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Women, Vulnerability, and Humanitarian Emergencies

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WOMEN, VULNERABILITY, AND HUMANITARIAN EMERGENCIES

*Fionnuala Ni Aoláin**

INTRODUCTION · 1
I. GENDER AND VULNERABILITY IN THE CONTEXT OF HUMANITARIAN CRISIS · 4
II. MASCULINITY IN HUMANITARIAN EMERGENCIES · 14
III. ENGENDERING SECURITY · 19
CONCLUSION · 22

INTRODUCTION

The catastrophic dimensions of humanitarian emergencies are increasingly understood and more visible to states and international institutions.¹ There is greater appreciation for the social, economic and political effects that follow in the short to long term from the devastating consequences of humanitarian emergencies.² There is also recognition of the gendered dimensions of humanitarian emergencies in policy and institutional contexts.³ It is generally acknowledged that

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1. RAYON E. WEIST, JANE S.P. MOCELLIN & D. THANDIWE MORTSISI, *THE NEEDS OF WOMEN IN DISASTERS AND EMERGENCIES*, at ix-x (1994).
2. The term humanitarian emergency is broadly used in this analysis. I draw inter alia on Byrne and Baden's 6-pronged classification which includes: 1) emergencies of natural rapid onset (e.g. earthquakes, cyclones); 2) emergencies of technological rapid onset (e.g. fuel, chemical and nuclear accidents); 3) emergencies of slow onset (triggered by natural disasters such as drought and pest attacks); 4) permanent emergencies (e.g. structural poverty); 5) emergencies of mass population displacements; and 6) 'complex' emergencies (generally associated with civil war and armed conflicts). See BRIDGET BYRNE WITH SALLY BADEN, *GENDER, EMERGENCIES AND HUMANITARIAN ASSISTANCE 6* (BRIDGE Institute of Development Studies, Brighton, Report No. 33, 1995).
3. See, e.g., Supriya Akerkar, *Disaster Mitigation and Furthering Women's Rights in the Asian Tsumani*, 11 *GENDER TECH AND DEV.* 357 (2007); Naeema Al Gasseer et al., *Status of Women and Infants in Complex Humanitarian Emergencies*, 49 *J. MIDWIFERY & WOMEN'S HEALTH* 7 (2004); Richard J. Brennan & Robin Nandy, *Complex Humanitarian Emergencies: A Major Global Health Challenge*, 13 *EMERGENCY MED* 147, 152-53 (2001); Sarah Fisher, *Violence against Women and Natural Disasters: Findings*

women are overrepresented in the refugee and internally displaced communities that typically result from many humanitarian crises.⁴ Women bear acute care responsibilities in most societies⁵ and also disproportionately bear familial and communal care responsibilities in communities affected by disaster, war and natural emergencies. Given their disparate social and legal status in many jurisdictions, women may have less access to capital, social goods, and other legal means to protect themselves when crises arise. Across jurisdictions, women possess differential legal capacity to contract,⁶ face systematic discrimination in their access to employment, receive differential payment once employed,⁷ and cannot own or transfer property.⁸ These myriad and interlocking discriminations and the need to combat them are articulated in the International Convention on the Elimination of All Forms of Discrimination Against Women.⁹ While tacit acknowledgement of this reality increasingly permeates academic and political discourses, the depth of the descriptive often fails to capture and fully grasp the extent of gender harms and gender insecurity.¹⁰ Moreover, as experts and policymakers calculate how best national and international communities should respond to such emergencies, women are frequently substantively and procedurally sidelined.¹¹ This follows from the dual effects of a dearth of

from Post-Tsunami Sri Lanka, 18 VIOLENCE AGAINST WOMEN 902 (2010); WEIST, MOCELLIN & MORTSISI, *supra* note 1; *cf.* BYRNE WITH BADEN, *supra* note 2, at 1 (“There is growing international consensus on the need to consider gender issues in emergencies and humanitarian assistance.”).

4. Women constitute the overwhelming proportion of refugees displaced by war: of the more than 42 million people displaced by war, approximately eighty percent are women, children, and youth. WOMEN’S REFUGEE COMM’N, REFUGEE GIRLS: THE INVISIBLE FACES OF WAR 1 (2009), available at http://www.womensrefugeecommission.org/images/stories/ref_girls_FINAL.pdf
5. See Comm. on the Status of Women, International Planned Parenthood Federation Statement, U.N. Doc. E/CN.6/2009/1 (March 2009), available at <http://www.ippf.org/en/Resources/Statements/Statement+at+the+Commission+on+the+Status+of+Women+2009.htm>; see also, WIEST, MOCELLIN & MORTSISI, *supra* note 1, at ix–x.
6. See, e.g., Peter Goodrich, *Gender and Contracts*, in *Feminist Perspectives on the Foundational Subjects of Law* (Anne Bottomley ed., 1996).
7. See, e.g., William A. Darity Jr. & Patrick L. Mason, *Evidence on Discrimination in Employment: Codes of Color, Codes of Gender*, 12 THE J. OF ECON. PERSPECTIVES, 63–90 (1998).
8. See, e.g., J. Schroeder, ‘Chix Nix Bundle O Sticks: A Feminist Critique of the Disaggregation of Property’ 93 MICH. L. REV. 239 (1994).
9. International Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.
10. See Joan P. Rivers, *Women and Children Last: An Essay on Sex Discrimination in Disasters*, 6(4) DISASTERS 256 (1982).
11. Fionnuala Ni Aoláin, *Women, Security and the Patriarchy of Internationalized Transitional Justice*, 31 HUM. RTS. Q. 1055, 1080–81 (2009).

women decision makers in the relevant high-level fora and the failure of these bodies to meaningfully imagine and include solutions to the particular issues affecting women in communities and societies emerging from emergencies.¹² As other scholars have noted, disaster-related research suffers from considerable prejudices, revealing an asymmetrical distribution of gender themes, an absence of data on women's lives and a male bias in identifying the channels from which information is sought.¹³ With that background, this Article offers some preliminary assessment of the intersection of women's experiences with situations of humanitarian crisis, probing the causality and patterns that have been identified across a range of interdisciplinary scholarly research and policy-oriented analyses. It advances understanding by a survey of three important but frequently marginalized issues, namely vulnerability, masculinities, and security in situations of crisis. The goal is, in part, to give greater traction to a feminist analysis of women's experiences in situations of extreme crisis.¹⁴ Some preliminary observations are made to help frame the way in which legal and policy solutions are articulated in such crisis contexts.

Part I of this Article seeks to explore the particular vulnerabilities experienced by women in the context of humanitarian emergencies.¹⁵ Drawing on Fineman's theoretical framework describing the inevitability of vulnerability, I set out the way in which a shift in thinking about inevitable dependencies in the international context of humanitarian emergencies might realign our understanding of and response to gendered vulnerabilities. Part II identifies the structural limitations and biases inherent in prevailing humanitarian crisis responses and maps them onto the masculinities inherent in the standard operating procedures employed by international organizations and the cadre of experts that typically offer solutions to the society in crisis. Part III outlines the importance of realizing security in the context of humanitarian crisis

12. CAMILLE PAMPELL CONAWAY & JOLYNN SHOEMAKER, *WOMEN IN UNITED NATIONS PEACE OPERATIONS: INCREASING THE LEADERSHIP OPPORTUNITIES* (2008) (discussing that significant cultural and institutional impediments remain to women's entry and advancement within the U.N., as indicated by the lack of women in senior positions in the U.N., particularly in peacekeeping missions).

13. WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 2.

14. Dianne Otto, *Remapping Crisis Through A Feminist Lens* (U of Melbourne Legal Studies, Research Paper No. 527, 2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1762947.

15. In doing so, I draw particularly on the work of Professor Martha Fineman, who argues that we should replace the autonomous and independent subject asserted in the liberal tradition with the notion of the "vulnerable subject." Martha Albertson Fineman, *The Vulnerable Subject: Anchoring Equality in the Human Condition*, 20 *YALE J.L. & FEMINISM* 1, 2 (2008).

and articulates a vision of gendered security that may be capable of superseding the inherent limitations of current constructions. The conclusion reflects on the limits of current international legal obligations in addressing women's harms and needs in the context of humanitarian crises.

I. GENDER AND VULNERABILITY IN THE CONTEXT OF HUMANITARIAN CRISIS

As Martha Fineman cogently argued, “vulnerability is—and should be understood to be—universal and constant, inherent in the human condition.”¹⁶ Vulnerability is also deeply gendered.¹⁷ Part of that gendered association has linked vulnerability with victimhood, dependency, and pathology.¹⁸ Fineman, in her path-breaking work, argues that we should accept the inevitability of vulnerability, thereby reclaiming the term for its “potential in describing a universal, inevitable, enduring aspect of the human condition that must be at the heart of our concept of social and state responsibility.”¹⁹

Accepting the inevitability of vulnerability is a useful way to think about and respond to the nexus of gender and humanitarian crises. As Fineman notes:

Our embodied humanity carries with it the ever-constant possibility of dependency as a result of disease, epidemics, resistant viruses, or other biologically-based catastrophes. Our bodies are also vulnerable to other forces in our physical environment: There is the constant possibility that we can be injured and undone by errant weather systems, such as those that produce flood, drought, famine, and fire. These are “natural” disasters beyond our individual control to prevent. Our bodily vulnerability is enhanced by the realization that should we succumb to illness or injury there may be accompanying economic and institutional harms as a result of disruption of existing relationships.²⁰

16. *Id.* at 1.

17. CAROLINE KNOWLES, FAMILY BOUNDARIES: THE INVENTION OF NORMALITY AND DANGEROUSNESS 108–09 (1996); *see also* Fineman, *supra* note 15, at 8 (recognizing that there are certain groups which are particularly vulnerable).

18. *See* Fineman, *supra* note 15, at 8.

19. *See* Fineman, *supra* note 15, at 8.

20. *See* Fineman, *supra* note 15, at 8.

Acknowledging the inevitability of crisis, whether through natural disaster, war, or human interventions, creates the space for a rejection of the negative associations that have permeated the policy and political discourses shaping discussions around vulnerabilities created by disaster. Crisis is then viewed as inevitable and not episodic. Embracing this viewpoint might assist those who wish to improve women's situation in crises to realize that the inevitability of crisis and the (for now) gendered dimensions of vulnerability require foresight and planning with gender at the forefront.

Moreover, it requires paying attention to the social and institutional contexts that women inhabit, mandating that we understand gendered vulnerability "to be primarily cultural and organizational rather than biological or physiological."²¹ This lens also avoids the pitfalls that an essentialist approach to vulnerability may produce, namely the tendency for the recognition of situated female vulnerability to create a circular pattern, whereby women's roles as victims or as the passive recipients of disaster are entrenched. In tandem, it allows for the emergence of a framework, whereby states and international institutions define obligations to maximize guarantees of support to those who are made most vulnerable in such contexts, based on principles of agency and autonomy maximization. In sum, the inevitability of vulnerability approach demands an alternative to the dominant political and legal theories that are built around a presumed universal human subject supposed to possess the capacity to independently manage its needs and weaknesses.

Embracing the view that crisis is inevitable calls attention to the specific and structural vulnerabilities experienced by women. These deeply ingrained patterns of sexual inequality and discrimination are relevant to understanding any subsequent experience of humanitarian emergency. Structural inequality involves dependency, sexual stereotyping, socio-economic disempowerment, and limited social mobility. As Byrne and Baden note, "[t]here remains a widespread conception that women and children are the primary victims of emergencies, and yet there is limited analysis of the role of social relations, specifically gender relations, in determining who suffers in emergencies and what options are available to affected individuals and communities."²² My analysis eschews a focus on the moment of crisis itself as the starting point of assessment. Rather, I argue that in order to fully understand women's vulnerability in sites of crisis, we have to widen and deepen the frame of investigation. In short, we need to take account of pre-existing conditions. Taking account also means using such information to formulate

21. See WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 3.

22. BYRNE WITH BADEN, *supra* note 2, at i.

policy and legal responses to crisis. It necessitates proactively addressing the marginality and prejudice that women routinely face across legal systems, as a means to prevent the exacerbation of harms that accumulate in disaster contexts.

We must start by contextualizing the ordinary experiences that shape women's lives, which form the bedrock upon which a specific crisis is then foisted. The specific vulnerabilities identified in the moment of crisis can only be completely understood and fully addressed by reference to the backdrop.²³

Most women live in low- or middle-income countries, and only 15% of the world's 3.3 billion females live in high-income countries.²⁴ More than one woman in three lives in a low-income country.²⁵ In general, women live longer than men.²⁶ Life expectancy alone, however, only tells us a very minor part of a woman's story. The extra years of life are often spent precariously,²⁷ as the social context of women's lives place exceptional burdens on the quality of life lived.²⁸ When societies differentiate benefits to members on the basis of age and sex, older women frequently experience specific oppressions related to the devaluation or exclusion of their labour on the market; the loss of status if they are unmarried or widowed; seclusion and abject dependency within kin groups and the devaluing of their cultural roles as they age. These customs can be exacerbated in countries that experience humanitarian emergencies of various kinds, whether natural or human-contrived disasters, conflict-related or not.²⁹ As disasters place even greater stress on socio-economic capacities, as social nets disintegrate, and as the composition and structure of households fray, women's marginal status in families and communities can further destabilize.

Taking account of the underlying causes of death and disease for women allows us to better understand the intersection of women's life experiences and humanitarian crises. In tandem, there is a corresponding need to integrate the challenges that women face depending upon

23. It is important to note that there are enormous gaps in the data currently available on women's physical, social, and economic well-being. One evident need is to "generate timely and reliable data on the major health challenges that girls and women face, especially in low-income countries." World Health Organization [WHO], *Women and Health: Today's Evidence Tomorrow's Agenda 3* (2009).

24. *Id.* at 4.

25. WHO, *supra* note 23, at 4.

26. Explained generally as a combination of inherent biological advantage and reflecting behavioral differences between men and women. WHO, *supra* note 23, at 5.

27. WHO, *supra* note 23, at 6.

28. WHO, *supra* note 23, at xii.

29. WHO, *supra* note 23, at 11.

their age (as above); marital status; ability; and social, religious, or ethnic status. The fact that there is a pattern to the shifts in the causes of death and disease over time across multiple countries encompassing the North/South divide is illuminating. Using the broadly encompassing concept of “health transition,” the World Health Organization identifies three interrelated and mutually reinforcing elements impacting women’s health outcomes: demographic structures, patterns of disease and risk factors.³⁰ In the early stages of health transition, women and children face high levels of mortality linked to nutritional deficiencies, unsafe water and sanitation, smoke from solid fuels used for cooking and heating, lack of care during childhood, pregnancy and childbearing, and postnatal care. These risks have a high overlap with developing countries and are exacerbated in the contexts of poverty combined with conflict.³¹ Such risks are further aggravated in situations of humanitarian crisis.³² Complex emergencies are typified by physical displacement, direct physical injury necessitating medical intervention, inadequate access to food and water, psychosocial trauma and increased evidence of post-event violence directed at vulnerable individuals.³³ All these challenges are further exacerbated by the incidence of a rise in women-headed households in multiple emergency contexts.³⁴ Moreover, in low-income countries (whose incidence of humanitarian crisis is higher),³⁵ maternal and perinatal conditions as well as communicable diseases are highly prevalent³⁶

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30. WHO, *supra* note 23, at 6 (“Demographic transition is characterized by lower mortality rates amongst children under five and declining fertility rates, which result in an aging population. These declines are largely the result of increasing use of contraception. The epidemiological transition reflects a shift in the main causes of death and disease away from infectious diseases . . . towards noncommunicable diseases such as cardiovascular disease, stroke and cancer. The risk transition is characterized by a reduction in risk factors for infectious diseases (undernutrition, unsafe water and poor sanitation).”).
31. A broader question beyond the scope of this analysis is whether in fact, persistent and disabling poverty ought to be properly regarded as a humanitarian crisis in its own right. The general exclusion of poverty per se as crisis, speaks to the construction and meaning of terms and the influence of masculine ideologies in the definitions of harm. See generally, Fionnuala Ni Aoláin, *Exploring a Feminist Theory of Harm in the Context of Conflicted and Post-Conflict Societies*, 35 QUEENS L.J. 219 (2009).
32. WHO, *supra* note 23, at 11.
33. See Sarah Fisher, *Violence against Women and Natural Disasters: Findings from Post-Tsunami Sri Lanka*, 16(8) VIOLENCE AGAINST WOMEN 902 (2010).
34. WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 13–14.
35. Juha Auvinen & E. Wayne Nafzige, *The Sources of Humanitarian Emergencies*, 43(3) J. OF CONFLICT RESOLUTION 267, 268 (1999).
36. WHO, *supra* note 23, at 20.

and account for 38% of female deaths.³⁷ The effects of these risks apply not only to women but also have marked intergenerational effects, as women suffering from poor nutrition, infectious diseases and inadequate care give birth to infants with low birth weights, whose health and chances of survival are compromised.³⁸ The combination of these pre-existing factors with situations of humanitarian emergency underlie the structural vulnerabilities to which women are exposed and that form the normal backdrop to women's lives. In sum, as a result of the complexity of pre-existing social inequities, women and children face singular challenges to their health and well-being in situations of complex humanitarian emergency.³⁹ The combination of pre-existing biological and socio-cultural factors means that while the health status of populations as a whole deteriorates during complex humanitarian crisis, women and children are especially vulnerable.

Accepting the reality of such situated vulnerability does not take us far enough. Institutionalizing helplessness and propagating its inevitability perpetuates a conceptual framework that does not address the underlying causes of women's vulnerability in situations of extremity. This requires a more nuanced approach that recognizes compounded vulnerabilities for women, in which prior discrimination, exclusion and social marginalization interplay with the specific harms and vulnerabilities foisted on women in situations of crisis. These two elements—the prior and the present—are in constant interplay. Moreover, unless experts accept the predictability of crises, avoiding a mindset of inevitable female dependency, their planning will suffer from obvious, gender-biased defects. As commentators have previously noted, “[o]ne most striking common element between women in developing countries and those in disaster-prone areas is that of marginalization due to the lack of adequate decision-making power and control over resources.”⁴⁰ That intervening internationals might import their own stereotypes of cultural roles and powers for women, thereby compounding local patriarchal exclusion, is an ongoing hazard. Innovative action to prevent and mitigate disasters demonstrates that the active involvement of women “. . . can

37. WHO, *supra* note 23, at 8; *see generally*, PAUL COLLIER, WARS, GUNS, AND VOTES: DEMOCRACY IN DANGEROUS PLACES (2009).

38. UNICEF, NUTRITION SECURITY AND EMERGENCIES: SAFEGUARDING NUTRITIONAL RIGHTS IN EMERGENCIES (2008); *see also* M.S. Kramer, *Determinants of Low Birth Weight: Methodological Assessment and Meta-Analysis*, 65(5) BULL OF THE WORLD HEALTH ORG. 663 (1987); Sumithra Muthayya, *Maternal Nutrition and Low Birth Weight—What is Really Important?*, 130 INDIAN J. MED. RES. 600, 600–01 (2009).

39. *See generally* Naeema Al Gasseer et al., *Status of Women and Infants in Complex Humanitarian Emergencies*, 49 J. MIDWIFERY & WOMEN'S HEALTH 7 (2004).

40. WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 15.

enhance the potential effectiveness of disaster prevention or mitigation measures.”⁴¹ If pre-existing structural exclusions were viewed as relevant to proactive disaster management, one could envisage significant economic and political incentives to address women’s inequalities across multiple states.

Socio-economic adversity and inequality are clearly essential components of understanding women’s lives in multiple contexts. Comparative longitudinal data here is limited, but studies indicate that in both high- and low-income countries, levels of maternal mortality may be up to three times higher among disadvantaged ethnic groups than among other women.⁴² This point bears particular reflection and scrutiny when we intersect it with humanitarian crises that have ethno-national fault lines, like wars and other conflicts.⁴³ Women face particular, augmented social and economic problems in disasters and emergencies.⁴⁴ To say that pre-existing conditions of socio-economic insecurity are crucial elements of these compounded effects is to state the obvious.⁴⁵ Notably, women are most often portrayed as the victims of emergencies and the majority of refugee populations.⁴⁶ However, this totalizing description fails to take stock of the social and demographic make-up of refugee populations and the decisions resulting from emergency management, compounding social and economic dependencies for women. Specifically, it is not just the case that crisis-affected populations are mainly female,⁴⁷ but that there are high numbers of female-headed households⁴⁸ and that the adult, male men in such populations are aged,⁴⁹ disabled,⁵⁰ or living with their households only on a temporary basis.⁵¹ Here, disaggregating the intersection of gender with poverty in the specific context of humanitarian emergency reveals the specificity of women’s externally perpetuated vulnerability status. To fully appreciate

41. WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 19.

42. *See, e.g.*, AUSTL. INST. OF HEALTH & WELFARE, AUSTRALIA’S HEALTH 2008 267 (2008).

43. BYRNE WITH BADEN, *supra* note 2, at i (“In complex emergencies, vulnerability may be determined by membership of a particular ethnic or social group rather than by wider social and economic factors.”).

44. *See, e.g.*, BYRNE WITH BADEN, *supra* note 2, at 32–33 (explaining the particular problems faced by women who have lost their shelter due to a conflict).

45. WHO, *Gender and Health in Disasters* (July 2002), http://www.who.int/gender/other_health/en/genderdisasters.pdf.

46. BYRNE WITH BADEN, *supra* note 2, at 9.

47. BYRNE WITH BADEN, *supra* note 2, at 9.

48. BYRNE WITH BADEN, *supra* note 2, at 9.

49. BYRNE WITH BADEN, *supra* note 2, at 9.

50. BYRNE WITH BADEN, *supra* note 2, at 9.

51. BYRNE WITH BADEN, *supra* note 2, at 9.

the complexity of the status issues we need to continually be reminded of the legal impediments and exclusions that frame a woman's existence, and that specifically shape her capacity to care for her household and self-protect in a situation of humanitarian disaster.

Little reliable data is available about the number of women living in poverty as a general matter across jurisdictions. Women's poverty status is an important general indicator of their capacity to survive complex crises and bears an obvious relationship to why women may be hardest hit by the socio-economic dimensions of disaster. Despite a lack of comprehensive comparative statistics, some extrapolation is possible, based on women's more limited access to formal employment in most countries and the cross-jurisdictional reality that much of their labour (in the home and family) is unpaid.⁵² Women earn less than men even when they are formally employed.⁵³ The World Health Organization assesses that "the ratio of female to male earned income is well below parity in all countries for which data are available."⁵⁴ The lack of equal access to the formal employment market means that women have less job security and are generally denied the benefits of social protection.⁵⁵ Women's contribution to extra-domestic labour is obscured, as many societies routinely deny women recognition for work they actually carry out.⁵⁶ Moreover, in subsistence-oriented economies, women receive substantial strategic assistance from dependent children to enable them to carry out core domestic tasks, as well as food provision and production to generate external income. When this labour is unrecognized, it follows that it is not accounted for in disaster mitigation, relief provisions and external assistance. So, when crisis strikes, women's economic status is further compromised, both by their inability to carry out their work, and by the lack of acknowledgement of any legal obligation to compensate them for such activities in the provision of humanitarian relief. For example, when multilateral disaster relief compensates landowners for loss of land, women are excluded where property rules prohibit formal

52. Cf. World Bank, *World Development Indicators 2008* (2008).

53. WHO, *supra* note 23, at 10 (citing U.N. Dev. Programme, *Human Development Report 2007/2008* (April 2008)).

54. WHO, *supra* note 23, at 10 (citing U.N. Dev. Programme, *Human Development Report 2007/2008* (April 2008)).

55. WHO, *supra* note 23, at 10 ("Data from nearly 50 national Demographic and Health Surveys show that on average a women is head of one in five households and that these households are particularly vulnerable to poverty." (citing ALTRENA MUKURIA ET AL., *THE CONTEXT OF WOMEN'S HEALTH: RESULTS FROM THE DEMOGRAPHIC AND HEALTH SURVEYS, 1994-2001* (2005))).

56. See, e.g., Margo Wilson Moore, *Women's Work in Homestead Gardens: Subsistence, Patriarchy, and Status in Northwest Bangladesh* 18 *URB. ANTHROPOLOGY AND STUD. OF CULTURAL SYS. AND WORLD ECON. DEV.* 281 (1989).

acknowledgement of women's land rights. When relief support in the form of lump-sum financial payment is given directly to the titular head of household, women in many societies will only gain access to resources through the discretion of male relatives or household members. Such examples underscore the essential relationship between prior legal status and rights for women and the receipt of benefits and support in a crisis context. It highlights the centrality of equality-driven legal reform for women in societies prone by reasons of geography to natural disaster or caught in perpetual cycles of conflict-fueled violence.

Finally, in this reflection, it is also important to pay attention to the continuums of violence that are an integral part of women's lives.⁵⁷ As Margaret Walker so aptly notes, "[c]oercion of women and violence against women are normative to a greater or lesser extent in many contemporary societies."⁵⁸ For many women in many societies (both western and non-western), violence is experienced as a continuum.⁵⁹ High rates of domestic and intimate violence in all societies that maintain longitudinal records confirm the persistence and intractability of violence in many women's lives.⁶⁰ "Widespread prevalence and acceptance of violence against women [in humanitarian emergencies] can be understood in relation to unequal gender relationships in both the family and society."⁶¹ Evidence from contemporary disaster settings suggests that women are vulnerable in the immediate aftermath of a crisis to men's opportunistic sexual outrages and in the medium term to domestic and intimate violence in camps and temporary shelters.⁶² In complex emergency settings, ordinary daily physical violence intersects with sporadic communal cultures of violence overlaid by institutions and

57. Caroline O.N. Moser, *The Gendered Continuum of Violence and Conflict: An Operational Framework*, in VICTIMS, PERPETRATORS, OR ACTORS? 34–40 (Moser & Clark eds., 2001).

58. Margaret Urban Walker, *Gender and Violence in Focus: A Background for Gender Justice*, in THE GENDER OF REPARATIONS: UNSETTLING SEXUAL HIERARCHIES WHILE REDRESSING HUMAN RIGHTS VIOLATIONS (Ruth Rubio Marin ed., 2009).

59. CYNTHIA ENLOE, DOES KHAKI BECOME YOU?: THE MILITARIZATION OF WOMEN'S LIVES (1983); see generally CYNTHIA COCKBURN, THE SPACE BETWEEN US: NEGOTIATING GENDER AND NATIONAL IDENTITIES IN CONFLICT (1998).

60. WHO, *WHO Multi-Country Study on Women's Health and Domestic Violence Against Women: Initial Results on Prevalence, Health Outcomes, and Women's Responses* (2005), available at http://www.who.int/gender/violence/who_multicountry_study/summary_report/en/index.html.

61. Susan Rees, Eileen Pittaway & Linda Bartolemei, *Violence Against Women and Natural Disasters: Findings from Post-Tsunami Sri Lanka*, 16(8) VIOLENCE AGAINST WOMEN 902 (2010).

62. Elaine Enarson, *Violence Against Women in Disasters: A Study of Domestic Violence Programs in the United States and Canada*, 5 VIOLENCE AGAINST WOMEN 742 (1999).

structures that support and enforce both informal and formal violence in multiple ways.

There can be an escalation of specific catastrophic violence for women in societies experiencing armed conflict. Violence against women is a specific and determinative method and means of warfare in such contexts, precisely intended to target the civilian community, shatter social bonds and fray cultural integrity.⁶³ In contexts of humanitarian crisis, women become even more vulnerable to violence as a result of fraying social structures and the collapse of political and legal systems. Thus, the effect is one of layered violence, in which pre-existing violence against women is exploded, exposing them to deeper and greater threats of harm and insecurity.⁶⁴ Such intensification of violence includes vulnerability to sexual violence by strangers and acquaintances, child sexual abuse, forced sexual initiation, human trafficking and “honor killings” for perceived transgression of accepted social roles in certain communities.⁶⁵

Indeed, “available data suggests that there is a pattern of gender differentiation at all stages of a disaster: exposure to risk, risk perception, preparedness, response, physical impact, psychological impact, recovery and reconstruction.”⁶⁶ For example, disaster studies undertaken in recent years in Southeast Asia found that more women than men died as a result of the catastrophes in the region.⁶⁷ Gendered dimensions of such deaths include, for example, restrictions on clothing, the burden of carrying small children, and the unwillingness to leave small children behind, all which made the physical necessity to flee perilous. Here again, conceptualizing and applying compounded vulnerability allows a more nuanced situating of the experiences and forms of humanitarian emergencies for women.⁶⁸

Moreover, as a practical matter, due to deeply masculine social contexts and systems of intervention evidenced by a largely male

63. Shana Swiss and Joan E. Giller, *Rape as a Crime of War: A Medical Perspective*, 270(5) J. AM. MED. ASS'N 612, 612–15 (1993).

64. Here, it is useful to bear in mind the way in which trafficking becomes more extensive in societies that are experiencing humanitarian crises, no matter what their cause. Cf. Dina Francesca Haynes, *Lessons from Bosnia's Arizona Market: Harm to Women in a Neoliberalized Postconflict Reconstruction Process*, 158 U. PA. L. REV. 1779 (2010).

65. See generally, J. Cottingham et al., *Sexual and Reproductive Health in Conflict Areas: The Imperative to Address Violence Against Women*, 115 BJOG: INT'L J. OBSTETRICS & GYNAECOLOGY 301 (2008).

66. WHO, *supra* note 23, at 11 (citing WHO, *supra* note 45).

67. WHO, *supra* note 23, at 11 (citing WHO, *supra* note 45).

68. Anna Dimitrijevic, *Mainstreaming Gender into Disaster Recovery and Reconstruction* (2007), <http://siteresources.worldbank.org/CMUDLP/Resources/Background.doc>.

intervening presence in post-disaster settings, when disaster falls, women may have the most difficult time accessing basic recovery and support services. Empirical analysis of the post-Tsunami distribution of aid is littered with numerous examples of the constrained capacity of women. A particularly cogent narrative emerges in stories involving the rights of widows in *itta*. This customary practice observed in many Muslim states dictates that widows must be totally secluded for 130 days after the deaths of their husbands, or if pregnant, until after their babies are born. As Akerkar outlines:

Following the Tsunami, many [Sri Lankan] widows undergoing *itta* were staying with their relatives and not in relief camps. Pregnant women who had been widowed in the tsunami had to follow total seclusion until they delivered their children. This meant that relief materials did not reach them. The total seclusion also created problems for pregnant women who needed health check-ups and required medical support from time to time.⁶⁹

In assessing the pervasiveness of gender-based vulnerabilities, we might conceive of humanitarian crises not merely as epiphenomenal, but rather as compounding the ongoing difficulties of women's lives. Dislocation,⁷⁰ displacement,⁷¹ poverty, violence,⁷² and exclusion⁷³ are ever-present realities for women. Therefore, bringing about transformative change in women's lives during humanitarian emergencies requires a holistic response, one which incorporates and responds to the full extent of inevitable structural and chance vulnerabilities (and their intersection). Responses to humanitarian crises should also bear in mind the indispensable maxim of "do no harm." Specifically, this means that humanitarian assistance and other forms of crisis intervention should not increase women's vulnerability, neither by undermining their coping strategies nor by reinforcing damaging coping strategies.⁷⁴ I now turn to

69. Akerkar, *supra* note 3, at 365.

70. BYRNE WITH BADEN, *supra* note 2, at 26.

71. BYRNE WITH BADEN, *supra* note 2, at 40.

72. BYRNE WITH BADEN, *supra* note 2, at 26.

73. BYRNE WITH BADEN, *supra* note 2, at 8.

74. BYRNE WITH BADEN, *supra* note 2, at 8. This includes the recognition that crisis situations can lead to positive changes in the limits on acceptable behaviors for both genders and thereby permit more openness and access to the public sphere for women. Equally, it can unleash conservative attitudes and control processes on women thereby decreasing their mobility, public participation, and rights take-up. *Id.* at 18–19.

address the relevance of masculinity in the context of humanitarian crisis.

II. MASCULINITY IN HUMANITARIAN EMERGENCIES

The study and application of masculinities is an increasingly important, relevant, and mainstream field in academic and policy fora. Literature across disciplines has deepened our understanding of how masculinities are constructed and differentiated.⁷⁵ Literature regarding the forms of masculinity that emerge in times of armed conflict and war has also been generated over the years.⁷⁶ Theorists have identified an organic link between patriarchy, its contemporary outworkings, and various forms of masculinity as they arise within societies and institutions.⁷⁷ While analyses across many disciplines have made significant conceptual and practical use of the term “masculinity,” the concept has been less applied and understood as relevant to the specific site of humanitarian emergencies.⁷⁸ Drawing on an analysis developed elsewhere,⁷⁹ I will argue that masculinity studies have significant insights to offer to the analysis advanced here, namely that structural biases marginalize women and sideline their needs during humanitarian crises.⁸⁰ Those biases have an organic link to the forms and institutional renderings of masculinities as they operate in situations of crisis and extremity.

Understanding structural exclusions in the context of humanitarian emergencies requires not only asking the “woman” question but also mandates asking the “man” question.⁸¹ This means examining where and

75. See, e.g., NANCY J. CHODOROW, *FEMINITIES, MASCULINITIES, SEXUALITIES: FREUD AND BEYOND* (1994); R. W. CONNELL, *GENDER AND POWER: SOCIETY, THE PERSON AND SEXUAL POLITICS* (1987).

76. See, e.g., NIRA YUVAL-DAVIS, *GENDER AND NATION* 93–115 (1997); JOSHUA S. GOLDSTEIN, *WAR AND GENDER: HOW GENDER SHAPES THE WAR SYSTEM AND VICE VERSA* (2001).

77. Naomi Cahn & Fionnuala Ni Aoláin, *Gender, Masculinities and Transition in Conflicted Societies*, 44 *NEW ENG. L. REV.* 104 (2010).

78. *Id.*

79. Cahn & Ni Aoláin, *supra* note 77. See also R. W. CONNELL, *supra* note 75.

80. On asking the woman question, see generally, Katharine Bartlett *Feminist Legal Methods*, 103 *HARV. L. REV.* 831 (1990) (“Once adopted as a method, asking the woman question is a method of critique as integral to legal analysis as determining the precedential value of a case, stating the facts, or applying law to facts. ‘Doing law’ as a feminist means looking beneath the surface of law to identify the gender implications of rules and the assumptions underlying them and insisting upon applications of rules that do not perpetuate women’s subordination.”) *Id.* at 84.

81. Angela P. Harris, *Gender, Violence, Race, and Criminal Justice* 52 *STAN. L. REV.* 777, 793 (2000).

how men are situated in relation to the creation, perpetration, and institutionalization of crises. The men under scrutiny include both local men who shape women's lives in a particular jurisdiction as well as internationally-based male elites parachuted in to support, "fix," or shore up a crisis situation. Particular forms of masculine behavior tend to be unleashed during crises, specifically pathways of hegemonic masculinity that are evident in the actions of both locals and internationals.⁸² For example, to deploy military troops to disaster areas to provide humanitarian assistance is to activate in response to civilian (and often predominantly female) populations highly masculine and militaristic forms of thought and action. A further dimension worth noting is the interplay and reaction between local and external masculinities in the constrained social and political spaces that exist in crisis-ridden societies, the practical consequences of which frequently play out in women's lives.⁸³ In disaster contexts, decision-making is frequently confined to the context of local men's conversations with external males, and the partial or total exclusion of women. Despite cultural differences between the externals and locals, a convergence of patriarchal exclusion is an obvious point of synergy.

While an enormous amount of scholarship has been generated about varying forms of masculinity and their effects, of particular interest to this analysis is the lens of "hypermasculinity." Hypermasculinity here draws on Angela Harris's definition of "a masculinity in which the strictures against femininity and homosexuality are especially intense and in which physical strength and aggressiveness are paramount."⁸⁴ This analysis is framed by affirming that other kinds of masculinities coexist with hypermasculinity, but in situations of conflict, disaster, and humanitarian emergency (however generated), hypermasculinity plays an enlarged and elevated role.⁸⁵

Hypermasculinity may often be causally related to the humanitarian crisis itself, particularly when it is precipitated by armed conflict.⁸⁶ Here, the elevation of certain kinds of masculinities and the perceived rewards in social and economic status for men make the engagement in

82. Cahn & Ni Aoláin, *supra* note 77, at 105–06.

83. Mary Caprioli, *Democracy and Human Rights versus Women's Security: A Contradiction?*, 35 SECURITY DIALOGUE 411, 411–428 (2004).

84. BYRNE WITH BADEN, *supra* note 2, at iii (discussing consultation of women about refugee camp location and design to ensure that there is appropriate placement of water sites and access to wood and materials to support fires and stoves); *see also* Harris, *supra* note 81, at 793.

85. *See generally* Cahn & Ni Aoláin, *supra* note 77, at 105.

86. *See, e.g.*, Cahn and Ni Aoláin, *supra* note 77, at 106 (explaining the interconnectedness between conceptions of masculinity and violence).

armed hostilities a rational and valued choice in many contexts. During other kinds of disasters, hypermasculinity may be evident in the response to crisis and the kinds of mechanisms that are activated to respond to a particular situation.⁸⁷ Because “disasters do not just happen,” but are in part caused by “severe imbalances between rich and poor countries, in the established social structure . . . and in age-old ethnic conflicts that take on new proportions through access to highly destructive technological weaponry,” the masculinities that perpetrate such divisions and social ordering are causal to much of the phenomena described in this analysis.⁸⁸ Hypermasculinity may perform a kind of compensatory function for men vis-à-vis women when their other social and economic roles have been decimated by disaster.⁸⁹ The social traction of hypermasculinity is intensified when violence is endemic and the cultural and social dampeners may be significantly burdened or absent.⁹⁰

Societies experiencing humanitarian emergencies present an under-analyzed yet unique site of examination for masculinities studies. One of the main reasons for a lack of attention to masculinities in this domain is the presumption that the general chaos and breakdown of many formative structures as a result of external or internal shocks makes moot any analysis of masculinity.⁹¹ Masculinity may be presumed “neutralized” by the challenges faced.⁹² This presumption fails to account for the ways in which women concretely experience both violence and chaos in situations of crisis. The result of this lack of attention to masculinities means a failure to account for the myriad of ways in which masculinities transform, adapt and reformulate in the crisis environment.⁹³ Without a close analysis of the functional and normative role played by practices of masculinity, there will be no accounting for the compensatory role that men’s control over women’s lives plays in crisis situations. Such control can become a substitute for loss of control in other social contexts.⁹⁴ Consequently, close attention to the forms and impact of masculinities in the crisis milieu is critical not only to understanding women’s experiences during crises, but also to comprehending the successes (and

87. See Cahn and Ni Aoláin, *supra* note 77, at 118.

88. WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 6.

89. WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 119.

90. WEIST, MOCELLIN & MORTSISI, *supra* note 1, at 105.

91. BETH WORONIUK, JOHANNA SCHALKWYK, & HELEN THOMAS, OVERVIEW: GENDER EQUALITY AND EMERGENCY ASSISTANCE/CONFLICT RESOLUTION 4 (1997).

92. *Id.*

93. Bridget Byrne, *Towards a Gendered Understanding of Conflict*, 27 IDS BULL. 29, 30 (1996).

94. See generally, MASCULINITIES AND LAW: A MULTIDIMENSIONAL APPROACH (Frank Cooper & Ann C. McGinley eds., forthcoming 2011).

failures) of humanitarian intervention or assistance. It also flags the need for policy makers and interveners in crisis to be cognizant of the capacity for negative masculinities to emerge and dominate. Thus, there is a need to think creatively about the implementation of disaster relief in ways that are gender-neutral and encourage positive masculinities to emerge.

How do such masculinities manifest practically? Assessing impact requires an analysis that sees and makes visible the masculinity of crisis response and addresses the absence of women from consultation, decision-making, and delivery processes. Gender attentiveness is a key element of undoing the exclusion of women and ensuring that women's needs are not neglected, but rather that their capacity and agency is effectively utilized. For example, this requires full consultation with women and other marginalized groups,⁹⁵ using proactive and creative measures to achieve this end. For "top-down" international intervention and support models, this mandates a transfer to participatory methods of information gathering, program design and support to increase decision-making, power among women within such groups. Benchmarking, early warning systems and other tools to identify crises and measure change need to incorporate gender-specific indicators and capacity. While these changes may appear straightforward, in many cases women's unmet need for them reflects a culture of masculinity embedded in institutional ways of doing business.⁹⁶ In many contexts, this means overcoming the strictures of local legal and cultural impediments, and recognizing that internationals carry with them patriarchal notions of the appropriate place of women that often dovetail (albeit imprecisely) with the views of local elites.⁹⁷

Any assessment of humanitarian crisis response must acknowledge that gender ideologies and identities permeate them. These ideologies and identities react to ever-changing circumstances. The structural vulnerabilities identified in Part I make women particularly susceptible to being the site upon which masculinities in flux play out their needs for articulation, control and dominance.⁹⁸ This vying for control partially explains why conservative attitudes toward women triumph in situations of extremity. For example, when all is in flux, women are upheld as symbolic bearers of caste, ethnicity, and identity. Empirical evidence from post-Tsunami Sri Lanka and Indonesia suggests that women were

95. See BYRNE WITH BADEN, *supra* note 2, at iii.

96. Fionnuala Ni Aoláin, *Women, Security and the Patriarchy of Internationalized Transitional Justice*, 31 HUM. RTS. Q. 1055 (2009).

97. *Id.*

98. Ni Aoláin, *supra* note 11, at 1062–63.

specifically excluded from representation in camp management processes due to cultural attitudes that viewed women's roles as incompatible with such public leadership positions. The disasters became another means to stress the primary importance of women's domestic role and limited legal and political status among traditional (male) community leaders.⁹⁹ Such conflations make women more vulnerable to violence and constrained in their capacity to provide for themselves and others dependent upon them. Unexpectedly, perhaps, the most visible outcome of intervention in some cases may be to limit women's public participation and maintain their rigid roles and functions in the private sphere. Thus, a particularly heavy burden falls to international intervenors and states engaged in bilateral and multilateral aid to states experiencing disaster or conflict to address gender imbalances and exclusions. On one view, such an obligation is no less than the requirement to enforce their existing treaty obligations to respect and ensure norms of non-discrimination activated by signing international treaties such as the International Covenant on Civil and Political Rights.

Finally, the 'conversation' between local men and imported men inherently involves the regulation of women's lives.¹⁰⁰ Emergency and development responses by international organizations that dovetail with the emerging or entrenched patriarchal systems in disaster zones highlight the ways in which even relief processes that are theoretically aligned with international human rights standards and norms of gender equality may, in practice, give substantial deference to the gender status quo, thereby compounding women's political and economic marginalization. Public leadership roles are given to or assumed by men, and issues of women's welfare, including broader security and social needs, are driven by a highly masculine set of priorities and viewpoints. In sum, close attention to masculinities requires us to be attentive to the gendered assumptions embedded in the legal and social arrangements that emerge in response to crisis. Frequently, such masculinities are rendered invisible by the allegedly objective presence of external and supposedly neutral outsiders. Observing and responding to the gendered presence and influence of all actors is a least a starting point to undoing gender hierarchies and exclusions as they manifest in crisis.

99. Fisher, *supra* note 3, at 911.

100. See Caprioli, *supra* note 83.

III. ENGENDERING SECURITY

Humanitarian crises are defined by a lack of security. Thus, in response to all types of emergencies, the garnering of a more secure environment is an agreed rhetorical starting point between factions, locals, and internationals.¹⁰¹ In most contexts, security is externally supported or such externality is sought,¹⁰² hence the centrality of international intervenors. But one has to start any conversation about security with an interrogation of the assumption that women's security and men's security are identical in humanitarian emergency situations.¹⁰³ Research on women's security highlights numerous obstacles to securing meaningful political, social, and economic environments for women. The lack of a secure physical environment makes it dangerous for women to function in the public sphere for fear of harm, due to women's particular vulnerability to sex-based violence.¹⁰⁴ Security practices dominated by men in conflict-ridden and disaster-prone societies often elevate divergent security values over those held by women.¹⁰⁵ A cogent example is the emphasis generally placed on the physical and material well-being of children by women, and the higher prioritization of other needs by men.¹⁰⁶ Prioritizing the provision of basic needs and services to the population over specific political or strategic objectives, such as restoring the balance between civil and military sectors, illustrates the gap between a wider notion of security, one that extends well beyond a militaristic, state-oriented approach and the narrower vision.

A broad range of institutional and structural elements cause harm to society as a whole and to women in particular. These structures also entrench and support deep social, economic, and political discrimination against women. It is necessary to include these structural elements and acknowledge their gender bias in any discussion of gender-based

101. See Ni Aoláin, *supra* note 11, at 1065.

102. See Comm. on Human Security, *Human Security Now* 90 (2003) (suggesting that if security is to be realized, external resources are needed to support national governments).

103. See generally Fionnuala Ni Aoláin, *Political Violence and Gender in Times of Transition*, 15 COLUM. J. OF GENDER AND L. 829 (2006).

104. Christine Chinkin, *The Protection of Economic, Social, and Cultural Rights Post-Conflict* 15, available at http://www2.ohchr.org/english/issues/women/docs/Paper_Protection_ESCR.pdf; see also Ni Aoláin, *supra* note 11, at 1080.

105. See, e.g., Donna Pankhurst, *Post-War Backlash Violence against Women: What Can "Masculinity" Explain?*, in *GENDERED PEACE: WOMEN'S STRUGGLES FOR POST-WAR JUSTICE AND RECONCILIATION* (Donna Pankhurst ed., 2007); LaShawn R. Jefferson, *In War as in Peace: Sexual Violence and Women's Status* (Human Rights Watch 2004), available at <http://199.173.149.120/wr2k4/download/15.pdf>.

106. It is necessary to have women 'at the table.' See generally Ni Aoláin, *supra* note 103.

security in the context of humanitarian emergency. A key element of any critique of the language of security is that emphasis on direct physical violence tends to exclude the relevance of the language of security for women.¹⁰⁷ Arguably, some inroads are being made on the traditionally narrow and state-oriented view that security discourse belongs to and is only really about the state. For example, the Commission on Human Security (2003) has begun to make the discourse more inclusive, beginning with the premise that achieving human security requires not only protection but also a strategy to empower people to support themselves.¹⁰⁸ This premise reflects some of the inclusionary principles that would ground a gender-based approach to security in disaster contexts. Such a principle is critical in societies that experience cyclical crisis, whether conflict or environment related. But even here, a cogent critique has emerged questioning the extent to which a rethinking of state-oriented security models really delivers greater security for women in practice.¹⁰⁹ In this context, the critiques remind us that we have to pay attention to the underlying inequality that women experience in most societies. Merely layering in a more inclusive notion of security, without attending to the foundational causes of women's exclusion and marginalization, does little to address the core social realities that produce insecurity for women. A particularly relevant question in disaster contexts is whether we consider massive economic deprivation as a security threat, particularly when those made most vulnerable in most societies as a result of such deprivations are women and children, and when inevitable dependencies create foreseeable vulnerability for women.¹¹⁰

At least in the context of humanitarian crisis, a starting point is to accept the centrality of security as a concept for individual and community well-being. This means being aware of the insecurity faced by women in crisis. In terms of physical vulnerabilities, this includes the loss of community protection due to social dislocation;¹¹¹ women's vulnerability to gender-based attacks and sexual violence;¹¹² the resort to prostitution as a survival strategy;¹¹³ the targeting of women by police

107. U.N. Comm. on Human Security, *Human Security Now 2* (2003).

108. See ANNICK WIBBEN, *FEMINIST SECURITY STUDIES* (2009).

109. BYRNE WITH BADEN, *supra* note 2, at 21 (considering, from a gender perspective, "emergency interventions ranging from early warning and capacity building to food and commodity distribution, with attention to housing, health and mental health and finally rehabilitation").

110. Ni Aoláin, *supra* note 11, at 1065.

111. BYRNE WITH BADEN, *supra* note 2, at 26.

112. BYRNE WITH BADEN, *supra* note 2, at 26.

113. BYRNE WITH BADEN, *supra* note 2, at 26.

and other officials for sexual abuse;¹¹⁴ women's vulnerability to sexual attack and manipulation when seeking refugee or asylum status;¹¹⁵ and elevated susceptibility to domestic abuse.¹¹⁶ In terms of social and economic vulnerability this includes lack of food security;¹¹⁷ lack of water security;¹¹⁸ limited geographical mobility;¹¹⁹ exclusion from the formal labour market;¹²⁰ limited or no access to health care and financial support for self and dependent family members;¹²¹ and lack of access to educational opportunities, compounding economic vulnerability.¹²² Thus, women's security in times of humanitarian crises requires a broad conception of security that encompasses physical, social, economic, and sexual security. At least in theory, when all these securities are combined in a manner that elevates and affirms the experience and relevance of gender, then gendered security is potentially achievable. This method is identified as a process of "re-gendering" security.¹²³ In this view, gendered security can be seen as an umbrella that brings together a wide set of institutions and structures that guarantee security within the state or community. In this approach, any humanitarian crisis intervention would require gender sensitivity, planning, and operationalization in response to emergency.¹²⁴

Regrettably, contemporary responses to many humanitarian emergencies adopt a narrower definition of security that conceives of security in physical terms only.¹²⁵ In this view, security is aimed at delivering

114. BYRNE WITH BADEN, *supra* note 2, at 26.

115. BYRNE WITH BADEN, *supra* note 2, at 26.

116. BYRNE WITH BADEN, *supra* note 2, at 26.

117. Comm. on Human Security, *supra* note 107, at 14. *See also* Women in Development Service, Women and Sustainable Food Security (2003), www.fao.org/sd/fsdirect/fbdirect/FSP001.htm.

118. Comm. on Human Security, *supra* note 107, at 15.

119. BYRNE WITH BADEN, *supra* note 2, at 9.

120. Chinkin, *supra* note 104, at 14.

121. WHO, *supra* note 23, at 11.117.

122. Caprioli, *supra* note 83, at 413.

123. Ní Aoláin, *supra* note 11, at 1065.

124. Notably, however, a number of key non-governmental organizations involved in humanitarian support have undertaken a considerable amount of work in identifying and putting into practice frameworks for implementing gender in emergency and conflict situations, including Oxfam and ACORD. *See generally* Judy El Bushra & Eugenia Piza-Lopez, *Gender, War and Food*, in *WAR AND HUNGER: RETHINKING INTERNATIONAL RESPONSES TO COMPLEX EMERGENCIES* (Joanna Macrae & Anthony Zwi eds., 1994).

125. *See generally* Christine Bell, *Women and the Problems of Peace Agreements*, in *WOMEN, PEACEMAKING AND CONSTITUTIONS*, 96 (Radhika Coomaraswamy ed., 2004); Fionnuala Ní Aoláin, *Political Violence and Gender in Times of Transition*, 15 *COLUM. J. GENDER & L.* 829 (2006).

specifically defined outcomes conveyed by a narrowly defined security apparatus. The emphasis is on demilitarizing non-state forces, restoring civilian-military balance, and applying some degree of vetting to individuals who have committed serious human rights abuses. The attention is taken up largely by the military actors and fails to engage in any meaningful sense with issues beyond the question of which guns are to be taken from whom. As a result, under this approach, post-conflict security discourse prioritizes “physical security” exclusively, narrowing what counts as physical violence for the purposes of containing conflict (often conflating physical security with narrowly defined sexual security for women). This has negative consequences for women.¹²⁶ Properly consulting with women would mean considering and integrating their views and experiences on what constitutes an achievement of security. It also means including women at every level of decision-making in disaster relief contexts and in the decision-making concerning humanitarian intervention and support. Fundamentally, however, a lack of such consideration dominates.

CONCLUSION

While humanitarian crises generate volumes of international attention, and take up significant space in our domestic and multi-lateral discourses, there has been a more limited application of rigorous feminist analysis to this site than is increasingly evident in other avenues of international law and policy.¹²⁷ Why is this the case? One answer is that humanitarian emergencies are hard to predict and even harder to plan for. In theory, they catch the international community of states and institutions unaware and allow little reflexive time for responses. They instantly produce overwhelming and immediate needs overtaking critical responses. As the discussion of vulnerabilities above suggests, this frame of analysis underplays the predictability of human vulnerability and dependence in highly gendered ways for both men and women.

Moreover, this analysis ignores the kinds of causalities that create the conditions conducive to humanitarian emergencies. Deep social and economic inequalities, including gender inequality, are structurally relevant to understanding how humanitarian emergencies emerge and entrench. They are absolutely critical to understanding complex human-

126. *See, e.g.*, HILARY CHARLESWORTH & CHRISTINE CHINKIN, *THE BOUNDARIES OF INTERNATIONAL LAW: A FEMINIST ANALYSIS* (2004).

127. S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000); S.C. Res. 1829, U.N. Doc. S/RES/1820 (June 19, 2008).

itarian emergencies. Systematic elevation of civil and political rights' protection can militate against the kind of sustained attention necessary to address gross, sex-based inequities that could bar many emergency situations, or at least limit their widespread, destructive effects. ❀

