

The Cue for Quotas: An Interview with Chulani Kodikara



Editors' Note:

As one of Sri Lanka's leading feminist scholars and activists, Chulani Kodikara's work has ranged from Muslim personal law to domestic violence. Her groundbreaking research on women's political representation highlighted the shockingly low percentage of women representatives in Sri Lankan politics, particularly at the Local Government level. After years of advocacy and research by many feminist activists, Sri Lanka's Parliament amended the Local Authorities Elections Act to introduce a quota for women in Local Government on the 17th of February, 2016 (Local Authorities Elections [Amendment] Act No. 1 of 2016). The new act increased the representation in Local Authorities by a third and ensured that this increase would be solely for the representation of women. In this interview, Chulani talks to Hasini Lecamwasam about the need for a quota for women, the transformation she hopes the newly introduced quota would bring about, and reflects on what she feels still needs to be done to ensure the fullest participation of women in democracy and governance in Sri Lanka.

Will you share with us your expectations of the August 2015 general elections?

I don't know whether I had high expectations. I think I had hoped that the kind of shift that happened in the regime in January would be consolidated within Parliament. But it's not as if you're dealing with a new political force or anything. You're dealing with all the old people and the old political parties

And new slogans?

Yes, maybe a few new slogans. I don't know whether I really expected that much.

Then would it be pointless to ask as to whether your expectations were met after the new government came into power?

No. I think there are some important changes we need to acknowledge following the election of the new President. Obviously the power had already shifted in a certain way even before the Parliamentary elections of August 2015. I think the Parliamentary elections just consolidated that power shift in a way. In terms of expectations, I will confine myself to talking about women's rights.

Many of us spoke about the negative impact of the Mahinda Rajapaksa regime on women's rights. The kind of post-war nationalism and militarism that emerged during his rule had very gendered implications. Take for example the Domestic Violence Act which was passed unanimously in August 2005 just before he was elected as President. If you study the Parliamentary discourse, there were people who expressed a lot of concerns about this Act and its impact on the family. But still, everybody in parliament, all 225 members, voted for it. But then after November 2005 and the election of Mahinda Rajapaksa you can see that the governmental rhetoric on the Domestic Violence Act becomes completely regressive. Many parliamentarians and government officials started saying things like 'why did we pass this?', 'this is a Western feminist

thing, we don't need these laws', and 'we have enough traditional, cultural means of dealing with violence in the home'.

At the same time, you also see a regression in family planning and other spheres. For instance, the imposition of conditions on women who wish to migrate abroad for work – that the husband's permission is required or that women with children under five years of age cannot migrate. So what we saw was a heavy focus on the role of the woman within the family, alongside an emphasis on the need to protect the family.

In addition to that, you may remember the various controversies surrounding Tissa Karalliyadda and his role as Minister for Women's Affairs – the very public insulting of women and the emergence of a misogynistic discourse about women within Parliament itself. Thus in those ten years between 2005 and 2015 there was something happening which was about women. I would definitely link it to the resurgence of Sinhala-Buddhist nationalism, and the privileged status given to militarism within the post-war context. During this period government policy became pre-occupied with women's status. I think it is unprecedented. I think that a study on how the governmental rhetoric on women changed is yet to be done. But in an article in Groundviews I attempted to map some of what was happening at the time.

Why do you think there was such an emphasis on women's status under the previous regime?

I would say that the *Mahinda Chinthana* right from the outset constructed women in a very particular way – as mothers and wives. While feminist scholars such as Kumari Jayawardena and Malathi de Alwis have talked about the nationalist construction of women, I think the way it got reflected in policy and law during the time of the Rajapaksa regime is perhaps unprecedented.

How did women contribute to changing this rhetoric which you say was “unprecedented”? What was their contribution to the *Yahapalana* election campaign?

Do you remember that Maithripala Sirisena had a special manifesto for women? It was called 'A New Sri Lanka for Women'. A number of women activists worked with him to bring that manifesto in to his Presidential Election campaign. So women definitely contributed as much as various other civil society groups. They coalesced together to bring about this change of regime. I think the reason why women's groups also supported the campaign was because they saw that there had been a complete regression in the status of women over the past decade.

So what do you think has changed for women between now and then? Particularly based on your own experiences?

I think some legal and policy changes are taking place. One area is Violence against Women. The Prime Minister, when

he was in the opposition, appointed a committee to look in to the question of Violence against Women in 2013. When he became Prime Minister he made it a Task Force. The Task Force gave its recommendations to him a few months ago.

You were part of it?

Yes. We gave a series of recommendations ranging from the need for government resource allocations for services such as counseling for Violence against Women, to the need for the Attorney General's Department to release all information relating to pending rape cases against the armed forces as well as ordinary civilians. The Prime Minister has been very open to all of the recommendations that we submitted. When he met with us, he read out the list, and then allocated responsibilities to various ministries to follow up. In fact, he didn't make a distinction between the recommendation relating to counseling and those relating to rape cases against the armed forces. Whether anything will happen, one has to still see. But at least on the face of it there seems to be some commitment to addressing the problem of Violence against Women. The issue with the Rajapaksa regime was that they had a lot of laws about women, but it was from a very protectionist standpoint; women must be protected and given counseling and so forth. But the whole issue of justice and accountability for violence against women was completely marginalized. We need to bring it back to the centre of the debate, now, particularly because of the focus on Transitional Justice at this moment in time. But I wouldn't limit it to issues of Transitional Justice. We also need to raise the issue of justice for ordinary rape. Every year the police get about 2000 rape complaints, but only one or two end in conviction. This is due to the difficulty of proving rape within court. But there are also other problems such as delays. Rape cases can take up to 15-20 years to be completed. This is partly because of the two-tier system which has continued from British colonial times. We really need to overhaul the way our justice system works generally, and also the way it works when it comes to violence against women. I'm hoping that the present government will address some of these concerns.

Speaking of your own work, one of the things you have consistently called for in your writing and advocacy is for a quota for women at the Local Government level. Let's start with Local Governments themselves since there is talk of a Local Government election in the near future. You have pointed out that the political representation of women in Local Government has been abysmally low for many years now. Why do you think a quota for women is necessary at Local Government level?

Local Government is the lowest tier of governance and is considered the institution closest to the people. If we are to begin to address the under-representation of women within political institutions including Parliament and Provincial Councils, I think it makes sense to begin at the lowest tier - Local Government. Local Government is the sphere within

which a quota for women has been granted in many other countries as well.

In February this year the *Yabapalana* government passed the Local Authorities Elections (Amendment) Act No.1 of 2016 which introduced a 25% quota for women in Local Government. This is something you have worked towards for years. What are your thoughts on this newly introduced quota system for women in Local Government?

As you know, the quota is the result of a very long struggle. I would trace it back to the late 1990s when women first started asking for a quota. I think we absolutely need the quota system because the fact that you have only 1%, or maybe 2% of women in the decision-making process is really unacceptable. Both major political parties and alliances at some point began to promise that they will give women a quota in their manifestos. Definitely both major parties promised a 25% quota in Local Government. But of course the United National Party (UNP) or any alliance headed by the UNP wasn't in power long enough to implement it until now. And in the case of the United People's Freedom Alliance (UPFA), I would say it was an empty promise without real political commitment to increasing women's representation. The UPFA had an opportunity to implement a quota in 2012 when they amended the Local Authorities Elections Act. This was when they changed the Local Government electoral system from a First-Past-the-Post to a mixed system. There was an opportunity to give women a quota when they brought in this amendment. But as you know, they abolished the youth quota, and they put women and youth together and gave them a discretionary quota which, in my opinion, no party had an incentive to respect. It really was a useless thing. So the fact that this government has implemented a mandatory quota is important news. Yet it is also a very weak quota. Its significance is that it will increase the number of women substantially.

But will increase the representation of women in Local Government by 25%. Why do you say it is a weak quota?

At the moment, there are over 4000 elected Local Government members. On top of that we're going to get about 1500 women. What it does is it increases the number of seats, and gives the increased number of seats to women, through a special list. But what are its limitations? It's a quota which is granted or gifted to women on a platter. It's not a quota where women have to actually run for elections. It's a weak quota because women who are elected through that quota won't have a constituency of their own.

Somewhat like how the National List operates?

Exactly. So the question is does this really challenge the current patriarchal political culture? To some extent perhaps, but not radically so. Women will still be very much under the rule of their political parties. And a certain number of women who find favour within the party will get on the party list.

Let's say that's the way people any way get nominations. You have to curry favour with political leaders and you get nomination. But at least once you run for election, once you've won, once you perform in your constituency, then I think any candidate who comes even through currying favour or even because of their political networks and connections, can build their own political personality. But with this quota, the opportunity for women to build their own political personality is very limited. They may be marginalized within Local Authorities as 'list women'.

The other question is once they are elected, what powers will they have? Would they have equal access to resources as those who are 'elected'? Furthermore, will political parties put all women into this list? Once a woman is elected through the list, can they shift and obtain nominations as 'normal' candidates and run for elections? These are questions that remain. Until we've had the first elections, it's very difficult to say how political parties will actually work with the system. We're saying that parties must continue to nominate women at the ward level. We'll have to push them to do that if they don't. It may not happen automatically; they might just want to put all women into the quota list. We have to make sure that people who are now in power won't get pushed to the quota list, but continue to have the right to contest.

But why was there a need for the quota in the first place?

We've always said that the under-representation of women in this country is primarily due to the way political parties function. It is very patriarchal, and there's no space for women to build any kind of autonomous leadership within parties. Normally a quota would contribute to challenging that kind of political culture to some extent. I think the question remains whether this quota can actually do that; whether we're still going to continue in this very patriarchal, male-dominated political party culture, where women are just 'added from the side'. But at least the numbers will now shift. I think we have to understand that one reason this regime does all of these things is because they want to impress the international community.

Not exactly because of pressure?

I suppose you could call it pressure. This government really wants to get back GSP plus.¹ And to get it back, the European Union (EU) wants the government to comply with a number of conditions. Many of the things that the government does, such as the Right to Information Act, are to get this preferential treatment. The women's quota, as far as I know, is not one of the conditions, but it is a way to show the liberal face of the UNP. It wants to be seen as part of the international community which respects women's rights, minority rights, etc. That's the way it likes to think of itself unlike the Rajapaksa regime which was willing to tell the international community to 'go to hell'. In a way they had a certain confidence in their nationalist beliefs and stance. They were not interested in what the international commu-

nity thought. But this regime is very different. If you look at the leadership of the government - the Prime Minister, the Foreign Minister - they want to be seen as part of a rights-respecting international community. So a lot of what is done in terms of policy reform is because of that. Therefore we also have to be realistic. They may be doing a lot of things within that framework, but whether that's actually challenging the kind of structural inequality and patriarchal structures in the country remains a question.

What kind of quota system do you think would ideally challenge these systems? How would a quota system challenge the structural inequality and patriarchal structures you mentioned?

Structural change doesn't come overnight. Quotas are ultimately about the little things that will contribute to the kind of structural change that we want. I mean, what can achieve structural change? We know that even a revolution doesn't fundamentally change society. So for me the quota is really important. It is about the numbers, but it is also about going beyond the numbers. We will now have a certain amount of women in Local Government no matter what. The other distinction people make is about the numbers and the substance, the quality of representation. What will be the quality of representation of these women? I for one would say that numbers are one issue, and the quality of representation another. I wouldn't collapse the two together, which people do. Often, even the civil society tends to question the need to increase women's representation saying 'we don't want women, because what will they do?' I think they are two distinct problems and they must be addressed as two distinct problems. We have addressed the problem of numbers in Local Government. Now we need to start thinking about the quality of representation that these women will bring into politics. And what do we need to do to ensure that women do politics differently? There's no guarantee that these women will do politics any different to the men. And it's also naïve to think that they would.

There's however some evidence to suggest that when there is a critical mass of women in any institution, the kinds of decisions made within those institutions can undergo certain changes. In India when women entered Local Government they brought different projects to the table; issues such as water and sanitation, which the men were not really focusing on. And I remember when I interviewed a woman some time ago in Moneragala, she said that one of the things that Local Government has the power to think of is access to water. She said, really eloquently, "when women are the ones who are collecting the water, how can the decisions relating to access to water be made by men?" Whether decision-making, and I mean creative decision-making, related to collective projects will become better and different if women are there I think is yet to be seen. We hope that it would; that the power dynamics would shift, slightly even, to allow a different sort of governance and decision-making process.

And that is, in a way, not the reason why the quota was asked for?

Exactly. More women are needed in the governing process because women have a right to be there. That's the first thing. And once women are there, we can hold them to account about the kind of issues they raise, and about the kind of politics they practice. Given women's marginalization from political decision-making for so long, you can't expect women to transform Local Government. It's unfair to expect that. This is the kind of thing that people expect. Former President Chandrika Bandaranaike Kumaratunga has herself acknowledged that she did politics like any other man. That was her way of surviving. That was also the only way she knew to do politics. Only now she's saying 'oh, why didn't I do something for women in politics?' It didn't even occur to her at the time. And of course maybe as civil society we also didn't push hard enough at the time.

You earlier talked about how structural change doesn't happen overnight. Do you then think that this quota would impact women's lives at the ground level? More importantly, would it increase women's agency maybe even over time?

I think one needs to consciously do so. It's an opportunity. I will take the example of the youth quota. Why did we get a youth quota? The youth quota was instituted in 1990, just after the Janatha Vimukthi Peramuna (JVP) insurrection. It was a policy recommendation of the Presidential Commission on Youth which was appointed to inquire into the violent uprising in the South during the 1987-1989 period. One of their findings was that there was a tremendous feeling of marginalization among youth from the centers of power, including political power. There was lack of employment for youth, universities were producing graduates but they had no jobs, and they were completely marginalized from politics. So the Youth Commission Report recommended that more opportunities should be provided for youth to become part of politics. The government accepted this recommendation and instituted a 40% mandatory quota for youth in Local Government. It was a fabulous quota.

This was in 1990. In 2012 the youth quota was abolished, and there is not a single voice of protest from any youth group. It was incredible. The youth quota is abolished, or it is watered down to a discretionary quota where women and youth are clubbed together, and there was no protest from the JVP, from within political parties, from within civil society or anywhere. Isn't it an astounding thing? If you actually look at what happened, the youth quota became a huge burden for political parties because of the nature of our political culture which is based on patronage and patron-client relationships. How did politicians respond to this? They put their sons in. So now you had this whole family politics continuing right down to the local level. And if they didn't have sons they would put their daughters. That's the only way daughters came in. But for me actually the tragedy is -

and this is a failure of civil society organizations including women's organizations also - our failure to mobilize on this youth quota. If groups actually worked on youth as a category, and with young women as a category, we may have been able to actually politically empower youth as a category.

Why did we ask for a quota for women? Because political parties were not giving nominations to women. But under the youth quota, they had to give nominations to young people between the ages of 18-40. If women's organizations had worked with young women, groomed them into political leaders, there was an opportunity to put women into Local Government under the youth quota. We never did that in those 20 years.

It was only in 2011 that we realized we have this opportunity under the youth quota. I worked with some groups like the Women and Media Collective, the Women's Development Centre in Badulla, and Uva-Wellassa Govi Kantha in Moneragala for the 2011 local elections, and we met with the party organizers to ask about the possibility of giving nominations to more women. Their reply was that it's very difficult. Even though parties were promising 25% nomination for women, the party organizers told us that practically this is very difficult because it is party policy to give all the incumbents nomination. So you have to give nominations to everybody who is already elected. Then if it's a multi-religious, multi-ethnic constituency, you have to include a Muslim. Then you have to include a Tamil. Then if it's a coalition, coalition partners have to be given the opportunity to put certain members into the list. So they said within this scenario it is practically very difficult to give nominations to women. They said it's practically impossible. But they also said that the youth quota is perhaps the best chance to give women nomination. But by that time it was already too late.

I understand that it was politicians' children who mostly got in through the youth quota, but do you not think that there has been an increase in youth representation in Local Authorities?

Yes. There were a number of youth who came in through the quota and who then were also able to go up the political ladder. An interesting study I would say, would be to look at the impact of this quota on youth. How many youth actually got elected? Did it bring in youth from outside political families? How did it change their political careers? I think these are very interesting questions to explore.

Would you not ideally envision that after sometime, the quota system would go away?

It should. Absolutely. This is linked to your previous question of 'how will this quota empower women'. We had the youth quota, but I think it didn't empower youth as a political category. Whether the women's quota will empower women as a category within politics I think remains to be seen. But the lesson we should definitely learn is the fact that if you just

let this quota be, nothing is going to happen. You have to actually work with the people who get in, you have to work with political parties, you have to ensure that women are not limited to this list. There is work cut out, I would say. We can't just think 'oh we've got the quota, now let it be'.

This is true, but, what are the implications of a quota system for equality of opportunity?

There's equality of opportunity and there's equality of result. There are two kinds of quotas. One ensures for women the equality of opportunity, and hence a quota as candidates. I think the youth quota is a quota that gave equal opportunity in a way. Because, you can run for elections, but it didn't ensure that a certain percentage of youth is actually elected. It only gave an opportunity for the youth to be candidates. And this is the challenge that women's groups had when we were thinking of a quota. If you look at the quota in Local Government, it ensures equality in terms of the result because it reserves seats for women. So whatever happens, one third of Local Government members will be women. Previously, because we had a proportional representation system and a preferential voting system, we could only think of a quota at the candidate level to guarantee that a percentage of women will get nomination. But with preferential voting we couldn't ensure that women would be elected. Even after getting nominations, candidates whether men or women are still at the mercy of their constituency. I think women's groups were willing to have a quota which guaranteed only equality of opportunity, but now we've got a quota which guarantees us equality of results. We have 25%, whatever happens, which is a good thing. The idea behind it is substantive equality. It's a very important idea that women's groups have been fighting for. Formal equality, equality in the books, just saying that women have the right to contest was clearly not sufficient given Sri Lanka's cultural context. If you subscribe to the idea of substantive equality, then you need quotas certainly. You need affirmative action for certain things. And Sri Lanka has a history of quotas. We still have quotas at the university entrance level. It's based on relative advantage.

Is it useful to counter structural inequalities?

Yes, it's useful. But the point with the education quota is, it's been there for so long - for more than 20 years, and it just seems to be continuing. Nobody's even talking about it. But what are we doing to actually strengthen the disadvantaged schools and improve the quality of education? Should they live in a state of disadvantage forever?

One can even ask that if the quota needs to go away at some point in order to take away the 'stigma' associated with it, why protest when it goes away?

Yes, absolutely. I think in a way the tragedy of the youth quota was that people didn't work with it consciously, especially in terms of youth as a category and as a political constitu-

ency. Now when you talk about the women's quota people would say 'oh that youth quota was a real pain, don't bring in another one like that'. It really became a nuisance to them.

In your opinion, when the women's quota is ideally lifted at some point in the future, what should the position of women in Local Authorities be?

We know there are women working within political parties, and they are strong women. But again, they are weak in a sense. They are conforming to a certain framework of behaviour. They are not challenging this framework. They are happy to go canvassing for male candidates. They are the ones who are designated to make tea etc. I think women's roles within political parties have to change. But you have to have that kind of transformative movement within political parties. This is not something that civil society can do. It's

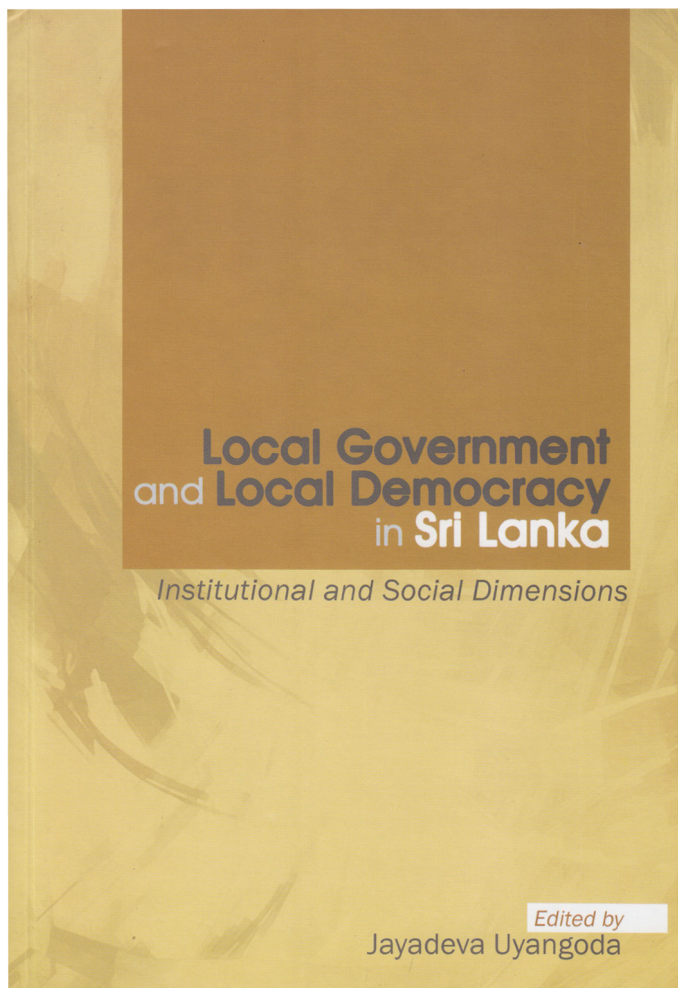
very difficult for us to go in and work with political parties. So it has to be an organic thing that happens from within. So far women haven't even assumed many leadership positions within parties. So that's an absolute must, but when or how that'll happen I don't know. So for me, until these parties are really shaken up in terms of their gender dynamics, I don't know whether we will have real change.

Notes

1 Generalized Scheme of Preferences facility that was revoked by the EU during the Rajapaksa regime.



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