Gender, Peace and International Law: Localising the Women, Peace and Security Agenda

“War? Don’t speak to me of war! My daily life is battlefield enough.” [1: quote from Cynthia Cockburn 2004, 43]

Feminist theorisation on war, militarisation and peace has foregrounded a “continuum of violence” in women’s lives.[footnoteRef:2] Rejecting simplified binaries of war and peace, prewar and postwar, feminist scholarship argues that women continue to experience violence in the transition from war to ‘uneasy peace’. [footnoteRef:3] The continuum of violence also runs through the social, the economic, and the political, with gender relations penetrating all these forms of power relations. [footnoteRef:4] Just as war neither begins with the first gunfire nor ends with the signing of treaties, peace activism is already underway during the fighting of war and continues well after formal peace agreements are signed.[footnoteRef:5] [2: Carol Cohn 2013, 21 and Coburn (n 1), 25] [3: Cockburn (n 1), 30] [4: Cockburn (n 1)] [5: Cockburn and Zorkov 2002, 10]

This essay explores this continuum of violence through lived experiences of women during the Sri Lankan civil war and in its aftermath. In particular, I argue for the need to think beyond the binary essentialisms of war and peace, conflict and post-conflict, victimhood and agency both in legal and policy documents as well as feminist peace activism. International law and certain feminist peace projects approach the category ‘women’ as stable and homogenous and gender as a standalone category of analysis without looking at its intersections with other power relations. I argue that this homogenising tendency and the absence of an intersectional[footnoteRef:6] approach elides women’s diverse experience of war in different cultural contexts, leading to particular harms and exclusions. [6: Kimberle Crenshaw 1991; Moraga and Anzaldu?a 1981]

Three Decades Of Civil War: Locating ‘Women’

The 26-year-old Sri Lankan civil war that started in the early 1970s was fought between the state and Tamil separatists, primarily the Liberation Tigers of Tamil Eelam (LTTE), transforming the northern and eastern regions into war-ravaged zones. The Tamil minority’s postcolonial political struggle for cultural and political rights against the unitarian state-building policies of the Sinhala majority became a full-blown militarised ethnic conflict revolving around the demands for a separate Tamil state.

After the failure of two rounds of peace talks—one mediated by India between 1985 and 1990 and the other by Norway between 2002 and 2006—the Sri Lankan government pulled out of the 2002 ceasefire agreement and launched a massive offensive against the LTTE in 2008. In May 2009, the state declared the LTTE defeated, claiming that the army had overrun the last patches of rebel-held territory in the northeast.[footnoteRef:7] [7: BBC News, ‘Sri Lanka Profile - A Timeline’’, (2011) accessed on 21 March 2019]

Women experienced the war as political agents and peace activists, as soldiers and active

participants, and as survivors. As members of the persecuted minority community, the war had a disproportionate impact on Tamil women in the north and east. Tensions between Tamils and Muslims—who are linguistically Tamils—resulted in the internal displacement of thousands of Muslims from the north by the LTTE. As combatants, Tamil women joining the LTTE in large numbers in the 1990s. At the same time, both Tamil and Sinhala women were involved in peace activism and demands for transitional justice or rapes and sexual violence during the war, disappearance of family members, and forced recruitment and killings by LTTE.

However, women were largely excluded from peace processes, both formal and informal, and their concerns were ghettoised with little public discussion of how an adequately gendered peace may be achieved. Peace agreements negotiated and written solely by men left unquestioned and intact the gendered dynamics present throughout war.

The participation of women in all stages of the peace-building process was one of the prime mandates of Resolution 1325[footnoteRef:8] adopted by the United Nations Security Council in 2000 under the Women, Peace and Security agenda. It acknowledged the contribution of women as agents of peace rather than just victims of armed conflict and has been used by women's groups and international organisations to make the case for women's inclusion in post-conflict institutions and peace processes. [8: UNSC 2000, para 5]

However, 15 years into its adoption, a global study conducted by a team of experts led by Radhika Coomaraswamy highlighted the need for greater recognition and engagement with the realities of women's experiences in conflict and peacemaking. In this report, women in Africa and Asia urged for the "normative framework [of UNSCR 1325] to be localised" and greater attention to be paid to what local communities and women actually need.[footnoteRef:9] When considering women's participation in peace processes, they argued, it is crucial to understand their respective status within their respective countries and the social, economic and political structures within which they coexist. For many women in Asia and Africa, this is precisely what UNSCR 1325 had failed to do.[footnoteRef:10] [9: UN Women 2015] [10: ibid]

Some of these concerns were addressed by UNSCR 2242 (adopted later that year) which sought to "integrate women, peace and security concerns across all country-specific situations...taking into account the specific context of each country".[footnoteRef:11] It called upon member states to integrate the WPS agenda into their national action plans and welcomed regional organisations to implement UNSCR 1325, including through adoption of regional frameworks.[footnoteRef:12] [11: UNSC 2015, Article. 5] [12: ibid, Article. 2]

Women, Peace and Security: Thinking Beyond Binaries

However, like UNSCR 1325, UNSCR 2242 left unaddressed the specific impediment of implementation of the WPS agenda in local contexts—the adherence to binary essentialisms like conflict and post-conflict societies and women as either victims of violence or agents of change; the assumption of a universal female (legal) subject; the absence of a definition of 'gender' and the lack of an intersectional approach in the Council's work. Using the conflict in Sri Lanka and the language of UNSCR 2242 as frames of reference, I argue for the need to rethink these binary categorisations in favour of context-specific, localised approaches to women, peace and security.

Following Cohn, I understand gender as a “social structure which shapes individual identities” and as a power relation that structures social identities in its intersections with other hierarchical power relations.[footnoteRef:13] I argue that gender cannot be seen as standalone category of analysis and must be read in its intersections with religion, ethnicity, sexuality, marital status, socio-economic status, disability, age and other interlocking power relations if we are to understand Sri Lankan women’s lived experiences of conflict and its aftermath. Following Mohanty, I understand women not as a homogenous category but constituted and shaped by ethnic, racial and class locations and other hierarchical power structures.[footnoteRef:14] [13: Cohn 2004 (n 1), 3-4] [14: Chandra Talpade Mohanty 2003, 21]

Conflict vs Post-Conflict: The Continuum of Violence

Following Galtung’s theorisation that the absence of violence alone does not mean peace[footnoteRef:15], we can say that the declaration of the termination of war does not automatically turn a state into a post-conflict one. Most militarisation occurs during what is misleadingly labelled as peacetime and continues or escalates during periods of heightened conflict. A culture of militarism may dominate a country in the name of pacification.[footnoteRef:16] As these cycles repeat themselves, the kinds of insecurities women experience in the midst of openly armed conflict are surprisingly akin to the forms of insecurity that women experience when the guns are silent.[footnoteRef:17] [15: Johan Galtung 1969, 167] [16: Cockburn and Zarkov (n 5)] [17: ibid]

In the years following the declaration of an end to the war, Sri Lanka saw an escalation of militarisation. In 2014, there was approximately one soldier for every six civilians stationed in the war-ravaged north.[footnoteRef:18] The country’s defence budget rose nearly 13 percent between 2014 and 2015.[footnoteRef:19] Militarism saturated areas of daily life outside of military camps and checkpoints.[footnoteRef:20] Concurrently, there was an increase in the levels of domestic and sexual violence. Many women interviewed by the International Crisis Group[footnoteRef:21] described an increase in demand for sexual favours from officials in return for information on missing family members; and an increase in demand for sex work from men drawn to the provinces by post-war business opportunities. Women also spoke of military personnel trying to befriend them, visiting their homes or approaching them on the streets, leaving them feeling vulnerable. [footnoteRef:22] [18: Anuradha Mittal 2015] [19: ibid] [20: Vasuki Nesiah 2012, 146] [21: International Crisis Group 2017] [22: ibid]

These everyday experiences of violence and continued militarisation confound neat categorisation of Sri Lanka into a conflict or a post-conflict society, with a clearly defined moments of violence and peace. If we accept violence as a continuum, it is not enough for WPS resolutions to address specific instances of sexual and gender-based violence during conflict situations[footnoteRef:23]. Instead, as Cockburn suggests, it is critical to “look at the power imbalances in gender relations, the way patriarchal power infuses with violence institutions like the family, the military, the state, of the way gender power relations augment violence in class and ethnically based associations”.[footnoteRef:24] [23: UNSC 2015, para 14] [24: Cockburn (n 1), 44]

Gender And Women: The Urgency of Intersectional Accounts

Critically, none of the eight WPS resolutions, including UNSCR 2242, define the term ‘gender’

and often conflate it with ‘women’. In doing so, the language of WPS reduces gender to mean little more than biological sex difference and reiterates the gender binary. Besides, it treats the category of women as stable and homogenous with no attention to localised differentiations. With the word women in its very title, WPS privileges gender as an axis of analysis over race, ethnicity, class, sexuality and other power relations.

When UNSCR 2242 reiterates the call for an increase in the representation of women at all levels of decision-making related to conflict prevention, management and resolution[footnoteRef:25] not only does it fail to account for the localised differentiations between women in a given cultural context, it also assumes that “most women speak for all women”.[footnoteRef:26] [25: UNSC 2017, Art. 1] [26: Laura J. Shepherd 2011, 501]

This assumption sits at odds with feminist theorisation that highlights the need to pay attention to how overlapping power structures intersect with gender so the category of women is not treated as homogenous but one that is exclusionary. As Mohanty argues, the homogenisation of (Third World) women “appropriates the pluralities of the simultaneous location of different groups of women in social, class and ethnic frameworks”. Speaking specifically from the South Asian context, Menon points to a destabilisation in the presumed subject of feminism by the politics of ethnicity, caste, religious community identity and sexuality. This politics questions the “assumed commonality of female experience, challenging the identity of ‘woman’, the supposed subject of feminist politics”[footnoteRef:27] [27: Nivedita Menon 2015]

In Sri Lanka, this presumed commonality was thrown into question by the stark difference between Sinhalese and Tamil women on what they wanted from the resolution to the conflict. For Tamil women, nothing less than an independent homeland would protect them while Sinhalese women supported a federal resolution with greater autonomy for the Tamils.[footnoteRef:28] One of the most significant splits in Sri Lanka’s feminist and/or women’s movement had to do with the Tamil question. After the anti-Tamil riots of 1983, feminists who questioned the pervasiveness of Sinhala hegemony and critiqued Sinhala nationalism and militarism, diverged drastically from those who refused to accept these issues as being central to the conflict between Sinhalese and Tamils.[footnoteRef:29] [28: Rahila Gupta, 'Sri Lanka: Women in Conflict', (2014), accessed 24 March 2019.] [29: Kumari Jayawardena and Malathi de Alwis 2002, 261]

In the aftermath of a conflict marked by Sinhalese “ethno-nationalism [that] produced one of the harshest ethnic wars of South Asia”[footnoteRef:30], a call for participation of women in peace processes and institutions could only be taken up by elite women, privileged by class, ethnic, religious and other hierarchical power relations. Tamil women in the north and east experienced the war as combatants, survivors and activists and led the call for transitional justice in its aftermath, but were left out of peace processes. They were absent during the track 1 negotiations of Norway-mediated peace talks[footnoteRef:31] and during the framing of policies in the postwar period. The report of the Consultations Task Force on national reconciliation processes set up by the Sri Lankan government in 2016, which had conferred widely with Tamil women on processes of transitional justice, were also ignored.[footnoteRef:32] Instead, the only women who were included in peace talks were class-privileged Sinhala women who were members of political coalitions. It is these varied subjectivities and localised differences that the language of WPS ignores when it assumes a universal female (legal) subject and gender as a standalone axis of analysis. [30: Niloufer De Mel 2012, 21–22.] [31: Darini Rajasingham-Senanayake 2004, 143-144] [32: ICG (n 8)]

Victims vs Agents: Problematising Agency

The third normative approach I want to address is the binary description of women as either victims of violence or agents of change in the language of WPS resolutions. Defining agency as “the ability to exercise choice and achieve change”,[footnoteRef:33] Shepherd argues that “just because the UN recognises that women are actors, does not mean that the same women have agency—the capacity to act”.[footnoteRef:34] Poststructuralist and postcolonial critiques have rendered the issue of women’s agency far more complex by pointing to the ambivalent and contradictory constitution of agency and its interpretation.[footnoteRef:35] Further, Kabeer makes the exercise of agency contingent on a number of “pre-conditions” like control over life choices, mobility and decision-making capacity.[footnoteRef:36] [33: Shepherd (n 25), 512] [34: ibid] [35: Gayatri Spivak 1988; Ania Loomba 1998] [36: Cited in Shepherd (n 25), 512]

To be sure, the long-term displacement of Tamil and Muslim families, despite the psychosocial trauma it entailed, provided women with some opportunities for greater personal agency. The death and disappearance of Tamil men obliged many women to take charge as heads of household and step into the public space, challenging traditional seclusion of Tamil women.[footnoteRef:37] Women in former war zones dealt with authorities like government agents, military, and humanitarian aids agencies as men were more easily perceived as security threats, especially when they belonged to the ‘wrong’ religious or minority community. But even as gender and other power structures such as caste and religion were challenged, this was at best an “ambivalent empowerment” as women carried the burden of guilt about such “empowering spaces opening up as a result of loss”[footnoteRef:38] [37: Rita Manchanda 2001, 112] [38: ibid]

Besides, women still had to negotiate with social, cultural and religious inhibitors that were at odds with their new social positionings. The military apparatus constrained both public and private domains of their everyday experiences. Singh argues that women in Sri Lanka can be better understood as “‘controlled actors’ since their agency to act is culturally controlled”,[footnoteRef:39] albeit to varying degrees depending on their location within power structures. Thus the recognition of women’s agency may be a rapture in the familiar representation of women-as-victims, but it is also often an “additional burden for some women to bear”.[footnoteRef:40] The language of WPS neither recognises the cultural factors that may often act as barriers to women’s participation, nor does it leave any scope for a context-specific understanding of agency. [39: Sweta Singh 2017, 229-230] [40: Shepherd (n 22), pg]

Feminist Peace Activism v/s Maternalism

The question of agency and the absence of an intersectional approach to gender is also critical in understanding the fragmented nature of feminist/women’s peace activism in Sri Lanka. In the 80s and 90s, the mobilisation of motherhood[footnoteRef:41] allowed women to enter the public space of political protest “within the confines of accepted social and patriarchal norms”.[footnoteRef:42] Organisations like the Mothers’ Front used it as a strategic tool by to protest the disappearance of young and middle-aged men during the conflict. It allowed activists to appropriate public spaces and circumvent emergency laws that prohibited standard forms of political protests like demonstrations and rallies at a time when the autocratic government was silencing of left-wing feminist and human rights activists, often by death.[footnoteRef:43] [41: Jayawardena and de Alwis (n 30), 267; Kumudini Samuel 2003, 177] [42: Malathi de Alwis

2001, 210-211] [43: Malathi de Alwis 2011, 192]

Such maternalist politics no doubt reinscribed gender, class and ethnic hierarchies but also carries within it a “resilience and malleability”,[footnoteRef:44]enabling a move beyond the binaries of victimhood or agency, essentialisation or empowerment. De Alwis terms this a ‘fraught maternalism’ which is “domesticated yet not respectable, threatening but also pathetic, poor and marginalised but also racially dominant and exclusionary”.[footnoteRef:45] This is no doubt a complicated and contingent agency, but as Kandiyoti reminds us, agency or “resistance carries not just its common sense implications of ‘acting in opposition’ but a reflection of the ‘potential for subversion and contestation’ in the interstices of established orders”[footnoteRef:46]. [44: de Alwis (n 42), 220] [45: ibid] [46: Cited in Susie Jacobs et al (eds) 2000, 3]

Conclusion: Decolonising Women, Peace and Security

The WPS agenda is rooted in years of feminist analysis and activism, combining strands of liberal feminism which pushed for increased institutional representation of women and radical feminism which highlighted violence against women and girls as a political concern. But it has paid scant attention to transnational and postcolonial feminist approaches which have consistently argued against the assumption of a uniform and universal female subjectivity and challenged an uncomplicated understanding of agency of women in the Global South. It has also failed to see violence as something that exists in continuum and instead relied on neat categorisations of states as conflict or post conflict. Floating unanchored to the context in which it operates, WPS has thus remained a largely technical tool with little scope for implementation in local contexts.

With these critiques in mind, I have argued for a reformulation of the language of WPS that destabilises the notion of women in the Global South as a homogenous group in favour of an intersectional account, evolves an in-context understanding of agency and understands the world beyond clearly defined moments of war and peace. As such, for its effective implementation at the state-specific level, the WPS agenda needs to shift from an imperial, neocolonial ‘view from the top’ approach towards more localised/regionalised approaches.

A decolonisation of WPS will thus involve thinking beyond binary essentialisms and opening up an alternate space that reflects an ‘international law of everyday life’[footnoteRef:47] and sees clearly the everyday experiences of the subjects it claims to speak for. This could translate into an an agenda that pays attention to the continuum of conflict, a the context-specific understanding of the differences between women, and an understanding of women’s agency that can manifest itself in myriad ways. [47: Hilary Charlesworth 2002]

Bibliography

1. Anuradha Mittal, ‘The Long Shadow of War: The Struggle for Justice in Post-War Sri Lanka’, (2015) accessed 23 March 2019.
2. BBC News, ‘Sri Lanka Profile - A Timeline’’, (2011) accessed on 21 March 2019.
3. Carol Cohn ‘Women and Wars: Towards a Conceptual Framework’, in Women and Wars (Polity Press 2013).
4. Chandra Talpade Mohanty, ‘Under Western Eyes: Feminist Scholarship and Colonial

Discourse' in Feminism Without Borders: Decolonizing Theory, Practicing Solidarity (Duke University Press 2003) 17-42.
5. Cherrie Moraga and Gloria Anzaldua (eds) This Bridge Called My Back: Writings By Radical Women of Color (Kitchen Table Women of Color Press 1981)
6. Cynthia Cockburn, 'The Continuum of Violence: A Gender Perspective on War and Peace', in Wenona Giles and Jennifer Hyndman (eds) Sites of Violence: Gender and Conflict Zones (University of California Press 2004), 24-44.
7. Cynthia Cockburn and Dubravka Zorkov (eds), 'Introduction,' in The Postwar Moment: Militaries, Masculinities and International Peacekeeping (Lawrence and Wishart, 2002), 9-32.
8. Darini Rajasingham-Senanayake, 'Between Reality and Representation: Women's Agency in War and Post-Conflict Sri Lanka' (2004) 16(2/3) Social Scientists' Association , 141–168
9. Johan Galtung, 'Violence, Peace, and Peace Research', (1969) Journal of Peace Research 6(3), 167-191.
10. Gayatri Spivak, 'Can the Subaltern Speak?', in Cary Nelson and Lawrence Grossberg (eds) Marxism and the Interpretation of Culture (Macmillan, 1988), 271-313.
11. Hilary Charlesworth, 'International Law: A Discipline of Crisis' (2002) The Modern Law Review 65(3), 377-392.
12. International Crisis Group, 'Sri Lanka's Conflict-Affected Women: Dealing With the Legacy of War', (2017) accessed 24 March 2019.
13. Kumari Jayawardena and Malathi de Alwis, 'The Contingent Politics of the Women's Movement in Sri Lanka After Independence', in Swarne Jayaweera (ed) Women in Post-Independence Sri Lanka (Sage Publications 2002), 245-280.
14. Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color'(1991) Stanford Law Review 43 (6), 1241–1299.
15. Kumudini Samuel, 'Activism, Motherhood, and the State in Sri Lanka's Ethnic Conflict', in Wenona Giles et al. (eds) Feminists Under Fire (Between the Lines 2003), 167-179.
16. Laura J. Shepherd, 'Sex, Security and Superhero(in)es: From 1325 to 1820 and Beyond' (2011) International Feminist Journal of Politics 13, 504-521.
17. Malathi de Alwis, 'Ambivalent Maternalisms: Cursing as Public Protest in Sri Lanka', in Sheila Meintjes, Anu Pillai and Meredith Turshen (eds) The Aftermath: Women in Post-Conflict Transformation (Zed Books 2001), 210-224
18. Malathi de Alwis, 'Motherhood as a Space of Protest: Women's Political Participation in Contemporary Sri Lanka', in Patricia Jeffery and Amrita Basu (eds) Appropriating Gender: Women's Activism and Politicised Religion in South Asia, (Routledge 2011), 185-202.
19. Malathi de Alwis, 'Feminist Politics and Maternal Agonism', in Ania Loomba and Ritty A. Lukose (eds) South Asian Feminisms (Duke University Press 2012), 162-180.
20. Niloufer de Mel Women and the Nation's Narrative: Gender and Nationalism in Twentieth Century Sri Lanka (Kali for Women 2001).
21. Rahila Gupta, 'Sri Lanka: Women in Conflict', (Open Democracy 7 March 2014), accessed 24 March 2019.
22. Nivedita Menon, 'Is Feminism About 'Women'? A Critical View on Intersectionality in India' (Economic and Political Weekly 15 August 2015) accessed 26 March 2019.
23. Rita Manchanda, 'Ambivalent Gains in South Asian Conflicts', in Sheila Meintjes, Anu Pillay and Meredith Turshen (eds) The Aftermath: Women in Post-Conflict Transformation (Zed Books, 2001), 99-121.
24. Shweta Singh, 'Re-thinking the 'Normative' in United Nations Security Council

Resolution 1325: Perspectives from Sri Lanka’, (2017) in Journal of Asian Security and International Affairs 4(2), 219–238.
25. Susie Jaobs, Ruth Jacobson and Jennifer Marchbank (eds) ‘Introduction’ in States of Conflict: Gender, Violence and Resistance (Zed Books 2000).
26. UN Women, ‘Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325’, (2015) accessed 24 March 2019.
27. Vasuki Nesiah, 'Uncomfortable Alliances: Women, Peace, and Security in Sri Lanka', in Ania Loomba and Ritty A. Lukose (eds) South Asian Feminisms (Duke University Press 2012), 139-161.