The controversial Ekong-Anaku forestland land was transferred to the Obasanjo Farms Company for the establishment of a large-scale oil palm plantation. After unsuccessful attempts to establish the oil palm plantation, Obasanjo invited Wilmar International in 2012 to buy the land. It was reported that Obasanjo Farms was paid undisclosed millions of dollars for the land Obasanjo got free from Donald Duke (Friends of the Earth/Environmental Rights Action, 2015). The fraudulent acquisition of the land is typical of land grabbing in Africa. The people of Ekong-Anaku on realising the manner in which their land was sold to Wilmar by Obasanjo, protested violently, thereby attracting international attention. Despite the resistance by the people, Wilmar went ahead to establish a large oil palm nursery, and started clearing the lands for planting on the premise that it had acquired the land legitimately from the relevant authorities (Friends of the Earth/Environmental Rights Action, 2015). Evidence has however shown that Wilmar acquired the land without proper consultation, thereby undermining one of the critical issues in such land deal. According to Orok (cited in Odoemene 2015), "The land was never Obasanjo's to sell, if you buy something stolen, then you cannot say it is yours." The acquisition of the land by Wilmar is a reproduction of the corrupt and troubled legacy of land acquisition in Nigeria.

The Nigerian state has often used development as veil for land grab and agribusiness plantations in Africa, but development appears to have eluded the communities in the activities of Wilmar in Cross River State. Historically, plantation employment has been socially undesirable and associated with poor and landless peasants, a situation that has reverberated in Wilmar's activities in Cross River State. Despite efforts by the government to pay minimum wage of ₦18,000, Wilmar failed to adhere to the minimum wage rule by relying on short-term casual labour that are paid between 50 and 70 per cent of Nigerian minimum wage (Friends of the Earth/Environmental Rights Action, 2015). Although Wilmar claimed to have created 5,000 jobs in Nigeria and promised 12,000 direct and 33,000 indirect jobs over the life of their large-scale land investment, the claim is different from the realities on the ground. In fact, employees of the company lack basic remunerations and benefits such as health insurance, accommodations, pension schemes and leave allowances. For example, workers who maintain the oil palm nurseries are paid an average monthly salary of ₦17,000 without job security. Similarly, the salary of a supervisor in Wilmar's operations is ₦25,000

per month, an amount hardly enough to cover basic needs" (Friends of the Earth/Environmental Rights Action, 2015).

Environmental Impacts of Wilmar's Activities

Wilmar's oil palm plantations for agro-fuels cover some 57,855 hectares in Cross River State (Schonevelde, 2013: 158). Some of the affected areas are the former Ibad Plantation, Oban Plantation and Kwa Falls, Cross River National Park and the Ekinta Forest Reserve. A mapping analysis done by the Friends of the Earth in May, 2015, shows that Wilmar's activities have resulted in deforestation in Cross River State, with a rapid acceleration since 2011 (Friends of the Earth/Environmental Rights Action, 2015). Between 2011 and 2013, about 5,133 hectares of land, estimated to be 8 per cent of the total land area have been deforested. This figure includes the felling of old palm trees as well as natural forest for Wilmar's oil palm plantations (Friends of the Earth/Environmental Rights Action, 2015).

There is no doubt that large-scale industrial agriculture like that of Wilmar has severe impacts on the forests and biodiversity. Speaking about the environmental implication of Wilmar's project, Lars Gorschlueter (2015), Director of the Save Wildlife Conservation Fund said, "This plantation cannot be allowed to proceed the way it has been mapped out … If this industrial plantation is allowed, it will effectively box in wildlife and …wildlife cannot survive in an environment like this." Similarly, the rapid expansion of Wilmar's oil palm plantation into the forest buffer zones in Cross River State – Nigeria's most bio diverse region-- threatens both the government conservation initiatives and the livelihoods of local communities (Schonevelde, 2013: 158). There are also risks posed to wildlife conservation as a result of Wilmar's activities. In a focus group discussion carried out by Rainforest Resources Development Centre (RRDC) in 2014, the landlord communities at Ibiae observed that Wilmar had negatively impacted riparian vegetation, sacred areas, useful plants and endangered fauna and flora. Some of the species of animals that have disappeared due to Wilmar's land grab include leopards, lions, tigers and tortoises. It was also reported that gorillas, chimpanzees, antelopes, porcupines, pythons, cobras and cane rat cutters are already threatened. In particular, Idoma people believed that Wilmar's operations have harmed their sacred forests, useful plants as well as the sources and watersheds of most of the streams and rivers in the area (Friends of the Earth/Environmental Rights Action, 2015).

The Cross River gorilla, a subspecies of the Western gorilla once thought to be extinct, is found in the highland forests along the headwaters of the Cross River, but now

facing severe threat from the operations of Wilmar (Friends of the Earth/Environmental Rights Action, 2015). The gorilla left in this forestland is estimated to be between 250 and 300, this subspecies were classified as "critically endangered" by the International Union for Conservation of Nature in 2008. Today, poaching, habitat loss, and forest fragmentation remain the major threat to the Cross River gorilla, however, the on-going oil palm plantations by Wilmar has exacerbated the threat to their survival. Besides, the massive oil palm plantations in this area in the age of global land grabbing has led to significant biodiversity losses comparable to those in Southeast Asia (Friends of the Earth/Urness, Teaby, 2015). Similarly, increased forest fragmentation has resulted in subspecies losing genetic diversity due to dwindling population and low gene flow among isolated sub-populations.

Another environmental impact of Wilmar is the destruction of water quality and quantity during the process of oil palm plantation establishment. Due to the soils compacted resulting from the use of heavy machinery, infiltration of surface water into aquifers is severely reduced. Wells and surface water sources that are very close to the plantation sites also suffer from leaching of nutrients from fertilizers applied on the soil surface (Lord and Clay, 2011). Reports indicate that communities within Wilmar oil palm plantations had their water levels dropped in aquifers and surface water sources, a situation that has led to the drying up of rivers and wells (Friends of the Earth/Environmental Rights Action, 2015). This has been compounded by the failure of the company to fulfil its promise of providing boreholes, a situation that has led to hardship and health hazard among the people. There have been grave concerns about drinking water in Betem because river Ubot, which the people depended on, has dried up since Wilmar commenced operations. Although, Wilmar provided a borehole in Betem, it was found not to be functioning and the only time it worked, it produced a thick brown liquid considered to be a major source of illness in the community. There are also reports of contaminated water in Ibogo area as a result of Wilmar's palm oil project (Friends of the Earth/Environmental Rights Action, 2015). In fact, it has become increasingly difficult for people to drink the water in the area since clearing began on the acquired land.

Wilmar, Abuses and Conflict Dimensions

The acquisition of land by Wilmar has been characterised by irregularities as the case with many land grabs. Most allegations of irregularities against Wilmar have been unattended to by the government because the latter is in collusion with the former in the land grab

(Odoemene, 2015). It was against this background that the RRDC lodged formal complaints against Wilmar at the Roundtable on Sustainable Palm Oil (RSPO) in November 2012, "for unlawful acquisition of farmland; noncompliance with applicable municipal laws and regulations; lack of commitment to transparency; failure to properly account for migrant communities within the estate; and failure to reach an agreement with host communities" (Friends of the Earth/Environmental Rights Action, 2015).

RRDC alleged that Wilmar was in breach of Nigeria's Land Use Act No.6 of 1978 by unlawfully acquiring forestland belonging to indigenous communities. Part of the allegations was that Wilmar cleared thousands of hectares of land without producing an Environmental Impact Assessment, thereby violating Nigeria's EIA Act, CAP E12. For example, ESIA reports were not conducted for the Ibiae and Calaro plantations before commencing field operations. Similarly, ESIA was not conducted prior to the operations of Wilmar in Ekong-Anaku, a situation that amounted to double violations because the land overlaps the protected Ekinta Forest Reserve and Cross River National Park. This is because the development of land within forest reserves without de-reserving the land and conducting ESIA is not permitted under both federal and state law (Friends of the Earth/Environmental Rights Action, 2015).

Environmental and Social Impact Assessments (ESIAs) is the legal means by which impacts of land dispossession can be evaluated. The EIA Act 1992 states that any agricultural project in excess of 500 hectares of land and displacing more than 100 people must first of all be subjected to ESIA. Despite more than 500 hectares of land involved in the Wilmar land deals and the attendant consequences, this law was not strictly followed. Although, Wilmar later conducted its ESIA in order to satisfy the RSPO, the process had been compromised by the recruitment of three employees from the Ministry of Environment as consultants to conduct Wilmar's ESIA. The report ignored and failed to identify displaced people within the acquired land that needed resettlement (Friends of the Earth/Environmental Rights Action, 2015).

The ground of conflict was also the failure of Wilmar to conduct a mandatory Environmental Impact Assessment (EIA) report as required by S.12(1) and (2) of the EIA Law as well as abide by other laws like the National Park Act, the Forest Laws and regulations. The communities contested the massive clearing of forest and the planting of nurseries by Wilmar without an approved Environmental Impact Assessment Report. It was

on this basis that affected communities with the assistance of the RRDC dragged Wilmar to court on February 11, 2014, to answer charges of unlawful trespass by Calaro, Ibiae and Biase communities. In the law suit filed on behalf of the host communities by the Executive Director of Rainforest Reserve and Development Centre (RRDC), Odey Oyama, infractions of several Nigerian state and Federal laws governing land use and Land Use Act were cited. The communities and the RRDC therefore insisted that the land deals remain null and void until all outstanding issues are resolved. This is similar to the situation of dispossessed farmers in Uganda who instituted legal action to reclaim their grabbed land and fair compensations for damages done to their crops and land.

In all the communities affected by Wilmar's activities, the people resolved to reclaim their lands in order to have the means of livelihood. Wilmar's activities led to the loss of the farmers' plantains, cassava, bananas, cocoa, cocoyam and vegetables as well as woods for timber. The woods were grown for businesses, houses and fuels, but were lost to the activities of Wilmar. One of the village heads, Steven Omari pointed out that the activities of Wilmar has led to the degradation of their forests and there have not been compensations for the forests and the crops that have been destroyed. The victims have been cultivating these lands for several decades from generations to generations until the rude dispossession by Wilmar, which has left them with no alternative livelihoods.

In the light of the fact that Wilmar hired three employees of the Cross River State Ministry of Environment as consultants to conduct the ESIA, is a clear breach of ethics, if not a legal violation in itself (Friends of the Earth/Urness, Teaby, 2015). The connivance of the state with Wilmar in the dispossession of the people without regards to the rules is further exemplified in the issuance of Provisional Compliance Certificates as well as an official EIA compliance letter to Wilmar at Ibiae and Calaro by the Cross River State Ministry of Environment in lieu of an adequate ESIA (Schonevelde, 2013: 157). There is no provision in Nigeria's EIA law that permits a State Ministry of Environment to issue such certifications. The role of the State Ministry of Environment on an issue like this is limited to ensuring compliance with all processes mandated by the Federal Ministry of Environment. It is therefore a clear case of the state in collusion with a foreign capital to dispossess the people.

There appears to be a deliberate attempt by the state as represented by the Commissioner of Environment, the Chairman of the Forestry Commission, the Director of the Nigerian National Parks Service, and the Deforestation Task Force not to implement required

guidelines for land acquisition in the case of Wilmar's land deals (Schonevelde, 2013: 160). Some of the guidelines that have been breached include the National Park Decree (1991) and the Cross River State Forest Law (2010), which provides that in order for a land to be allocated within a protected area, the land must first be de-reserved or de-gazetted. The implication of this breach is that the acquisitions/transfers of the lands in the protected areas are illegal. Similarly, the 1978 Land Use Act requires that all lands to be acquired by the state must first be gazetted, but none of the lands acquired by Wilmar was published at the time of the deals (Schonevelde, 2013: 160).

In an attempt to resist the manner in which Wilmar had acquired the lands in Cross River State, the RRDC dragged the oil palm firm before the RSPO in Malaysia, for sanctions. The group representing the interest of the affected communities protested over the non-payment of compensations to the communities among other issues. However, Wilmar claimed that it had paid huge compensations to the state government on behalf of the communities (Akanimo, 2012). However, Odey Oyama, the Executive Director of the group, argued that the claim of the company that compensations have been paid to the Cross River State government on behalf of the communities is not consistent with the Nigerian Land Use Act of 1978. According to Oyama, 'the Land Use Act No.6, of 1978 vested community or rural lands in the local governments and as such if compensations were paid as claimed by Wilmar, they were not channelled to the appropriate quarters. He further pointed out that under the public consultation window for comments; the company did not adhere to the rules.

The protesting group alleged that Cross River State government and Wilmar had demonstrated lack of transparency, and non-compliance with applicable municipal laws and regulations in the land deals. For example, Wilmar began development activities on the lands before relevant RSPO procedures were finalized (Akanimo, 2012). In the petition forwarded to RSPO, the group asked that Wilmar should be compelled to abide by the roundtable's principles of transparency in negotiating with host communities in oil palm plantations investments and that the company should negotiate appropriately with the landlord communities (Akanimo, 2012). Based on the appropriate section of the Land Use Act, the group demanded that compensation claims should be dully compiled following negotiations with the owners of the land, and payments made directly to them (Brent, 2012). Wilmar has not followed this process and the suggestion that compensations belonging to the communities have already been paid to the state government amounts to a cover-up, which was intended to avoid the main issue (i.e. making payments to the rightful owners of the

land). The situation is therefore capable of leading to violent protest by the affected communities if the petition from the group is not addressed.

Despite Wilmar's claims to complying with the issues of Free, Prior and Informed Consent (FPIC) in the Cross River state land deals, most community members are of the opinion that their activities have negatively impacted the communities and caused conflicts. In a protest letter to the government by the chairman of forest watch, Mr. Fidelis Bassey on behalf of the community, Wilmar was accused of not obtaining the consent of the landlords over the land deals, but only met a few chiefs who benefited from the company. The communities complained that they only got to know about the transfer of their lands after the state government had concluded all negotiations with Wilmar. The communities specifically claimed that by virtue of the breach of the 1963 lease agreement, government ceased to have any legal rights over the lands. Their claims were based on the failure of the government to pay the agreed rents and royalties over a period of 24 years, which voids the rights of the government to transfer the lands to Wilmar. It was further argued that since the government failed to show interest for a long period on the lands acquired under the principle of overriding public interest, the lands should revert back to the communities as provided for under the Land Use Act of 1978, instead of selling them to Wilmar without regards to the original owners.

Local communities, in response to the Wilmar land grabbing and activities have also established a "Community Forest Watch" with the responsibilities of analysing the impacts of Wilmar's plantations as well as mapping land and forest surveys in order to resist trespassers (). The group also developed proposals for compensations and environmental reparations. The Community Forest Watch is guided by the principles of the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Friends of the Earth/Urness,Teaby, 2015). In particular, the Tenure Guidelines, Part 5, on the administration of land tenure provide that "States should provide systems such as registration, cadastre, and licensing systems to record individual and collective tenure rights in order to improve security of tenure rights including those held by indigenous and other communities with customary tenure systems (Friends of the Earth/Urness,Teaby, 2015). Owing to the failure of the state to protect communities against the activities of Wilmar not only in Nigeria, advocacy groups are now calling for the establishment of a World Environmental Court to hold firms such as Wilmar accountable for environmental crimes and human rights violations (Friends of the Earth/Urness,Teaby, 2015).

A binding rules at the UN level would therefore give victims of Wilmar's land grabbing access to justice.

Conclusion

One obvious conclusion that can be drawn is the compelling necessity to recognise the ominous dangers inherent in the current wave of global land grabbing, which Nigeria has been trapped in. History has shown that foreign interventions in Nigerian agriculture failed to lift the country from underdevelopment (Attah, 2011c). States that have surrendered their land and resources to foreign capital as in the case of Nigeria no longer own enough means of production capable of exploiting their resources for development. The emergent large-scale land acquisition/commercial farming complex as represented by Wilmar offers possibilities for profitable investments for foreign capital, but leaving Nigeria with the problem of food security, dispossession, environmental crisis and conflicts.

The issue of the inevitable land rights/access conflicts is bound to occur when peasants begin to feel the pains of their losses. It is in this sense that land grabbers should tread with caution over issues relating to land deals in Nigeria. In fact, Toulmin (2002) has rightly observed that tensions over land issues are increasing daily due to rising value of land and the poor who depend on access to land for livelihood are becoming more vulnerable. This aptly typifies the geopolitics and socio-economic conditions of the majority of rural people whose lands have been taken for the development that does not impact on them. The rural poor have been mainly left outside the thrust of the beneficiary policy of land grabbing. It is such situation that has provoked resistance in some places and would touch places that have not witnessed conflict yet.

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"Women Empowerment through Convergence model in Gujarat State, India"

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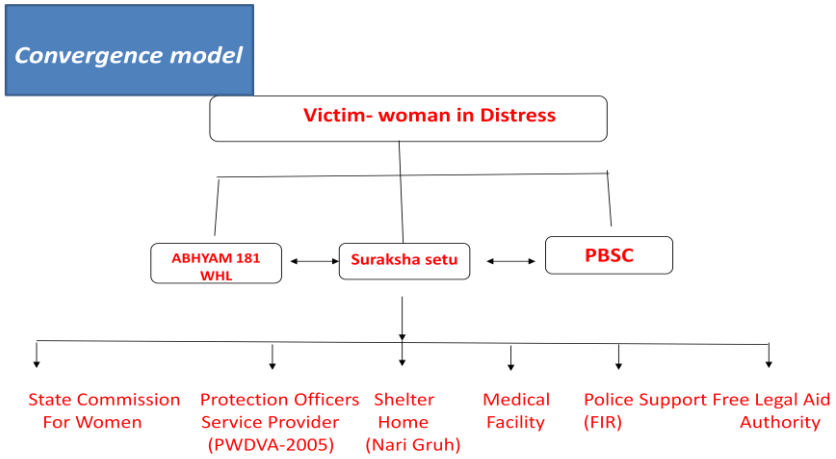
Abstract:

It is a well known fact that women comprise of more than 48% of the total world population and they contribute immensely in development of the society. However, the Gender based violence in different forms is prevalent in the 21st century also, despite a plethora of women friendly laws in different countries of the world. Implementation of laws is faced with bottlenecks at zero ground level. Besides this, legal provisions have their own limitations and the weapon of invocation of the law is sometimes a hurdle in finding an amicable solution to a domestic feud. Taking in to consideration, a harsh reality of limitations of the legal weapon, alternative remedies for gender based violence are resorted to in different states of India. ***Police station based support center*** (PBSC) is one of the alternative arrangements to combat family disputes and other forms of harassment of women in Gujarat, India. 181-A women helpline has also been launched across the state. Dowry prohibition and protection officers are appointed in all the 33 districts of Gujarat. Legal aid authority is functional to provide free legal aid to women victims of violence and sexual harassment. Timely help can be provided to a woman in distress only if the different service providers/agencies; the government machineries including the law enforcing agencies work in tandem with each other.



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A convergence model for women empowerment is conceptualized with the aim to provide speedy justice to the victims of gender based violence. *In the present study, the researcher being ex-Director of Gender resource centre Government of Gujarat-India, has made an attempt in his individual capacity to assess utility value of the convergence model for women empowerment in Gujarat.*

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Gujarat

India

Keywords: G.R.C. (Gender Resource Centre), Discrimination, Convergence, WHL (Women Help Line), Empowerment, PBSC (Police Station Based Support Center), WID (Woman in distress), Domestic Violence, Dowry

Introduction:

"It is said that women hold up half the sky. We could persuasively argue that they hold up more than that. Yet virtually in every country in every period of history; in every culture and tradition; in every region, religion, caste, class, race, creed, and ethnicity; in the diversity of our shared past and varied present, women have always been disadvantaged compared to men in almost all spheres of life. They have been discriminated against systematically in their access to food, work, education, health care and opportunities to participate in development, to lead, think, dream and to realize their dreams. They are, and have remained through millennia, truly the world's largest 'minority'." – Harsh Mander, "Ash in the Belly India's Unfinished Battle against Hunger" – Penguin Books, (Page no. 43.)

Harsh Mander a retired bureaucrat of Government of India and a well meaning activist's assertion is not a sweeping statement made with an iota of personal emotions He has vividly narrated certain real cases of pitiable plight of socially harassed women struggling hard to feed herself and her offspring's stomach. Gender discrimination is a universal phenomenon and despite India's glorious past in which a woman was equated with a Goddess and she used to enjoy certain rights to participate in academic and scholarly activities; her status was gradually reduced to nothing more than a chattel required to be at the back and call of her husband and in-laws. The framers of the Indian Constitution were fully aware of this stark reality and that is why they have conscientiously incorporated certain provisions in the constitution to ensure protection of social and economic rights of women. No nation can make sustainable development by excluding its almost half of the population.

India has witnessed the world's largest experiment in grassroots local democracy, triggered by the 73rd and 74th Amendments to the Indian Constitution, which created a third tier of governance – "*Panchayati Raj*" Institution (Village Councils) and urban local bodies. These are elected bodies and cannot be dissolved by administrative order. As a result of this revolutionary constitutional provision a sizeable number of elected women representatives are found in the PRIs and local self governments.

India has also ratified some of the international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All forms of Discrimination against Women (CEDAW) in 1993. The Mexico Plan of Action (1975), the Nairobi Forward looking Strategies (1985) the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the United Nations General Assembly Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action" have been unreservedly endorsed by India for appropriate follow up. The Beijing Platform for Action lays down critical areas of concern for women. The commitments made in the international conventions are as far as possible reflected in the Plan documents and the National Policy for the Empowerment of Women in India.

As part of fulfilling obligations under the constitutional provisions and international conventions and a plethora of laws have been enacted and gender friendly schemes have been launched to ensure holistic development.

Implementation of laws is faced with bottl**e**necks at zero ground level. Besides this, legal provisions have their own limitations and the weapon of invocation of the law is sometimes a hurdle in finding an amicable solution to a domestic feud. Taking in to consideration, a harsh reality of limitations of the legal weapon, alternative remedies for gender based violence are resorted to in different states of India.

Background:-

Crimes against women and different forms of discrimination against women have become a subject of discussion in our country also and the state has of late, started focusing on eradication of gender biases. The major problem of concern is domestic violence, sexual harassment of women at workplace, eve teasing and attempt to molest young girls by vagabond boys. In the aftermath of a gruesome offence of a physiotherapy student's gang rape in a public transport bus in the national capital in the year 2012; there have been endeavors to create awareness about safety and protection of women.

In the context of the above background, an attempt has been made, in the present study, to assess utility value of the convergence model for women empowerment in Gujarat-India. A convergence model is conceptualized with the aim to provide speedy justice to the victims of gender based violence. Specific case studies/success stories are incorporated to make it interesting and purposeful

Universe:- State of Gujarat

Methodology: - Personal interview/ group discussion/Observation

Data collection: Primary- The available cases on the records of the projects which are part of the present paper. Secondary- Documental materials prepared by GRC, News paper reports, Govt. notifications/General resolutions etc.

Objective: To assess the existing infrastructure providing the required help and support to women in distress in the state of Gujarat.

This paper would enable the academicians, sociologist as well as those who are concerned with gender issues to get input on coordinated efforts by various service providers in Gujarat to curb gender based violence.

Conceptualization -Convergence Model

Convergence of the various stakeholders is integral in creating an enabling environment for survivors of different forms of gender based discrimination and violence. For example, the police need to support dowry prohibition and protection officer appointed as per the relevant provisions of Protection of Women from Domestic Violence Act 2005. Women Help line's personnel, functionaries of gender friendly projects, those who are at the helm of affairs of shelter homes, and NGOs, in fulfilling their roles – such as assisting in serving of notice or in implementation of the court orders. Lawyers should be able to refer an aggrieved woman for counseling to an appropriate support center should she need it, and not pressurize her to file a case if she does not wish to. The interaction between the Magistrate and the Protection Officer is central to the effective implementation of the PWDVA. (Protection of Women from Domestic Violence Act)

A well coordinated system will allow for efficient monitoring of each functionary and will stipulate proper reporting from each functionary, thereby enhancing accountability of every actor. It will also allow challenges to be identified and resolve expeditiously.

"Nari Gaurav Niti"- Gujarat State Policy for Gender Equity

The State of Gujarat has formulated the State policy for gender equity the "Nari Gaurav Niti"- 2006. Women and Child Development Department (WCD) is the nodal department for coordinating the efforts made by all departments under the same.

Women need power, capacities and capabilities to change their own lives, improve their own communities and influence their own destiny.

The basic objective of Gender Equity Policy (GEP) is to create an enabling environment for enjoyment of human rights, and fundamental freedom by women on equal basis with men in all spheres-personal, political, economic, social, cultural and civil. This includes right to life, right to health care and quality life, right to quality education, right to employment, equal remuneration, social security and right to decision making. Main streaming of gender in developmental activities of the state is Sine qua non for holistic development of the society and the nation.

One of the key sectors of Gender Equity Policy is protection of women from violence. The pillars of conceptualization of Convergence Model are erected on the foundation of Gender Equity Policy.

Gender resource centre acts as nodal agency to coordinate with the concerned administrative departments and its subordinate offices for implementation of "Nari Gaurav Niti" – Gender Equity Policy

The Key Stakeholders

Gender Resource Center

Gender Resource Center (GRC), established in July 2003, is promoted by Women and Child Development Department, Government of Gujarat to provide support for incorporating gender equity and equality in overall development process and plans of the State. Initially Supported by United Nations Population Fund (UNFPA); later on by WCD Govt. of Gujarat, GRC is aiming at facilitating Government Departments, NGOs, Academic Institutions, International agencies and Independent experts in planning, implementing and evaluating gender sensitive programs, policies, laws and schemes.

Mission: "To ensure that the relevance and significance of Gender Equity and Equality is accepted and incorporated in the overall development process and plans"

The role of GRC is to co-ordinate efforts of different sections of society and the government to make a noticeable difference to women's lives in the state and to serve as a nodal agency for all gender related initiatives in the state. GRC attempts to develop and make available the resources at a single place to share them across organizations in order to make their efforts in the sector more streamlined, efficient and effective. The center renders services and resources for Gender Planning, Gender Sensitization, Gender Mainstreaming, Gender Analysis & Audit and Convergence by various organizations within and outside the state. The key services of the center include Research and Advocacy, Training and Implementation support, Reference and Information and Publications of Books, Pamphlets and other relevant materials.

The protects like, 181-" ABHAYAM" " women helpline, Police Station based Support Centre and State Resource Centre for Women (National Mission for Empowerment of Women) are also implemented under the umbrella of GRC; which has been regularly conducting several training/ orientation programs on various gender issues for all the stake holders and target groups; since May 2012.

"Suraksha Setu" Society: (from gender lens) Home Department (line Department)

- The State has allocated an adequate fund for this innovative project under Home Department, to carry out activities for protection and safety of the common people.

- To conduct awareness programs for all stake holders and target groups for dissemination of various govt. projects, schemes and activities aiming at women protection.
- Proper linkages between women help line 181-"ABHAYAM" and the concerned stake holders should be established and thereby synergy among all the role players in providing guidance/counseling, protection, and timely aid to the target group. GRC's technical support for the above activities has ensured a proper use of fund under this unique project.
- The Police in different areas has utilized fund out of this project for Women related programs.

181-"ABHAYAM" -Women help line: (Women and Child Development Department)

Scope of WHL

- Guidance and advice on phone to a woman in distress
- Immediate help in case of violence
- To provide information regarding various govt. services such as free legal services, protection officer, women commission, PBSC (Mahila Sahayata Kendra) for long term counseling besides women oriented schemes.
- The helpline has been connected with various other help lines such as Child help line-1098 and 108- emergency medical services.
- In case of a grievance requiring police intervention may be diverted to police control room for timely police actions
- Depending upon ground level situation/ circumstances, WID may be taken to the concerned police station through 181WHL rescue van.
- If need be, a distressed woman is taken to a nearby Women shelter house for a safe stay.

181-ABHAYAM Women Helpline Vehicle

The following statistical data clearly indicates that the helpline has met with the desired result.

Ahmadabad City-Effective calls – 36052 (From March 2012 to 30 September 2017)

Rescue Van Dispatches - 6956

Gujarat State – Effective calls - 298414 (From March 2015 to September 2017)

Ineffective calls - 2676732

Rescue Van Dispatches - 62554

(Source: GVK EMRI Ahmadabad)

Police Station based Support Centre (Women and Child Development Department)

The basic Objectives of the Police station based support centers in succinct are as follow

Objective:

- To aware a victim on her legal rights.
- To make efforts to undertake capacity building of a victim and to make her confident enough to take an appropriate decision on her own to solve a problem through various options available to her.
- Quality psycho-social and emotional support to a WID
- A counselor also undertakes counseling of her family members to find an amicable solution to a domestic issue. Such a Counseling is voluntary for family members of a victim
- To address the issue of domestic violence and VAW/CAW in coordination with the Police, Protection Officer-Service providers appointed under PWDVA 2005 and also Legal Aid Authorities.
- Referral to other service agencies like hospitals, shelter homes, Legal Aid and Authorities etc.
- Any other assistance which counselors deem fit to redress grievance of a woman; within legal frame work.
- Be a link between the Police and other agencies including 181 ABHAYAM help line for rendering help to needy women and children.
- Create awareness amongst women, professional groups and general public on various gender issues in the respective districts.

A centre under this project is located at the Police station allotted as per the local needs by the concerned Superintendent of Police in each of the33 districts of Gujarat. Two well trained counselors have been appointed on contractual basis at a centre and they are available during office hours except on Sunday.

A glimpse of Police Station based Support Center

System of Working

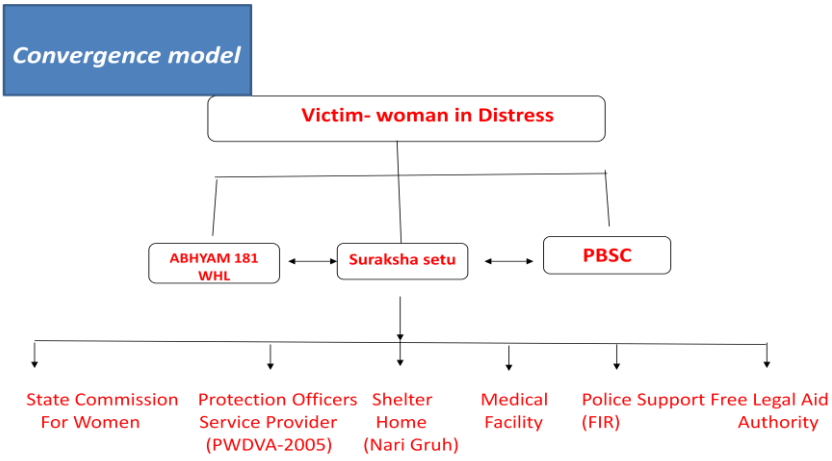
- Counseling is not done in a routine manner for the sake of counseling but it is done scientifically in such a way that an aggrieved woman's safety and protection are not compromised and she is encouraged to take an appropriate decision on her own; out of the available options.
- An aggrieved woman is given patient hearing by the counselors at PBSC and after fully understanding the nature of her woes; her husband or her in-laws as the case may be are called at the centre for counseling on voluntary basis. A woman in distress is provided various options to take her own decision either to arrive at a mutual conciliation with her family members or to lodge a complaint under relevant legal provisions including PWDVA 2005. A comprehensive record of every case is properly maintained at respective PBSC.
- It is well known that a WID first approaches the police station for redress of her grievance. However in some cases, there is an avenue for conciliation through systematic counseling of the parties at loggerheads.
- The Police are bound to act within a legal framework, however, those in Khaki uniform, are so overburdened that they are not in position to give a patient hearing to a WID. Therefore, PBSC is a boon to the police force in dealing with problems of the women.

Dowry Prohibition cum Protection Officers

As per provisions under PWDVA 2005, Dowry Prohibition cum Protection Officer (DPPO) has been recently appointed on regular basis; in 33 districts. The basic duty of DPPO is to help and guide a victim of domestic violence for legal remedies under PWVDA 2005.

There are some other services for a Woman in Distress (WID) under Women and child development department and Social Justice and Empower Department. A need is felt for effective coordination and synergy among the main agencies.

A woman in distress may approach any of the main agencies i.e. 181-"ABHAYAM", "Suraksha Setu"(protection bridge), PBSC and subsequently she may be referred to the concerned agencies as per her needs. Conceptualization of convergence has helped in ensuring timely actions in favor of the women in distress.



To buttress this point the researcher would like to share herewith the following case studies/success stories associated with the different projects.

1. *A young girl eager to pursue her studies used to be enforced by her parents for early marriage as her family was extremely conservative and did not understand importance of girl's education.*

   She was referred to Police station based Support centre, Anand through ABHAYAM 181 WHL. However it was not possible for this young girl to come along her parents as she did not want to antagonize them. Therefore the counselor made it a point to pay a home visit to persuade the victim's parents not to pressurize her for an early marriage and to allow her to continue her studies. As a result of proper and scientific

counseling; the parents were convinced of far reaching ramifications of a forcible marriage of a young girl and they took a decision to allow their daughter to pursue her academic interest.

2. *An orphan adolescent girl in Gandhinagar district was lured by a criminal minded person who had earlier been convicted for the offence of rape. Her relatives lodged a police complaint and it was revealed during investigation that this minor victim was carrying two months fetus. The Police at the Kalol Block Police Station in the Capital City of Gujarat referred this case to the local Police Station based support Centre and the counselors at the centre pursued this case earnestly and took it to a logical conclusion. Both the counselors took the victim to complete all necessary legal procedures in coordination with the police and social defense directorate to get legal sanction for abortion. The counselor also coordinated with the Child welfare committee for providing her financial benefits under the Govt. Schemes. They also helped her to open a bank account. Thus the counselors at Kalol in Gandhinagar district rose to the location by providing a timely succor to a minor girl who had fallen prey to a mentally perverted person.*
3. The PBSC at Surendranagar received a reference from the local police station regarding the parents' attempt to force their minor daughter into flesh trade out this minor girl aged about 13 and the student of std.6th; was eager to pursue her study and aspired to be a Government Officer and she boldly resisted her parents forceful attempt entice her into immoral activities. The counselors at PBSC after patiently hearing the aggrieved girl called her parents for counseling and having come to know that the girl's grant parents were willing to look after her. After a great deal of persuasion, and warning regarding the legal provisions on Protection of Children from Sexual Harassment; the erring parents gave in. The custody of this minor gild was given to the caring grandparents after notarized documentation. The father of the girl also agreed to pay Rs. 1000/- per month.

   Thus the PBSC at Surendranagar successfully saved a minor girl from the clutches of her greedy parents trying to drag her into immoral activities. They also ensured her protection by handing over her to the well meaning grandparents.

Conclusions

Despite certain bottle necks in implementation of the above mentioned projects as part Convergence Model on Women Empowerment; it can be reasonably concluded that the model has been by and large successful and it is serving the society as a whole by providing support to the needy women. After launching of Police Station Based Support Centre and Women Help line in Gujarat there is a modicum of awareness among the educated as well as illiterate women who come forward to seek help from these services. Of course, there are avenues for suitable modifications and further expansion of these projects taking into consideration a large number of vulnerable women in our society.

Gender sensitization of young generation is sine qua non for holistic development of the society.

Further research on the implementation women welfare schemes are needed to assess utility and suitable changes therein if any.

Limitation of the present study-

The time constraint did not permit the researcher to contact adequate number of beneficiaries and stakeholders. Therefore the study does not contain proper data analysis. However, this study will definitely help the academicians and feminists to undertake in-depth study on the same theme.

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