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The importance of autonomy:
Women and the Sri Lankan
Peace Negotiations

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Introduction

1 Except Adel Balasingham, wife of the LTTE's Chief negotiator, who has reputedly been present at all formal negotiations between the Government and the LTTE.

While none of the previous attempts at formal peacemaking in Sri Lanka allowed women any role in the negotiating process[1], the peace talks which commenced in 2002 established a formal space for their engagement by creating a Sub Committee for Gender Issues (SGI) to report directly to the plenary of the peace talks. Mandated to "explore the effective inclusion of gender concerns in the peace process", the SGI was facilitated by a senior Norwegian politician (Dr. Astrid Heiberg) and was comprised of ten appointees, five each from the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE). I was a member of the SGI from its inception and remained a part of it until 2003 when the talks collapsed. In this paper I examine the SGI as a mechanism for women's inclusion in peace processes and consider the pros and cons of such mechanisms for advancing gender concerns and women's interests in peacemaking processes and outcomes.

Chronology of the peace talks

2 The plenary of the peace talks also appointed sub committees to deal with immediate humanitarian needs, de-escalation and normalisation and political matters. Of these only the sub committee on immediate humanitarian needs was active throughout the formal negotiation process.

The SGI was appointed at the third round of plenary talks in December 2002.[2] It was possibly the first of its kind set-up within a formal peace process at a pre-substantive stage of negotiations. The Sri Lankan peace process of 2002/03 commenced following the signing of a formal ceasefire agreement in February 2002. The first round of plenary talks between the GOSL and the LTTE took place in Thailand in September 2002 and agreed that the parties would work towards an interim administration for the conflict affected north and east which would be followed by a final political settlement. An 'interim-interim' period was envisaged within this context which would emphasise solving practical conflict related problems and establishing normalcy and reconstruction through a framework of joint sub committees.[3]

3 Loganathan, Ketheshwaran and Norbert Ropers, Conceptualizing a Road Map for Peace in Sri Lanka, (8 October, 2002). Available at http://www.berghof-peacesupport.org

Confidence building

The SGI was the first effort by the GOSL and the LTTE to recognise the involvement of women in peacemaking and peacebuilding, the result of concerted advocacy by women's groups throughout 2002 (and many preceding years). The Government delegates of the SGI comprised mainly of feminist activists engaged in women's rights and peace work from the non-governmental sector, while those of the LTTE included senior women cadre from the organisation's political, research, media and district administrative units.[4]

4 The Government delegation was led by Dr. Kumari Jayawardena and included Dr. Deepika Udagama, Dr. Fazila Riaz, Faizun Zackeria and Kumudini Samuel (this author). The LTTE delegation was led by Thamilini Subramaniam and comprised of Kaaya Somasundaram, Premila Somasundaram, Suthamathy Shanmugarajah and Yalini Balasingham.

The LTTE hosted the formal meetings of the SGI in Kilinochchi where they were headquartered. In electing to meet in LTTE controlled territory, the women delegates signalled their willingness to deal directly with the realities of war and build bridges across conflict induced divides. The decision also gave the SGI a greater sense of momentum and urgency to make the impending talks productive.

The life experiences of the two delegations were markedly different. The LTTE women had only experienced conflict and war. The Government delegates were academics and activists who had grappled with conflict resolution but had not, except for one, lived through war directly,

5 While all the Government delegates had worked on conflict related concerns and had travelled widely in the conflict affected areas only one of them, Dr. Fazila Riaz, who resided in Akkaraipattu had been directly affected by the conflict.

6 Interview with Kumari Jayawardena, 30 October 2003, Colombo.

and so this perceived gulf in experience had to be bridged.[5] Informal conversations outside the confines of the formally mediated talks, where the delegates were able to talk about personal issues helped them break the ice very quickly.[6] The feminist slogan, "the personal is the political" accurately reflects how the friendly but inquiring conversations broke down divisions between the private and the public. The discussion ranged from marriage, caste and dowry to activism and family responsibilities and was interspersed with stories of life in the jungles and peace activism. The changing social perceptions of women and the need to transform discriminatory cultural practices featured prominently. This was an important negotiating style used by women that was absent in the formal deliberations between male negotiators at the peace table. It helped make the discussions in the SGI more conducive to consensus building.

Substantive talks

The SGI, after some deliberation, decided to use gender as their conceptual framework. It was determined that the SGI would not be limited to working on women's issues alone. As the leader of the LTTE delegation put it: "*Women are an indivisible part of society and are the main force behind social reconstruction and so our focus will be on women. However we will bring a gender perspective to our work, this will make the work holistic and we will also work with men*". [7]

7 From notes of the meeting available with the author.

Once the framework was agreed on, the SGI chose to approach a broad range of concerns, such as representation, difference, power, socialisation and relationships, both within and outside the peace process, from a gender perspective.

Division of responsibility

Reflecting the difference in experiences and background, the Government delegation chose to focus on legal and policy reform work based on a gender sensitive analysis directed at possible legal and policy reform through advocacy. The LTTE delegation chose to concentrate on meeting immediate needs such as resettlement, rehabilitation, livelihoods and trauma. This division reflected political reality, capacity and the predominant interests of the GOSL and LTTE representatives. While both delegations were concerned with all of these issues, the division of labour was practical and complementary in terms of location, political expediency and spheres of influence at that given moment.

The SGI was the only mechanism associated with the negotiating process to be given the freedom to formulate its own terms of reference (TOR). The Government delegation was advised to conduct discussions on as wide a range of concerns as possible, frankly and with open minds, and to take their time to build consensus. The only limitation was that the delegates were not to take up issues in relation to the Prevention of Terrorism Act and the High Security Zones, which at the time were being discussed at the level of the plenary talks. By its second meeting, the SGI had agreed upon its TORs, which were based on a 'Findings and Recommendations' document prepared by autonomous women's groups who advocated for the inclusion of women and gender concerns in the peace negotiations. The LTTE delegation strengthened the TORs by adding a commitment to its preamble to seek a solution to the conflict within the framework of a united Sri Lanka. The TORs primary focus was on sustaining the peace process and included work in the areas of:

    a. Resettlement;
    b. Personal security and safety;
    c. Infrastructure and services;
    d. Livelihood and employment;
    e. Political representation and decision making and
    f. Reconciliation.[8]

8 See SGI Press Release of 6 March 2003 available at www.peaceinsrilanka.org

While a significant level of agreement was reached on discussion areas, it was also obvious that not all issues would be discussed without controversy. There were some concerns that were more difficult given their political sensitivity and others that needed compromise and prudent judgment. However, it was evident that the SGI could make common representation on some issues such as women's immediate needs and some elements of legal reform (on violence against women, political representation, land rights and policy issues such as equal access to jobs and equal wages).

Analysing the Sub-Committee on Gender Issues

As short-lived as it was, with two formal meetings and some informal engagement after the breakdown of peace talks in April 2003, the SGI merits analysis and assessment. It's setting up, composition, links to the formal peace process, degree of autonomy, and links to the broader women's movement all require critical examination.

Appointment and composition

The SGI was appointed by the Government and the LTTE and was thus not the result of a consultative process. As a consequence, the LTTE retained the right to appoint Tamil women to the Committee and chose to include only its own cadre, refusing to acknowledge the political diversity of Tamil society.

The Government chose to bypass women from political parties and appointed a multi ethnic delegation that, significantly, had two Muslim women, the only Muslims represented in the formal peace process. However, in choosing to accede to the LTTE on the appointment of Tamil women, the Government lost an opportunity to recognise the gendered impact of conflict on the Tamil population as a whole; to acknowledge the role played by civilian women in holding together conflict ridden communities; and acknowledge the difficult and dangerous work of Tamil women human rights defenders and peace activists who did not belong to the LTTE.

There was also contestation among non-governmental activists about the class and regional representation of the delegations. The LTTE delegation was comprised of women living in the northeast of the country while the majority of the GOSL delegation was made up of women living mostly in the south of the country. There were also concerns that the GOSL delegation was made up entirely of middle-class women. This made it imperative for the SGI to work out a method of strategic engagement with civil society that was external to the peace process. The GOSL delegation was sensitive to these dynamics and strove to consult with women's groups and other civil society activists prior to and after each of the meetings of the SGI. The TOR of the SGI, as well as its process of work, was informed by these consultations.

Autonomy and dependence

The SGI was affiliated to the formal peace process as an advisory body but there was no clear direction of how this affiliation could, in practical terms, be realised, i.e. whether the SGI merited a seat at the formal peace process. While able to draft its own TOR, the SGI nevertheless required the formal approval of its TORs at the peace talks. The SGI took note of the agreement secured from both the GOSL and the LTTE that they would be represented at the plenary talks. But the talks stalled before this agreement could be realised and so there was no opportunity for the SGI to negotiate its continuity, independent of the stops and starts to the peace process.

Moreover, the nature of the nominations to the SGI also made it impossible for continued informal dialogue between the women delegates. This was because although the Government nominees were independent from its political structures, they were nevertheless compromised by the very nature of their appointment, and the LTTE nominees had no independence at all from the LTTE. Therefore, when the LTTE decided to pull out of all formal structures in the peace process, the LTTE women on the SGI had to withdraw from negotiations as well and the SGI became ineffectual as an inclusive structure.

It is therefore crucial for such a mechanism or mechanisms to maintain some independence from the official process and parties, while also being recognised and part of the official process (not least so that the mechanism's members are directly accountable to the formal process and negotiators). However, such mechanisms can also be linked to broader structures outside the formal peace process which allows for constant interaction and a free flow of information from women directly affected by and working on conflict and peacemaking. As mechanisms such as the SGI begin working, gender concerns must also be incorporated into their terms of reference, policy formulation and implementation processes, and the mechanism must be open to constant evaluation and monitoring.

Essentialism

Despite its mandate to include gender concerns in the peace process, the SGI had a relatively subordinate role in its dealings with the high profile Sub Committee on Immediate Humanitarian Needs (SIHRN).

None of the Sub Committees established prior to the SGI, such as the SIHRN, the Sub Committee on De-escalation and Normalisation (SDN) and the Sub Committee on Political Matters, had women appointed to them. It is worth questioning the wisdom of appointing only high profile men to discuss such critical issues as de-escalation. normalisation, and political restructuring.

Significantly, no women delegates from the SGI were invited to formulate Government proposals for an interim administrative mechanism for the northeast, which were made in an attempt to re-open the stalled peace process. Nor were LTTE women representatives on the SGI part of drafting the LTTE's proposals for an interim self governing authority (ISGA) put forward in response to the GOSL proposals in October 2003.

It was possible, therefore, that the SGI would, over time, be perceived as an expendable mechanism – unless its delegates could be part of the negotiations at the peace table. This was an early demand of the SGI which was acceded to but was not realised due to the break down of the formal talks in April 2003.

Representation and participation: some dilemmas, challenges and lessons learnt

Engaging with women militants

Peace processes always pose a dilemma about how and to what extent one engages with extra-judicial entities that use violent means to meet their goals. It poses as much a problem for feminists who have to come to terms with women's complicity in the use of violence. To negotiate with such women in the interests of seeking a peaceful resolution to violent conflict is a difficult decision.

Once the GOSL and the LTTE considered the inclusion of women in the formal peace process via the mechanism of the SGI and invited feminists to be part of the committee, the necessity of engagement with the militant LTTE in the context of peace negotiations and the exigencies of the peace process compelled Sri Lankan feminists to critically revisit their theorising and activism with regard to militarism, militancy and militant women combatants. Once the pragmatic choice was made in favour of engagement however, it was clear that the process allowed for the

sharing of experiences and strategies; and the potential for shaping policy interventions in key arenas of marginalisation for both LTTE women and the women/feminists from the women's movement. The formal talks with the LTTE women combatants in the context of peace making opened the space for discussions on gender sensitive strategising as much as it enabled both delegations to share their different and specific experiences of conflict, conflict resolution and peace building.

It was also clear from the negotiations at the SGI that militant women cannot be denied agency in their own right despite their greater engagement with the militarised and patriarchal nationalist political project. In other words, LTTE women combatants had as much a stake in the peace process as did the non combatant women in the SGI. While identifying first and foremost as combatants, they were nevertheless equally concerned with political representation and decision making; gender sensitive legal and policy reform; equality and non discrimination.

9 Emmanuel, Sarala, Dealing with Women's Militancy: An analysis of Feminist Discourses from Sri Lanka, Social Policy Analysis & Research Centre, University of Colombo, (2006).

The experience of the SGI showed that by recognising women militants as active political agents there was a possibility of engaged feminist discussion and a sharing of feminist resources with militant women.[9] This in turn could enable women combatants to engage with and shape peace processes beyond the narrow conceptions of territory and power sharing. Peace processes, particularly those that deal with ethno-political conflict, can offer potential to open up more spaces to critically challenge dominant patriarchal and masculine nationalist discourses from within.

Engaging with the state

In 2002, the unfolding peace process compelled Sri Lankan feminists to revisit their engagement with the state. Some among them decided to be a part of or work with the SGI. The establishment of the SGI and the elaboration of its mandate at the plenary talks included women in the formal peacemaking structures and shifted women's engagement in peacemaking from the non-formal to the formal arena. While the SGI did indeed retain a great degree of autonomy as has been mentioned above, it was limited to an advisory role, which made its existence and relevance dependent on the commitment and political will of the LTTE and the Government. It also meant that the Committee had independence to act only as long as its issues did not clash with either the peace process or the political agendas of the Government and the LTTE. For instance, since human rights, demilitarisation and the inclusion of Muslim political representation in the peace process were contentious issues at the Plenary, the SGI was also constrained in directly dealing with them, although the SGI did make some headway in dealing with some of these

issues. However, the SGI's continued interaction with the Plenary was totally dependent on the political will of the Government and the LTTE to continue with the peace talks. So while engagement with both the Government and the LTTE was indispensable in the formal arena of peacemaking, the question of autonomy and independence became a critical factor.

Political autonomy

Sri Lanka has an abysmal record of women's political representation at both the local and national level. Women have never exceeded 6 per cent in Parliament and the current representation in local and provincial government is under 3 per cent.

In light of these difficulties and very weak internal democracy within political parties, women have begun to explore other avenues of representation. These promote common agendas around equality and non-discrimination for discussion within the broader movement for peace and democracy. Coalition building among like minded groups is another mechanism for ensuring women's representation. Broad alliance amongst the marginalised ensures a stronger voice and prevents sectarian and negative partisan politics.

The comparative political 'invisibility' of women allows them the space to move across ethnic divides and work together to promote common agendas. These can range from raising gender imperatives to dealing with a range of moral and political issues including that of respect for human rights, transparency, accountability and inclusion. This engagement could also lead to redefining the manner of engagement as well as reframing issues at the heart of peace processes. This is a strategy that could be adopted by autonomous women's groups in the context of peace processes. The Sri Lankan women's movement has a history of such activism in the non formal arenas of peace building. The formal peace process was, unfortunately, too short lived for the women's movement to realise this potential.

The experience of the Northern Ireland Women's Coalition, an independent women's political party established just before the all-party peace talks, suggests that there is value in having women present at the talks as a distinct political grouping in their own right. They keep track of gender concerns across the board and do not allow themselves to be marginalised into or limiting their focus to women's issues. They also offer women the space to engage where/when party structures may limit or ignore such needs. An independent women's presence also offers women the neutral space to raise concerns that may be perceived as

controversial or too politically charged for partisan politicians to engage with. The result of this mobilisation allowed the Women's Coalition to successfully contest elections and win representation at the talks, enabling them to put forward an independent agenda which was not tied to party politics.

Pushing for women's representation must, however, include some clear objectives about the role such a women's grouping will play, and its relationship to women within more traditional party structures and other organisations. Such an initiative must also take care not to further divide women and must ensure that it has clear mechanisms of communication and inclusion between those within the talks process and those outside it.[10]

Since the Government chose to include feminists from the peace and women's movements in the SGI, the peace process gave women peace activists the opportunity to act as a conduit between the top level leadership of the peace process and the local level communities affected by the conflict. Historically, women's activism for peace in Sri Lanka had always sought to make and build links between women across ethnic and regional divisions enabling them to work through formal and informal coalitions and networks.[11]

The challenge for the women's movement, however, was to work across other social movement organisations, in particular the human rights community and other marginalised constituencies to build an inclusive democratic agenda based on human rights, equality and non discrimination.

The engagement of women's movements in peacemaking

The concept of the SGI - a separate entity that could meet and work with some independence, but which was also directly linked to the formal peace process - is a useful mechanism to develop further as a means of ensuring inclusion and more direct engagement. As with representation for all marginalised groups, the mere presence of a few individual women at the peace table does not by itself ensure that women's concerns and gender interests are met. A separate mechanism that allows for inclusive representation and a safe space to discuss and build consensus on specific issues would be a useful platform from which to engage formal peace negotiations. It will also give women strength in numbers and allow them to build agreement on contentious issues away from the glare of the formal process. Such a mechanism could also be somewhat autonomous to allow for both sustaining peace processes as well as holding the process accountable to a range of constituencies and stakeholders. It will also allow women to adopt a multi issue approach to formal peacemaking

10 Bell, Christine, 'Women and the Problems of Peace Agreements: Strategies for Change' In Radhika Coomaraswamy and Dilrukshi Fonseka, (eds.), Peace Work – Women Armed Conflict and Negotiation, New Delhi, Women Unlimited, (2004).

11 Samuel, Kumudini, Hidden from History: Women's Activism for Peace in Sri Lanka, Social Scientists Association, Colombo, (2006).

where they engage with the challenges of both political restructuring and social transformation. It could also ensure that women are a part of all the stages of conflict resolution and even help maintain some tracks of engagement when others may fail.

However, it is also imperative that women activists, peace activists, women's groups and coalitions concerned with peace understand and accept that mechanisms such as the SGI are potentially fragile, and cannot be the sole means to safeguard women's interests. It cannot be considered a substitute to women's active and independent mobilisation and constant lobbying for a representative and inclusive process that respects and guarantees human and democratic rights. The work of women's peace activism cannot afford to rest at any stage of a peace process. It must continue whether a formal peace process is active or not. While it can influence the official process when possible and demand to play a more engaged role at the formal level, it must never lose sight of its independence and purpose. Work must continue beyond the signing of official agreements, well into the period of transition and peace implementation phase. The interests of women can be realised only through the success of the involvement of women in peace making.

About the author

Kumudini Samuel works in Sri Lanka as Director, Women and Media Collective. She is also an Executive Committee member of Development Alternatives with Women for a New Era (DAWN). Kumudini was a member of the National Advisory Council on Peace and Reconciliation an advisory group of civil society and policy makers appointed by the President during the period of the peace process. Kumudini works on issues of women's rights, human rights peace and conflict and has published on these concerns as well.