Navigating conflict transitions:

queer communities in Sri Lanka 1995-2018

Thiyagaraja Waradas

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Department of Social and Policy Sciences

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GLOSSARY

Butterflies	A queerphobic local slur for gay men and transgender persons
Jogi Dance community	A form of dance performed during the Christmas season by the '*Nachchi*'
Nachchi	Feminine men who inhabit hyper-femininity and perceived masculine libido
Ponnaya	A derogatory local slur in Sinhalese for homosexual men and transgender persons.

ACRONYMS

B4D	Butterflies for Democracy
BBS	Bodu Bala Sena
CD-	Cross Dressing
CEPA	Centre for Poverty Analysis
CID	Criminal Investigation Department
COJ	Companions on a Journey
CTF	Consultation Task Force on Reconciliation Mechanisms
DAST	Diversity and Solidarity Trust
DIC	Drop-in-center
DUP	Democratic Unionist Party
EG	Equal Ground
EPRLF	Ealam Peoples' Revolutionary Liberation Front
EROS	Ealam Revolutionary Organization of Students
FPASL	Family Planning Association of Sri Lanka
FTM	Female to Male
GFTAM	Global Fund for Tuberculosis, Aids, and Malaria
GOSL	Government of Sri Lanka
GRC	Gender Recognition Certificate
HRCSL	Human Rights Commission of Sri Lanka
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Yugoslavia
ILGA	International Lesbian Gay Intersex and Transgender Association
INFORM	Inform Human Rights Documentation Centre
INGO	International Non-Governmental Organisations

IPKF	Indian Peace Keeping Force
IS	Islamic State
ISNA	Intersex Society of North America
JHU	Jathika Hela Urumaya
JVP	Janatha Vimukthi Peramuma
LBT	Lesbian, Bisexual, and Transgender
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex, and Questioning
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
MOH	Ministry of Health
MTF	Male to Female
NCNA	National Consultations of Needs Assessment
NESP	New Equal Society Party
NIC	National Identity Card
NIGRA	Northern Ireland Gay Rights Association
NPC	National Peace Council
NSACP	National STI and Aids Control Programme
NSSP	New Sama Samaja Party
OMP	Office of Missing Persons
PA	People Alliance
PLHIV	Persons Living with HIV
PLOTE	People's Liberation Organization of Tamil Eelam
PRC	Representations Committee on Constitutional Reforms
PTA	Prevention of Terrorism Act
PQC	Progressive Queer Collective

SCOPP	Secretariat for Coordinating the Peace Process
SGBV	Sexual and Gender-Based Violence
SLMM	Sri Lanka Monitoring Mission
SLFP	Sri Lanka Freedom Party
SLPP	Sri Lanka Podujana Peramuna
SOGIESC	Sexual Orientations, Gender Identities and Expressions, and Sex Characteristics
SRHR	Sexual and Reproductive Health Rights
TNA	Tamil National Alliance
TELO	Tamil Ealam Liberation Organization
TULF	Tamil United Liberation Front
UCDP	Uppsala Conflict Data Programme
UNAIDS	United Nations Aids Programme
UNP	United National Party
UPFA	United People Freedom Alliance
UPR	Universal Periodic Review
WMC	Women and Media Collective
WPS	Women Peace and Security
WSG	Women's Support Group

ABSTRACT

Issues facing persons with diverse Sexual Orientations, Gender Identities, Expressions, and Sex Characteristics (SOGIESC) have long been neglected in peace and conflict studies. Existing research on SOGIESC communities has tended to portray them as victims of violence in conflict-affected settings with little reference to their agential power. This thesis tells a different story of SOGIESC communities in conflict-affected settings by exploring how SOGIESC communities exert collective agency by navigating volatile post-war politics. Examining the trajectory of two leading SOGIESC organisations and an informal SOGIESC movement that emerged organically in 2018 in Sri Lanka, this thesis examines under what conditions or circumstances queer politics change in conflict transitions. Using a conceptual framework informed by the concept of social navigation and an approach that views conflict transitions as punctuated by open moments that provide constraints and opportunities for activist mobilisation, this thesis challenges the victim-centred notion of SOGIESC communities in conflict settings. It illustrates how SOGIESC organisations and movements can successfully navigate the volatile politics of conflict transitions to enhance the position of SOGIESC communities. The thesis makes two key contributions. First, it provides the first detailed empirical account of the SOGIESC movement in Sri Lanka. Second, it contributes to the nascent literature on the dynamics of queer politics in peace and conflict studies. The research finds that while the nature of the conflict transition shapes queer politics in Sri Lanka, this relationship is mediated by other factors such as the wider character of the regime and the regime-civil society relationship. The thesis also finds that leadership is critical in determining the trajectory of SOGIESC communities during conflict transitions.

CHAPTER ONE

Introduction

"The interventions of SOGIESC communities into the struggle for democracy are of the greatest importance. Their interventions seem to be politically creative and nuanced. They have gained unprecedented visibility in the public political space by bringing their struggle against 'Butterfly' [queerphobic local slur for effeminate men] hate speech into the mainstream democratic struggle. … the importance is that the SOGIESC communities did not restrain themselves from their struggle during a national emergency. Rather, they mainstreamed their specific issues while contributing to the struggle to resolve the country's larger political problem. They are different from the student movement of the country that kept silence throughout the crucial period and confined themselves to their specific struggle only." (Fonseka, 2018)

The above statement was issued by a left-wing youth political group appreciating the interventions of the Butterflies for Democracy (B4D) movement, a queer-led protest supporting the democratic struggle in November 2018 in Sri Lanka. Sri Lanka witnessed an unlawful transfer of power in October 2018 as the Prime Minister was unconstitutionally sacked by President Sirisena, which sparked a series of protests around the country. The demonstrations continued till December 2018, and B4D played a visible role by proactively initiating queer-led interventions. Often what is heard about queer communities is that they are being victimised. But this story of protest in a country that continues to criminalise homosexuality stands at odds with the narrative of the oppression we often hear. This thesis is interested in unpacking this 'odd' story-the trajectory of queer politics in Sri Lanka.

My journey towards unpacking the trajectory of queer politics in Sri Lanka was not a straightforward one. As a person with a background in peace and conflict studies, my initial idea for this doctoral research was radically different from the current one. It was rooted in the positivist tradition and focused on domestic peace negotiations in Sri Lanka. As a Tamil minority person who grew up in the middle of wartime, such a topic seemed a natural choice for me. Since I came out and opened about my sexuality in 2015, I became very active in movement building within the queer communities in Sri Lanka. After three years (2015-2017)of solid engagement in queer politics in Sri Lanka, I wanted to understand the queer movement in Sri Lanka. This

curiosity became an integral part of my ongoing activism. The above-mentioned B4D movement is a space within which I played a central and leading role while working on my Ph.D. My engagement as a Tamil queer activist who also played an active role in left politics, pushed me to explore the historical trajectory of the queer movement in Sri Lanka for my doctoral studies. I abandoned the initial topic of peace negotiations and shifted to explore the role of queer movement during conflict times.

This thesis draws on and contributes to my activism within the queer community in Sri Lanka and the legacy of being left-oriented peace scholar. As a Tamil queer peace studies scholar and activist who can speak all three major languages in Sri Lanka – Sinhalese, Tamil, and English, I was able to reach out to both Sinhalese and Tamil-speaking segments of the queer community. My experience of being actively involved in left politics from my days as a university student, has also enabled me to adopt a critical approach towards the institutionalised queer movement in Sri Lanka, which as will be explored in this thesis, has often historically tilted towards rightwing liberal politics. Studying peace and conflict and being interested in social justice issues offered me a unique perspective to focus my activism at the intersection of conflict and queer issues. This has led me to not only think about the queer movement in Sri Lanka in relation to left politics but also to think about how the evolution of the queer movement was shaped by conflict. My background creates opportunities, but also limitations on the research, which will be explained in detail in the methodology chapter of this thesis. The remainder of this section will explore the connection between queer politics and conflict.

The international movement on the rights of sexual and gender minorities or persons with diverse sexual orientations, gender identities, expressions, and sex characteristics (SOGIESC) has been expanding and amplifying the struggles of SOGIESC communities in different parts of the world during the last two decades. This trend has given much-needed visibility and opportunity for SOGIESC communities in the 'global south' to organise and amplify their work. In many countries in Asia and Africa, where non-heterosexual identities and conduct are criminalised and socially stigmatised, the oppression against them is widely reported calling global attention to address their grievances (Human Rights Commission, 2011; Meredith L and Michael J, 2013; IGLHRC, 2014b).

SOGIESC communities' life in situations of conflicts in criminalising states was explored to a limited extent in previous academic research. On the one hand, the violence against SOGIESC communities is explored in peace and conflict studies, but the agency of SOGIESC communities in conflict-affected settings is not adequately understood. Recent attention on unearthing the violence against SOGIESC communities in conflict-affected contexts such as Iraq and Northern Ireland has primarily essentialised SOGIESC communities as victims of violence. However, with the increased activism and visibility of the SOGIESC movement in Asia and Africa, empirical examples show that the SOGIESC community has been able to navigate political pressure and move beyond victimisation (Ashe, 2009; Duggan, 2010, 2012, 2017; Hagen, 2017; Nagle, 2018a; Hagen, Daigle and Myrttinen, 2021). The empirical research that foregrounds the queer agency in conflict-affected settings shows the potential of SOGIESC inclusion in peace and conflict studies beyond victimisation. In short, we still need to understand the politics of SOGIESC communities in conflict-affected settings without essentialising them as victims of violence.

States considered to be in the deadliest conflict and accountable for the majority of the battle-related deaths in 2015 and 2016, such as Syria, Afghanistan, Iraq, Yemen, Nigeria, Somalia, and Pakistan, are also the countries where homosexuality is a crime. Further, homosexuality is punished with the death penalty in Iraq, Afghanistan, Pakistan, Yemen, and some parts of Nigeria and Somalia. This is a significant trend to be noted as sexual identities are also affected by the extreme ideologies that pertain to armed conflicts. Sexual behaviour tends to be further regulated when armed conflict becomes an expression of nationalism (Tambiah, 2005). Conservative religious views and colonial laws form the basis for criminalising homosexuality in those countries. As Dupuy et al. (2017) have argued, political Islam continues to be the driving ideology against peace in the countries mentioned above, as the majority of casualties are occurring in the countries involving Islamic State (IS). A careful examination of the internal conflicts reveals that most of these conflicts have occurred in African and Asian countries where non-heterosexual behaviours are crimes. The states in Africa, Asia and Caribbean islands are not only affected by internal conflicts but also continue to criminalise homosexuality to different degrees. International Lesbian and Gay Association (ILGA)'s recent report published in 2020 states that 69 states continue criminalising homosexuality, mainly from Africa and Asia (Carroll and Mendos, 2017; Mendos *et al.*, 2020). But what do we know other than mere victimisation of SOGIESC

persons in conflict affected settings? How do SOGIESC communities navigate conflict settings? How to understand the politics of SOGIESC communities in conflict-affected settings?

1.1. Research question(s)

This thesis attempts to explain queer politics in conflict transitions. It foregrounds the SOGIESC agency in a conflict-affected setting to move beyond the tendency- the essentialisation within the existing literature. The research articulates the SOGIESC agency from the perspective of the SOGIESC community and centre queer voices. Bringing in the SOGIESC agency means exploring queer politics in conflict transitions since conflict dynamics tend to fluctuate and change over time, producing moments of transitions. Using Sri Lanka's SOGIESC communities this thesis attempts to explain queer politics in conflict-affected settings. It is guided by the following overarching research question:

- **Under what conditions or circumstances do queer politics change in conflict transitions?**

This overarching question will be supported by three sub-questions that unpack the social navigation of SOGIESC communities during conflict transitions:

- *What opportunities and constraints of conflict transition shape Sri Lanka's queer politics?*
- *How do structural and organisational factors during conflict transitions shape the articulatory practices of SOGIESC communities in Sri Lanka?*
- *How have the tactics and strategies of SOGIESC communities in Sri Lanka shaped the dynamics of queer politics during conflict transitions?*

1.2. The theory and research agenda

The theoretical framework used for this study has been drawn from multiple approaches to conflict, social navigation, and SOGIESC communities. Conflict transition has been approached as a structural condition in which opportunities can arise, and constraints can be reinforced. My approach builds on the idea of conflict transitions as 'open moments' developed by Lund (2016) based on 'Sahlin's (1972, 2017) and Solway's (1994) ideas on the revelatory crisis, which unpack the nature of social contracts as they are re-negotiated. The open moments of transition would be

defined as significant transition moments within a transition period. Such moments can be a regime change, an election, a signing of a peace accord, a restart of a negotiation period and a relapse into violence.

In such transition moments, civil society may have opportunities to contribute effectively to the conflict transition. This allows SOGIESC communities to exploit such opportunities to mainstream their grievances. And engage in queer politics as conflict transition is geared toward building inclusive post-war societies as they are not passive victims but possess agency in responding to conflict transitions (Ashe, 2009; Duggan, 2017; Megan and Henri, 2018). In this way, SOGIESC communities are not approached as mere victims but as agency that engages with what Gardiner terms 'articulatory practices', i.e. forms of collective agency that interact with social structure (1995). This framework uses social navigation to analyse the SOGIESC community's navigation through structural conditions of opportunities and constraints produced during conflict transition to advance the SOGIESC rights and political goals (Henrik, 2009, 2010). Social navigation by SOGIESC communities may depend on actions and strategies in response to constraints and opportunities in a conflict transition period, which needs to be examined as a collective response.

Using such an integrated framework has two key benefits for this study. First, it foregrounds the agency of SOGIESC communities: a much-needed response to overcome their dominant essentialisation as victims of political violence. The focus here is on the collective agency of SOGIESC communities as they navigate the conditions of conflict transitions. This enables the research to focus on the relationship between the two phenomena. Since the internal dynamics of SOGIESC communities may also shape the nature of social navigation and eventual 'change' in SOGIESC communities, SOGIESC leadership will also be analysed. Second, by treating conflict transitions as fluid and open moments, the framework brings the broader nature of the regime and civil society into the analysis. The limits and potentials of both key concepts - social navigation and collective agency - will be discussed in deatil in the chapter 03.

Queer theories on sexual identities define gender identities as constructed through and contingent upon time, space and context (Foucault, 1978; Butler, 1988, 1990, 1993; Sedgwick, 1990; Fuss, 2013). Inspired by this, the study will investigate how conflict transitions shape the queer politics. It will also examine how the relationship between conflict transitions and the SOGIESC

community's collective agency is shaped by structural and organisational factors derived from the findings of this study, most notably the wider nature of the regime, wider civil society and SOGIESC leadership.

Using the above framework, the thesis examines the relationship between queer politics and conflict transitions. The overarching research problem outlined above will be approached from the perspective of SOGIESC communities. Foregrounding the perspective of SOGIESC communities nuances the existing literature's essentialist explanations of SOGIESC communities during conflict transitions but also offers an alternative take on navigating conflict transitions by SOGIESC communities.

1.3. Research objectives

The primary aim of this thesis is to explore and explain the nexus between queer politics and conflict transitions in societies affected by internal conflicts. In this sense, the study depicts exploratory and explanatory research design features. It is interested in discovering the nature of queer politics and explaining what causes a change in queer politics. The secondary objectives of the research include a) mapping the trajectory of queer politics during conflict transitions in Sri Lanka, b) understanding the role of organisational factors such as dynamics of the SOGIESC leadership in queer politics c) understanding the structural factors such as civil society and state's role in shaping the directions of the queer politics in a conflict affected context where homosexuality is criminalised.

1.4. Contribution and significance of the research

Theoretically, this study contributes to the ongoing scholarly efforts (Ashe, 2007, 2009; Duggan, 2010, 2012, 2017; Hagen, 2017; Nagle, 2018b; Hagen, Daigle and Myrttinen, 2021) on nuancing the inclusion of queer subjectivities in peace and conflict studies. Its original contribution problematises the articulations of queer subjectivities in conflict transitions as victims. It calls for adequate attention to the collective agency of SOGIESC communities in explaining the relationship between conflict transitions and queer politics. In this way, the study transcends the victimisation of SOGIESC communities (Knox, 2002; Ashe, 2009; Fobear, 2014; Hayes and Nagle, 2016; Megan and Henri, 2018) and the impacts of conflict on SOGIESC communities by arguing the change in queer politics can be shaped by several key organizational and structural

conditions in conflict transitions. That includes the vital role SOGIESC leadership plays and its ability to negotiate structural conditions of conflict transitions, and the relationship between wider civil society and the regime in shaping queer politics. It argues that SOGIESC leadership is essential in producing a change in queer politics to advance their interests. This supports the abovementioned efforts on nuancing queer politics in conflict studies. It shows that SOGIESC communities were able to leverage open moments in situations where their leadership can play a significant role in navigating the structural conditions. It also highlights the importance of other structural factors, such as the wider nature of the regime and wider civil society and its relationship with the regime, which in turn defines the conditions for the work done by SOGIESC communities. The study also underscores the importance of SOGIESC leadership in generating changes in queer politics.

Methodologically, this thesis stresses the potential of qualitative research and reflective approaches in studying SOGIESC communities in conflict-affected settings where homosexuality is criminalised. Empirically, it fills a long-overlooked gap in the literature (Nichols, 2010; Miller and Nichols, 2012; Chandimal and Rosanna, 2014; Damith, 2014; Human Rights Watch (Organization), 2016; Deshapriya, Mendis and Wijewardene, 2017; Ellawala, 2018, 2019, 2020; Ariyarathne, 2020, 2021; Wijewardene and Jayewardene, 2020; Jayasinghe, 2021; Thiyagaraja, 2021, 2021, 2022) on the agency of queer politics in Sri Lanka by exploring the trajectory of SOGIESC communities and their agency in the context of conflict transitions. On the policy level, the research contributes to understanding the factors that shape queer politics in conflict-affected countries where homosexuality is criminalised. It underlines the importance of nurturing SOGIESC leadership in queer politics and warns against SOGIESC inclusion policies based on mono-causal explanations about queer politics. It also suggests the need for donors and agencies interested in mainstreaming queer politics into conflict transitions to move beyond approaches rooted in queer victimhood by giving greater consideration to the SOGIESC agency.

1.5. Structure

This thesis consists of nine chapters. The next chapter provides a detailed account of the existing literature on SOGIESC communities and conflict. It begins with a brief account of gender and conflict and then provides a detailed review of the recent work on queer issues in peace and conflict. It highlights the heterosexualised nature of the field and shows how existing work fails to

include SOGIESC agency in the field of peace and conflict studies. The third chapter outlines the conceptual and theoretical framework of the thesis. It discusses social navigation theory, conflict transitions, and key structural conditions of changing queer politics identified in the research, including the wider nature of the state, civil society, and SOGIESC leadership. The study's methodology is explained in chapter four, highlighting, in particular, the qualitative approach and the reflective elements employed in the study. The fifth chapter provides a detailed background of Sri Lanka's SOGIESC movement. It outlines the queer landscape and provides an overview of how organised queer activism emerged in the Sri Lankan context. Chapter 6 analyses the evolution of the SOGIESC movement during the period between 1995 and 2004. It shows the origin of the SOGIESC work in Sri Lanka and explains determining factors that shaped the social navigation of SOGIESC communities during this period. Chapter 7 explains the period between 2005 and 2014, when President Mahinda Rajapaksha was in power and space for the SOGIESC communities was constrained. This chapter examines how SOGIESC groups navigated this period and identify several key structural conditions that were important for shaping changes in queer politics. Chapter 8, the final empirical chapter, explains the momentum around a specific incident in 2018 during a political crisis, where SOGIESC communities organised and responded to a transition momentum. It is used as an illustrative case of how SOGIESC communities can navigate volatile political moments to advance their interests. Chapter 9 outlines this thesis's overall findings and conclusion and provides some suggestions for future research.

CHAPTER TWO

Gender and sexualities in conflict transitions

This chapter reviews the literature on Gender and Sexualities in Peace and Conflict studies. It focuses on conflict transitions and how peace and conflict studies scholars have approached issues related to gender and sexualities. It aims at drawing trends, limitations, and possibilities in the existing literature to strengthen the rationale for this research.

The questions of persons with diverse Sexual Orientations, Gender Identities and Expressions, and Sex Characteristics (SOGIESC) in peace and conflict studies have been examined traditionally through a heterosexualised approach. Such an approach reproduces gender binaries by dichotomising men as perpetrators and women as victims of conflicts. This approach also enabled gender to be operationalised as women and girls and essentialised them as victims of armed conflicts. The presence of gender beyond binarism and non-heterosexual subjectivities on the ground has long been overlooked. Understandably, due to the emergence of the international humanitarian regime and international interest in protecting women and children in conflicts, more attention has been paid to theorising how conflict and transitions affect women and girls (Pillay, 2007; Schulz, 2020). However, the recent trend has focused on the female agency in both armed conflicts and peace. This trend attempts to move beyond essentialising women and girls as victims of conflict and political violence (Yadav, 2021). Even that does not transcend the heterosexual framework of conflict as it has failed to question gender binarism.

Fresh efforts to understand subjectivities that are excluded by the heterosexual framework, such as issues around masculinities and queer subjectivities, represent a welcoming trend within peace and conflict studies (Knox, 2002; Ashe, 2009; Fobear, 2014; Hayes and Nagle, 2016; Megan and Henri, 2018). However, the below analysis reveals even those efforts had overlooked the agency of non-heterosexual subjectivities. And have failed to transcend essentialising SOGIESC communities as victims of political violence. Overall, this literature review necessitates a research agenda focusing on SOGIESC subjectivities' agency during different conflict transitions.

This chapter is divided into two sections. Section 2.1 presents how peace and conflict as a domain have approached gender both in times of conflict and during periods of peace. It shows peace and conflict traditionally have become a heterosexualised field of inquiry, reproducing gender

binary while showing an initial tendency to essentialise women as victims. The second section, 2.2, shows that despite new attempts to understand the conditions of SOGIESC communities in conflicts, the literature remains ignorant about the agency of SOGIESC communities and has not moved fully beyond victimising them. This survey unearths a vital gap in the Peace and Conflict studies field– the absence of the SOGIESC agency.

2.1. Heterosexualising peace and conflicts

This section begins by reviewing existing literature on gender and conflict. Traditionally, this body of literature has greatly focused on the issue of sexual violence. As will be elaborated below, this literature is primarily rooted in a heterosexual assumption of gender-binary and, as such, has neglected the positions of SOGIESC communities. Where SOGIESC communities have been discussed, they have tended to be cast as victims. Such a victim-centred approach is a view that is deeply embedded within the existing literature, and this informs subsequent work on SOGIESC communities. This study attempts to challenge this tradition, and therefore, a brief review of literature from this tradition is warranted.

Traditionally, conflict studies associate gender with women and girls,[1] particularly in the context of violence, and portray them as victims of conflict-related violence. This is based on the argument that women increasingly bear the major burden of conflict because of the existing vulnerabilities, which often intensify during conflicts and political violence (Gardam and Charlesworth, 2000; Colombini, 2002; Cockburn, 2008). The underlying assumption is that women experience armed conflict differently from men. The types of violence experienced by women and girls can be direct, structural, and cultural and span beyond the conflict cycle. Some of the major types of violence experienced by women and girls are identified as sexual violence, economic hardships caused by losing men as the traditional breadwinners of the family, hardships in displacements and forced migrations, mistreatment in resettlement and relocation process, malnutrition, reproductive issues and exclusion in reconciliation and documentation process. This violence can be distinctive for women and girls and increase their vulnerability during and after the conflict (Colombini, 2002; Cockburn, 2008) due to extreme militarisation, uneven pressure on meagre resources, and divisive and polarisation ideologies.

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[1] Women refer to as adult females, whereas young ones are referred to as girls in the scholarship so that it would capture both adult and young females.

Empirical and policy-related studies argue that women and girls face intensified structural and direct violence due to conflicts. For example, the statistical overview of the United National Human Rights Commissioner for Refugees for 1997 notes that females account for the majority of the population displaced by war (UNHCR, 1998) compared to the ones who fled famine and other disasters. Young girls and women continue to face rape and may be at risk of molestation in the camps and nearby violent gangs from the host communities (Cockburn, 2008). The circumstances may force women in conflict settings to engage in exploitative relationships such as selling sex for survival, food, protection, and shelter (Colombini, 2002). Also, the process of return integration in the country of asylum and resettlement in a third country would pose unique problems to women and girls.

Among many types of violence against women and girls, sexual violence during armed conflict has been significantly focused on and examined in the existing literature. Sexual violence includes rape, sexual humiliation, sexual slavery, sexual torture, forced pregnancy, and forced marriage (Henry, 2016). Sexual violence is not a new phenomenon and has existed for as long as armed conflicts (Colombini, 2002). The discourse is interested in finding answers to why sexual violence occurs in conflict and how? What are the consequences of such violence? How does it affect post-war peacebuilding and the reconciliation and transitional justice process? The literature makes three major claims about the causes of sexual violence in armed conflict against women. First, the essentialist argument asserts that sexual violence in armed conflict is an inevitable and a by-product of a conflict. For example, the booty principle stands that conceding violence against women in the occupied territory to the victor is an unwritten rule of war (Seifert, 1993). This is based on the idea that the very existence of the conflict causes sexual violence. It suggests an inseparable relationship between sexual violence and armed conflict.

Second, unlike the essentialist school, scholars from the instrumentalist school believe that sexual violence is a deliberate and often planned and targeted policy act (United Nations Security Council Resolutions, 2008) used to weaken enemies and contribute to genocide and war crimes as recognised by the international humanitarian regime (Farr, 2009). Particularly, rape during the war can be a male communication to indicate the enemy male's inability to protect their women. Thus their masculinity is wounded. Furthermore, it is also a way of increasing soldier solidarity (Seifert, 1993). These factors are primarily structural and situational. The individual's responsibility is undermined by positioning structural factors for the causes of sexual violence during armed

conflicts. Recent empirical studies have deployed diverse factors in understanding sexual violence. Among them, leaders' strategic choices on the part of the armed group, military discipline, norms of combatants, and dynamics within small units as causes of variation in sexual violence in armed conflicts (Wood, 2006). Some compare indicators such as pre-existing levels of gender inequality, types of conflicts, and patterns of sexual violence using different data sets (Wood, 2006; Farr, 2009; Cohen, 2013). This is based on the idea that sexual violence is a product of the very existence of the conflict.

One of the major limitations of the instrumentalist school is that it does not consider the structural causes such as gender inequality that led to violence during armed conflicts. These studies treat gender inequality as part of the structural condition or in the backdrop of the problem rather than as a problem itself. The instrumentalist school accepts the presence of gender inequality in conflict but does not consider it a structural cause of sexual violence in armed conflict. Further, instrumentalist arguments often reinforce the gender binary and fail to understand the nuances of sexual violence in conflict, particularly rape (Buss, 2009). This is due to their limited operationalisation of gender as connected with the strategic motives of a conflict. For them, an instrumental motive is a key factor in explaining violence against women, and the presence of gender inequality itself is not enough. It means violence is understood exclusively as a product of conflict rather than the existing socio-political and economic structure that shapes mass violence and genocide (Buss, 2009). This assertion produces a limited understanding of sexual violence in armed conflict as it undermines the nuanced complexities of gender inequalities and how it leads to different forms of violence in conflicts.

Due to the limits of both instrumentalist and essentialist schools, the third school of feminist scholars presented an approach based on intersectionalities to understand how sexual violence like rape in armed conflicts is shaped by the intersections of class, caste, social identity, ethnicity, and gender identities. This approach analyses cross-cutting hierarchies of power or intersections between disadvantage, discrimination, and oppression based on race, class, ethnicity, class, and sex (Davies and True, 2015). It combines instrumental and structural causes of sexual violence in armed conflict. Structural forces such as capitalism, imperialism, and patriarchy and their intersections become essential to explaining the problem (Henry, 2016). This approach can potentially understand gender comprehensively since it considers structural causes. This approach focuses on the inherent connection between structural causes and sexual violence in armed

conflicts. In other words, it creates a relationship between the "everyday" form of violence in the pre-war and post-war periods and the "extraordinary" forms of violence that occur during armed conflicts (Henry, 2016). Hence, it highlights the relevance of structural factors in explaining sexual violence in armed conflict.

Apart from sexual violence, other types of gendered violence have also been studied, and some argue that women are more vulnerable to violence than men. Plümper and Neumayer (2006a), who studied the indirect effects of war, argue that, on average, over the entire conflict period, interstate wars and civil wars affect women more adversely than men. They also show that women's life expectancy during peacetime is higher, whereas, during conflict time, it is damaged. However, this gender-based violence, such as reproductive rights violations and socio-economic deprivations, is given less attention than sexual violence as it is not necessarily directly related to the conflict. It creates a hierarchy of victims too. Such a hierarchy is also visible in conflict-related sexual violence. Genocidal rape was given prominence in the 1990s with the establishment of the International Criminal Tribunal for Yugoslavia (ICTY), while other 'less' extraordinary forms of wartime rape were less prioritised. This was criticised by some feminist scholars. For example, the rape committed against Rwandan Hutu Women and Tutsi and Hutu men were not captured the attention of the International Criminal Tribunal for Rwanda (ICTR) as Rwanda Tutsi women (Buss, 2009). These criticisms stress the need for an inclusive approach to understanding how certain types of violence are promoted than other types of gender-based violence in conflicts.

The experience of sexual violence goes beyond the period of the conflict itself, with many physical and psychological problems throughout rehabilitation, reconstruction, reconciliation, and the justice process (Moser and Clark, 2001; Colombini, 2002). As explained above, the diverse experience of violence in armed conflict continues into the post-war period. Victims-survivors continue to suffer social stigma and shame, whereas perpetrators might be immune from punishments (Henry, 2016, p. 45). Both male and female combatants need customised reintegration training and employment. Women may also face isolation in their community by male comrades who expect them to revert to pre-war gender roles. Many female victim-survivors are widows and single parents with limited resources. Many women fall deeper into poverty, and prostitution is often their only hope of a living. For example, women benefit less than men in post-war land distribution programs. As cited by Cockburn (2008), a gender-focused World Bank report on El Salvador (World Bank, 1996) points out that women have benefited less than men

from government land distribution programs. Women are concentrated in non-regulated lending schemes, get smaller loans, and are considered less beneficial. Besides women and girls, young men are at high risk of being recruited into violent gangs and paramilitary forces. Displaced boys often live on rough streets (Cockburn, 2008).

Sexual violence is a collective offence as much as an individual one (Henry, 2016). As explained above, the inclusion of gender inequality as a structural cause means acknowledging the collective nature of sexual violence in armed conflict. Sexual violence has been committed as part of the larger structural condition though it has often been committed by individuals. The subordination of women during conflict is an extension of power relations between the sexes within society generally. In society, power is not equally distributed between men and women, and specific social differences position women in a subordinated caste (Colombini, 2002). Often the target group is selected individuals belonging to certain groups involved or associated with the conflict. The identity of the victim of the conflict plays a key role in understanding the instrumentalist logic of sexual violence in armed conflicts.

As explained above, the criticism of the essentialist school and the feminist call for the inclusion of structural conditions into the analysis of sexual violence emphasises that sexual violence in armed conflict is not merely a product of the conflict. The pre-conflict period is of utmost importance to understand, as existing gender relations may continue to shape gender relations in both conflict and post-conflict periods. Literature suggests (Buss, 2009; Davies and True, 2015) that gender relations in the pre-conflict period might provide greater insights into variation in sexual violence in different armed conflicts. It urges the need to devise an approach inclusive of both the specificity of conflict and existing gendered violence.

The above account on associating women and girls as victims of violence inevitably produces heterosexualised victim-perpetrator logic where women are essentialised as victims of violence perpetrated by men. Heterosexuality as a norm promotes and enhances gender binaries along with patriarchy and hegemonic masculinity, which has become the norm in society and governs social conventions, norms, and practices. This enables society to portray women as victims and men as perpetrators exclusively (Henry, 2016, p. 46). Women and girls are cast as persons needing protection from men and the state. This is because gender is perceived as a woman's body, which is conceived and abused for strategic and political aims in armed conflicts.

This long-standing bias that sexual and gender-based violence during armed conflict is considered a 'women's' issue' has been subject to criticism (Colombini, 2002). Conflict-related sexual violence is not only committed against women and girls but also against men (Wood, 2006; Baaz and Stern, 2013). For example, different armed groups and individuals in Uganda committed violence against men during the conflict (Schulz, 2018). Similar situations have been reported in more than 25 armed conflicts, including in Guatemala, Northern Ireland, and Burundi (Sivakumaran, 2007; Solangon and Patel, 2012). These non-women victim-survivors who do not conform to heterosexualised victim-perpetrator logic are potentially excluded from not only representations of suffering but also remedies in practice (Henry, 2016). For instance, male and child victims of wartime rape are effectively ignored in the theory and practical, legal, social, and medical interventions (Carpenter, 2006; Henry, 2016). Schulz and Touquet (2020), who have worked on male victims of wartime Sexual and Gender-Based Violence (SGBV), argue that frameworks on male-directed wartime sexual violence have failed to unearth the complexities and multiple causalities of violence against men. As a result, academic texts have traditionally paid little attention to this, and very few accounts of male sexual abuse are available (Zarkov, 1999; Colombini, 2002). Even the emerging research on male survivors of SGBV (Dolan, Fletcher and Oola, 2013; Touquet and Gorris, 2016; Schulz, 2018) has rarely been able to move beyond the heterosexualised subjectivities (Schulz and Touquet, 2020). Instead, such violence is framed as a systemic war strategy and has failed to foreground gendered identities beyond binarism.

Against this background, violence against the SOGIESC community is not only invisible in the dominant discourses but is also often considered irrelevant. As discussed in the above sections, gender inequality and heterosexuality issues must be considered as structural causes of gender-based violence in armed conflict to understand why men become sexually violent. As Butler (1988, p. 526) claims, the heterosexual matrix is a socially constructed binary of gender and sexuality, where heterosexuality is the norm. Both gender and sexuality are "rehearsed" within the "confines of already existing directions"… patriarchy, hegemonic masculinity, and negative attitudes and beliefs about sex, sexuality, and gender are, therefore ", important environmental influence[s] on men's likelihood of being sexually violent". Incorporating gender inequality in a broader term as outlined here would help to understand men's violence against other men and female-perpetrated violence against men and women.

Even the literature on women and conflict, which foregrounds the multiple roles women play with regard to sexual violence in wartime, highlights the monolithic nature of the discipline. Women can be either perpetrators or agents of violence. They can be autonomous and resilient civilians or combatants (Henry, 2016). Thus, the victim-subject is monolithic, mono-dimensional, and ahistorical, denying women any chances of self-representation and agency. As much as women and girls are portrayed as victims of violence, certain studies have discussed women as perpetrators of violence. Traditionally women were part of armies and played subordinate roles such as woman nurses, provisioners, and camp followers (Cockburn, 2008). But women have increasingly become also part of national armies. Some are kept out of combat roles (Yuval-Davis, 1985), while some do play a belligerent role. A few examples include Libya as enabled by their concept of 'Modernisation' (Graeff-Wassink, 1994) and the US offensive deployed in the Middle East (Enloe, 1994). However, the studies also suggest that women's active engagement in war does not bring them equality with men. It has also failed to change the masculine nature of the military through feminine women's presence (Cockburn, 2008). Again, this tradition of heterosexualising gender subjectivities has neglected the SOGIESC communities from the field of wartime sexual violence.

In times of transitions to peace, the literature on women and peace movements tend to move beyond the victimisation logic of women much as it focuses on the agency of women who have joined the peace and anti-war initiatives. Through such interventions, women tend to transcend boundaries of identities contested in a conflict. For example, some nationalist and unionist women co-operated around the support of their respective political prisoners in the Northern Ireland conflict, although they were at risk of violence from both sides. Another example would be the Women's International League for Peace and Freedom, formed in 1915, which continues to function today (Rupp, 1997). Some stressed the importance of 'Mother Politics' in peace movements where women have been playing a nurturing role for peace in the peace movements (Ruddik, 1990). After the war, women's empowerment is often reversed and falls back to pre-war levels (Webster, Chen and Beardsley, 2019). Women who had actively contributed to the nationalist movement and liberation were pushed back to the political background and economically subordinated sectors once the independent state was established (Baffoun, 1994; Jayawardena, 1994; De Volo, 1998).

The transitional justice and reconciliation process also produces several gendered exclusions. As explained above, crimes committed during war have a gender dimension and therefore is also no guarantee that the transitional justice and reconciliation process will not be gender blind (Cockburn, 2008). Thus, gender inclusion in the early stages was limited to the inclusion of women and girls as victims. As explained above, this reproduces the essentialisation of victim logic in the early literature on gender and conflict. This is evident in post-war accountability measures implemented through the Women Peace Security Agenda (WPS), the ad hoc tribunals of ICTY and ICTR. A close examination of these mechanisms reveals gender and women were often used interchangeably. This is a huge misconception (Carver *et al.*, 2003) which excludes violence against men, including gay men and other sexualities. It reinforced the limited discourse of gender and excluded the other sexual minorities by producing heterosexuality as a natural force (Baaz and Stern, 2013). Even reparations were focused on prioritising women's victimhood as recognition of women's need to redress has been moved to the forefront of the discussion compared to other victims of conflicts (MacKenzie, 2009; Auchter, 2012; Åhäll and Shepherd, 2012; Björkdahl and Selimovic, 2015). It makes women perpetrators invisible (Buckley-Zistel and Zolkos, 2012) and trivialises men's experiences of violence. In practice, many organisations are working to redress the harm caused to women, but very few do the same for male victims (UNHCR, 2012; Schulz, 2019). These practices not only exclude male victimhood but also reproduce the notion that men can seldom become victims of violence. This notion indirectly supports the idea of essentialising women as subjects of violence without agency, and men are painted as perpetrators with the agency (Bueno-Hansen, 2017).

Traditionally silenced women's agency and victimisation of men have been brought into the limelight by studies that are critical of the gender binary. Scholarship that moves away from women's victimhood and foregrounds gendered agency predominantly focuses on women's agency by highlighting the multiple roles women play in post-conflict settings (Meintjes, Pillay and Turshen, 2001; Sjoberg and Genty, 2007; Buckley-Zistel and Zolkos, 2012). However, the literature explores themes such as how gender influences the transitional justice process (Buckley-Zistel and Zolkos, 2012), women's life during post-war transitions (Meintjes, Pillay and Turshen, 2001) and women's participation in violence (Sjoberg and Genty, 2007) this literature reproduces the exclusion of SOGIESC subjectivities in transitional processes, thus heterosexualising the discipline.

As explained above, looking at the literature on gender and peace and conflict, particularly among women, it is possible to observe how scholars have heterosexualised. The neglect of other sexualities, foregrounding a binary logic of gender, and the tendency to essentialise women as victims of violence are some keyways in which heterosexualisation has been operationalised. However, in response to this heterosexualised approach, some scholars have begun to foreground SOGIESC subjectivities in times of both conflict and peace. The following section provides an analysis to understand the parameters of this effort.

2.2. Sexual subjectivities in peace and conflict

This section reviews two recent bodies of literature which have attempted to move beyond the heterosexualised approach to peace and conflict examined above. The first part examines the SOGIESC community's experience of violence and, in doing so, follows the tradition explained in the previous section by adopting a victim-centred approach. Nevertheless, exploring this literature becomes relevant to this study as the experiences of violence by SOGIESC communities are not necessarily confined to the conflict period but expand through a continuum of conflict transition from pre-war to the post-war period. The second part reviews the literature on the intersection between the agency of SOGIESC communities and different stages of conflict.

2.2.1. Sexualised experience of violence

The analytical literature from peace and conflict and policy reports from the field of human rights of SOGIESC persons (Human Rights Watch Organization, 2009; Human Rights Commission, 2011; IGLHRC, 2014a, 2014b; Engender Rights and Outright International, 2016) paints an incomplete picture about the conduct of SOGIESC communities in armed conflicts.[2] Following the tradition explored in the previous section, the literature approaches the SOGIESC communities from a victimisation point of view, often portraying them as passive victims with little or no agency for changing the circumstances. This essentialisation of the SOGIESC

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[2] The failure of the above literature to assess the role of the SOGIESC community beyond mere victimisation of conflicts could perhaps be partly attributed to the fact that international efforts to mainstream the violence against the SOGIESC community and research on the sexual politics in armed conflicts are still at the exploratory stage. Nevertheless, as this thesis will demonstrate, it is wrong to assume that the SOGIESC communities are mere victims of armed conflicts.

community as victims of conflict adheres to the initial approach of the conflict studies towards women, that is – women as victims of conflicts (Yuval-Davis, 1997a; Moser and Clark, 2001).

One of the main concerns addressed in this literature is the effects of conflict on SOGIESC communities. A key argument is that conflict can dramatically increase the existing vulnerability of the SOGIESC community (Megan and Henri, 2018; Hagen, Daigle and Myrttinen, 2021). The first systematic world report on the violations of human rights of SOGIESC persons was published by the United Nations Human Rights Council in 2011. The report highlighted the victimisation of SOGIESC communities in different parts of the world. The SOGIESC community has been subject to different prevailing violations, including direct, structural, and cultural violence. These violations include but are not limited to discrimination in education, access to health services and employment, denial of the freedom of expression and right to assembly, physical attack, arbitrary detention, torture, rape and killing (Human Rights Commission, 2011). This has been confirmed and further elaborated by certain international SOGIESC NGO reports on the human rights violations of SOGIESC persons in conflict-affected states. Outright Action International reports on Sri Lanka, Iraq and the Philippines, among other examples (IGLHRC, 2014a, 2014b; Engender Rights and Outright International, 2016). However, the dominance of sexual violence against SOGIESC persons during conflict transitions is much less covered in the literature on SOGIESC and conflict transitions, unlike the literature on gender and conflict, which highlights the dominance of sexual violence such as rape, sexual humiliation, sexual slavery, sexual torture, forced pregnancy and forced marriage (Henry, 2016).

Apart from the street and random violent attacks, individuals considered to defy heterosexual norms are subject to many vicious and organised forms of abuse by organised groups such as religious extremists, paramilitary groups, neo-Nazis, and extreme nationalists in certain conflict settings (Human Rights Commission, 2011). By citing testimonials of SOGIESC persons who have experienced violence in Iraq, the Outright International's report and the shadow report of the situations of the persons with diverse SOGIESC identities in Iraq reiterate that the SOGIESC identities are systematically targeted in a conflict situation by the actors who have a direct association with extremist groups who either a party to the conflict or often associate with the conflicting parties (Human Rights Watch Organization, 2009; IGLHRC, 2014b; Iraqueer *et al.*, 2015). These reports suggest a correlation between the beginning of the conflict in Iraq and the

increased violence against SOGIESC communities due to increased visibility of SOGIESC issues after the U.S. invasion in 2003. This might have led to a perception that homosexuality is associated with the western invasion and thus must be eliminated from Iraq. (Human Rights Watch (Organization) and Long, 2009; IGLHRC, 2014b). The IGLHRC report claims that,

> "because this heightened visibility of LGBT issues coincided with the U.S. Invasion, many Iraqis began to equate homosexuality with increased exposure to the west[emphasis added] even claiming that LGBT people have never existed in Iraq" (IGLHRC, 2014b, p. 1).

Extreme groups highly resistant to external interventions might resort to violence against the SOGIESC community because they are perceived to be associated with the external enemy (Dickson and Sanders, 2014; McGill, 2014). Apart from such anecdotal evidence, no systematic causation is established to explain whether armed conflict generally leads to the outbreak or escalation of anti-SOGIESC violence.

Even the reporting of anti-SOGIESC violence is often treated as an everyday phenomenon and has been overlooked by the research on violence during conflict transitions until very recently. Conflict-related violence against the SOGIESC community was first acknowledged by the UN secretary-general in 2015. This report acknowledged this form of moral cleansing in Iraq against the SOGIESC community (United Nations Security Council, 2015). This is an example of widespread anti-SOGIESC violence in conflict transitions and urges the need for a systematic study of anti-SOGIESC violence during conflict transitions to understand the hidden trends of sexual politics, conflict transition process, and violence.

Later empirical studies show that anti-SOGIESC violence does not cease to exist during the conflict transition period, particularly in societies returning to peace from war. Homophobic prejudice and violence can become more common in societies transitioning from violent, protracted conflict (Hayes and Nagle, 2016). As Hagen and others argue, "discrimination against SOGIESC communities is also layered and complex. Violence against SOGIESC communities is exacerbated by racialisation, marginalisation based on religious faith, nationality, ability, and citizenship status, or socio-economic factors" (Hagen, Daigle and Myrttinen, 2021, p. 2). Even in contexts where SOGIESC identities are not criminalised, violence can be caused by deep-rooted heterosexism, and homo-bi-trans-queerphobia manifested through military, police, militias, and right-wing groups (Hagen, Daigle and Myrttinen, 2021). Citing Knox (2002), Duggan (2017, p.

10) questioned the practice of "state's complicity turning 'blind eye' to some forms of violence to ensure the 'imperfect peace'". According to Duggan, Knox suggested that "this [disregard to certain forms of violence] raises the wider question as to whether paramilitary violence, the by-product of a negotiated political settlement in Northern Ireland, would be tolerated as a 'price worth paying' in other areas of domestic, homophobic or racist violence" (2002, p. 164,181). In such cases, anti-SOGIESC violence becomes a trade-off in negotiating post-war justice and reconciliation mechanisms between former belligerents. In other words, the rights of the SOGIESC community become part of the practice of 'trading away rights' in the constitutional reform process (a phenomenon that has also been observed in women's rights) (Alonzo, 2014).

Though these reports highlight an increase in anti-SOGIESC violence during conflict transitions, there is little evidence to establish the comparative picture of anti-SOGIESC violence before, during, and after conflict. Daigle and Myrttninen (2017) argue that anti-SOGIESC violence goes beyond the conflict period and extends along the continuum of before and after the conflict. The feminist theory has made a similar argument on conflict-related sexual violence against women (Koos, 2017), which highlights the continuum of violence beyond the conflict period and generally establishes the argument of sexual violence as a weapon of conflict. It asserts the importance of understanding conflict-related sexual violence along with other types of violence along the continuum of before, during, and after the conflict (Bourgois, 2001; Gottschall, 2004; Cockburn, 2008; Buss, 2009; Baaz and Stern, 2013; Meger, 2016). Bourgois(2001) conceptualisation of the continuum of violence from war time to peace is also relevant in this regard. He distinguishes four forms of interrelated violence – political violence, structural violence, symbolic violence, and everyday violence. In his revisit to the notes from ethnographic studies in El-salvador, he shows that the distinctiveness of everyday violence as a product of political, structural and symbolic violence(2001, p. 9). He stresses the importance of understanding the complex linkages between these forms of violence in producing everyday forms of violence. This also calls the attention to violence affecting the poor around the world during peace times. According to him "the repression and political terror during [war time] become embedded in daily interactions normalising interpersonal brutality in a dynamic of everyday violence"(Bourgois, 2001, p. 5). Adding to that, Ashe argues that the anti-SOGIESC violence cannot be separated from the existing cultural environment of society (2009) and brings attention to the existing structural violence against SOGIESC communities. Elaborating on the

conflict and anti-SOGIESC hate speech in Northern Ireland, Ashe highlights the importance of contextualising sexual politics within the prolonged heteronormative ethnopolitical conflict. The impact of oppression on the SOGIESC communities can be fully understood by scrutinising the historical structures of sexual oppression, and the impact of prolonged, heteronormative, ethnic-nationalist conflict as the politics behind the oppression of SOGIESC identifies lies with the cultural, societal, and political structures of the society (2009). In the case of Northern Ireland, both Irish nationalism and unionism played a significant role in defining women's roles around the ideals of motherhood, domesticity, and sexual purity (Ashe, 2007, 2009). These ideals are a mere reproduction and maintenance of the heterosexual family. This heterosexual family is the central area of concern for ethno-nationalist groups in internal conflicts as they view it as the vital mechanism for the biological reproduction of the ethnic group (Conrad, 2004; Ashe, 2007, 2009). This provides an interesting case to explore internal conflicts as they are often triggered between mutually exclusive polarised ethnic-nationalist groups. In this case, one sees that a large part of the rationale for the violence against the SOGIESC community comes from the extreme nationalist ideologies of a conflict.

It can also be noted that changing dynamics during the negotiation process might also affect ideologies that enable anti-SOGIESC violence. For instance, the Belfast (Good Friday) agreement of 1998 somewhat supported the electoral advantage of the more 'extreme' ethnic position in Northern Ireland. While Sinn Fein (1996) incorporated sexual rights into its agenda, significant sections of the Democratic Unionist Party (DUP) continue to label sexual identities as pathological. According to Kathryn Conrad (2004, p. 121), parties sympathetic toward SOGIESC communities resisted pursuing SOGIESC rights earlier, perhaps out of fear of alienating the conservative constituencies (Ashe, 2009, p. 23). These arguments from Northern Ireland provide a basis to understand how ethno-nationalist groups may drive violence and oppression against the SOGIESC community during conflict transitions. It suggests that the rise of extreme ethnonationalism during conflict transition may continue to fuel the anti-SOGIESC violence. However, can this be generalised over the other cases or conflict settings? In another case-Lebanon, Nagle (Nagle, 2016) argues that although theoretically, power-sharing settings informed by consociationalism open up space for the SOGIESC rights in divided societies emerging from intra-state conflicts, such opportunities are often negated by empowering ethnic hardliners against

SOGIESC identities in the process. These two examples suggest the importance of understanding the dynamics of the conflict on the ground in which SOGIESC activists navigate.

One of the reasons for the continuity and escalation of anti-SOGIESC violence could be the exclusion of SOGIESC communities from the post-war peacebuilding agenda. As Fobear (2014) has described, homophobia and anti-SOGIESC violence are often ignored or placed outside the state and direct violence such as ethnic and political violence. This ignorance and exclusion not only marginalises SOGIESC persons from the transitional justice process but also allows further violence to be committed against them. However, existing studies do not comprehend the nature of anti-SOGIESC violence and its impact on the politics of the SOGIESC community and the conflict transformation process. The causality between anti-SOGIESC violence and conflict has yet to be examined partly due to the difficulty in collecting data related to anti-SOGIESC violence before conflict as there is often no systematic data collection or consciousness to collect such data. However, anecdotal studies from different countries indicate the vitality of conducting a systematic study into the nature of anti-SOGIESC violence along the continuum of conflict transition. This is again subject to the feasibility of quantifying violence. Nevertheless, the literature discussed above confirms the nature of human rights violations against diverse SOGIESC communities in countries that conflict with gender and sexual orientation-based practice. This suggests that SOGIESC persons who do not conform to the existing gender norms risk being subject to increased vulnerabilities in deeply divided societies.

The above analysis shows that violence and systematic oppression against the SOGIESC community persists and is even heightened along the continuum of conflict transition. Even though the key violence linked to the war ends with peace, it does not guarantee the exclusion and oppression against SOGIESC communities will be diminished. The causes of anti-SOGIESC violence are attributed to the existing structural factors during conflict transitions- the existing homophobic heteronormative ethno-nationalist conflict which may continue and manifest itself after the end of war. One important question left unanswered in the literature is how do SOGIESC communities respond to the systematic violence they have encountered during conflict transition? This is a crucial question that needs to be answered if we are to build a much more comprehensive understanding of the politics of SOGIESC communities in armed conflicts.

2.2.2. Sexualised agency in peace and conflict

Unlike women and gender, the agency of SOGIESC communities has not been fully examined in the conflict studies literature. Only a few individual case studies of queer politics focus on conflict-affected countries, with studies of Northern Ireland, Colombia, Iraq, Lebanon, and Nepal providing some preliminary understanding of how the agency of SOGIESC communities functions in conflict-affected societies(Ashe, 2009; Duggan, 2017, 2012, 2010; Hagen, 2017; Hagen, Daigle and Myrttinen, 2021; Nagle, 2018b).

The literature on the sexualised agency of SOGIESC communities in peace and conflict begins with exposing the challenges posed by conflicts and violence to SOGIESC persons. One key proposition is that sexualised agency can be suppressed or highly marginalised during conflict transitions. SOGIESC persons are systematically oppressed in addition to the ongoing sabotage over freedom of politics and contested civil space during an armed conflict. For example, in Iraq, individuals identified or perceived as persons with diverse SOGIESC are subject to systematic violence and killings by militias, police, and queerphobic extremist groups (Human Rights Watch Organization, 2009). Knowledge about one's sexuality had been used as grounds for an arrest of 'gross indecency. Homosexual men were particularly vulnerable to blackmail from the police. The police blackmail them into revealing the identities of other community members. Unlike the situation in Iraq, despite the vulnerable situation for the SOGIESC community in Northern Ireland, the number of actual arrests for 'gross indecency' was minimal. However, the relations between police and the SOGIESC community remained strained (Duggan, 2017).

Further, Ashe (2009) shows that the resistance to queer politics during conflict times could even come from public figures. In 1977 the DUP led a campaign called 'Save Ulster from Sodomy' to prevent the legalisation of homosexuality in Northern Ireland (Ashe, 2009, p. 23). Such systematic violence and opposition against SOGIESC persons and their politics might affect their capacity to organise and mobilise. This proposition presumes the link between SOGIESC communities and conflict dynamics is unidirectional. In other words, conflict affects the agency of SOGIESC communities but not vice versa. Perhaps, this could be due to the heavy attention on locating the SOGIESC agency about violence. One might wonder what SOGIESC communities' effect on conflict transitions would be? What is their role in shaping conflict dynamics and post-war transitions? These questions can better be interrogated through an inquiry that foregrounds the

agency of SOGIESC communities in conflict transitions. Such an approach does not necessarily require distance from the link with violence but involves centring the agency of SOGIESC persons. The existing literature's failure to foreground the agency of SOGIESC communities in conflict settings provides a better rationale for this thesis. This thesis will problematise the unidirectional approach assumed in existing studies to unearth the link between sexualised agency and conflict transition and unearth the mutual exchange between SOGIESC communities and conflict transitions.

A few isolated studies that have analysed the agency of SOGIESC communities during conflicts argue that conflict and conflict transitions can produce opportunities for SOGIESC communities to deploy their agency as a significant voice against anti-SOGIESC violence. For example like, in the cases of Iraq, Nepal, Peru, Columbia, and Northern Ireland (Hagen, Daigle and Myrttinen, 2021). Myrttinen (2017) states that the failures of government institutions during a violent conflict can encourage the growth of a stronger civil society and the established ones to become more LGBTQ-inclusive. Post-conflict transitions in Nepal created an opportunity to introduce constitutional reforms to protect non-binary identities. Peru and Colombia produced space in their truth and reconciliation commission to record violence against SOGIESC communities. Security Sector Reforms in Serbia and Northern Ireland have considered the needs of SOGIESC communities (Hagen, Daigle and Myrttinen, 2021).

In certain cases, existing research shows that constraints and oppressions against SOGIESC communities during conflict transition can enhance queer politics. In the case of Northern Ireland, the oppression against the SOGIESC community led to escalating collective actions by SOGIESC groups. The arrest of Jeffrey Dudgeon, the leader of the SOGIESC organisation called Northern Ireland Gay Rights Association (NIGRA) in 1976, led to increased collective actions by SOGIESC groups in Northern Ireland (Black, 2015). NIGRA exploited the opportunity to advance its effort for decriminalisation through the legal mechanism. NIGRA brought a case to the European Commission of Human Rights. The case ended in the European Court of Human Rights giving a verdict favouring the decriminalisation of homosexuality in 1981. The European Court of Human Rights decided that the legal prohibition of homosexual acts between male persons over 21 years was a violation of respect for private life and ordered Northern Ireland to decriminalise homosexuality. This pioneering step was instrumental in sparking future decisions toward the legislative recognition of SOGIESC rights in Northern Ireland. It has allowed

domestic activists to position their struggle into a more international framework to bring change to the situation in Northern Ireland. In other words, the opportunities produced by the continuous oppression during conflict transitions have enhanced collective actions in sexual politics (Duggan, 2017, p. 7).

SOGIESC communities are not only capable of collectively responding to the systematic oppression in conflict transitions but are also able to evolve with greater resilience despite volatile conflict situations. Duggan (2017) shows that increased security measures and heavy militarisation have played an important role in expanding the SOGIESC community and eventually challenging police homophobia in Belfast during the conflict. When the businesses of the pubs and hotel owners were affected by the reduced business due to curfews, cordons, and sanctions on mobility, a small number of lesbians and gay men took advantage of censorship. They used those spaces for meetings and social events. Despite the restrictions, discos became a regular phenomenon for SOGIESC persons as it was seen as safe havens by the SOGIESC community. These discos remained relatively stable with occasional police raids and security interruptions. This is a sign that SOGIESC communities' agencies negotiate space with built resilience (Duggan, 2017). In articulating the change in the politics and rights of SOGIESC communities during conflict transitions, their ability to be resilient became a vital aspect of being examined. However, existing literature on peace and conflict has not analysed the factors contributing to the resilience of SOGIESC communities during conflict times, focusing mainly on changes that occurred in SOGIESC communities.

Literature also suggests that the impact of continued oppression and exclusion against SOGIESC persons during conflicts must not be predetermined. Using Butler's (1996) articulation Ashe (2009) highlights the possibility that oppressed groups can re-signify the use of hate speech in the context of injurious speech against SOGIESC persons in Northern Ireland. Some members of the SOGIESC community resisted injurious speech and even initiated forms of legal action. This case illustrates the idea of Judith Butler's insurrectionary speech against injurious speech (Butler, 1996). Ashe describes that

> "[Butler]…maintains that hate speech generates insurrectionary speech because the effects of speech cannot be predetermined, and oppressed groups can re-signify the terms of hate speech. An

example of this strategy would include reclaiming the label queer by lesbian, gay, and bisexual activists, which undermined the once-injurious connotations of this term"(2009, p. 23).

In other words, oppression may produce progressive reactions from the oppressed groups. Such strategies can eventually undermine the oppression and produce a strong counter politics with the capability of reclaiming the oppressed spaces into space for liberation. This relates to Scott's arguments about legibility and (il)legibility which examine how citizens sometimes make themselves illegible to the state in order to evade it, while at other times making themselves legible in order to receive benefits from the state (Scott, 2008). As this thesis will show, SOGIESC communities can at certain key moments exploit the increased availability of political space to engage in queer politics visibly making their cause legible to the state, having previously sought to remain largely illegible.

SOGIESC communities can transcend the boundaries of contested identities in a conflict and foment an alternative vision for societies in transition. Queer perspectives can expand and complicate conventional notions of peace as they bring modern, progressive, and outward-looking peace(Ashe, 2009). An empirical description of the SOGIESC communities in Northern Ireland reveals that the SOGIESC movement in Northern Ireland brought together both protestant and catholic SOGIESC individuals to work together to win their SOGIESC rights. This movement has created a bond of a common SOGIESC identity across religious boundaries by developing a relationship and friendships beyond contested identities. In this case, the agency of SOGIESC communities is considered a positive bridge in deeply divided heterosexual societies (Duggan, 2010). This case of Northern Ireland perhaps stands as an exception for a victim-focused approach to analysing the agency of SOGIESC communities. This vital function of SOGIESC communities to bring communities together in conflict times, however, remains largely neglected in the field of peace and conflict as the focus has been on the impact of conflict on SOGIESC communities- a unidimensional exercise.

The analysis in this section shows that conflict transition and its dynamics may impact progression and regression in queer politics engaged by SOGIESC communities in conflict-affected settings. There remains an unanswered question, why in certain places like Nepal, Northern Ireland, and Colombia, SOGIESC communities progressed during conflict transition while others, like Iraq, have not. The literature examined in this section is heavily invested in

analysing the impact of conflict on SOGIESC communities through violence. This essentialisation has left little room for conceptualising the agential role of SOGIESC communities in conflict transition leading to diverse outcomes. This, in turn, reinforces the point made by Henry in his analysis of wartime rape against women in conflict.

> "… a theory of wartime rape should critically examine the intersections between gender, sexuality, and violence and the social contexts in which they are a part, and deconstruct paradigmatic ways of thinking about victims and perpetrators." (2016, p. 52)

As suggested, it is imperative to move beyond the dichotomy of victims and perpetrators. In order to understand under what conditions conflict transitions can lead to change in queer politics, it is important to foreground the agency of SOGIESC communities. Such an approach addresses the academic neglect of SOGIESC politics in peace and conflict and provides a framework to conceptualise the relationship between queer politics and conflict transitions.

On the other hand, inequalities against SOGIESC communities were not given the same attention as the ethnic or gender inequalities in the conflict transition agenda (Feenan *et al.*, 2001; Fobear, 2014). The prevailing little attention for SOGIESC communities could be because the conflict transformation process is often overdetermined by the complexities of ethnic politics in intra-state conflict. Using Judith Butler's injurious speech framework Ashe (2009) argues that the conflict produces particular ideas of 'body politics' in which the heteronormative ideas of motherhood and masculinity were developed and promoted. Here men are expected to protect the nation and heterosexual families and ensure the biological reproduction of the group. In this context, ethnonationalism and militaristic groups foster the idea of ultra-masculine identities for men. Therefore, alternative sexualities were considered polluters that undermined the strict heteronormative codes of ethnonationalist politics. The exclusion can be partly attributed to the prevalence of dominant heteronormative political ethnonationalism that informs the state's preferred approach to citizenship. Such sexual subjectivities disturb the state's hegemonic approach to citizenship.

Legal frameworks considered in the transitional justice process often include ethnic identity and exclude its consequences on SOGIESC communities. The transitional justice mechanism based on this conflict transition approach provides little room for sexual equality. Based on the conflict in Northern Ireland, Ashe argues that "mainstream conflict transformation scholarship has not

considered the effects of legal frameworks on sexual equality but has extensively scrutinised legislation on ethnic equality. It has, therefore, failed to provide a research base for queer politics in Northern Ireland" (2009, p. 26).

Realising this marginalisation of queer politics in conflict transitions, a few scholars have urged the need to include the SOGIESC agenda in the peacebuilding and transitional justice process (Nagle, 2016; O'Rourke, 2017; Megan and Henri, 2018; Fobear and Baines, 2020; Schulz, 2020; Schulz and Touquet, 2020; Hagen, Daigle and Myrttinen, 2021). Inclusion of Lesbian, Bisexual, and Transgender (LBT) rights in the peacebuilding agenda has been experimented with in Columbia (Hagen, 2017), particularly regarding the Women, Peace, and Security (WPS) agenda in parallel with the United Nations WPS theme. Following the UN WPS agenda, Hagen argues that, "sexual politics of LBT persons can become a potent force for inclusion of queer agenda in peacebuilding provided that the presence of a strong lesbian's movement"(2017, p. 126).

A short but thought-provoking piece enlightens the peacebuilding agenda to be queer sensitive and highlights the possibility of including the agency of SOGIESC communities in the countries like Nigeria, where there is a national action plan for women's peace and security and a strong presence of lesbian women's movement which demands marriage rights for women. Similarly, Duggan argues, "…[the] process of transitioning…must recognise these 'hidden harms' and go further in efforts to protect sexual minorities' access to equality, rights, and citizenship…." (2017, p. 160). Her argument is centred on the idea that conflict transition is considered an inclusive process to redress the prolonged grievances of communities who had been historically marginalised due to the war and societal oppressions if that process is real and long-lasting. This includes violence against other vulnerable groups apart from conflicted parties.

Even the call for inclusion has often been attributed to including and recognising the oppression and violence against SOGIESC communities in the transitional justice mechanisms. The examples presented from Colombia, Nepal, and Northern Ireland demonstrate that the inclusion of SOGIESC in conflict transition is about colouring post-war mechanisms to be sensitive to SOGIEC issues and creating new institutions sensitive to the SOGIESC community concerns. This effort is also shaped by the victim-centred logic of SOGIESC communities that assumes sexual and gender-based victims should be given justice. It believes that the new mechanisms informed by the gender non-binary identities in the transitional justice process may provide

opportunities for sexual minority groups seeking justice through emerging justice mechanisms. According to Duggan (2017), scholarly analyses of conflict transformation should focus more on addressing the role of sexuality and sexual identity. Duggan further highlights the importance of a queer approach which can be adopted to ensure sexual minority rights and citizenship.

A queer approach informed by the liberal democratic values of peacebuilding has highlighted the challenges of SOGIESC inclusion in peacebuilding contexts through alternative approaches. The criticism offered here was that culturally specific approaches adopted during the transitional justice process are largely heteronormative and exclude the issues of sexual minorities. Repeating the same approach would exacerbate the homophobic sentiment rather than eradicate them. It is, therefore, important that societies in conflict transitions should not only include SOGIESC communities in their transitional justice process but also acknowledge and document their lived experiences in the accountability process if they are to move beyond the 'politics of the past. On the other hand, power-sharing arrangements centred on key ethnic identities can negatively affect the non-sectarian sexual justice movement's ability to challenge oppressive elements of the political systems. Unpacking how sectarian power-sharing systems limit the emergence of the non-sectarian SOGIESC rights movement in Lebanon, Nagle (2018b) shows paradoxically that it dis-empowers the agency of sexual justice movements. Therefore, it is wise not to assume that the power-sharing solutions proposed by peacebuilding efforts are SOGIESC friendly. Nagle's argument raises the curiosity about what matters the most for SOGIESC communities to thrive during conflict transitions.

2.3. Conclusions

The study contributes to the limited literature(Ashe, 2007, 2009; Hagen, 2016, 2017; Myrttinen and Daigle, 2017; Megan and Henri, 2018; Hagen, Daigle and Myrttinen, 2021) on queer politics in conflicts which attempts to move beyond the essentialisation of SOGIESC communities as victims of violence. Learning from the above analysis, this thesis examines the link between SOGIESC communities and conflict transitions. First, this chapter has unearthed the prevailing academic neglect of the agency of SOGIESC communities in conflict transitions. This lacuna in the literature triggers questions such as, how does the oppression of SOGIESC communities affect the politics of SOGIEC communities, if any? This is imperative in theorising and producing policy inputs on SOGIESC inclusion in post-war transitions.

Second, the thesis urges the need to move beyond the essentialisation of SOGIESC communities as victims of violence and foregrounds the collective agency of SOGIESC communities. By analysing the collective agency of SOGIESC communities, this thesis contributes to the few studies analysed in this chapter. Foregrounding SOGIESC communities requires paying adequate attention to their collective agency to analyse their responses as a collective to the conflict transition. The literature also indicated the benefits of including the impact of the SOGIESC community on conflict transitions to conceptualise the relationship between the two phenomena. Any studies that ignore this connection undermine the dynamic and the parallel story of the SOGIESC communities in conflict transitions is being told. The parallel story that the agency of SOGIESC communities could unpack about queer politics must be understood not within the framework of a violence and conflict model but through a framework that would unearth their struggle for equal rights through the experiences of violence and collective agency of wining their rights in the context of conflict. Within such a framework, the outcomes of the experiences of oppression by the SOGIESC communities as a collective phenomenon will be explored to conceptualise its link to conflict transitions.

Third, this chapter has shown that the literature has failed to explain the structural conditions that shape the link between the agency of SOGIESC communities and conflict transition. Existing work has articulated the outcomes of SOGIESC activism during periods of conflict, but the mechanisms through which these outcomes are generated are yet to be explored in detail. To address this gap, this thesis investigates how the relationship between SOGIESC activism and conflict is mediated by key structural (the nature of the regime and the nature of wider civil society) and organisational factors (SOGIESC leadership). The relationship with the regime is a crucial element in understanding queer politics as non-conforming sexual identities are regulated by the state's ideologies and often criminalised through state laws. The role of civil society is also key as SOGIESC communities tend to operate within and through civil society spaces. Another key focus in this thesis is the leadership of the SOGIESC communities and their role in queer politics during conflict transitions. Examining leadership decisions in conflict circumstances provides insights into how the SOGIESC communities navigate conflict transitions.

Finally, the very definition of the SOGIESC community suggests the necessity of transcending the gender binary, which is often adopted in the conflict studies literature. This is not a call for tokenism and inclusion in the practice of peacebuilding and post-war transitions but for

recognising the existence of diverse SOGIESC identities and their political trajectory during conflict transition. In this sense, it is imperative to consider inclusion, not as passive victims of conflicts but as active communities with the agency to navigate conflict transitions.

CHAPTER THREE

Queer politics in conflict transitions

This chapter develops the conceptual framework applied in this study. It draws from different approaches to the study of both conflict transition and Sexual Orientations and Gender Identities and Expressions and Sex Characteristics (SOGIESC) communities. It outlines parameters of key concepts utilised, such as conflict transition, SOGIESC communities, and social navigation. The framework provides an approach that moves beyond the victimisation of SOGIESC communities and emphasises the conflict transitions as open moments with opportunities and constraints. Placing prominence on the collective agency of the SOGIESC activism, the framework utilises the conceptual strength of social navigation to unpack the navigation of conflict transitions by SOGIESC communities.

This chapter begins with an outline of definitional issues related to conflicts and queer politics to draw feasible working definitions of concepts employed in the study. It outlines the rationale and conceptual framework, leading to a research agenda by analysing the weaknesses and strengths of the existing arguments on queer politics in conflicts.

3.1. Conflict transition as an open and evolving process

A note on conflict helps to understand what transition means. The popular positivist operational understanding embodied in the Uppsala Conflict Data Programme defines armed conflict as "a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of the state, results in 25 battle-related deaths"(Lotta, Havard and Havard, 2009, p. 1). As per the definition, there must be two requirements to be qualified as an armed conflict. The first is a stated incompatibility, and the second is a minimum of 25 battle-related deaths involving at least one state or government party to the conflict. Therefore, a conflict that produces less than 25 battle-related deaths per year no longer be considered an armed conflict according to this definition. Kreutz (2010) argued that many conflicts are intermittent and evolve and fluctuate between violence (armed conflicts) and non-violence. It is often a challenge to determine a conflict's exact start and end dates. A violent

conflict can also become non-violent at a later stage. Certain conflicts are just active for one single year, while others may continue uninterruptedly.

Contrary to popular belief, the predominant mode of conflict ending is neither victory nor peace agreements regarding intra-state conflict after the cold-war period. 48% of intra-state conflicts from 1990-to 2005 have ended without a victory or peace agreement (Kreutz, 2010). Further, the definition has limited use as it does not reveal the nature and dynamic of a conflict, which are crucial elements of this study. This definition primarily focuses on quantifying violence and its effects on humans.

This study moves beyond the limits of armed conflict and adopts a broader definition of **conflict**. A constructivist approach provides a more useful definition of conflict that moves beyond the quantification of violence. Based on the constructivist approach to conflict, this study adopts Dixon's definition of conflict, which views conflict as a political process where power struggles and ongoing negotiations occur (2012). Conflict in this sense involves the interplay of agency and structures to determine the shape of a political settlement. It focuses on the available constraints and opportunities to the agency embodied in 'political actors' beyond politicians during conflict times. It believes changes during transitions emerge from negotiations and compromises between political actors (Ozkirimli, 2017).

Based on the above understanding, "**transition**" can be considered an interval and a process of moving from one stage to another. It is often a transition from conflict to a post-conflict situation. Societies and countries undergoing conflict transition experience reconciliation and reconstruction as two simultaneous processes. This can be a time-consuming process taking place over a period that is not necessarily pre-determined. Ending war does not necessarily mean peace; conflict rarely ends neatly (Maley, 2006). This makes the conflict transition process rather a complex and dynamic period. The legacies of violence and violence can continue into the post-conflict transition period, which may entail uncertainty, insecurity, volatility, a fluidity of rules, fragility of institutions and legitimacy issues facing conflict actors (Ebrima, 2018). Conflict ending may go through various stages and risk relapsing into violence. Diverse actors may get involved with the process, including both direct parties to the conflict, external actors, and new actors such as civil society organisations in conflict-affected settings. The relative importance of these actors may also be subject to change depending on the dynamics of the transition process (Ebrima,

2018). In this sense, ***conflict transition*** is a changing process on the ground that unfolds multiple dimensions of various forces involved in the process itself. For Maley (2006)), post-conflict transition is a 'misnomer', and the transition is a very simple term to understand the complex process of interconnected processes of change in political, social and economic aspects of society. Maley suggests that the transition process is not linear and smooth. It may consist of achievements and reversals.

The above note on conflict transition suggests a few lessons that will inform this study. First, the evolving nature of conflict transition forces not to impose a strict boundary concerning the beginning and end of a transition period. Generally, transition in a conflict context is understood as a post-conflict transition meaning a period with the cessation of hostility for a negotiated settlement. However, this might not be a prudent approach to understanding the conflict transition as the conflicts no longer end in a traditional peace agreement or victory for one of the parties. As argued by Lund, 'post' is not 'past' (2016, p. 1204). Lund asserts that 'the end of conflicts…have marked ruptures and 'new beginnings' in many places' (2016, p. 1204). Although it is expected to be a break from the past, the legacies of the past may continue to evolve in the 'new' era. Therefore, it is feasible to assume that the beginning of the post-conflict transition also lies with the conflict period. In other words, the conflict itself constitutes the roots of transitioning. Therefore, the transition period must be extended to a certain period of conflict so that the analysis can capture the continuities and discontinuities of conflict.

Second, as highlighted above, a transition is not a smooth and linear process. Especially in certain cases where the state machinery has been disrupted, the transition involves renegotiating the identity that controls instruments of state power and the recreation of the disrupted state instrumentalities themselves (Maley, 2006). In those cases, the situation can be far more demanding and become unpredictable as many actors tend to compete and organise to negotiate the state power. Considering these features, conflict and conflict transition can be considered as periods of 'rupture' or moments of 'revelatory crisis' (Goodhand, Klem and Walton, 2016; Lund, 2016).

Lund further describes these ruptures as "open moments when opportunities and limits multiply when the scope of outcome widens, and when new structural scaffolding is erected" (2016, p. 1202). Viewing conflict in this way enables us to see how new social contracts of recognition are

being constructed. Such an open moment reconfigures the form of politics, institutions, norms and prevailing social contract. This approach fits with Dixon and Ozkrimli's ideas on structure and agency embodied in political actors in conflict situations (2012; 2017). As explained by Lederach, the core of post-war peacebuilding is about building inclusive societies (Lederach, 1997). This momentum of change provides opportunities for negotiating the new social contract between the rulers and the communities whose rights have been historically oppressed. Communities whose rights have not only been denied but oppressed due to their SOGIESC identities are not an exception to this momentum of rupture in conflict transition. The politics of SOGIESC communities during conflict transitions will be explored in this thesis.

3.2. Constraints and opportunities:

Violence during conflict transitions is a constraint for SOGIESC activism as it affects SOGIESC persons. As explained in chapter 02, a sizable body of literature analyse how SOGIESC persons are affected by violence during conflict(Bourgois, 2001; Knox, 2002; Ashe, 2009; Human Rights Watch (Organization) and Long, 2009; Human Rights Commission, 2011; Fobear, 2014; IGLHRC, 2014a, 2014b; Engender Rights and Outright International, 2016; Hayes and Nagle, 2016; Megan and Henri, 2018). This literature shows how conflict can dramatically increase the existing vulnerability of SOGIESC communities (Megan and Henri, 2018) and how they may be subject to different types of prevailing violations, including direct, polticcal, structural and cultural and symbolic violence (Human Rights Commission, 2011). These different forms of violence can manifest in general xenophobic and polarised ethno-nationalist ideas that shape the violent perceptions against SOGIESC communities (Bourgois, 2001; Ashe, 2009; Dickson and Sanders, 2014; McGill, 2014). Examples from Northern Ireland show that post-war transition projects often neglect this violence (Fobear, 2014; Hayes and Nagle, 2016).

It is clear from the analysis provided in chapter 2 that violence and systematic oppression against the SOGIESC community persists and sometimes even intensifies during periods of conflict although the 'big violence' of war has ended. As shown in the previous chapter, existing literature, the causes of anti-SOGIESC violence have largely been attributed to the existing structural factors during conflict transitions- the existing homophobic heteronormative ethno-nationalist conflict. One important question left unanswered so far is how SOGIESC communities respond to the systematic violence they have encountered during conflict transition. This is a prime

question that needs to be answered if we are to build a much more comprehensive understanding of queer politics in conflict transitions. Below I will attempt to outline some of the arguments shaping the framework to understand how SOGIESC communities have collectively responded to the moments in conflict transitions.

Although SOGIESC communities can be suppressed during conflict transitions, in addition to the ongoing sabotage over freedom of politics and contested civil space during a conflict, the existing literature reviewed in the previous chapter also revealed opportunities during conflict transitions. This thesis builds on the idea of conflict transitions as an open and evolving process informed by 'open moments' developed by Lund (2016) based on 'Sahlins' (1972, 2017) and Solway's (1994) ideas on the revelatory crisis, which unpack the nature of social contracts as they are re-negotiated. Peacebuilding that allows for addressing historical grievances fits within this idea of 'open moments' where the reconfiguration of politics, norms, institutions, and social contracts is possible. Peacebuilding not only allows the contested identities in question to be reconciled but also to address other identity-based grievances, including oppression against SOGIESC communities. Conflict transition is not only an open moment but also a moment where constant change can occur. According to (Henrik, 2009, 2010), conflict situations are not static but a social terrain where the social environment is subject to constant change. Furthermore, conflict transitions can occur over long periods and are typically marked by key inflexion points, which may include interconnected changing activities such as regime change, an election, a signing of a peace accord, restarting a negotiation period and relapsing into violence.

Cases from Northern Ireland confirm that SOGIESC communities have evolved during conflicts and emerged as collective agents (Black, 2015) during such moments. Their resilience and collective agency are two key factors that will shape the framework of this study. Militarisation and severe attacks against civil society are constraints that SOGIESC communities had to navigate. In contexts where constraints are encountered during conflict transitions, the SOGIESC communities may have to negotiate space. On certain occasions they may become visible and proactively confront the state and on other occasions might resort to be invisible and a defensive approach. Several empirical examples can be mentioned here where SOGIESC communities have demonstrated their ability to exploit opportunities of conflict transition to advance their struggle for queer rights. For example, the emergence of the queer movement in Nepal and the negotiation of the inclusion of queer agenda in the peace agreement in Colombia can be

mentioned here as examples of where SOGIESC groups have sought to make themselves legible to the state to win their rights(Scott, 2008). Therefore, this study will not predetermine the impact of constraints against SOGIESC persons during conflict transitions. In other words, it will examine opportunities and constraints as unpredictable factors that are determined by how SOGIESC communities navigate these moments.

In sum, the conceptual framework adopted for this thesis defines conflict transitions as open moments where SOGIESC communities face structural conditions with opportunities and constraints. The agency of SOGIESC communities enables them to navigate such structural conditions as a collective. Conflict transition is a fluid fluctuation space making it difficult to predict. Due to that fluidity, the conceptual framework will not predetermine the responses of SOGIESC communities in such constantly changing contexts. With the conflict transition framework described above, I will now define the parameters of queer politics.

3.3. Queer politics as a collectivist model of agency

An account of the politics of SOGIESC groups during conflict transition, including the conflict period, is provided below. It will build upon the current understanding of the nature and parameters of queer politics during conflict transitions.

Generally, "sexual politics" is understood as 'the contestation of the issues of sexuality by the social interests that are embodied in gender relations' (Connell, 1990, p. 509). Sexual politics is associated with gender and women's rights issues concerning the state (Butler, 1990; Connell, 1990). It is centred on whether the state is the oppressor itself or the manifestation of the machinery of gendered structures, as argued by liberal and radical feminists. Sexual politics can be attributed to the collective dimension of politics of individuals and groups whose sexual orientations and gender identities are different from heterosexual. In practice, the homophile movement built during the Stonewall Riot in the U.S. is an example of how sexual politics evolved from anti-discrimination to the gay liberation movement in the late 1960s to early 1970s (D'Emilio, 1983). This study adopts the parameters set by the definition of sexual politics.

SOGIESC communities are not passive victims but possess the agency to respond to the shifting politics of conflict transitions (Ashe, 2009; Duggan, 2017; Megan and Henri, 2018). Explaining the role of SOGIESC communities in conflict mirrors much of the debates on the relative roles

of structure and agency in the way of society functions. Giddens (1986) argues that structure and agency are mutually constitutive entities that dynamically interact. In this way, SOGIESC communities are not merely victims but also engage with 'articulatory practices', i.e. forms of collective agency that interact with social structure (Gardiner, 1995). The focus in articulatory practice is not only on what SOGIESC communities felt and thought in particular transitional moments but also on what they did to change (Gardiner, 1995, p. 34).

Before outlining the concept of articulatory practices, it is vital to understand the stakeholders of queer politics.

3.3.1. SOGIESC communities and queer politics

Who engages in queer politics? A clarification is warranted regarding sexual identities such as LGBTIQ+ (Lesbian, Gay, Bisexual, Transsexual, Intersex, Queer and other non-heteronormative sexual orientations and identities). They constitute the core actors of sexual politics. The term "Lesbian" refers to a female-identified individual who has strong sexual, emotional and affectional attraction to and intimate and sexual relations with other female-identified. The term "Gay" refers to a man who has similar attractions to men. Similarly, "Bisexual" refers to a person, either female or male, who has similar attractions to female and male-identified individuals (IGLHRC, 2014b).

"Trans" refers to the person whose gender identity and/or expressions do not or are perceived not to match with the ones who have been given equivalent sex designation at birth. It includes "Transgender", "Transsexuals", and "Transvestites". "Transgender" refers to persons who express or are perceived to live with the gender that is considered to be opposite their sex at birth. Transgender definition relates to individuals irrespective of the gender reassignment treatment. This can also be used as a broader term to describe all people who like to live their life as their opposite sex, including "Transsexual" and "Transvestites". "Transsexual" demarcates the individuals with a desire to alter their bodily characteristics through hormone or gender reassignment treatment. Transsexual persons are a subgroup of Transgender. "Transvestites" are individuals who wear clothes conventionally opposite to their biological sex and do not intend to undergo gender reassignment surgery (Whittle, 2002).

The Intersex Society of North America (ISNA) defines "Intersex" as a "variety of conditions in which a person is born with reproductive or sexual anatomy that does not seem to fit within the

category of female or male"(no date). Intersex is also considered a term that problematises the binary of sex and gender in medical and feminist epistemologies while contributing to the wider debate of 'nature' and 'sex' (Hird, 2000; Greenblatt, 2010).

Queer is a politically contested term. Thus, there is not an agreed definition of it. There is some consensus in the literature that the term has multiple meanings (Jagose, 2009). The term was initially meant to identify non-heterosexual persons as 'abnormal' or 'odd'. In the 1990s, the term was reclaimed by a radical group of LGBTIQ persons called the Queer Nation. The term 'queer' embodies both gender and sexuality. It draws the definition from its opposition to heteronormativity and refuses all the normative identity categories. It is a discursive rallying point for persons and is affiliated with anti-homophobic politics(Butler, 1993). Therefore, individuals who do not identify with categories and radically refuse to be part of any categories and identity politics can be recognised as queer. Queer is also used as an umbrella term for SOGIESC communities due to reclaiming it from homophobic slang. In this thesis, queer politics is used to denote the politics of SOGIESC communities in its entirety. Queer also represents multi-flaunted inclusiveness which accepts anyone who refuses to accept the norms of heteropatriarchy (Crenshaw, 1991). It welcomes everyone by blurring the boundaries of identities. Queer is also considered a practice of politics from the margins to advance the struggle for the rights of SOGIESC persons and is not necessarily limited to mainstream gay rights.

The heterogenioty of SOGIESC communities can be also captured through the concept of intersectionality. Intersectionality as a concept describes the interconnectedness of systems of oppression. It explores how the system mutually construct one another in the process of oppression. The term was coined by Kimberle Crenshaw(1991, 2006) to describe the violence against women as it cut across race and ethnic groups in the USA. Crenshaw argued women of marginalized race and ethnic groups experienced different forms of structural oppression than white women. Emerging out of feminist theorists, the concept's potential in unpacking the multiple identities and structural factors such as class, race, gender, sexual orientation, language, religion, ethnicity and urgan-rural divides within the queer community will also be used to explore the agency of queer politics. SOGIESC communities in Sri Lanka are divided by ethnicity - there are Sinhala queer communities and Tamil-speaking queer communities. They are also divided by language: there are Sinhala-speaking queer communities and Tamil-speaking queer communities. They are divided along the lines of religion: between Buddhist, Hindu, Christiantiy and Muslim

communities. There is also a class dimension. There are English-speaking upper-middle class queer groups and Sinhala or Tamil speaking lower-middle-class groups.

Inspired by the above understanding, in this thesis, 'queer politics' is operationalised as the collective struggle to produce a change in the status quo that oppresses the political aspirations, conduct and position of SOGIESC communities in a society. Queer politics offers a space for diverse approaches of SOGIESC communities to eliminate the oppression against them. It acknowledges the internal diversity and tensions caused by the intersectional identities of the SOGIESC communities in the journey towards acquiring SOGIEC rights and how such inconsistencies are negotiated towards advancing the rights of SOGIESC communities.

These LGBTIQ+ concepts have also been referred to as the 'western' notion of categorisation of identities which are limited in their scope of capturing the complexities and nuances of the sexual identities in the global south (Dickson and Sanders, 2014). For Dickson and Sanders (2014), western LGBTIQ+ labels are not only limited in their scope but also damaging to the efforts and lives of non-western sexual identities since anti-gay sentiments are often reframed as anti-western sentiments. Due to the existing complexities and nuances about sexual identities of the global south, SOGIESC identity has been suggested to function as an inclusive concept which allows complexities to be understood on its terms. According to McGill (2014, p. 6), SOGIESC is an umbrella term that includes a spectrum of highly subjective, culturally specific, socially and historically constituted acts and identities related to sex and gender, sexual orientation, gender and gender expressions and sex characteristics. In this sense, SOGIESC can be considered an inclusive term.

However, the criterion of 'inclusion' which provides relative suitability of the term SOGIESC is also subject to certain scepticism. Using Uma Narayan, Allice Miller, and Carol Vance's framework, McGill (2014) argues that the inclusion of SOGIESC into international politics, particularly within the United Nations framework, does not necessarily mean that the fundamental mechanism, understanding and assumptions upon which the inclusion of SOGIESC has taken place, was very clear and inclusive. This lack has led to much scepticism about the inclusion agenda. Careful attention has always been warranted as within the terms of inclusion through which the international human rights discourse encounters the sexual orientation and gender identity can contain a risk of producing ineffective solutions to SOGIESC rights

violations and sometimes harmful outcomes (Narayan, 1997; Miller and Vance, 2004). Therefore, how SOGIESC is used within the praxis of sexual orientation and gender identity is of greater importance. One example could be derived from Dickson and Sanders (2014). They argue for a "Diverse-SOGIESC" as SOGIESC alone refers to pansexual and gender identities that are not necessarily non-heterosexual. In this way, the emphasis on sexual minorities will be preserved while accommodating the diversities of identities. Therefore, inclusion and sensitivities around identities and their aspirations are part of politics beyond sexual politics. Hence the study will refer to this territory of politics as queer politics.

3.3.2. Collective Agency

As explained in the previous section, queer politics embodies the collective agency of SOGIESC communities. Agency is generally defined as the capacity to determine an act of an entity. It can be an individual, a collective or a social structure. In this thesis, I wish to focus on the collective agency of SOGIESC communities in queer politics. As argued by Gardiner (1995), there are four models of agency- Individualist, Structuralist, post-Structuralist and Collectivist. The individualist agency model relies on the "self", where individuals decide their path to varying degrees.

In contrast, the structuralist model of social formations conditions an individual's ability to act. The post-structuralist model suggests the contradicting positions of the subjects, which allows individuals to act differently. I rely on the Collectivist Model, established by the civil rights movement, the New Left Movement and the Women's movements, which emerged in the 1960s.

The collectivist model confers agency to groups and conceives it as a collective form of organised groups (Gardiner, 1995). Such groups are organised in a horizontal rather than a hierarchical format and around a sense of community rather than bureaucratic processes. The women's liberation movement has viewed the agency as the capacity to bring changes into three domains - individual consciousness, personal lives and society (Gardiner, 1995). One of the limitations of the Women's Liberation Movement's approach to agency is its attempt to demarcate the boundaries between one's consciousness, life and social actions. While positioned on the same premise but redefined using a model derived from the ideas of Anthony Giddens, Laclau and Mouffe and Stern, Gardiner views the agency as "…articulatory practices that coproduce actors and social structures"(1995, p. 29). According to Gardiner's model, articulatory practice can

explain how individuals were able to change their consciousness, social life and society through articulatory practices.

Furthermore, what makes certain individuals become activists in the three domains while others do not, can be attributed to the type of articulatory practices they performed. Articulatory practices refer to a set of practices done by individuals to change what they felt, thought, and did. Applying this articulation to the women's liberation movement, Gardiner claims that,

> "The successes occurred because they [women's movement] performed horizontal articulatory practices to bind women in "sisterhood" for the women's liberation movement. The failures occurred because they did not subsequently perform vertical articulatory practices to make social-structural change." (1995, p. 30).

Based on Gardiner's model, it is possible to argue that an individual's self-consciousness about agency and their actions enables them to bring about change in the three domains and eventually leads to collective action, which strives to change society. However, this may not be guaranteed as a sequence of change as there may be individuals who may change their own lives but do not become activists depending on the type of articulatory processes they pursue. It would, therefore, be extremely relevant to position my definition of collective agency of the sexual politics within the domain of activism to understand how the experience as a SOGIESC community influences the redefinition of their agency which would then transform into collective social action. Therefore, exploring horizontal and vertical articulatory practices within the SOGIESC communities clarifies their actions. Horizontal articulatory practices refer to an individual's conceptualisation of oppression against them, which binds with other individuals and creates a bond. The women's movement's creation of sisterhood that binds them together horizontally is an example of this. The vertical articulatory process refers to efforts by an individual to move from conceptualisations about oppression against them to efforts to bring about social-structural change by changing existing institutions and rules.

The use of collective agency as a concept in this thesis provides some benefits while also carrying some limitations. The concept provides a lens that could capture the decision-making process of SOGIESC groups beyond the lived experiences of individuals. Focusing solely on individual agency would require an in-depth exploration of the lived experiences of the SOGIESC leaders,

which can be better captured through ethnographic studies. Such an effort to unpack the lived experiences of leaders would deviate from the objective of this thesis.

Using collective agency provides scope to focus on the articulatory practices of the leadership which is not necessarily confined to one individual. As shown in the chapter 05, the two organisations and the illustrative case used in this thesis has a collective leadership dimension. This can be better captured through collective agency.

Although this thesis has focused on collective agency, it does not approach collective and individual agency as binary concepts but rather as relational ones. Individual leadership and collective agency are inseparable. As shown in the empirical chapters 06,07, and 08 SOGIESC groups' leadership is very much embedded within the collective agency of the SOGIESC movement. SOGIESC leaders are strongly linked to the mobilization of collective agency in navigating conflict transitions. Therefore, I have chosen to examine leadership as a critical part of the collective mobilisation. Leadership has been considered to the extent to which it relates to the collective mobilization of SOGIEC communities in conflict transitions. This objective does not require an in-depth analysis of lived experiences of SOGIESC leadership but rather focuses on the exploration of their decision making, and positionalities related to those decisions of the organization, group and collective.

Although collective agency as an analytical concept is able to unpack the role of leadership and collective mobilisation of the agency, its ability to explain the terrain in which SOGIESC agency operates is limited. This thesis not only interested in the agency of SOGIESC communities but also focuses on structural elements that determine or constrain the agency of SOGIESC communities. This wider contextual understanding is essential to understanding the motivations behind and the outcomes of the decisions taken by SOGIESC communities. To address this structural aspect and to understand how SOGIESC agency relates to it, this thesis deploys social navigation as a conceptual tool.

3.4. Social navigation: navigating constraints and opportunities

This section proposes and defines social navigation as a conceptual tool to explain the link between the SOGIESC community's collective agency and conflict transitions. Although it is clear that the SOGIESC community is affected by conflicts as much as they respond to such

situations, the process via which these interactions take place remains unclear. Why do SOGIESC communities respond to conflict in a certain way? What processes shape the responses of SOGIESC communities during conflict transitions? The relative importance of these transition moments is often subject to the identification and articulation by the actors within the field. In other words, the relative importance of transition moments depends on a particular society's subjective assessment of such moments. It may lead to different outcomes depending on the relative importance of certain conflict transition moments.

In such transition moments, civil society may have opportunities to contribute effectively to the conflict transition. The role of civil society in conflict transition and peacebuilding in modern conflict has been considered positive, efficient and suitable for peace work as they deal directly with the grass-roots population (Lederach, 1997; Orjuela, 2003; Ramsbotham, Miall and Woodhouse, 2011). The idea behind promoting the agency of civil society is that peace cannot be sustained at the top level. Thus, civilian and popular involvement is crucial for sustainable peace. In certain contexts, diverse civil society groups might enjoy relative freedom to engage in politics during conflict transition. This may allow the oppressed grievances to be unearthed and brought to the negotiation and re-negotiation. As part of civil society, SOGIESC communities can exploit such opportunities to mainstream their grievances and engage in queer politics. Conflict transition is geared towards building inclusive post-war societies.

When transition moments occur, SOGIESC communities may articulate the moment and respond. This cycle of articulatory practices may continue further. The articulatory practices of the SOGIESC communities must navigate through such structural conditions of opportunities and constraints to advance the SOGIESC rights and political goals. Articulatory practices may emerge as a response to changing social conditions. The concept of Social Navigation will be utilised to capture this process of facing structural conditions, performing articulatory practices and producing a change in queer politics.

Social navigation explores how the actions of an individual are constantly shaped and reshaped in relation to the immediate and imagined movement of the conflict transition. Based on a study of youth mobilisation for conflict in Guinea-Bissau, Henrik explains 'social navigation' between the activism and existing social conditions for it, using the concept of '*Dubriagem'* (2009, 2010). *Dubriagem* refers to a dual temporality of one's decision relating to the socially immediate (present)

and the socially imagined (future). It simultaneously keeps oneself free from immediate social dangers and immediate possible futures and improves life chances (Henrik, 2009, 2010). In other words, one needs to navigate the immediate event of constraints and opportunities to survive in the present and live a better life in the future. It is a way in which individuals steer their life across shifting movements of the social terrain. Although social navigation theory is based on individual decision-making, it does not exclude the possibility of applying it to political groups encountered with structural changes such as SOGIESC communities during conflict transitions. In conflict transition, there are predictable and unpredictable opportunities and constraints that SOGIESC communities must navigate. Social navigation is a theory that explains how individuals make decisions in precarious conditions where both present and future are concerned. The dual temporality of present and future, along with the focus on the agency, acts as machinery that connects the interplay of agency, structural conditions and group consciousness emerging from rational judgements of constraints and opportunities emanating from structural conditions such as conflict transitions. This can explain how SOGIESC groups and communities in Sri Lanka articulated and responded to the structural conditions caused by the conflict transitions. This will allow us to identify potential factors shaping the change in queer politics.

SOGIESC communities often devise actions in a shifting environment. In the volatile conditions of conflict transitions, certain moments can be subject to the articulation by SOGIESC communities. Therefore, possibilities and constraints are subject to articulatory practices that shape social navigation. In this way, the concepts of both articulatory practices and social navigation jointly provide a theoretical lens focusing on the intersection between the structure of conflict transition and the agency of SOGIESC communities while acknowledging changing social environments. This premise of using both concepts, along with the argument on 'open moments', provides a sound conceptual basis to understand the dual role –victim and agency- of SOGIESC communities in conflict transitions. It allows me to posit queer politics and conflict transitions in equally constitutive and mutually influential roles.

Using the framework of social navigation allows us to explore what is happening outside the agency and within the structure to make sense of queer politics in conflict transition moments (Beck, Bonss and Lau, 2003, p. 143). The assumption is that social movements like SOGIESC communities act and react in relation to their position within social terrain, which I term the 'conflict transition', and their response to constraints and opportunities, configurations of power,

and their perception of present and future (2003, p. 160). As noted by Orjuela, prolonged conflicts can also weaken civil society groups and shrink the civic space (2003). Sri Lanka and Iraq represent two cases where the civil society space has been largely affected by the constraints of conflicts and tends to be heavily restricted. In Northern Ireland, the SOGIESC community reacted proactively to the increased oppression on them, while in Iraq (IGLHRC, 2014b) and Sri Lanka, SOGIESC organisations have imposed self-censorship and maintained a low profile. These two situations show different navigation outcomes to the opportunities and constraints during conflict transitions. As shown in Northern Ireland, Iraq and Sri Lanka, social navigation of the SOGIESC communities may depend on defensive or proactive actions and strategies in response to constraints and opportunities in a conflict transition period. The responses could also be produced through articulatory practices, which involve articulating a transition moment and the types of responses to change what they thought, felt and did. In other words, the responses could be driven not only by social conditions but also by the agency of SOGIESC communities. Therefore, it is imperative to examine the nature of the articulatory process and responses.

One major advantage of using social navigation as an analytical concept in this thesis is that it focuses attention on how the wider social context enables or constrains collective agency. In the previous section, I have explained that analysing collective agency in isolation does not provide a sufficient basis for understanding how social context shapes the decisions of SOGIESC groups. Social navigation helps to address this gap by allowing us to explain how the following strucutucal factors affect the agency of the SOGIESC leadership: such as conflict dynamics, the nature of the regime, the characteristics of civil society, and its relationship with the state. As highlighted in the empirical chapters (6,7,8), the concept provides a tool to undetrstand how the social terrain constrains and shapes the environment within which the SOGIESC communities act.

Although social navigation as a concept was originally developed to explain individuals' navigation of a volatile social terrain, it can be effectively applied to examine collective agency and the role of key leaders. While it is important to emphasise the dynamics of queer politics, it is essential to remember that the SOGIESC communities are not uniform. The internal dynamics of SOGIESC communities may also shape the nature of social navigation and eventual theorisations on SOGIESC identities as gender identities as constructed through and contingent upon time, space and context(Foucault, 1978; Butler, 1988, 1990, 1993; Sedgwick, 1990; Fuss, 2013). It is not a homogenous entity but is diverse in terms of caste, class, context, religion, ethnicity, language

etc. We need to be cautious about treating the SOGIESC communities as a homogenous entity, and instead, we should be open about the diverse intersections within the society itself (Dickson and Sanders, 2014). Intersections between these identities can be used to understand how multiple identities intersect in the politics of SOGIESC communities (Crenshaw, 1991; Choo and Ferree, 2010). In conflict settings, several identities contest access to power, especially when societies are polarised along identities such as caste, class, ethnicity, religion, language, region, political ideologies, and sexual and gender identities. Class and ethnic divisions are heavily contested roots of ethnic conflict in Sri Lanka, and these identities are very much represented within the SOGIESC communities. Therefore, class and ethnicity and their link to the SOGIESC leadership will be explored in this thesis. This thesis will shed light on internal exclusions and leadership styles within queer politics. It will also explain how political outcomes are determined or shaped by the internal dynamics of leadership styles. It will move beyond a sexual and gender identities-only framework and include other intersectional identities (Meyer, 2012).

Based on the above analysis, the following key propositions can be drawn to operationalise the social navigation of SOGIESC communities during conflict transitions.

A) Open Moments are produced by conflict transitions, which create opportunities and constraints for SOGIESC communities.
B) SOGIESC communities *articulate* the constraints and opportunities of open moments.
C) Leadership style, the dynamics of wider civil society, the nature of the regime and conflict dynamics play an important role in shaping the SOGIESC community's articulation of Conflict Transition Moments.
D) SOGIESC community's articulation produces either defensive or proactive *tactics and/or strategies* as responses to constraints and opportunities.
E) The responses of SOGIESC communities to the open moments' shape changes in queer politics.

These propositions operationalising social navigation captured in Figure 3.1

The process of social navigation entails articulating conflict transition moments by SOGIESC communities, and the actions taken based on such articulation, known as articulatory practice. Articulation of conflict transition moments includes the identification of conflict transition moments and their perceived opportunities and constraints by SOGIEC communities.

Figure 3.1: SOGIESC Communities' Navigation of Conflict Transitions
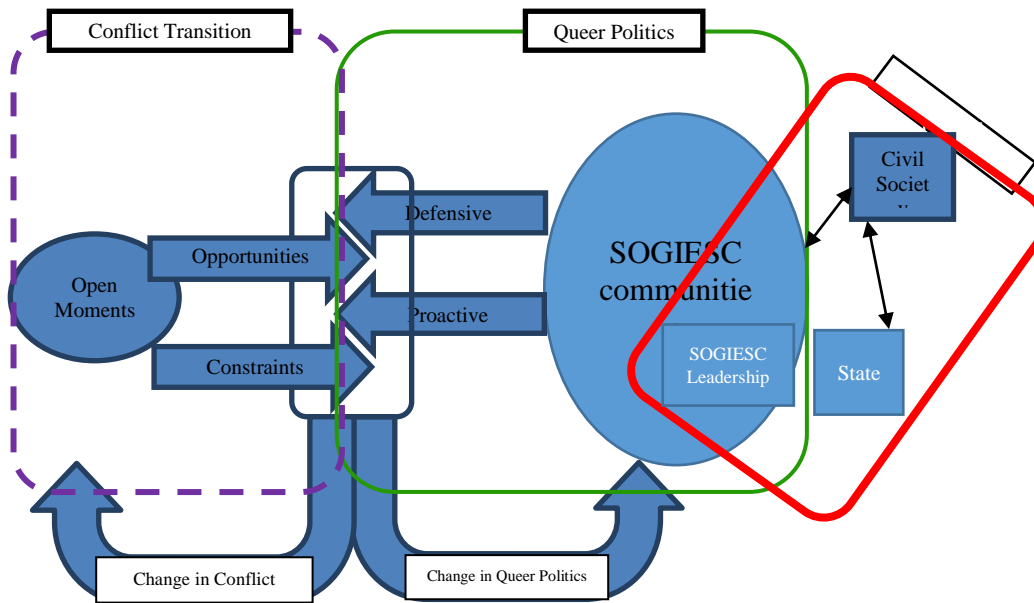
The articulatory practices include tactical and strategic responses to what they have understood about conflict transition moments. The articulation can be affected by conflict dynamics (especially in an escalation or de-escalation phase), which in turn are shaped by key structural and organisational factors, including the nature of the state and regime and character of wider civil society and leadership of the SOGIESC communities. The justification for these factors has been explained in the methodology chapter of this thesis.

3.5. Conclusions

This chapter has developed the conceptual framework for this research by defining and articulating the relationship between conflict transitions and queer politics. It defined the operationalisation of conflict transition as an open moment with constraints and opportunities and queer politics as a collective model of the SOGIESC agency. It has also articulated social navigation as the mechanism that explains the link between SOGIESC communities and open moments. It consists of the articulatory practice of SOGIESC communities regarding structural conditions such as dynamics of conflict transitions, SOGIESC leadership, civil society and the wider nature of the regime. Questions regarding their role in resulting change in queer politics have been defined. The chart illustrates this process of social navigation by SOGIESC communities in conflict transitions that produce changes in queer politics.

CHAPTER FOUR

Methodology

This thesis analyses the trajectory of social navigation of conflict transitions by SOGIESC communities in Sri Lanka. It focuses on the dynamics of queer politics in conflict transitions by foregrounding the agency of SOGIESC communities in Sri Lanka from 1995-2018. This study asks, under what conditions or circumstances queer politics change in conflict transitions? To respond to this problem, the study utilised data collected during the 2018-2021 period, including data collected during two field visits to Sri Lanka in 2018 and 2019. It was written over the period of years from 2017 to 2021.

This chapter offers an account of the experience of conducting this research in addition to methods, data validation, analysis, and ethical issues. My conceptual framework and theory drew on explanations from the literature on women and/or gender and conflict, as very little has been written directly on SOGIESC and conflict. The framework was also greatly inspired by a few recent studies on SOGIESC and conflict (Ashe, 2009; Duggan, 2010, 2012, 2017; Nagle, 2016; Hagen, 2017; Hagen, Daigle and Myrttinen, 2021). The data has been collected from archival research on the related documents and sites, field visits to Sri Lanka in 2018 and 2019, and follow-up validations. In addition, I kept a reflective journal during the fieldwork period, and the experiences documented in this have also been a source for the research. The first half of this chapter describes the initial stages of the research, including the formulation of the research agenda and the wider political contours of the research methodology. The second half of the chapter is devoted to implementing this research.

4.1. Research problem and strategy

This thesis is based on the research problem of under what conditions or circumstances queer politics change in conflict transitions. Queer politics is marked by the struggle for rights of the SOGIESC communities that encounter opportunities and constraints associated with conflict transitions. Changes in queer politics can be manifold and include progression towards rights and degeneration of the existing rights. For example, the struggle for decriminalisation in Nepal and India produced judicial decriminalisation in 2007 and 2018, respectively, marking the progression. The struggle for equality in Pakistan and Bangladesh resulted in legislative changes for 'third

gender categories. The overarching research problem can be divided into three sub-questions which will guide this research to understand and explain the change in queer politics in relation to conflict transitions,

1.   What opportunities and constraints of conflict transition shape Sri Lanka's queer politics?

In this question, the study attempted to understand the various experiences of SOGIESC communities during conflict transitions moments by focusing on SOGIESC activists, groups and organisations. The experiences traced here are not only understood in terms of different forms of direct, structural and cultural constraints but also their articulation of such challenges to the objectives of queer politics. This includes whether the SOGIESC communities identify particular changes or events as a conflict transition moment and the related opportunities and constraints. It also identifies different tactics and strategies produced by such an articulation in response to perceived opportunities and constraints.

2.   How do structural and organisational factors during conflict transitions shape the articulatory practices of SOGIESC communities?

This question helps understand the dynamics and outcomes of queer politics in conflict transitions and specifically explores the determinants and drivers of change or the lack of change names as structural and organisational factors. This thesis particularly examines the role of SOGIESC leadership as an organisational factor and structural factors such as the dynamics of conflict transitions, the nature of wider civil society, and the wider nature of the regime in relation to the SOGISEC communities. This is based on the assumption that SOGIESC communities articulated practices of conflict transitions depend on the organisational and structural factors that shape their strategies, tactics and actions in queer politics. Therefore, understanding changes in the tactics and strategies for advancing the rights of SOGIESC communities will be traced here through these factors.

These structural and organisational factors were identified after analysing existing literature and during the initial fieldwork. The role of SOGIESC leadership as an organisational factor and the nature of the regime as a structural factor often recurred in the interviews and the archival research. The wider dynamics of civil society were highlighted in the existing literature (Lederach, 1997; Orjuela, 2003; Ramsbotham, Miall and Woodhouse, 2011) and interviews. The role of

wider civil society is a key element as SOGIESC communities are located within the civil society space and particularly highlighted by the interviewees. The regime's role is invoked here as the rights of SOGIESC persons are tied to the state-sponsored criminalisation of homosexuality and non-conforming identities in Sri Lanka. The open approach adopted to data collection enabled us to conceptualise these relevant structural factors highlighted by the SOGIESC leaders and human rights activists' sample of this research.

3.   How have the tactics and strategies of SOGIESC communities in Sri Lanka shaped the dynamics of queer politics in conflict transition?

This question seeks to understand the outcomes of tactics and strategies used to respond to the opportunities and constraints produced during conflict transition moments. It focuses on the nature of responses and their outcomes concerning the previous work and future goals of the SOGIESC communities. It examines whether defensive or proactive tactics and strategies have led to changes in the work and goals of SOGIESC communities. In doing so, it explores structural changes such as legal reforms, policy reforms, and societal and cultural changes in queer politics resulting from such tactics and strategies.

4.2. Methodological approach and case selection

As introduced in chapter one, this thesis follows a qualitative approach to explore and explain the link between queer politics and conflict transitions in societies affected by internal armed conflicts. It has two traits of both exploratory and explanatory research. This study needs to uncover the trajectory of SOGIESC communities in Sri Lanka and detects the role of drivers of queer politics such as conflict dynamics, the wider nature of the regime, civil society and SOGIESC leadership. The following breakdown of questions will be used as it enables operationalising the qualitative research that binds both exploratory and explanatory tasks.

Structured Focused Comparison allows researchers to standardise questions, data collection and analysis (George and Bennett, 2005). The standardised questions are guided by the research questions developed above and further divided into sub-themes listed in table 4.1. This allows the research to analyse and trace factors that shape different cases, which in this study are different periods of the SOGIESC movement (George, 2019). The periods of 1995-2004 and 2005-2014 will be compared and analysed to trace the role of conflict dynamics, civil society, nature of the

regime and SOGIESC leadership in shaping queer politics. The Butterfly for Democracy case in 2018 has been used as an illustrative case to inform the findings from the previous periods. This method allows us to draw the relative importance of structural and organisational factors in shaping queer politics between the cases.

Figure 4.1: Research Problem, Questions, and Sub-themes

Research Problem	Questions	Sub-themes
Under what conditions or circumstances queer politics change in conflict transitions?	*What opportunities and constraints of conflict transition shape Sri Lanka's queer politics?*	The constraints that SOGIESC community experiences due to conflict transitions
		The opportunities that SOGIESC community experiences due to conflict transitions
		The opportunities and constraints perceived and articulated by the SOGIESC community as key moments
	How do structural and organisational factors during conflict transitions shape articulatory practices of SOGIESC communities?	The role of conflict dynamic
		The role of civil society
		The role of wider nature of the regime
		The role of SOGIESC leadership
	How have the tactics and strategies of SOGIESC communities in Sri Lanka shaped the dynamics of queer politics in conflict transition?	SOGIESC communities' articulated collective responses to those constraints and opportunities?
		The differences/similarities between new and previous strategies, tactics, and actions of SOGIESC communities.
		The outcomes of those changes

The structured, focused comparison method has been strengthened by collecting data through in-depth semi-structured informant interviews of SOGIESC activists and other human rights defenders. In addition to that, participant observation and reflective journals were used to collect data. Archival research about the history of SOGIESC organisations and 20 in-depth key informant interviews have been conducted. This was complemented with a reflective journal that covers the period during which I participated in the Butterflies for Democracy movement in 2018.

The research is rooted within the broader constructivist perspective. It adopts a historical analysis of key SOGIESC organisations along with observations from their own participant observation recognising the subjective positions of the author. An intensive study of two pioneers, SOGIESC organisations (COJ and WSG) and the Butterflies for Democracy (B4D) Movement, has been carried out to understand a larger number of similar units (Gerring, 2006). Much of the existing literature on queer politics during conflict transitions is limited to single case studies (Ashe, 2007, 2009; Duggan, 2012; Hagen, 2016, 2017), which warrants a large-N study that is well beyond the scope of this work and might not cater to foreground the agency of SOGIESC communities in

the research. Hence, a feasible approach will be selected as a historical mapping of the two major SOGIESC NGOs and the Butterfly for Democracy movement.

Existing studies (Ashe, 2007, 2009; Duggan, 2012; Hagen, 2016, 2017), are based on empirical research from countries that no longer criminalise homosexuality: Northern Ireland and Colombia. These countries shared a unique sexual and gender liberation movement trajectory and offered legal recognition of homosexuality. Homosexuality and gay marriage are legal in Colombia, and Northern Ireland decriminalised homosexuality in the 1980s. These two cases 'represent' 129 countries and territories that do not criminalise homosexuality out of 198 states. However, the presence of SOGIESC Communities in criminalising states that are also affected by conflicts is also significant and has seldom been explored. As of 2021, 69 countries in the world continue to criminalise homosexuality. The majority of them (36) were colonised by the British. And nearly half of the countries that criminalise homosexuality are from the African continent (Botha, 2021).

Based on data from Uppsala Conflict Data Program (*UCDP - Uppsala Conflict Data Program*, no date), 46 countries out of 198 have been affected by internal conflicts, and 31 of these can be classified as having decriminalised homosexuality. At the same time, 15 continue to criminalise (see Annex I). Accordingly, 15 countries have been affected by internal conflict and continue criminalising non-heterosexual conduct. These figures show the presence of SOGIESC work in conflict-affected settings in the countries that inherited anti-sodomy laws from their colonial masters.

Sri Lanka is a classic example that represents a site where SOGIESC communities navigate anti-sodomy laws inherited as part of the colonial legacy in a context of a prolonged ethnic conflict. SOGIESC communities navigate multiple conflict transitions, as explained in chapter 5 of this thesis. Its SOGIESC movement started in 1995 during the middle of the conflict between the LTTE and the GOSL. It continues to evolve through different conflict transition periods, including the post-war period since 2009. Sri Lanka is a good example to explore the emergence of a SOGIESC movement during a conflict.

Sri Lanka has undergone protracted internal armed conflicts. Sri Lankan ethnic conflict (1983-2009) focused on reforming the state by creating a separate state for Tamil minorities (*UCDP -*

Uppsala Conflict Data Program, no date) It has cost human lives and had a devastating impact on the politics of their societies. In addition, the rise of leftist youth rebellion in Sri Lanka in 1971 and 1988-89 complicated the politics. The Sri Lanka conflict concluded with a military victory for government forces. With the conclusion of the war, Sri Lanka introduced two constitutional amendments in 2010 and 2015(Goodhand and Walton, 2017), which provided opportunities for different collectives to negotiate access to state power and constitutional recognition.

The first SOGIESC organisation COJ was formed in 1995. Since then, a small number of organisations and groups have emerged and are focused on the struggle for decriminalisation. The unit of analysis is the SOGIESC movement in Sri Lanka from the mid-1990s to 2018. Within the wider movement, this thesis focuses on two organisations – COJ and WSG and one informal movement, B4D, that emerged organically in 2018. Data was gathered on the key SOGIESC organisations, SOGIESC activists, and SOGIESC individuals. The thesis examines critical moments of rupture in the conflict transition since it is more common for transformations to be associated with these 'moments of ruptures' when the rules of transition are not fixed. In Sri Lanka, the period of the mid-nineties, which had several conflict transition momentums such as the 1994-1995 peace process, the Norwegian Peace Process from 2001-2004, and the post-war period from 2009 to 2018, has been considered. The next chapter will provide more details about these organisations and the transition moments.

4.3. Research preparation, practice and analysis

To prepare for the fieldwork, I first conducted desk research to collect data on several SOGIESC organisations and activists engaged in SOGIESC activism. This helped to generate an overview of key individuals, groups and organisations. Although newspapers and limited records may not provide a comprehensive picture of the SOGIESC landscape, it allowed me to map key elements of the ecosystem of the activism. As there is little documented evidence of the history of the SOGIESC movement in Sri Lanka, I had to navigate NGOs with certain records about SOGIESC work.

A research assistant was hired to conduct the archival data collection. The research assistant is from the SOGIESC community and was able to connect with relevant NGOs who had few reports and newspaper collections about the history of SOGIESC activism. Newspaper materials

examined covered the period from 1995-2013 in mainly Sinhala and English languages. Apart from materials in English and local languages in Sri Lanka, a research assistant managed the logistics of interviews and took notes. This ensured the data was sensitively collected by cultivating a trusted link between the research and the communities.

Civil society activists and their network have been used to reach out to interviewees and other related support for research logistics and access to documents. I have avoided working or volunteering with organisations and groups that might be the subjects of my research to avoid conflict of interests as I am a founder of an organisation working for SOGIESC rights.[3] This did not prevent me from having close access and connections with them. Most of my research participants were in Colombo, the capital city. The interviewees were selected based on their level of association and involvement in SOGIESC organisations.

The archival study mapped two key SOGIESC organisations, COJ and WSG. Other organisations were mainly functional in the post-war period since 2009 except for Equal Ground (EG) which was started towards the end of the Tsunami and during the last phase of the war. Therefore, the focus was kept on COJ and WSG. A brief account of these organisations has been provided in the next chapter.

The study has also been complemented with an account of the B4D SOGIESC mobilisation during 2018. This incident happened during my first few days of fieldwork, and I had the opportunity to be involved with the SOGIESC responses to this democratic uprising in October 2018. As this was considered a key transition moment for the SOGIESC communities in post-war Sri Lanka, a reflective approach was adopted to collect the relevant data, which involved writing a reflective journal. The journal was an opportunity for me to document the major events and key conversations around the decisions and dynamics that I had access to or been part of. It also allowed me to document and reflect upon my own ideas and positions around the incidents. The observations, factual data related to incidents, and sources of data have informed the analysis in Chapter 08.

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[3] I co-founded Community Welfare and Development Fund in 2018 to support precarious SOGIESC persons with immediate relief such as food, shelter, medicine, and mental and legal support.

Figure 4.2: Operationalisation of Data Collection

Methods	Case 01 (1995-2005)	Case 02 (2006-2014)	Illustrative Case (2018)
Archival and/or Desk Research Research in English and Sinhala Newspapers and Tabloids during from	Paper Cuttings Collections of SOGIESC work (1995-2005) from the repository of Heart-to-Heart Organisation	Paper Cuttings Collections of SOGIESC work (2006-2014) from the repository of Heart-to-Heart Organisation	Online news articles, newspaper reportings and audio-visual media reports were obtained through desk research.
20 Inerviews of SOGIESC activists and Human Rights/civil society activists from Colombo and abroad conducted in Sinhalese and English	Interviewees covered this period	Interviewees covered this period	Interviewees covered this period
Reflective Journal	Not Applicable as this period was not witnessed by the author	Not Applicable as this period was not witnessed by the author	Used to reflect and document the observations of the events from 22.10.2018 to 19.02.2019

20 interviews of two to three hours each were conducted during the period between 2018 and 2021 with repeat and followup questions to cover three themes set out in the topic guide (See Annexure III). The first theme covered the questions related to locating the interviewee and their position within the SOGIESC communities to help cultivate a warm environment for the second part of the interview. Questions related to the second theme included conflict and SOGIESC work. During this part of the interview, I allowed participants to talk and identify key moments

and to explain why they considered these a key juncture in the trajectory of the SOGIESC community. Questions were also used to unpack the connection between conflict dynamics and its effect on queer politics. Another round of questions were used to cover the final theme on tracking the key drivers of queer politics. This involved questions on ethnicity, leadership, class, international support, and the wider civil society movement. In certain cases, some questions were clarified in followup interviews.

Interviewees were chosen using a snowball approach which allowed me to connect to the next interviewee via a trusted link. All the participants were from SOGIESC communities and there were two participants who do not publicly identify them as queer. Hence these interviewees are referred to as 'civil society activists'. All interviews were conducted in Sinhala and English except for one which was conducted in Sinhala and Tamil. Only one participant from an ethnic minority group joined the interview pool. All the participants live and work in the capital city of Colombo. Therefore, this pool of interviews does not represent voices from the North and East of Sri Lanka as there were no organized SOGISEC activism taking place during the period covered in this research (1995-2014). Six interviews were conducted online using jitsi or zoom while the rest were conducted in person in a venue that was comfortable for the participant. Often it was a safe place in Colombo except for one which was conducted in the UK in person. The interview sample included majority Sinhalese and one Tamil person and one Burger identifying person. All participants were part of the Southern part of the island and there were no representatives from the Northern and Eastern regions. All participants preferred that the interviews were not recorded and wanted notes to be taken instead. So extensive note taking was done by myself and the research assistant. These notes informed the analysis in the empirical chapters. Participants were contacted again for clarification in case of any confusion.

4.4. Negotiating research context and positionality

As mentioned in the introduction chapter of this thesis, my involvement with the queer activism in Sri Lanka and unique positioning within the civil society in Sri Lanka, has been instrumental in shaping the nature of this research. First, the decision to change the topic of the study from peace negotiations to queer politics in conflict setting was motivated by my involvement with the queer activism in Sri Lanka and the curiosity to know more about the trajectory of the queer politics in the country. Second, the change of the topic also required me to reconsider my methodological

approach to the study. I had to abandon the positivist approach adopted in my previous research and choose an approach rooted in the constructivist approach. This change is reflected in the methods employed to collect data and the methodological tools used: reflective journaling, semi-structured interviews and structured conmparisons. The analysis presented in chapter 8 required me to reflect critically on my positionality as an active leader of the Butterfly for Democracy movement, my use of data, and my experience within this research. Finally, accessing intervieewes and data has also been affected by my central role as a SOGIESC activists in Sri Lanka. I have explained this in detail towards the latter part of this section. On the one hand this has allowed me to access certain activists while on the other hand, it has made others suspicious of my work. A research assistant was used to address some of these issues

My role as an activist has both enabled and constrainted me in conducting this research. Rooted in the ideology of queer left, - a recent trend in the SOGIESC movement of Sri Lanka, I have not only gained friends within the movement but also critics. Therefore, my entry into researchingqueer communities in Sri Lanka, was not always welcomed by other activists. Some supported and others criticized this research. As a relative 'newcomer' to the SOGIESC activism I had to rely on the data offered to me by more long-standing activists for the first two empirical chapters covering the period beforte 2015. But the chapter on B4D was greatly enriched by my own participant observations and reflections. I have summarized the different strategies deployed in the research in the above figure 4.2. In analysing the queer politics prior to the 2015, my understanding has been restricted to the views of more long-standing activits while my analysis of B4D was greatly influenced by my own experience of SOGIESC activism and left politics. It was important to me to centre voices from the left and to unpack the internal divisions and heterogenioty of the queer movement. While this approach built on my own personal experience, it also allowed me to highlight features that have been missing from existing scholarship on SOGIESC communities in Sri Lnaka particularly the growing influence of the queer left, and the influence of ethnonationalism in queer politics.

This research grew out of my own personal experience which is influenced by the social and politics position I occupy as a Tamil ethnic minority from a left background who is able to navigate the Tamil, Sinhalese and English-speaking segments of the Sri Lankan society. The access and cultural sensitivity I had to these communities within the queer movement enabled me to observe the gaps and silences within the writings on the queer community in Sri Lanka. The

absence of Tamil queer polity, the emergence of queer left, and the dominance of Sinhala queer polity are certain elements I highlighted as of great importance in this thesis. Centering those missing voices has been a greater importance for comprehending the queer politics in Sri Lanka it is rooted within the context of an ethno-nationalist conflict.

On the other hand, my position as an educated person who lived and worked in Sri Lanka and overseas has also shaped the ways in which I have operationalized this research.The challenges of implementing institutional ethics and addressing concerns are far more difficult in the global south than in the global North, even if the researcher is from the global south, as a class and educational differences often remain important preconditions to exploitation in the research process (Sultana, 2007). Conducting international fieldwork involves being attentive to the histories of colonialism, development, globalisation and local realities and avoiding exploitative research or reproduction of domination and control. Therefore, it is crucial that the researchers are mindful of the ethical concerns and how they are being negotiated throughout the entire research process, from conceptualisation to dissemination (Sultana, 2007, p. 375). Fears related to the (mis)representation and (in)authenticity can be overcome by devising fieldwork based on the understanding that it is productive and liberating. Such research would be politically engaged, materially grounded and institutionally sensitive (Nagar, 2002). Ethical research is produced through negotiated spaces and practices of reflexivity critical to positionality and power relations on multiple scales (Sultana, 2007, p. 375).

Reflexivity in research involves self-reflection and reflection on the research process, as well as critically examining power relations and politics in the research process and researcher accountability in data collection and interpretation (Sultana, 2007, p. 376). It further opens the research to more complex and nuanced interpretations of issues and thus blurs the boundaries between the research process and the research findings (Ortlipp, 2015). One of the key benefits of maintaining a reflective journal is that it allows me to consciously acknowledge my values involved with this thesis research instead of controlling it. It shows how messiness is embedded in the research process that can affect and change the research design and approach. By making it visible to myself and the reader, this research avoids reproducing the liner and neat process of conducting this research (Russell and Kelly, 2002).

On the other hand, a reflective journal maintained during the field visit in October 2018 to Sri Lanka, where I was also engaged with queer mobilisations, helped to maintain a trail of events. Later it was used as a primary data source for this research. Much of chapter 08 has benefitted from the reflective journal.

Unlike many foreign students who conduct research in a third country, my fieldwork involved doing research at home: in Sri Lanka. Sri Lanka is not a field per se, as it is my home, and I have been perceived as a critical activist who is part of the SOGIESC community. This position provides me with better access to groups, organisations, and activists. Since I speak all three languages of Sri Lanka, I could communicate freely with all research participants from diverse ethnic communities. However, given my critical engagement with the SOGIESC communities in Sri Lanka, obtaining the cooperation of certain activists and organisations to collect data was not possible. To mitigate any misrepresentation and distrust, I was explicit about my research agenda and ensured that participants knew that any data would only be used for academic purposes. Despite these assurances, certain activists have refused to participate in the research project. Some even publicly criticised me for 'using' community activism for my 'personal' benefit to get a PhD. In such situations, I had to pre-emptively avoid similar mistakes by inviting activists who may jeopardise the research. To this end, I first contacted activists who are not hostile toward my politics and have intensively worked with the two selected organisations. Through their network and connection, I could link with other participants.

Interviews were conducted mainly in person in Colombo, the capital of Sri Lanka, during multiple visits to Sri Lanka throughout the study period. I conducted two major field visits to Sri Lanka, both in 2018 and 2019, before the COVID-19 pandemic. A few participants who live outside of Sri Lanka were contacted online, and their interviews were done through safe apps such as Jitsi and Proton to ensure privacy and trust. Informed consent was sought and recorded in written format. Information and consent forms were given in English, Sinhalese and Tami, depending on the preferred language of the interviewees. Travelling costs were covered for those who needed them, ensuring they would not incur additional costs to participate in the interviews. Participants often select meeting places according to their safety and convenience.

Most of the interviews were conducted with the participation of my research assistant, who also took notes in addition to me. Having a research assistant enabled me to navigate the resistance to

my research that came from some activists whose work has been criticized by me. Most of them were friendly to the research assistant and he helped with data collection and in identifying interviewees. The research assistant also helped in understanding the contextual details of the interviews and creating trust between the interviewees and the research process. The research assistant was able to unpack certain nuances of the intervieewes responses to the research as he had a different relationship to the interviewees than me. On the other hand, using a research assistant who was relatively newto SOGIESC activism also caused some tensions in accessing certain participants, particularly, queer and transgender women. There was one occasion where I had to intervene and mitigate the potential distance between the participant and the research. There were also instances where the research assistant had to be given customized instructions as to how to approach certain participants as he did not have previous experience in working for a research project. Having a research assistant who was responsible for scheduling meetings with participants limited opportunities for me to build trust with the participants prior to interview. In certain occasion this was perceived as a hierarchical approach to access participants. In such cases, I had to directly contact the participants to get their consent for participating in the research. Due to these mixed outcomes, the research assistant and I had to work very closely to mitigate these issues.

All information was anonymised. Soft copies of the interviews have been saved in an encrypted folder in my University of Bath drive and a dedicated hard drive with access only to my supervisor and me. Efforts have been made to protect interviewees even from a slightest revelation of their identity when citing their interviews. I have omitted mentioning the exact place of interviews as it may be easy to locate the person due to the closely connected nature of the SOGIESC activist community in Sri Lanka.

Another challenge I faced during the research was the privilege of education and skills as the first SOGIESC activist starting a PhD in Queer Politics in Sri Lanka. This level of education and work has created an asymmetry mitigated by emboldening our friendship ties. To navigate these issues, I was conscious about selecting places to meet, the way I use the local accent and reconnecting with our friendship activism. Another issue was my native Tamil ethnic identity, which was a concern for a few ethnically Sinhalese activists. Although I could mitigate class and education privilege, my ethnic identity has explicitly affected some of the interviews. Apart from those measures, there was always a possibility that I was considered the 'other' by people who were

critical of my work. In addition to my Tamil ethnic identity, my cisgender-looking appearance can also be questioned by fellow SOGIESC activists. I also told the participants that I was not involved with any projects that donate grants or funding for the community for this research. Being a Tamil cis-looking gay activist I could not attract all the SOGIESC activists as some were concerned about how the findings would affect their work. My association with left politics also worried some of them. Although my involvement in the first two cases is absent, I was active in the third illustrative case in chapter eight. My experience in left politics and queer activism were instrumental in shaping the chapter and observations made during the B4D movement. Although it may be considered a limitation in bringing a subjective narrative, my active involvement allowed me to understand some of the more nuanced micro elements of the movement. I have made my involvement clear to the reader and reflected critically on it in the chapter.

This research also focuses on SOGIESC work in Southern Sinhala-speaking communities with the exception of Chapter eight where Tamil SOGIESC work has been considered as well. The first two cases chosen – COJ and WSG are Sinhalese SOGISEC organizations and no Tamil or Muslim SOGIESC work was covered in these first two empirical chapters. This is due to the fact that the war in the North-East Tamil speaking areas actively prevented any institutionalized organizing of Tamil SOGIESC work. Due to this limited data availability, this study considers mainly the intersection between Sinhala ethno-nationalism and SOGIESC issues. The intersection between SOGIESC work and Tamil ethno-nationalism is not included. Another limitation of this work is that this study includes institutionalised SOGIESC NGOs that are explicitly working on SOGIESC work. I focused on these groups because it was more feasible to analyse theirdecision-making proceses. For the same reason, less institutionalized forms of SOGIESC work particularly traditional queer organizing is not included in the study. This study is limited by focusing only on the institionalised Sinhalese SOGIESC organizations of Sri Lanka. However, this thesis provides a starting point for further research on other parts of the SOGIESC movement using different methodologies.

One major hurdle that turned into a blessing in the field was getting caught in the middle of the constitutional coup in October 2018 in Sri Lana. This period of political instability and the response of the SOGIESC community is explained in chapter 8. As a leader of the SOGIESC communities in Sri Lanka, which had to confront the political homophobia sparked during the political crisis, I was unable to continue the interviews as the way I had planned during this

period. Many activists were invested in the struggle, and it was necessary to intervene in the situation. I was part of the SOGIESC mobilisation which led to the Butterfly for Democracy movement. This open moment created during the transition period was an opportunity to reflect on the study's research problem. Using this opportunity, a methodologically feasible way that allows me to contribute to both the research and ongoing pressing situation on the ground had to be negotiated. This was done by producing a reflective journal throughout intervention from October to December 2018. In this journal, I reflexively documented the process and my involvement in the journal, which has been used to collect data for this thesis. The final empirical chapter on the B4D has been added to the thesis due to this sudden change in the context. This gave a real-time opportunity to illustrate and compliment the first two periods of the study. Reflective journal allowed me to take a critical position on my engagement with the research and evidence of the transparency of the work (Ortlipp, 2015). It also enhances the dynamic validity of the research (Vicary, Young and Hicks, 2017).

One possible issue relating to my active involvement in the SOGIESC work concerns the potential biases of the thesis and arguments produced. It could also be argued that my findings reflect my version of events rather than an objective one. I have used two methods to mitigate such potential biases in interpreting the events. First, I have made my involvement in the processes and potential biases explicit to the reader here in the thesis. Secondly, once the draft findings were prepared, I circulated them among different activists to get their comments and reviews. This feedback was also gathered through the publication process. Two peer-reviewed chapters had been published by the time the thesis was finalised, which helped ensure that my interpretation of the data was subjected to critical scrutiny (See Thiyagaraja, 2021, 2022). Further, the arguments and data are triangulated through follow-up interviews and participant briefings. The published work on similar themes was also subject to such triangulation.

4.5. Contribution to knowledge and other benefits

This research addresses a lacuna in the conflict studies literature by focusing on queer politics in conflict transitions. By theorising the relationship between queer politics and conflict transition, it attempts to contribute to the ongoing discussion on SOGIESC rights in conflict-affected countries. Methodologically, it focuses on a case where homosexuality is a crime, unlike the previous attempts that have analysed cases where homosexuality is not legally criminalised. A

systematic understanding of the link between queer politics and conflict transitions will contribute to ongoing policy discussions about how the rights of sexual minorities can be incorporated into state reform and peacebuilding in post-civil war societies.

This contributes to the under-researched themes of queer politics in Sri Lanka whilst also providing an exploratory account of the prevailing lacuna of systematic analysis of the trajectory of queer politics in conflict. As indicated in the previous section, the research has direct policy relevance and provides insights into planning and implementing a transition agenda in a more SOGIESC-friendly manner. This would help mitigate the exclusion and marginalisation of SOGIESC communities in conflict transition processes.

4.6. Conclusions

This chapter outlines the methodological approach of this thesis. It started with explaining the research problem and the structured, focused comparison method used in the thesis. The chapter also explained archival research, fieldwork and reflective journal used in collecting data for the research. The ethical considerations, positionalities of the author, and efforts taken to mitigate potential biases were also described in the chapter. Finally, this chapter presents the contributions of this research.

CHAPTER FIVE

Contextualising queer politics in Sri Lanka

This chapter contextualises the selected case studies in Sri Lanka to inform the conceptual framework outlined in the previous chapter. The previous chapters argued that a systematic study of queer politics in conflict transition is very much warranted, given the existing lacuna. The chapter is divided into two parts. The first part provides background to the ethnic conflict in Sri Lanka. The second part provides an overview of the history of queer politics in Sri Lanka; this is not an exhaustive overview of a community of persons with diverse Sexual orientations, Gender Identities and Expressions, and Sex Characteristics (SOGIESC) but a background description that contextualises the thesis. The chapter broadly explains the nature of conflict transition in Sri Lanka and the landscape of the SOGIESC communities since 1995. It draws mainly from two book chapters published by the Centre for Poverty Analysis and Routledge London, based on the research conducted for this thesis (See Thiyagaraja, 2022).

Before proceeding, a note is needed on the importance of conflict transitions. As explained in chapter 1, conflict is a dynamic phenomenon (Kreutz, 2010), and not all conflicts start and end similarly (Lotta, Havard and Havard, 2009). The end of war does not necessarily mean merely peace, and conflict rarely ends neatly (Maley, 2006). Legacies of conflict may often go through transition periods (Ebrima, 2018). In this sense, conflict transition is a complex process of interconnected social, political, and economic processes and is better seen as a continuum (Davenport, Melander and Regan, 2018).

This evolving process of conflict transition can not only create opportunities and challenges to existing identities and groups within a society but also generate new balances of power as it is a momentum of ruptures and continuity where new identities are formed, and political coalitions may find space as the rules of the game may be open to renegotiation (Lund, 2016). In Lund's words, "these ruptures are open moments"(2016, p. 1202). This continuum of conflict transitions provides opportunities and challenges for historically oppressed communities to reconfigure and revive their politics and renegotiate their subjectivities about state formation. SOGIESC communities are by no means an exception to this situation. Based on this understanding, I contextualise conflict transitions in Sri Lanka in the following sections.

5.1. Conflict in Sri Lanka

Sri Lanka is a small island nation in South Asia that has suffered from protracted internal conflicts. The country is located on the southern tip of India sharing maritime borders with India and Maldives (Athukorala and Jayasuriya, 2013). It is a lower-middle-income country with 21 million people with a GDP per capita of $4,065 (2017), according to the World Bank(World Bank, 2018). Despite its relatively low level of economic development, the country has enjoyed high social and human welfare indicators for the last few decades. In 2016, the life expectancy was 75 years, and the adult literacy rate was above 92% and ranked 73rd on the world Human Development Index ranking(UNDP, 2016), making Sri Lanka one of the most affluent countries in the region.

Sri Lanka is a multi-ethnic and multi-religious country inhabited by several major ethnic groups, namely the Sinhalese (74.9%), whose religion is predominantly Buddhism (70.2%), and Sri Lankan Tamils (11.2%), who practice mainly Hinduism (12.6%) along with Sri Lankan Moors (9.2%) and Malayagha (or Indian) Tamils (4.2%) whose predominant religion is also Hinduism. Islam (9.7%) and Christianity (6.1%) form the other major religions practised (*Census of Population and Housing - 2012*, 2012). Sri Lankan Tamils constitute a significant minority forming the majority of the northern and eastern parts of the island. In contrast, Sinhalese predominantly live in the southern and western parts of the country.

Sri Lanka has experienced two major conflicts. The Janatha Vimukthi Peramuna (JVP – lit. People's Liberation Front) engaged in an insurgency against the government, which came in two waves – in 1971 and the late 1980s. The JVP was established by Rohana Wijeweera based on both Marxist and nationalist ideology and largely rooted in the rural majority of Sinhalese-educated youth in southern parts of Sri Lanka. To promote the interests of the Sinhalese peasantry, it launched an armed attack in 1971, which survived for a few months until the Government of Sri Lanka (GOSL) was able to crush the insurgency. After the failed attempt in 1971, the JVP again re-emerged as a militant group in the wake of the ethnic conflict, which had become a civil war by the 1980s and staged another failed attempt to overthrow the GoSL in 1989. Around 1,200 to 10,000 people were killed and many displaced (*UCDP - Uppsala Conflict Data Program*, no date). The JVP was again subjected to brutal elimination by the state military, which led to the killing of

its leader and the eventual conclusion of the conflict. The JVP later became a political party and was absorbed into the system it was trying to overthrow.

The 26-year civil war in Sri Lanka between the majority Sinhalese and the Tamil ethnic minority is a classic example of an ethnic conflict (Orjuela, 2005; *UCDP - Uppsala Conflict Data Program*, no date). The Tamil ethnic minority staged it in North-East Sri Lanka against the Sinhalese-dominated state. Economic, cultural, and political deprivation against Tamil minorities led to the armed rebellion against the Sinhalese-dominated Sri Lankan state (Orjuela, 2003). The long-standing grievance of Sri Lankan Tamil minorities against the unequal treatment and political exclusion from state power by the majority Sinhalese-dominated state turned into an armed conflict after several failed attempts to reach a negotiated settlement from the 1950s to the 1970s. After a low-intensity conflict for several years, the conflict turned into civil war in 1983 with a Tamil militant group's attack on the government of Sri Lanka forces. Armed conflict between Tamil militant groups in the 1980s ended with the emergence of the Liberation Tigers of Tamil Eelam (LTTE) as the dominant group. The LTTE fought for a separate state for ethnic Tamil minorities, and their armed struggle with the majority ethnic Sinhalese-dominated GoSL concluded in 2009 with the military victory of the GoSL forces (Hoglund, Kovacs and Thiyagaraja, 2016). Since its beginning in the 1980s, the conflict has been estimated to have cost 65,000-100,000[4] lives and was considered one of the intractable intra-state armed conflicts in the world (*UCDP - Uppsala Conflict Data Program*, no date).

For two reasons, ethnic conflict will be used as the premise for this research. First, the ethnic conflict from 1983 to 2009 perfectly overlaps with the emergence of queer politics on the island, unlike the JVP insurgencies. Institutionalised queer politics in Sri Lanka is considered to have begun in 1995 with the formal establishment of the first SOGIESC organisation and has evolved since then. Second, the ethnic conflict has been the decisive factor determining the political landscape of Sri Lanka for almost four decades. According to political economist Newton Gunasinghe (1996), the violent intensification of the ethnic conflict in 1987 marked ethnic over-determination of the Sri Lankan polity from a left-oriented political landscape.

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[4] Different account claims a different number of estimates. UCDP's claim stands at 65372 battle-related deaths

5.2. Oppressing sexual and gender minorities

The SOGIESC identities of individuals in Sri Lanka should not be understood as clear-cut fixed terms and identities. In contrast to its neighbours like India and Nepal, Sri Lanka has used similar SOGIESC categorisations in the West. Apart from the terms associated with LGBTIQ+, *Nachchi* is also used to identify feminine men who inhabit hyper-femininity and perceived masculine libido (Ellawala, 2018). They also identify themselves as transgender persons (Nichols, 2010). There are no studies on the prevalence of identity formation of persons with diverse SOGIESC identities in Sri Lanka except for a recent study by Ellawala (2018), which argues that the process of identity formation amongst Sri Lankan gender non-conforming persons diverges somewhat from Western models. Ellawala's (2018) study highlights the need for more context-specific analysis while cautioning against the dangers of using western concepts to understand queer politics in Sri Lanka.

The limited existing literature on SOGIESC identities in Sri Lanka portrays SOGIESC people as victims of direct, structural, and cultural violence, which emanates from the criminalisation of homosexuality in Sri Lanka (Nichols, 2010; Damith, 2014; Human Rights Watch (Organisation), 2016). Both policy and academic discourse are interested in identifying the type and causes of violence faced by the SOGIESC communities in Sri Lanka and mapping possible mechanisms of remedies. However, empirical evidence suggests a complex story about the agency of persons with diverse SOGIESC identities. SOGIESC organisations continued their activism, mainstreamed their rights and mobilised people to claim their rights despite the oppression against SOGIESC communities. For example, the emergence and evolution of the SOGIESC movement in Nepal since 1998 during the democratic transition, the queer solidarity work across Protestants and Catholic groups in the context of the conflict in Northern Ireland, queer organising in Myanmar during the military rule and Sri Lanka's SOGIESC movement can be mentioned (Ashe, 2007; Chua and Gilbert, 2015; Baniya *et al.*, 2017; Hagen, 2017; Thiyagaraja and Jayasinghe, 2021). Most of the SOGIESC organisations formed during the conflict period of Sri Lanka nevertheless managed to engage in queer politics. The following chapters will highlight key structural and organisational factors that shaped queer politics in the context of conflict transitions in Sri Lanka.

Nevertheless, literature highlights that, prevailing discrimination in the legal system has been identified as one of the foremost causes of violence against SOGIESC communities in Sri Lanka (Nichols, 2010; Damith, 2014; Human Rights Watch (Organisation), 2016). Laws based on Victorian morality during British Colonial rule criminalising consensual same-sex conduct remain in force and have been further entrenched by the legislature and law executing agencies in post-colonial Sri Lanka.[5] Three major offences can be identified here as depicted in Figure 5.1 below. First, the colonial era Sri Lankan Penal Code, adopted in 1883, prohibits "Carnal Knowledge against the order of the nature" and "gross indecency", commonly known as same-sex conduct between consenting adults, including in private spaces (Human Rights Watch (Organisation), 2016). Second, the Vagrancy Ordinance adopted in 1841 prohibits soliciting or committing acts of 'gross indecency' (Article 7) or being 'incorrigible rogues' (Article 5 & 9) procuring illicit or unnatural intercourse' (*Vagrants Ordinance*, 1842). Finally, the law against 'cheat(ing) by personation' also subjects transgender persons to violence.

Apart from legal criminalisation, widely prevalent conservative religious and social values that demonise any sexual conduct other than that between a male and a female are also one of the major causes of violence against SOGIESC communities (Nichols, 2010; Damith, 2014; Human Rights Watch (Organisation), 2016). Further, Nichols (2010) argues that existing social values which privilege women as feminine and men as masculine over gender non-conforming expressions often lead to further discrimination against the transgender community in Sri Lanka.

Both policy and academic literature find that this criminal legislation leads to different types of violence and discrimination against SOGIESC communities in Sri Lanka. Damith (2014) argues that transgender persons' rights are being violated from childhood to later stages of life. Child rights abuses, psychological stress and abuse, discrimination at employment, access to public services such as medical and education, direct and indirect violence by police and other law enforcement agencies and violations by the media have been identified as major forms of violence. Another report (IGLHRC, 2014a) prepared by the Women's Support Group (WSG) in Sri Lanka highlights the forms of violence experienced by Lesbians, Bisexual and Trans women (LBT women), such as violence in both private and public spheres, discrimination and social

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[5] See sections 365 and 365 A of the criminal code of Sri Lanka.

stigma, and sexual harassment at the workplace. Certain studies have briefly discussed remedies for SOGIESC communities and their identity formations. Damith (2014) highlights the positive interventions made by police and clergy to heal and recover transgender persons from their traumatic experiences.

Figure 5.1: Laws Affecting Non-Heterosexual Conduct in Sri Lanka

Law	Offense	Punishment
Penal Code section 365: Unnatural Offences	Unnatural Offences between adults including whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animals	Imprisonment up to 10 years and/or fine
	Unnatural Offences between an adult and a person below 16 years	Rigorous imprisonment of minimum 10-20 years and/or fine
Penal Code section 365A: Gross Indecency	Any person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of any act of gross indecency with another person	Imprisonment up to 02 years and/or fine
	Gross Indecency between an adult and a person below 16 years	Rigorous imprisonment of minimum 10 to 20 years and/or fine
Vagrants Ordinance section 5: Incorrigible Rogues	Being idle and disorderly or a rogue and vagabond Escaping from a legal confinement	Imprisonment at hard labour up to 4 months and to corporal punishment up to 24 lashes.
Vagrants Ordinance section (7): Gross Indecency	Soliciting acts of indecency in public places	Imprisonment up to 06 months or a fine up to 100 Rupees (<1 USD)
Vagrants Ordinance section 9: Certain Incorrigible Rogues	Living on the earnings of prostitution or systematically procuring persons for illicit or unnatural intercourse	Imprisonment up to 06 months and/or a fine up to 100 Rupees (<1 USD)
Penal Code section 399: Cheating by personation	Cheating by pretending to be some other person	Imprisonment up to 01 year and/or a fine

Source: Drawn from Penal Code and Vagrants Ordinance of Sri Lanka[6]

Research on the process of identity articulation and formation of SOGIESC communities has shown how problematic it is to adopt Western models of identity formation (Ellawala, 2018). For Ellawala, such identity formation highlights the complex but distinct process of articulating identities, which urges the need for context-specific research. However, none of this research seems to articulate the effects and influence of the armed conflict on queer politics. Empirical evidence, which will be discussed below, suggests a more complex picture of the agency of queer politics during conflict transitions.

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[6] An initial version of this table has been published in (Thiyagaraja, 2022, p. 30) by the author and republished here with their permission of the publisher Centre for Poverty Analysis, Sri Lanka.

5.3. SOGIESC civil society and conflict transitions

Before outlining queer politics, which resembles modern civil society, it is important to provide some general background to civil society in Sri Lanka. Conflict transitions often condition the nature and dynamic of civil society politics (Orjuela, 2005). Modern civil society in Sri Lanka began with the Western Christian missionary movement, which was later mirrored by the Buddhist, Hindu and Muslim cultural revival movements in the late nineteenth century against British colonial rule (Fernando and De mel, 1991; Wickramasinghe, 2001; Orjuela, 2005). Historically, there had been several movements, such as the temperance, cooperative, and Buddhist revivalist and nationalist movements in the early twentieth century. The labour movement and anti-colonial movements were begun in the 1920s. The anti-colonial movement later became dominated by Sinhalese and paved the way for a Tamil nationalist movement which was initially a non-violent struggle but later became an armed conflict. With the institutionalization of the labour movement, a new violent leftist movement broke out with the leftist JVP in 1971.

With the introduction of the open market economy system and the emergence of armed conflict with the Tamil nationalist movement in the 1980s, the number of non-governmental Organisations based on funding from foreign countries and international Organisations, including foreign NGOs, has increased and become widespread. These civil society groups have also emerged around ethnicity, caste, class, labour rights, religion, rural, democratic, temperance, anti-colonialism and socialism (Orjuela, 2005). Some studies have questioned the assumption that violent conflict erodes social capital, highlighting the potentially dynamic roles that civil society groups can play in conflict contexts (Goodhand, Hulme and Lewer, 2002). Understanding conflict transitions and the role of civil society, particularly civil society engaged in queer politics, is vital to position this study.

The ethnic conflict in Sri Lanka has undergone multiple conflict transition moments. As shown in Figure 5.2, five major conflict transition periods can be identified. The first and the shortest conflict transition in 1987 resulted from the Indian-mediated Indo-Lanka Peace Accord between India and Sri Lanka[7]. The short-lived ceasefire, disarmament of rebels, demilitarization of war

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[7] India mediated the peace talks between Tamil rebels and the GoSL. The LTTE was not a leading rebel group at this time, and six other Tamil militant groups were functional: TULF – Tamil United Liberation Front, TELO- Tamil

zones, arrival of the Indian Peace Keeping Force (IPKF) and the introduction of the constitutional change introducing Provincial Councils were major characteristics of this transition period.[8] With the failure of the Peace Accord; the LTTE emerged as the most radical Tamil militant group while other groups were either eliminated or gradually transformed into political parties. Second, an extended period of peace talks took place between April 1989 - June 1990, during the presidency of Ranasinghe Premadasa.[9] Unlike the Indo-Lanka Accord, talks during this period did not bring any significant changes except the withdrawal of the IPKF and the consolidation of power by LTTE within the Tamil militant movement. Queer politics during these first two periods was almost non-existent (see Figure 5.2.).

A third dynamic transition period began in 1994 with the bilateral negotiation between the GoSL under the new president Chandrika Kumaratunga who was elected on the promise of bringing peace, concurring with the beginning of the Peace Movement of Sri Lanka (Orjuela, 2003).[10] Peace work became a necessary civil society activity in this period and attracted much foreign aid and support. The first public rally for peace was held in December 1994 with representatives of more than 40 civil society Organisations and groups. The National Peace Council (NPC) was established in 1995.

This was when the first SOGIESC Organisation was formed in Sri Lanka in 1995: Companions on Journey (CoJ). It was followed by the Women's Support Group (WSG) in 1999. As listed in Figure 5.4 CoJ was formed by a young gay man from the capital city Colombo with the support of a few individuals and foreign missions in Sri Lanka. The Organisation became a major contact

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Ealam Liberation Organisation, EPRLF= Ealam Peoples' Revolutionary Liberation Front, EROS- Ealam Revolutionary Organisation of Students, PLOTE – People's Liberation Organisation of Tamil Ealam. The LTTE emerged as a dominant group in the late 1980s when other militants adhered to the Indo-Lanka peace accord in 1987. The LTTE deviated from the ceasefire and resumed hostilities with the Indian Peace Keeping Forces (IPKF). The war continued until the next round of talks began in 1989. The 1987 Indian mediation and the re-escalation of the conflict can also be identified as the emergence of a new political equilibrium in Sri Lankan politics

[8] The Provincial Council system was intended to provide a partial devolution system to the Tamil majority areas of the island

[9] The initial ceasefire started in April 1989 and was extended to a cessation of hostilities and paved the way for formal talks between the LTTE and the GoSL without third-party mediation. Remarkably, these were the first talks between LTTE and the GoSL without third-party facilitation. The President of Sri Lanka himself was interested in the negotiations. The cessation of hostilities ended when LTTE insisted on closing down all the police stations in the north and east of the island on the 11th of June 1990.

[10] The period from the 13th of October 1994 to the 19th of April 1995 was marked by four rounds of talks held between the two parties with very little progress as the LTTE continued violence against civilians. The transition period ended with the LTTE breaking the ceasefire by attacking navy ships in the Trincomalee harbour in the east of the island.

point for persons with diverse SOGIESC identities in Sri Lanka. Within a short period, CoJ developed its network in the island's rural areas and had 1,600 members from SOGIESC communities. The Organisation was known for its public advocacy by holding the first press conference to discuss the country's SOGIESC rights (Sherman Anthony, 2011).

With its expansion, CoJ founded the WSG, dedicated to queer women, in 1999 as a response to the issues faced by women with diverse SOGIESC identities, as seen through the GoSL's move to criminalize consensual sex between women in 1995 (Immigration and Refugee Board of Canada, 2008). By adopting a similar approach to CoJ, WSG worked to mobilize and raise knowledge about issues faced by queer women. With its growing contributors, mainly from urban upper-middle-class, educated women, WSG became an independent Organisation later. Although the war restarted in 1995, these two Organisations continued to function until 2011 and 2012, respectively.

Figure 5.2: Conflict Transition Continuums in Sri Lanka
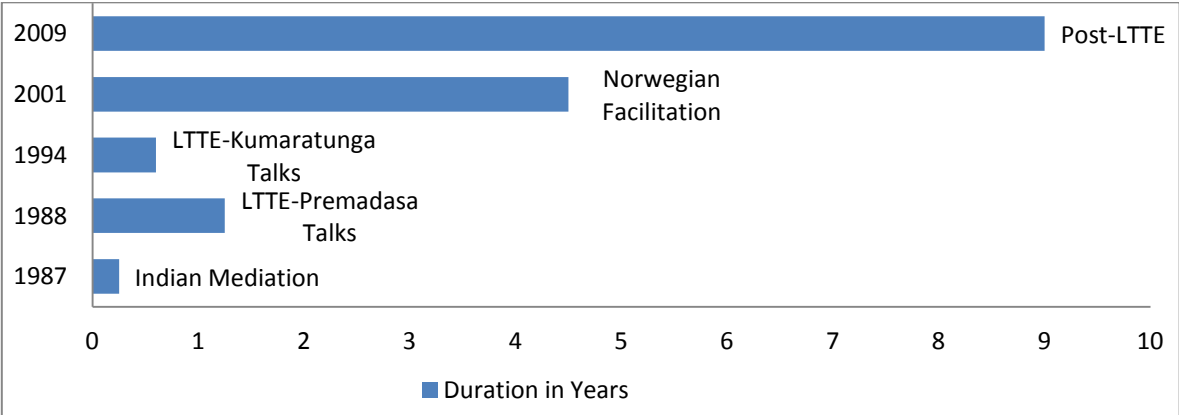
Source: Prepared by the author based on (Hoglund, Kovacs and Thiyagaraja, 2016)[11].

The fourth conflict transition period was the most promising. The Norwegian peace process operated at different levels and paved a multi-track peacebuilding process to be implemented.[12]

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[11] An initial version of this chart has been published in (Thiyagaraja, 2022, p. 22) by the author and republished here with their permission of the publisher Centre for Poverty Analysis, Sri Lanka.

[12] Norwegian 'facilitation' started in 1997 after the official invitation from President Kumaratunga and continued both under Prime Minister Wickremasinghe and President Rajapaksa periods. The third Eelam War (1995 – 2001) ended in a military deadlock followed by an economic crisis and regime change. This led to the creation of favourable international conditions for a Ceasefire Agreement on 22 February 2002 and peace negotiations in 2002 – 2003 facilitated by the Norwegian government (Stokke, 2006). The Norwegian government remained involved until its role was officially ended in 2009 by the GoSL. During this time, two negotiations were conducted, first under Prime Minister Wickremasinghe in 2002 and second under President Rajapaksa in 2006. The LTTE-Wickremasinghe talks were the most comprehensive negotiation period. United National Party (UNP), led by Ranil Wickremasinghe,

Several substantial steps were taken during the peace process to prolong the efforts to achieve a negotiated settlement.[13] For the first time, both parties initiated a gender committee to look into the issues of women and children in the war zones. Other civil society Organisations and groups emerged to actively engage in civic space, mainstreaming different social issues. Donor-funded peace work increased after the signing of the ceasefire agreement (Walton and Saravanamuththu, 2011).[14]

The second half of the Norwegian 'facilitation' period (2005-2006) came under the leadership of Rajapaksa. Following his election as President in 2005, Rajapaksa claimed a mandate for 'Honourable Peace', which brought substantial changes to the peace process.[15] The nationalist and rigid approach of the GoSL and the LTTE transformed the stalled peace process into an all-out war. The suppression of pro-peace civil society organisations[16] became evident and civic space began to shrink. Groups that were critical of the peace process and foreign-funded pro-peace civil society Organisations became stronger, and their widespread criticism of pro-peace civil society Organisations became increasingly vociferous (Walton and Saravanamuththu, 2011).

The intensive war began in late 2006 and continued until the GoSL declared a military victory and claimed that the LTTE was defeated in May 2009. Government surveillance was further extended between October 2006 and May 2009, militarising the society. Shrinking civic space continued further during the post-war period.

The widening civil society during the first half of the Norwegian 'facilitation' period and shrinking space during the second half also affected queer politics in Sri Lanka. The encouraging space for

campaigned for peace while in the opposition and was voted into office in 2001 with a public mandate for a negotiated peace. This public mandate provided a strong basis for the LTTE-Wickremasinghe talks making it a very dynamic transition period in the Sri Lankan conflict.

[13] A ceasefire monitoring mission called Sri Lanka Monitoring Mission (SLMM), along with the Secretariat for Coordinating the Peace Process (SCOPP), was established by the GoSL. For the first time, the LTTE agreed on the devolution of powers into a united framework at the Oslo Declaration in 2003. The Sri Lankan government proposed several economic reforms, including the 'Yali-Pubudamu Sri Lanka' (Re-awakening Sri Lanka) program. However, with the stagnation of the peace talks in 2003 and following dissolution of the parliament in 2004 brought a more vulnerable period for civil politics in the Sri Lankan history

[14] For an account of Civil Society during Sri Lanka's peace process, see (Goodhand, 1999; Orjuela, 2003, 2005; Walton and Saravanamuththu, 2011).

[15] First round of talks touched on the basic status quo, and parties agreed to maintain the ceasefire agreement in February 2006. However, the second round of talks held in October 2006 was the last round between LTTE and GoSL, overshadowed by the differences between the parties rather than conciliatory positions.

[16]For instance, 40 humanitarian workers, including religious leaders, were killed between January 2006 to August 2007, and 20 disappeared (Walton and Saravanamuththu, 2011).

civil society activism during the Norwegian 'Facilitation' period might have influenced the creation of Sri Lanka's third SOGIESC organisation. Equal Ground (EG), established in 2005, is still functional and is a major organisation at present. EG was established by Rosanne Flamer-Caldera, a queer woman from an urban upper-middle class Burgher family in Colombo educated in the US. She had been part of the WSG for some time before beginning EG. As listed in Annex II this was the first organisation to publicly adopt a rights-based approach to the issues facing SOGIESC communities. EG became the dominant organisation in Sri Lanka with the subsequent closure of the CoJ and WSG. With the support of local and international donors, EG has maintained its national and international advocacy and currently organises the biggest Pride event in Sri Lanka. It is the only first-generation Organisation to survive the fluctuations of conflict transitions, which will be described below. Organisations and groups working on SOGIESC rights seem to have responded to the different situations produced by the conflict transitions and adapted in different ways, as will be explored in greater detail in the empirical chapters.

The fifth transition period began with the end of the war in 2009, which was marked by two governments. The first five-year period under President Rajapaksa (2009-2015) saw the GoSL consolidating its powers, leaving no concessions for Tamil parties in the post-war polity and suppressing dissent by extra-constitutional means. By and large, peacebuilding had been replaced by a power-building strategy (Goodhand, 2010). The military victory did not bring long-lasting peace in Sri Lanka; Hoglund et al. (2016) argue that the post-war period saw the emergence of a fearful, unjust and polarized society and an unresolved and insecure peace.

Organisations and human rights groups identified with peace and human rights campaigns continued to be heavily suppressed during the post-war period. SOGIESC Organisations were also directly affected by militarisation and extreme homophobic and transphobic violence; apart from the three Organisations already mentioned (CoJ, WSG and EG), another new group formed in 2009 called SAKHI (means "friend" in Sinhala). This was a group of volunteer gay men based in Colombo who began to meet regularly for movie screenings and dialogue. They preferred not to accept funding from embassies and INGOs, a decision that was partly due to the criticism that NGOs were too dependent upon western funding. For the first time, CoJ was publicly attacked by a national daily newspaper in 2011 when an article accused them of promoting homosexuality (Equal Ground, 2012). This was followed by a Criminal Investigation Department (CID) raid into

their office. Continuous sabotage of this kind led to the eventual closure of CoJ in the same year, 2011.

Following the closure of CoJ, other SOGIESC organisations began to adopt a more defensive position. For instance, with the closure of the CoJ, groups like Diversity and Solidarity Trust (DAST) closed down their activities, and their members fled the country, leading to the organisations abandoning activism for a while. An organisation called Heart to Heart (H2H) was formed with the remaining members of the CoJ in 2011. As set out in Figure 5.3, the four-year period between 2011 to the end of 2014 showed the lowest number of SOGIESC organisations throughout this period, as CoJ and WSG were closed down in 2011 and 2012, respectively. H2H and EG were the only two SOGIESC organisations that remained in queer politics after 2012.

Figure 5.3: Annual Total of SOGIESC Organisations in Sri Lanka 1995-2019
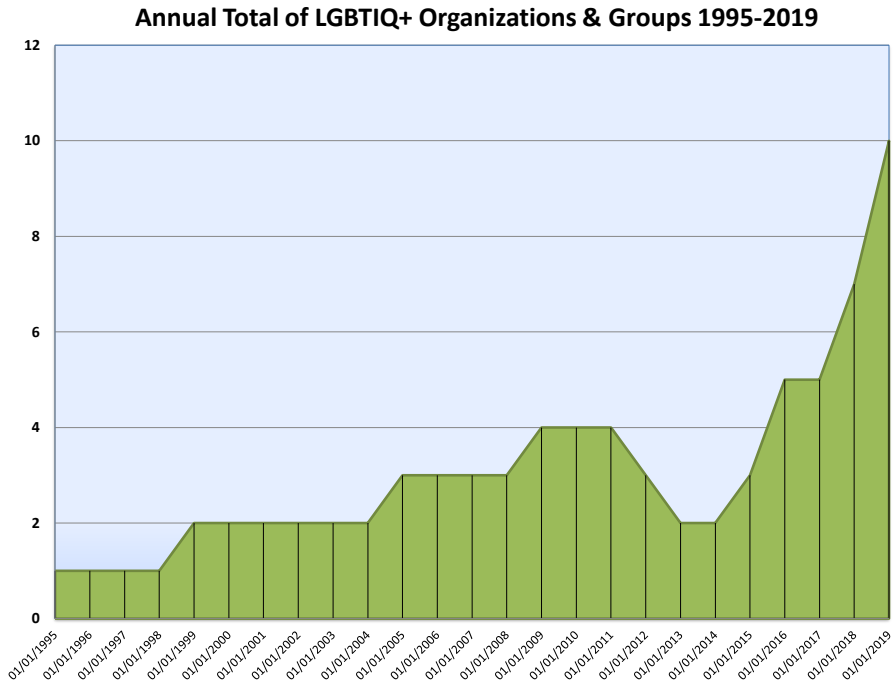
Source: Compiled by the author[17]

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[17] The chart has been compiled by the author using the websites, facebook pages of the relevant Organisations and groups and through informal conversations with activists from Sri Lanka. International human rights reports and official websites of the International LGBTIQ+ Organisations have also been consulted to compile the information. An initial version of this chart has been published in (Thiyagaraja, 2022, p. 34)by the author and republished here with their permission of the publisher Centre for Poverty Analysis, Sri Lanka.

The authoritarian turn under President Rajapaksa ended and hopes for peace and civic space revived with the election of President Sirisena in 2015, which marks the second part of the post-war transition period. The new government came to power on a reconciliation and justice plan with an end to corruption and a return to good governance. The suppression of civil society was relaxed, and the government initiated democratic reforms with a greater role for civil society in shaping the politics of the new regime. During this period, SOGIESC organisations regained their civic space. New groups emerged, and organisations that had previously adopted a more defensive position resumed their activities. During this period, the highest number of organisations and groups were recorded (see Figure 5.3). DAST and YOH revived their activities and formed new networks. Several new organisations emerged. Venasa ('change' in Sinhala) was formed in 2015 to support transgender persons in Sri Lanka. Chathra ('Shelter' in Sinhala) was established by the author and a few other young gay men from Colombo to create a sustainable, safe social space for SOGIESC individuals in 2016 and Community Welfare and Development Fund (CWDF) was established by the author in February 2018. Another organisation called Bhoomi Harendran established the National Transgender Network (NTN) in 2018. In addition, Equal Voice Trust (EVT), Chathra-Kandy and Jaffna Sangam (JS) were formed in late 2018 and early 2019 and continue to work on SOGIESC issues. Altogether there are now ten dedicated organisations and groups functioning in Sri Lanka. Queer politics have evolved during difficult and more conducive times throughout the conflict transitions.

The leadership of the SOGIESC movement has also evolved during this period, becoming more and more diverse. The majority of the SOGIESC organisations are led by Sinhalese people including COJ, WSG, Venasa, YOH, H2H, EVT, DAST and Chathra. It was only after 2015 that a few Tamil speaking queer leaders started to emege including myself. CWDF, Jaffna Sangam and JTN are key organisations led by Tamil queer persons. Therefore, the first two periods of thesis mainly uncover the story of Sinhala speaking SOGIESC activism in Sri Lanka. Although Tamil SOGIESC leaders contributed and led the B4D intervention, the movement largely remained Sinhalese dominated. Almost all these organisations are based in Colombo and there are class differences within the leadership. The leaders of the majority of the organisations are educated individuals who can converse in English and Sinhala. WSG, EG, COJ and some leaders of B4D are educated individuals and able to navigate the anglophone institutionalised landscape of civil society. With the disintegration of COJ, organisations emerged after 2013 such as H2H, Venasa,

Chathra, Jaffna Sangam which were led by native speakers most of whom come from middle class or lower middle-class backgrounds. The absence of Tamil SOGIESC leadership until 2015 was changed with the establishment of CWDF, Jaffna Sangam and JTN. The period from 2015 also witnessed the emergence of queer left and homonationalist elements in the SOGIESC leadership which were not visible before. By the time the B4D movement started, Sri Lanka's SOGIESC leadership was more diverse consisting of upper middleclass, middle class, lower middle class, Sinhala-speaking, Tamil-speaking, English-speaking, urban-rural, liberal, nationalist and left oriented leaders.

Although there is extensive literature on conflict transitions in Sri Lanka(Goodhand, 1999, 2010, 2012; Orjuela, 2003, 2005; Höglund and Orjuela, 2011, 2012, 2013; Walton and Saravanamuththu, 2011; Goodhand, Klem and Walton, 2016; Hoglund, Kovacs and Thiyagaraja, 2016; Walton, 2016), this literature has largely been blind about queer politics that has emerged during the conflict transitions. Analysing the politics of SOGIESC organisations during transitions can shed important light on the wider conflict transition and provide a new view of the nexus between other human rights struggles and conflict transitions.

As mentioned above, the function of queer politics cannot be detached from the contemporary political context, which was largely conditioned by the dynamics of the ethnic conflict in Sri Lanka. Such an approach would generate an incomplete understanding of queer politics and further support a victimised approach toward queer politics. Thus, this study does not limit its scope to analysing the victimisation of SOGIESC communities but also seeks to examine the agential role of queer politics during conflict transitions. It starts from the assumption that queer politics is not only affected by conflict transition but also affects those conflict transitions.

The nascent queer politics in Sri Lanka needs to be assessed in line with the conflict transition periods outlined above. The above analysis shows that most active SOGIESC organisations in Sri Lanka were formed and evolved during different conflict transition periods. As depicted in Figure 5.3, most organisations have formed during the post-war period, perhaps due to the opening of civil space and conducive environments for civil society politics during a transition based on a negotiated settlement. The lowest number of active organisations and groups were recorded during the highest tension and prevalence of extremist forces. This suggests that queer politics

has largely emerged in Sri Lanka during a period when it has had to navigate the volatile terrain of post-war politics.

5.4. Conclusions

This chapter provided a detailed overview of the landscape of SOGIESC communities in Sri Lanka in the context of conflict. It highlighted the ongoing criminalisation of SOGIESC identities and the oppression of persons with diverse SOGIESC identities. As mentioned in the chapter, this study will focus on conflict transitions from 1995 to 2018. In mapping the SOGIESC communities, it is also noted the importance of emerging SOGIESC NGOs and groups during different transition times. And COJ and WSG were chosen to focus on along with the Butterflies for Democracy movement in 2018. The chapter also stressed the importance of assessing the trajectory of queer politics in Sri Lanka considering conflict transition.

CHAPTER 06

The origins (1995-2005)

This chapter explains the origins of the SOGIESC movement in Sri Lanka. Through empirical data from fieldwork and archival research conducted in Sri Lanka, it aims to understand the early forms of SOGIESC activities and the origin of the SOGIESC movement in an organised form. This chapter is divided into three parts. The first part contextualises the queer landscape and SOGIESC formations before 1995, as well as the nature of regime changes and conflict transitions in Sri Lanka. The second part analyses key junctures in the SOGIESC movement during this period, including the establishment of the first SOGIESC organisations, the first SOGIESC-themed press conference; the strategic embrace of sexual health approaches; attempts at decriminalisation; and the attacks on the first lesbian conference. This analysis of structural factors that shaped the development of the SOGIESC movement in Sri Lanka focuses particularly on the two leading SOGISEC organisations that emerged during this period: Companions of Journey (COJ) and the Womens' Support Group (WSG), and how they navigated these moments. The third part examines the role of wider civil society, the nature of the regime and, SOGIESC leadership, which were all key factors in shaping the direction of the SOGISEC movement.

6.1. Context

This section outlines the queer landscape and the country's political context during this period to contextualise the analysis. It also provides a brief overview of queer organising before this period, SOGIESC organisations, and provides a note on the regime and political organising.

6.1.1. Pre-1995: dispersed and contested queer landscape

Before establishing institutionalised SOGIESC entities dedicated to persons with diverse SOGIESC identities in Sri Lanka in 1995, the queer geography of the country was dominated by contested and dispersed organic public spaces. Individuals created their own spaces for meeting on beaches, public toilets, parks, cinema halls, and popular bus stops and railway stations in Colombo. This included, for instance, the Colombo Fort, Kollupitiya, Bambalapitiya, Wellawaththa and Dehiwela railway stations along the coastal line in Western Colombo; the

Thummulla bus stop, where the UN country office is located, as well as Galle Face Green, a wide public space near the Presidential Secretariat.

These were public places where a certain level of discreetness and risk-taking was necessary to meet individuals with the same desires, particularly men who desire men, including gay, bisexual men, and *Nachchi*.[18] These spaces were also places to discuss and share issues. The informal encounters were opportunities to make new friends with others who also led discreet lives, hiding their sexual desires and orientations from society due to forced marriages or the fear of being thrown out of their families.[19]

SOGIESC persons visited these places in the late evening in what was then called '*raley yanawa*', meaning "going with the herd" in Sinhala. It signifies meeting your crowd where you can be yourself, be comfortable, and have encounters with other persons of similar desires. They used to make new friends and meet regular friends in those places, and some even publicly dressed according to their desired gender identities occasionally. An activist stated that "I [an effeminate man] used to go to Galle Face sometimes dressed like a woman".[20] At night, '*raley yanawa*' can also involve monetised sexual encounters, which is a source of livelihood, especially for poorer SOGIESC persons from marginalised backgrounds.[21] For others who were relatively wealthier, this was a meeting point to meet others with the same desires. Men who met like this often go to other coastal towns in the country's south for holidays. For other groups who would meet at the tuk-tuk stand on the green and would spend time drinking and talking, the encounter would continue at another place after enough time has been spent there.[22]

These places were also shielding grounds for different group formations. Certain areas were associated with SOGISEC persons or groups belonging to certain social classes. Those who frequented Galle Face seldom visit other places in southern Colombo. There were popular

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[18] '*Nachchi*' is a local sub-cultural term that refers to transgender women and effeminate men who express fluidity in their gender expression. They do not necessarily conform to cisgender or transgender identity exclusively.

[19] Interview with three human rights activists (SOGIESC Activist - 9 (I), 2019) in Colombo on 25.06.2019, (SOGIESC Activist 16, 2020, p. 16) in Colombo on 08.08.2020 and (SOGIESC Activist 17, 2020, p. 17) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

[20] Interviews with a human rights activist (SOGIESC Activist 16, 2020, p. 16) in Colombo on 08.08.2020 with long-standing involvement in the SOGIESC movement.

[21] Interviews with human rights activists (SOGIESC Activist 16, 2020, p. 16) in Colombo on 08.08.2020 and (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

[22] Interviews with a human rights activist (SOGIESC Activist 16, 2020) in Colombo on 08.08.2020) with long-standing involvement in the SOGIESC movement.

demarcations to denote the differences between these groups. A set of such popular labels was "Galle Face posh '*Ponnayo*'"[23] and "Moratuwe third class '*Ponnayo*'". The first refers to wealthy or upper-middle-class SOGIESC persons who go to Galle Face in their vehicles. In contrast, the second refers to those from Moratuwa who would visit Dehiwela and Wellawattha instead (all in Southern Colombo) and are considered to be from the lower middle-class background living in coastal settlements.[24] The groups from Thummulla junction had their regular spaces near Henry Pedris Ground. In contrast, the Borella ones went to Campbell Park and Thummulla. There were groups in Northern Colombo and places like Jampatah Street, Grand Pass, and Kosgas Handiya Junction which are associated with this subculture.

These groups were often led by a caretaker or 'chief figure'. "Delison Ayya" (Delison Elder Brother) was a leader based in Borella near Central Colombo who used to foster SOGIESC persons who had left their homes or were disowned by their families. "Podi Mahaththaya" from Dehiwela beach, "Siri Ayya" from Moratuwa, "Gaamini" from Dehiwela, and "Neelamma" from Kelaniya are some other group leaders who played similar roles. There were similar groups in Maradana in Central Colombo, Kandy and Anuradhapura. These leaders and their followers had their traditions. For instance, Delision's group had a tradition called "*Dehi Mangallaya*" (literally 'lime ceremony' in Sinhala), which was a welcome ceremony for a newcomer to the group. At the end of the ceremony, one of the customers would pay for the newcomer, who then had to spend the night with the customer. These were spaces that SOGIESC persons developed to further pursue their expressions and safety away from social stigma and oppression.[25]

At some point, differences between groups were also celebrated when different groups engaged in performances. *Jogi Dancing*, a form of dance often performed during the Christmas season by the 'Nachchi' community, is another source of income and space for expressing identity. An activist who used to perform *Jogi Dancing* said, "I danced 12 *Jogi Dances* in my whole life".[26] These dances were performed at functions in different parts of the country. In Wellawaththa, there were

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[23] '*Ponnayo*' is the plural form of *'Ponnaya'*, a derogatory local slur in Sinhalese used to identify homosexual and transgender men. 'Nachchi' community have also partially reclaimed this term within their sub-culture in using it to identify their SOGIESC identities.

[24] Interviews with a human rights activist (SOGIESC Activist 16, 2020) in Colombo on 08.08.2020) with long-standing involvement in the SOGIESC movement.

[25] Interviews with a human rights activist (SOGIESC Activist 16, 2020) in Colombo on 08.08.2020) with long-standing involvement in the SOGIESC movement.

[26] Interview with a human rights activist (SOGIESC Activist 16, 2020) in Colombo on 08.08.2020) with long-standing involvement in the SOGIESC movement.

contests between the posh *Ponnayo* and the third class *Ponnayo* to perform *Jogi Dancing*. These were also sites of contention between different SOGIESC groups subject to moral policing and the conditions of war. Before the onset of war in 1982, there were a few arrests where the Police would inquire about SOGIESC persons and let them go. In certain cases, these individuals were kept in Police Stations or the Armed Forces barracks overnight. Although there is no evidence to suggest that regular patrolling or arrests were carried out as part of a systematic policy, SOGIESC persons were subject to harassment and extortion of money and valuables both from the Police and robbers.[27] Individuals had to incur such risks to access these spaces as they strongly felt the need to heal the wounds of their life by meeting fellow friends or individuals with the same desires.[28]

The absence of virtual spaces such as Facebook or the apps available today gave those places few opportunities to meet individuals of the same desires. This study utilised data on the queer landscape in Colombo, as most of the recorded mobilisations and organising happened in Colombo (except for a few individuals in Anuradhapura), but this is not well documented. Beyond this, there is a lack of systematic research into the pre-1995 queer landscape in the peripheral parts of the country, including in the war-affected North-Eastern parts, which is a major gap in the literature.

The conflict in Sri Lanka between the GOSL and LTTE became one of the key factors shaping the nature of SOGIESC communities and movements at the time. With the onset of war in 1983, the irregular arrests and relative freedom enjoyed in the contested public spaces SOGIESC persons frequented began to be heavily affected.[29] Certain places like Galle Face Green were shut down for security reasons. National Identity Cards (NIC) became necessary, and checkpoints and regular surveillance became part of the new situation. This, for instance, impacted those who used to go out cross-dressing publicly and could no longer go dressed as a woman with a male NIC card. Public violence against SOGIESC communities soon became normalised, and some were

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[27] Interview with human rights activist (SOGIESC Activist - 10, 201) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

[28] Interview with human rights activist (SOGIESC Activist - 9 (I), 2019) in Colombo on 25.06.2019 with long-standing involvement in the SOGIESC movement.

[29] Interview with a human rights activist (SOGIESC Activist 16, 2020) in Colombo on 08.08.2020) with long-standing involvement in the SOGIESC movement.

beaten at night by groups of men.[30] As described by an activist, "Even I was checked by the Police. Our people have been suspected as Tigers[31] back then".[32] The distinction of being a Sinhala SOGIESC person as opposed to a Tamil ethnic identity person is visible. However, this experience is limited to a Sinhalese SOGIESC person and hence cannot be attributed to the experience of a Tamil SOGIESC person during this period as the leaders were mainly from Sinhalese community.

Although these spaces were not systematically utilised or organised by individuals with same-sex desires in response to the changes caused by the onset of the conflict, some who had been in and out of these spaces were conscious of the need for collective safe queer spaces. As said by a person who had been around in those spaces and contributed to the queer movement in Sri Lanka,

> "[W]e felt there were deep wounds in everybody and no place for us to sit together and see if we can collectively heal… it was a matter of trying to support each other… we were not thinking of any sort of organisations as such…" [33]

Similar feelings were shared by other contemporaries whose consciousness was shaped by the experiences of these contested spaces.[34] The language of articulation reveals a contestation of understanding the opportunities and constraints at the time. The emancipatory consciousness that enables individuals to realise the problem and the need for collective or individual actions is implicitly expressed in the above statement as supporting each other. Such self-realisation of the need to support each other and the utility of the contested spaces was understood among the individuals frequenting them. The realisation of the limits of individual responses is what opens a new window for an articulation of the structural conditions related to collective actions. This is where they felt that frequenting as a collective to meet up is a better way to heal.

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[30] Interview with a human rights activist (SOGIESC Activist 16, 2020) in Colombo on 08.08.2020 with long-standing involvement in the SOGIESC movement.
[31] The LTTE were colloquially referred to as Tigers.
[32] Interview with a human rights activist (SOGIESC Activist 15 (I), 202) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[33] Interview with human rights activist (SOGIESC Activist - 9 (I), 2019) in Colombo on 25.06.2019 with long-standing involvement in the SOGIESC movement.
[34] Interview with human rights activist (SOGIESC Activist - 9 (I), 2019) in Colombo on 25.06.2019 with long-standing involvement in the SOGIESC movement.

However, at a community level, the effects of the war were only instrumental in realising the danger of state penetration and regulation into dispersed and contested queer public spaces for a long time. It was only in 1995 that these feelings and consciousnesses were transformed into reality.

6.1.2. Background to SOGIESC organisations

The first generation of SOGIESC organisations consists of three fecund organisations formed from 1995 to 2005. The first organization, COJ, was formed in 1995 as an informal group to do "something good" for the SOGIESC community. COJ later became an internationally recognised LGBT NGO working for SOGIESC communities in Sri Lanka and beyond. COJ displayed a sense of inclusivity and was less territorial in setting up independent mechanisms, which was instrumental in starting other groups dedicated to SOGIESC issues. By the end of this period, COJ had a network of more than 1,000 members from most parts of the country, with branches in Anuradhapura and Kandy outside the capital city of Colombo.

COJ provided the most prominent leaders to the SOGIESC movement during this period by being part of the movement's key moments and turning points. It created the first institutionalised safe space and moved the political landscape of queer politics from contested public spaces to institutionalised NGO civil society politics. The organisation also embraced visibility by inaugurating the first press conference and adopting a sexual health approach as a strategic navigating tactic.

COJ supported establishing the first independent group working for the rights of Lesbian, Bisexual and Transgender (LBT) persons in 1999. The informal gatherings of a few queer women at COJ led to more regular meetings of women coming together weekly. These were primarily women working in the fields of activism and human rights. In early 1998, two women's bodies were found floating in the Kalu Ganga river that reaches the sea in the south of Colombo, suspected to be either a murder or a suicide. This incident had a strong mobilising effect on these women. The women who met regularly at COJ gathered information about the incident. Whilst they found no evidence to prove it as a murder, they felt that it was possibly two queer women who killed themselves as a way to escape the social stigma and discrimination faced by them. This

was considered the first reported incident of two lesbian women committing suicide. As a result, the women who met at COJ wanted to do something after this.[35]

This need of wanting to do something for women sparked an internal conversation on the differences between the issues faced by gay or bisexual men and queer women. Some members who used to attend the Sunday meetings at COJ believed that women's issues are not the same as those faced by a gay man and that the entities led by gay men did not prioritise some such issues faced by women. Thus, another justification was added to the need to start something primarily for women.

This 'something' was the Women's Support Group (WSG). In the words of a founding WSG activist, "we thought there were a lot of unreported cases like this…"[36] Unlike COJ, the emergence of WSG had two-dimensional elements. The external justification came from heteronormative societal oppression against women, brutally manifested by the suicide of the two lesbian women. The internal justification came from opposing the biased nature of gay politics espoused by cis-gender gay men. But these justifications were not considered of equal value by the women's group. COJ's role as an organisation led by gay men was at least conducive and supportive at the beginning. This internal factor provided the resources and justification for why a separate group for women's issues was needed.

WSG was allowed to use the office space of COJ once a week until it found its own space. Its initial leaders have mainly educated English-speaking upper-middle-class women. There were also women from non-English speaking backgrounds. One of the active organisers of the WSG was a woman who initially approached the group seeking help and ended up as the major anchor between WSG and LBT women.[37] In 2000, WSG slowly began to move into its own space and became fully independent from COJ 2001. This was sparked by WSG needing more privacy and independence from the work of COJ to progress. The intimate relationships between COJ's gay male staff and neighbours had been a risk for women who came there expecting a safe space.

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[35] Interviews with two human rights activists (SOGIESC Activist 15 (I), 202) virtually on 15.02.2020 and (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[36] Interview with a human rights activist (SOGIESC Activist 15 (I), 202) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[37] Interview with a human rights activist (SOGIESC Activist 15 (I), 202) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

These encounters were instrumental in creating a vulnerable image of the queer women attending the COJ office events. "People started thinking of us as sex workers. So we moved out…"[38]

WSG initially had two paid coordinators for the Sinhala and English-speaking communities. WSG worked with female workers at Free Trade Zones outside of Colombo on sexual rights workshops, which was the approach adopted to access women tied to garment factories to talk about sexuality and reproductive health issues. It also conducted some HIV-related workshops with the support of COJ. These workshops were held in Sinhala based on an understanding of working with Sinhala speakers and moving beyond Colombo as COJ was already doing. Some of the workshops targeted female sex workers who were given English language training.[39] These workshops were facilitated by educated middle-class English-speaking queer women who were part of the WSG or affiliated with it.[40] However, they were not catering to the socioeconomic class they came from.[41]

The third organisation active in this period was Equal Ground (EG), formed in 2004. EG began as a critique of COJ and WSG's 'lack' of an inclusive human rights approach to SOGIESC issues. Some of the founding members of EG were initially with WSG, in which a leading member of EG held a paid position. These criticisms may not necessarily or not only relate to ideological differences but may also relate to accusations against the dissenting group. Since EG was formed during the last part of this period, the major focus of this chapter will be on COJ and WSG.[42]

These major moments will be discussed in part two of this chapter. However, before that, an analysis of the context in which these moments take place is warranted. The following is an account of the nature of regimes and conflict transitions during this period.

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[38] Interviews with two human rights activists (SOGIESC Activist 15 (I), 202) virtually on 15.02.2020 and (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[39] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[40] Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.

[41] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[42] Interviews with human rights activists (SOGIESC Activist 02(I), 2019) in Colombo on 31.01.2019, (SOGIESC Person 03(I), 2019) in Colombo on 14.05.2019, (Civil Society Activist 04(I), 2019) in Colombo on 14.05.2019, (Civil Society Activist 04(I), 2019) in Colombo on 16.05.2019, and (Civil Society Activist 06(II), 2019) in Colombo on 19.06.2019 with long-standing involvement in the SOGIESC movement.

6.1.3. Post-1994: 'New' regimes, renewed war and peace process

The 1995-2005 period featured two liberal governments governing the country. The first was from 1994-2001, under the leadership of President Chandrika Kumaratunga and the second was from 2002-2004, under the leadership of Prime Minister Ranil Wickremasinghe. The liberal nature of the governments in power regarding economic policy and certain social issues did not change despite the rule of two different parties. What was different was a prolonged and renewed level of intense warfare between the GOSL and the LTTE during the first government and a period of de-escalation and a negotiated peace process during the second.

In 1994, Chandrika Kumaratunga of the People's Alliance (PA) was elected in a landslide as President on a mandate for peace, pledging a peaceful resolution to the ethnic conflict between the GOSL and the LTTE. Her election ended the 17-year-old United National Party's (UNP) rule, under which the country had broken out into civil war and had begun a rapid transition into an open market economy.

A short-lived truce and peace talks upon the election of Kumaratunga were followed, however, by the 'war for peace' strategy of the GOSL to militarily weaken the LTTE in order to force them to the negotiating table. With the resumption of intense war, numerous restrictions were imposed on civil liberties, and the activities of SOGIESC communities were again affected. This resulted in double discrimination against historically oppressed SOGIESC communities. Public spaces were no longer widely accessible while the number of SOGIESC people regularly visiting these places was increasing 30 from 07compared to the early stages. Thus, the need for a safe space was pressing.[43] As described in the previous section, on the one hand, the resumption of hostilities and subsequent restrictions and surveillance on public spaces forced SOGIESC communities to revive the thought of seeking dedicated spaces as an option to continue their meetings and activities.

On the other hand, the nature of the government also informed the proactive decisions that SOGIESC activists made during this period. Kumaratunga recorded the highest percentage of votes by a presidential candidate in Sri Lanka's political history, with a strong mandate for 'bringing peace' to the long-standing armed conflict. With the political mandate for peace and a

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[43] Interview with human rights activist (SOGIESC Activist - 9 (I), 2019) in Colombo on 25.06.2019 with long-standing involvement in the SOGIESC movement.

liberal outlook in its economic policies, Kumaratunga's period marked an opening of liberal space for civil society organisations despite intense warfare. During this period, civil society activism fueled three major constitutional reform efforts, in 1994, 1997 and 2000, to introduce a new constitution which, among other things, would enhance citizens' civil and political rights.

During this period, the government showed very little animosity towards SOGIESC NGOs. Some individuals close to the circles of power had publicly supported the work of SOGIESC NGOs. For instance, President Kumarauntaga's sister, Sunethra Bandarayake, supported the work of COJ and was visible at their gatherings.[44]The NCNA on SOGIESC issues which were held on March 25, 1996, was supported by several government entities and the civil society activists. SOGIESC activists were not isolated at this stage as the national situation permitted many other organisations to support the work of SOGIESC groups. The New Sama-Samaaja Party (NSSP) supported the work carried out by SOGIESC activists. There is no record that Kumaratunga held any anti-SOGIESC positions, even though she was not proactively supportive of decriminalisation. As stated by an activist, "she (the President) had no issue on decriminalisation, but she said a majority in Parliament would oppose decriminalisation."[45]

The space for civil society work was widened with the political changes during the latter part of Kumaratunga's rule, following her re-election as President in 2000. Her party lost the General Election in 2001, and the opposition UNP formed the new government under Prime Minister Ranil Wickremasinghe. This created a unique situation in Sri Lankan politics where the President and Prime Ministers were from two different parties and forced into a cohabitated rule. During this short but significant period of three years, from 2002-2004, the new government initiated a peace process mediated by Norway that pursued a liberal democratic peacebuilding approach to resolve the ethnic conflict. The peace process and resources for civic interventions amplified the space and visibility for civil society engagement with state and peacebuilding efforts. Civil society's role in peace became especially significant as it mobilised public support for the ongoing peace process (Orjuela, 2005).

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[44] Interview with human rights activist (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[45] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

However, this opening and widened space for civil society work, especially before the tsunami disaster of December 2004[46] was not challenge-free although a liberal government was in power. One of the major challenges against civil society-led peace work came from Sinhalese nationalist forces, which strongly opposed the Norwegian facilitated peace process. With escalating LTTE suicide bomb attacks from 1998 onwards, Sinhalese Buddhist nationalist forces amplified their voices through numerous political organisations and mass mobilizations in the South of Sri Lanka. Sinhala Buddhist nationalism is founded on the superiority of Sinhalese as the legitimate ethnic group to rule a country considered a 'Buddhist country' and regards any concessions given to minorities (who are not Sinhalese nor Buddhist) as a betrayal of the nation. Domestic civil society groups such as peacebuilding NGOs came to be considered traitors aligned with the West, the LTTE and Christianity (Orjuela, 2005). Sinhala Buddhist ethnonationalist political formations such as the Jathika Hela Urumaya (JHU), Janatha Vimukthi Peramuna (JVP), and the National Movement against Terrorism effectively polarized Sri Lankan (and especially Sinhalese) society, eventually making Sinhala Buddhist ethnonationalism the dominant ideology during this period. As Uyangoda (2005) notes, ethno-nationalist forces and identity politics occupied counter-state ideology, a space the Left had traditionally occupied.

The growing dominance of nationalism as a counter-hegemony for the liberal democratic peace agenda made it difficult for SOGIESC groups to benefit from the opening up of civic space that came with the peace process. Some SOGIESC activists felt that there was no significant difference between the peace process period (2002-2004) and the intense war period of 1995-2001[47] about SOGIESC activism. They still had to take precautions due to the systematic resistance and opposition from nationalist forces, including politically vocal Buddhist monks and the media.[48] SOGIESC NGOs could not escape the anti-NGO labelling of nationalist forces whose influence within government and national polity continued to grow. The volatile nature of civic space was further aggravated after Kumaratunga's party entered into a coalition with the JVP, one of the major anti-NGO and anti-peace process political parties. This anticipated the eventual end to the uneasy co-habitation between Kumaratunga and Wickremesinghe. However,

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[46] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[47] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[48] Interview with a human rights activist (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

the impact of opening up civil space for SOGIESC work is limited to the experiences of Sinhalese SOGIESC persons as the leadership of the movement had no Tamil SOGIESC persons.

In the period between 2002 and 2004, SOGIESC activists also embraced somewhat more visibility in the media and worked with political parties within the opened civic space. WSG published articles in friendly newspapers, including liberal English newspapers and Sinhala tabloids published by the left and liberal-oriented political groups (See (Daily News, 2001; Fernando, 2001; Dinakara, 2002; Lakbima, 2002). NSSP leader Wickremabahu Karunarathne was one of the key figures that supported the SOGIESC activists, while Sirithunga Jayasuriya and Wije Dias, two prominent politicians from left parties were also supportive of SOGIESC work. It had traditionally been left-oriented parties that were supportive of SOGIESC activities, and these parties generally supported SOGIESC activists when they were attacked by conservative Buddhist monks and organisations and issued public statements in support of the safety of SOGIESC activists.[49]Apart from these parties, none of the major parties was interested in voicing any support for apparent fear of losing conservative votes. The JVP, which also professed a leftist ideology, was sceptical about the political allegiance of SOGIESC activists assuming they were connected with the ruling regime.

Importantly, SOGIESC activists did not stop their regular activities in the service of the community. COJ's tenth anniversary was celebrated in 2005, and the organizers were warned that the event might be raided by the Criminal Investigation Department (CID). The attendance of VIPs, including prominent government ministers and their associates, at the party, led COJ to hire private security firms to ensure that non-invitees were kept from the party. Those CID officers who wanted to inspect the party were turned away by activists who cited that it was a private party and police were not allowed to enter without a proper search warrant. The organizers could resist the CID officers and disruptors.[50] The confidence that the organizers had to refuse the CID and disruptors is also because the police were not given excessive powers to invade private spaces by the government. The government VIPs attending the event also added another layer of social capital for the organizers. The COJ party followed the first Pink Ball held

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[49] Interview with a human rights activist (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.
[50] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

in 2000 in Colombo by COJ and WSG, where drag performances were among the several events. This visible event was attended by popular civil society activists and known organisations. The CID and police did not sabotage these events. In other words, activists were able to secure their own spaces to stage visible events by keeping CID, Police, the media and other disruptors effectively out from intruding their spaces. This could not have been achieved without the neutrality of the liberal regimes in power.

6.2. Key Junctures

This section provides an analysis of four key junctures for the SOGIESC movement in Sri Lanka during 1995-2005: the shift away from contested public spaces to institutionalized safe spaces; queerphobic media and visibility; the expansion of the criminalisation of same-sex desires; and the embrace of a sexual health approach. The respondents themselves identify these junctures, and the analysis here is based on the respondents' accounts and archival research.

6.2.1. From contested public spaces to institutionalized safe spaces

The origin of COJ helps understand the process of change occurring in queer politics in Sri Lanka, moving to institutionalized safe spaces from contested public spaces. The consensus reached among a majority of SOGIESC activists on the decision to start an organization as a 'safe' space dedicated to SOGIESC communities was a key turning point in SOGIESC politics in Sri Lanka.

The establishment of the first SOGIESC organization was not a systematically executed pre-planned operation. As mentioned in the above section, SOGIESC persons who used these contested public spaces before 1995 neither had a dedicated organization to meet nor a clear idea or intention to start an organization with a systematic structure.[51] Their response was to keep meeting despite the ongoing war and increasing issues accessing such spaces. Even though individuals who regularly met at these places did not have a pre-made idea of organizing, they were conscious of the issues affecting them regularly. There had been conversations around

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[51] Interview with a human rights activist (SOGIESC Activist - 9 (I), 2019) virtually on 25.06.2019 with long-standing involvement in the SOGIESC movement.

'collective healing' and 'supporting each other', which were not imagined through an institutionalized lens.[52]

This position, however, was no longer viable as structural conditions started to change during this period. Like in the mid-1980s, at the onset of war, SOGIESC communities were again confronted with the resumption of warfare after only a few months of relative peace during Kumaratunga's early regime. The renewed war between the LTTE and the GOSL in 1995 has strengthened restrictions on public movement. The increased surveillance caused by the escalation of the conflict was another constraint to accessing these spaces. Cruising places and meeting spots were increasingly subject to surveillance by Police as 'loitering' was considered to cause suspicion. All these factors pressed the need for a 'safe' place given the sizeable number of SOGIESC persons already meeting at these spaces. Since the 1980s, SOGIESC communities were confronted with shrinking contested spaces for the second time.

However, this time the outcome of the impact of war and how SOGIESC activists responded was different. The immediate manifestation of prevalent tension between wanting to utilize the contested public spaces and the mounting unfavourable social atmosphere against SOGIESC communities was reconciled by the proactive leadership of individuals who believed in the idea of a 'safe' space. This reconciliation was done by articulating the opportunities and constraints produced by this particular moment of transition caused by the dynamics of conflict and the nature of the political regime.

The sentiments on a 'safe' space and growing political conditions informed the discussions on larger political engagement concerning the SOGIESC politics, where a cost-benefit analysis of initiating collective action was assessed. The early strategy of not resorting to mainstreaming and visibility was largely due to a perception informed by the idea that SOGIESC issues would be traded off for other political matters and become the least prioritized issues of national importance. Many from the contested public spaces perceived that there was a consensus on the idea that, unlike labour and women's rights issues, SOGIESC issues were not the burning issue of the country. There was a sense that the last thing the government wanted to listen to was SOGIESC issues. The government was preoccupied with resolving the ethnic conflict, and even

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[52] Interview with a human rights activist (SOGIESC Activist - 9 (I), 2019) virtually on 25.06.2019 with long-standing involvement in the SOGIESC movement..

women's issues were only starting to gain attention during this regime. There was no visible support from the government on issues of this nature. Therefore, mainstreaming the problems faced by SOGIESC communities was considered an ineffective intervention to respond to the mounting restrictions on contested public spaces.[53] This calculation led SOGIESC activists to take very few proactive measures on visible interventions.

However, these estimations did not apply to creating a 'safe' space. The 'safe' space idea was considered a feasible intervention with much less visibility in the context of increased state surveillance. The decision to move from frequenting contested public spaces to a 'safe' space and not resorting to visible mainstream intervention on SOGIESC issues is thus an outcome of the articulation of existing constraints caused by the conflict and the nature of the liberal regime in early 1995.

The need to open a 'safe' space as an invisible tactic became a real output when the SOGIESC leadership tapped into the resources offered by international individuals and communities. This need was met with much-needed support when a Sri Lankan-born writer from abroad agreed to support one of the leaders. The writer supported the activists with financial contributions, which were used to set up the 'safe' place for SOGIESC communities to meet in Colombo. This encounter with outside civil society, which was blooming under the new liberal regime, helped activists connect with the resources needed to open the space.

The opened space for civil society and the international organisations within the country was also an avenue for SOGIESC activists to develop strategic relationships with foreign diplomatic missions of Western countries. This was the first step of a long relationship between SOGIESC organisations and foreign missions representing the interests of their respective countries in Sri Lanka. Later on this was also expanded to multilateral bodies like the UN. International organisations including foreign mission's support was instrumental in establishing the safe space for COJ. As stated by a SOGIESC activist "The embassy was supportive of starting a space and thank to … I did not know how to write proposals … an employee from the embassy helped. A

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[53] Interviews with four human rights activists (SOGIESC Activist - 9 (I), 2019) virtually on 25.06.2019, (SOGIESC Activist 16, 2020) virtual on 08.08.2020, and (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement..

small grant was approved to start a space for our community members."[54] The first Drop-in-Center (DIC) in Sri Lanka was set up by COJ on the 10th of September 1995 at their official launch as the first SOGIESC organisation of Sri Lanka as one of the earliest in South Asia.[55] It was intended as safe space, particularly for under-privileged SOGIESC persons including sex workers.

6.2.2. Media queerphobia and visibility

As the founders of COJ moved from contested public spaces into a 'safe' space, the strategic choice of not resorting to an approach of visibility was reconsidered in late 1995 when the leaders of COJ decided to hold a press conference inviting the mainstream media. The press conference was meant to inform society about COJ, and its work which was contrary to the previous position held during the initiation of 'safe' space: that mainstreaming SOGIESC rights was inefficient with a visibility strategy. This inefficiency logic seems to have been overlooked by the leaders of COJ, who decided to hold the press conference regardless to announce its formation in September 1995. This was a key moment of testing the waters within SOGIESC communities and a collective coming-out strategy to gain visibility.

The decision to go public was a significant risk for many involved in the process. On the day of the press conference, the COJ office received 19 death threats, and the Dutch embassy, which was the supporting entity for the establishment of COJ, received 24 calls of protest (Selvadurai, 1996). The act of going public involved a severe personal cost to those who were involved. It caused leading activists to flee after the press conference. These activists were supported by civil society groups and human rights activists to have a safe passage to flee (Selvadurai, 1996).[56] Activists went into hiding, and it took a few weeks for the ones who had fled the country to return to work. Some of them lost support from family as they were outed by the media. Rumours were spread by the media trying to connect the press conference with pedophilia. Returning activists had to rethink their political strategy to gain visibility.

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[54] Interview with human rights activist (SOGIESC Activist - 9 (I), 2019) in Colombo on 25.06.2019 with long-standing involvement in the SOGIESC movement

[55] Interview with human rights activist (SOGIESC Activist - 9 (I), 2019) in Colombo on 25.06.2019 with long-standing involvement in the SOGIESC movement.

[56] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019, (SOGIESC Activist 16, 2020) virtual on 08.08.2020, with long-standing involvement in the SOGIESC movement.

This idea of being visible had not been prioritized before. The lack of support from the government was a major cause in resorting to invisibility strategies. But resorting to a visibility tactic like a press conference when there was no sympathetic government towards SOGIESC issues is an interesting point of change. The question arises as to what caused this change. Internal conversations around mainstreaming SOGIESC issues like women's and labour issues influenced leaders with strong opinions within COJ. They believed that holding a public press conference would inform unconnected SOGIESC persons in the country about the existence of such a safe space and provide them with a much-needed message that there is a place for them in the country.[57] As mentioned by activists, another factor that enabled them in taking such a high-risk move was the additional need of marking the presence of SOGIESC activism alongside the other social justice struggles which had been revived at this point. This thought led to the initiation of the press conference despite the optics and repercussions the organisers had assessed. The role of proactive leadership had been instrumental in embracing risk-taking moves to mainstream the struggle for SOGIESC rights.

WSG was confronted with two major incidents of queerphobic media outlets propagating hate against SOGIESC persons. One was an article published in 1999 in *The Island*, a national newspaper, calling rapists to rape the lesbian women who were organizing the first lesbian conference in the country (*The Island*, 2000). The photo of one WSG member was published alongside the article with the caption 'chain smoking lesbians'. The article instigated rapists to be let into the conference as a 'lesson' to these women. The conference organisers thought it was not a big issue for society until it was portrayed in the media negatively. One WSG activist was taken to the notorious fourth floor of the Criminal Investigation Department several times. As a result of this incident, WSG went underground and anonymised itself rapidly, including by taking down its website. The leader of COJ later challenged the article at the Press Complaints Commission of Sri Lanka.[58]The Commission, a voluntary, non-governmental self-regulatory body for print media, decided against the complaint, stating that the article was published in good faith and stated that the lesbian women cited in it were practising 'sadism'.

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[57] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[58] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

The second incident happened in 2003 when a couple, one of whom was a transgender man, was arrested by the Police in a town north of Colombo. The incident sparked a major uproar in the media, which sensationalized the sexual conduct of the couple in a derogatory and stigmatizing manner. The transgender person was accused of impersonation, charged with the crime of cheating by personation and later released on bail. WSG intervened to take the person out of the prison after a few months and helped him to get back into the society, providing him with shelter and food with the help of activists.[59] WSG also attempted to sensitize the media and the Police reporting on the issue

6.2.3. The expansion of the criminalisation of same-sex desires

The colonial-era Penal Code of Sri Lanka criminalized 'carnal intercourse' between men against the order of 'nature' through sections 365 and 365A. It was technically silent about sex between women.

A reform process to amend the Penal Code was started in early 1995 with the appointment of a Technical Committee tasked with proposing reforms (Goonesekere and Gunaratne, 1998).[60] The technical committee comprised legal practitioners and scholars, Police, relevant Ministerial representatives and children's rights advocates, though only one feminist scholar (Savitri Goonsekere). The rationale for this effort stemmed from concerns about increasing child sexual abuse and women's rights abuses since the early 1990s, particularly the sexual exploitation of male children by foreign tourists. Certain committee members utilized this opportunity to review the laws pertaining to women and girls and made several progressive suggestions, including repealing section 365A, which was often used to criminalize same-sex conduct under 'gross indecency'(Tambiah, 2003).

However, the suggestions from the Technical Committee were ignored in the end, and Parliament not only retained the provision but also extended the scope of criminalisation. Sections 365 and 365A of the penal code were amended to be gender neutral, which also criminalised same-sex

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[59] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[60]Interview with a human rights activist (Civil Society Activist 06(III), 2019) in Colombo on 25.11.2019 with long-standing involvement in the SOGIESC movement.

conduct between women (Equal Ground, 2014). This ironic imposition of gender neutralisation led to the criminalisation of sex between women which was not a crime before (Tambiah, 2004).

The representation of SOGIESC groups in this attempt was largely invisible as it was largely driven by the women's rights movement and civil society groups whose interests were in women's and children's rights. From the early 1990s, the women's movement had been mainstreaming women's and children's rights. In 1991, the government began drafting a Women's Charter, approved in 1993 by Parliament. This and Sri Lanka's subsequent ratification of CEDAW was instrumental in initiating the 1995 Penal Code reform process (Abeyesekera, 1997). As a result of these interests, the then Justice Minister proposed a Bill attempting to make marital rape and sexual harassment, including verbal harassment, criminal offences and expand the penalties for rape and incest. The Bill not only dropped the decriminalisation of homosexuality in section 365A but also suggested relaxing restrictions on the medical termination of pregnancy. A large part of the parliamentary and civil society discourse around the reform process centred on abortion and rape. Therefore, one might argue that decriminalisation was a minor part of the effort and was not a major component of the reform package.

Figure 6.1. Criminalising Same Sex Between Women and Increasing Punishments

Section	Prior to the amendment	Enacted change
365	"Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment of either description for a term which may extend to ten year and shall also be liable to fine"	Increased the penalty to rigorous imprisonment between ten and twenty years if the offense was committed by a person of over eighteen years on someone under sixteen. And as for 365 if one person was over eighteen and the other below sixteen was added with a provision for compensation determined by the courts and payable to the person below sixteen.
365A	Any male person, who in public or private, commits, or is party to the commission of, or procures or attempt to procure the commission by any male person, any act of gross indecency with another male person, shall be guilty of an offence, and shall be punished with imprisonment of either description, for a term which may extend to two year or with fine, or with both, and shall also liable to be punished with whipping.	Changed "any male person" to "person" with the same penalty.

Source: Compiled by the author based on the Penal Code of Sri Lanka

Although this was a key moment in SOGIESC activism in Sri Lanka, there is little evidence to suggest that SOGIESC activists were conscious and fully informed about and engaged with the process by then. This perhaps partly could be because COJ had just been started and was not engaged with the process of legal reforms. Thus, opportunities for advancing the rights of SOGIESC communities may have been missed. The movement was still in its infancy, so it did not use opportunities vigorously.[61] However, the soft approach of lobbying authorities in the government to amend sections 365 and 365A of the Penal Code has continued.

There were several sympathetic legislators in Parliament at the time. The soft approach was also a closed-door lobby process with legislators and authorities who were either closeted persons with diverse SOGIESC identities or sympathetic towards SOGIESC issues. However, the demand to decriminalise was not prioritised over the stability of the ruling liberal regime as it relied on its conservative coalition partners alongside an opposition whose views were also conservative and strongly opposed any concessions towards relaxing existing restrictions on the bodily rights of women and sexual minorities. This recriminalisation confirms the assessments of SOGIESC activists, whose understanding was that decriminalisation was of least priority for the government, which would be traded off for other issues.

6.2.4. Strategic embrace of the sexual health-based approach

Sexual health advocacy is a key part of SOGIESC activism in Sri Lanka. A major component of it is occupied by global HIV/AIDS prevention initiatives and related work. The decision to embrace such a health-based approach for SOGIESC work represents another key moment in queer politics of Sri Lanka as it has become a critical space for SOGIESC work for decades. From the beginning, it sparked a critical dialogue among SOGIESC communities about the connections the work offered with international entities and foreign embassies.

The first serious conversation on gay identities and their implications for sexual health occurred at the first South Asian gay conference held in Mumbai in 1995. One of the major debates was whether to follow the global HIV lobby to initiate SOGIESC work in their respective countries, replicating the approach adopted by SOGIESC organisations in the global North that closely work with a sexual health approach. Sri Lankan activists at this conference stated that rather than

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[61] Interview with a human rights activist (Civil Society Activist 06(II), 2019) in Colombo on 19.06.2019 with long-standing involvement in the SOGIESC movement.

the global HIV/AIDS lobby, local culture should take the lead in shaping the initiatives. COJ, for example, was started as a local initiative which emphasized 'creating' a gay identity in Sri Lanka instead of forming a branch of the NAZ Foundation, a major SOGIESC organization in Kolkata, India. A sexual health approach was not taken for the activities conducted by COJ at the beginning.[62]

The repercussions of the inaugural press conference of COJ in late 1995 offered an opportunity for a second articulation around sexual health-related work. Until then, working explicitly on issues related to HIV/AIDS and the sexual health of SOGEISC activists was not deliberately considered. The return of activists who had to flee the country due to the backlash after the press conference made them rethink the strategies they had utilized. As noted by an activist who had been part of the Mumbai conference where the HIV health approach was debated, "I was in two worlds whether to work on HIV issues or not … but … I thought this is something that I wanted to work with…"[63] This created momentum for SOGIESC activists to work on the sexual health issues of SOGIESC communities.

It was also considered a mutually beneficial engagement to join the HIV/AIDS lobby, given the negative response received after the press conference. Working with the HIV/AIDS lobby provided two benefits to SOGIESC activism. One was the safety of being closely connected to the government wing of the health sector where HIV/AIDS programs were being implemented. The second was the resources available to SOGIESC communities through the global HIV/AIDS lobby.

SOGIESC activists were identified as focal points to enter into grassroots communities to implement HIV/ADIS advocacy-related activities, targeting persons with same-sex desires. It also served as a platform to approach the media, particularly English language newspapers which were more accessible to talk about HIV/AIDS rights. Some of the leading activists shared their experiences of being part of global conferences and interventions in the HIV/AIDS lobby in English newspapers. Even national HIV/AIDS commemorations were organized with the support of SOGIESC activists, who played a vital and visible role in bringing the queer

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[62] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[63] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.

community together. This heightened visibility in the media attracted no such backlash as with the first press conference (Daily News, 2001; Lakbima, 2002). SOGIESC activism provided a much-needed entry point into the HIV/AIDS lobby to conduct their SOGIESC advocacy despite the prevailing social pathologisation of SOGIESC communities. These incentives persuaded SOGIESC activists to engage with the sexual health approach actively.

This tactic of strategic utilization of a sexual health approach by SOGIESC activists and their work with the global HIV/AIDS lobby was not tension-free. Some SOGIESC activists felt that they were being driven into the HIV/AIDS lobby with little or no choice but the promise of safety which came with a certain degree of affiliation with the health sector and global resources. SOGIESC activists were expected to engage with the HIV/AIDS lobby fully. As put by an interviewee: "They were expecting us to engage in HIV work fully. That was beyond our capacity, and we were just starting to work. I ended up being on all the national HIV/AIDS committees".[64]

This issue led to momentum for a critical discussion during National Consultations on Needs Assessments (NCNA) in 1996. COJ was expected to celebrate the national HIV Day commemoration and participate actively in the program. As informed by an organiser of the national consultation, one of the key arguments that arose was that closely working with the HIV lobby and making it a central activity would lose the focus on those SOGIESC issues which are not necessarily tied to sexual health. The donors of COJ also shared the same sentiments. Foreign donors of COJ, who mainly worked on a human rights-based approach, did not push SOGIESC activists to become part of the HIV/AIDS lobby.[65] Their concerns that SOGIESC activism was moving away from its original outlook of becoming a SOGIESC-focused entity were communicated to COJ. This was a time when COJ was not also focused on the issues of queer women, but it eventually decided to focus on starting a women's section as women had already been involved with the HIV/AIDS lobby. Thus, they decided not to make the HIV lobby the central activity of their work but as a parallel strand of work.[66]

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[64] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[65] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[66] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.

The sexual health approach as a parallel strand of work took a different turn following the death of an HIV-positive gay person in 1997. The person, who had tested positive for HIV, died three days after being beaten by minor staff at the IDH hospital in 1997. A campaign was launched by SOGIESC activists who claimed that the person who died was also a human and had the same rights as every other person. The campaign targeted media, hospital staff and the authorities. With this incident, COJ took a proactive role in creating structures that merged the sexual health and human rights approaches to SOGIESC issues. Sexual health was no longer used as a shield for SOGIESC work but as an integral part.

The decision to embrace the sexual health approach was thus mainly compelled by domestic incidents rather than the international initiative of the South Asian Gay Conference. The backlash after the press conference had created the need to find a way to shield their work. This need, combined with the availability of the international organisations to support activists through sexual health approach, made it possible to choose the HIV/AIDS lobby as a safety net for COJ's work. The strategic use of the HIV/AIDS lobby as a shield eventually became an integral part of SOGIESC work with the death of a PLHIV gay person in 1997. These domestic circumstances encountered by SOGIESC communities were instrumental in the sexual health approach.

COJ then moved on to support establishing the Lanka Plus Organization in 1997 to work primarily on HIV/AIDS. Lanka Plus was a strategic response to look after Persons Living with HIV (PLHIV) from the SOGIESC communities.[67] Later, the AIDS coalition was set up with the support of COJ and other NGOs. It is consisted of USAID and UNICEF to provide research, education and media advocacy on HIV. This coalition became the major stakeholder in the domestic HIV/AIDS lobby by sharing information and resources with its youth groups and entities where projects have been implemented. By 2011 the coalition had a salaried staff of 35.[68]

As the HIV/AIDS epidemic hit SOGIESC communities where activists like Nigel De Silva were affected, SOGIESC activism felt a further need to work on it. Thus, a strategic decision was made to create a coalition of NGOs working in the HIV/AIDS lobby instead of COJ becoming the

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[67] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 and (SOGIESC Activist 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.
[68] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.

major implementing stakeholder.[69] The ACCESS civil society coalition was thus created and was headed by a prominent medical doctor who was a PLHIV person. It became quite powerful within the HIV/AIDS lobby in the late nineties. It was supported by Sunethra Bandaranayake, one of the siblings of President Kumaratunga.[70] In this way, SOGIESC communities maintained their earlier position of not being over-determined by the sexual health approach.

On the other hand, as their involvement with the HIV lobby increased, there was the feeling within the movement the HIV lobby dominated COJ's work, and they were slowly losing the focus on SOGIESC issues. There was the expressed need felt by SOGIESC activists within COJ to focus on SOGIESC activities that are not connected to and conducted by the HIV lobby.[71]

Financial dependency on HIV/AIDS resources was also a point of concern. COJ had increasingly become involved with the HIV lobby, and major funding for it came from the global HIV lobby. COJ also took a proactive role in creating alliances to work on HIV/AIDS issues to ensure a sexual health approach did not overburden SOGIESC communities. The tensions between the human rights approach and sexual health approaches were attempted to be reconciled by SOGIESC leadership by forming separate alliances to work on the HIV/AIDS lobby and maintaining a strategic distance from it.

Meanwhile, WSG maintained a strategic distance with funds from the global HIV/AIDS lobby. As stated by an activist who was involved with the organizing of queer women in the early stages, "We knew that was not genuine … we did not go after money. We wanted to work politically with 100% satisfaction…".[72] Still, WSG actively worked with organisations and civil society groups working in HIV/AIDS-related issues to further its non-HIV-related activities. WSG effectively used the sexual health approach to reach out to rural women in the Free Trade Zone areas. The workshops conducted in those areas were about sexual and reproductive rights, where issues of sexuality were discussed. This was a non-contentious approach to start with. The

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[69] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.

[70] Interview with a human rights activist (SOGIESC Activist 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

[71] Interview with a human rights activist (SOGIESC Activist 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

[72] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

strategic use of this approach was understood and instrumentalised.[73] These workshops were conducted in Puttalam, Anuradhapura, Kekirawa, Kataragama, Hambanthota, Monaragala and wherever the women's movement had presence and contacts. They used such avenues to sensitize women on the issues of sexual and reproductive health and SOGIESC issues.[74]

This discussion highlights the importance of domestic conditions in creating moments of articulation on the strategies and tactics adopted by SOGIESC activists in times of crisis. When confronted with domestic constraints, the SOGIESC leadership in Sri Lanka from 1995-2005 sought international resources and support to navigate the constraints. The availability and accessibility of the international community and their support enabled navigating challenges faced by SOGIESC communities. By effectively devising a strategic move in such moments and negotiating internal tensions caused by this strategy, SOGIESC activists in this period demonstrated versatile leadership in navigating open moments.

6.3. Structural and organisational factors

The above section analysed key junctures of the SOGIESC movement between 1995 and 2005, starting from moving to institutionalised spaces, media queerphobia and visibility, criminalising sex between women and the strategic embrace of the sexual health lobby. This section will examine how conflict dynamics shaped the SOGIESC movement and how in turn, this relationship was mediated by three key structural and organisational factors that shaped the navigation of the SOGIESC movement during those junctures: the nature of the regime, the nature of wider civil society, and SOGIESC leadership. These structural and organisational factors shaped the development and emergence of certain dynamics in the SOGIESC movement, which will be assessed below.

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[73] Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.
[74] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

6.3.1. Conflict dynamics

Conflict dynamics during this period were useful in shaping the conditions under which the SOGIESC movement had to function. The first transition occurred with the end of the brief ceasefire period of six months between the GOSL and LTTE in April 1995 which imposed constraints on the utilisation of contested public spaces by SOGIESC groups in Colombo. As explained in section 6.2.1, the constraints imposed by the renewed escalation of the conflict were the major structural condition that cultivated the momentum for collective articulation on the need for a safe space.

Although the situation in Sri Lanka initially does seem to conform with the argument that conflict escalation hinders the civic space (Orjuela, 2003), including for SOGIESC work and aggravates violence against SOGIESC communities, later developments in SOGIESC politics in Sri Lanka suggest a different story. As seen above, the first institutionalised space was established during the intense period of war which began with the failure of the GOSL-LTTE peace talks. Another organisation, WSG, was also formed while the war intensified in 1999. The establishment of SOGIESC organisations during this period somewhat diffuses the argument that conflict is a constraint to forming SOGIESC groups. It is also difficult to find strong evidence to suggest that peace or the relaxation of tensions between belligerents were opportunities for SOGIESC communities. The second longest conflict transition period in Sri Lanka began in early 2002 and lasted until 2005. During this time, only one organisation was formed (in 2004). Activists found little difference between wartime and the ceasefire period. This can be partly attributed to the idea that the growing popularity of the Sinhala Buddhist nationalist military approach to the conflict has in other ways ensured that there was little space for SOGIESC work even after the relaxation of tension. Therefore, it is possible to argue that the escalation of conflict is not essentially a constraint. Similarly, the relaxation of tension is not inherently an opportunity. Whether such conflict dynamics become opportunities or constraints to SOGIESC politics cannot be explained only by focusing on conflict dynamics in particular direct violence. However, the continuation of conflict dynamics including the ideological elements of the conflict create structural conditions affecting the status quo of SOGIESC politics. In order to unpack the more determinative factors, the role of civil society will be explained below.

As mentioned before, I think it is important to frame your study as providing more nuance to existing accounts of the relationship between conflict and SOGEIESC communities - you are saying that yes, conflict influences their activism, but this relationship is shaped by the nature of the regime, civil society and leadership.

6.3.2. Wider civil society

SOGIESC communities' relationships with other civil society organisations were fruitful and instrumental in developing their activism during all four junctures above. Liberal segments of civil society groups have supported the work of SOGIESC groups, from establishing the first SOGIESC NGO to helping activists flee in times of crisis.

In the beginning, the establishment of a safe space was supported by the INFORM Human Rights Documentation Center. For example, COJ's first SOGIESC press conference in 1995 and the first NCNA held on the 25th of March 1996 were some other key activities supported by local civil society organisations and activists. Certain academics at the University of Colombo were also very supportive of the work done by the COJ who supported its staff with training at the NCNA in 1996.[75]

Likewise, WSG was supported by women's rights groups sympathetic to SOGIESC issues. WSG was immensely supported by the Women and Media Collective (WMC) and vice versa (SOGIESC Activist 12(I), 2019.[76] WSG was given opportunities to talk to women who are part of the women's rights network and organisations. Most of the workshops were organised through the network of women's rights groups which was considered a major support and an asset for queer women's initiatives by WSG.[77] In addition, WSG often had its representatives present at women's rights meetings. WSG used these as entry points to reach women from rural areas. The connection between these networks has helped the WSG to use them to organise and conduct their activities. WSG's drop-in-centre in Colombo was also where individuals from the women's movement often visited and met.

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[75] Interview with a human rights activist (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.
[76] Interview with human rights activist (SOGIESC Activist 12(I), 2019) in Colombo on 15.07.2019 with long-standing involvement in the SOGIESC movement.
[77] Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.

Human rights activists from civil society were also supportive in situations of crisis that both COJ and WSG encountered. When the inaugural press conference had serious repercussions for the safety of activists, they were supported by human rights activists to flee the country by providing them with a safe passage.[78] Civil society groups also supported SOGIESC organisations to work with the media to prevent queerphobic reporting by media. During the Ginigathhena incident in 2003, where the media sensationalised a story of a queer woman in a stigmatising way, WSG was helped by the media activist Seetha Ranjani to sensitise the media to not reporting similar cases in a sensationalised manner. The press conferences of civil society were often allowed to be attended by the members of WSG as a way to protect them from media slander.[79] Noted human rights and women's rights activist Sunila Abeysekara was especially strong support for WSG in times of crisis.

These opportunities and the support from other civil society activists were instrumental in informing the dynamics and style of leadership of SOGIESC communities. Other civil society organisations during this time connecting Sri Lankan SOGIESC activists with SOGIESC activists from the South Asian region also exposed many of them to intersectional and different forms of leadership practised by SOGIESC leaders in the neighbouring societies. These networks were instrumental in building knowledge, consciousness and the capacities of local SOGIESC communities.[80]

However, this relationship was not tension free. As much as SOGIESC communities have benefitted from the relationship with wider civil society, many negotiations on collective efforts were necessary. A publication on the history of SOGIESC issues carried out as a joint venture between SOGIESC and human rights NGOs in the late 1990s was not published as it was seen as possibly backfiring. The publication effort involved prominent human rights activists in the country who had been supportive of the SOGEISC activism. However, the decision to hold the publication led to bitterness between the SOGIESC NGOs and other civil society groups. Hence, the research was never disseminated in the public domain. This was a situation where SOGIESC activists had to compromise their wish to publish the report due to the strong self-censorship

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[78] Interview with human rights activist (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[79] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[80]Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.

practised by human rights activists involved in the research process regarding SOGIESC work. The words of a SOGIESC activist, "we let it go," are very symbolic of how they negotiated solidarity with other civil society groups when there was strategic momentum to take decisions.[81]

On several occasions, women's rights groups and SOGIESC activists manifested tensions at women's day events in March during the early years. On such occasions, SOGIESC activists got much more media attention than women at this event. They were asked to leave the event by organisers, which left a bitter feeling between the two groupings.[82] This attention was partly due to the charismatic leadership of early SOGIESC leaders in the movement, who tended to attract media who sought to sensationalise news with their presence. This was a concern for certain leaders of the women's movement. Again, this cannot be generalised.[83] However, these tensions did not manifest in a destructive manner due to another set of activists in the women's movement who were more inclined towards solidarity between women's and SOGIESC rights activists. Sunila Abeysekara is an example who kept both movements in touch with each other.

In addition to activists from the women's movement who were also part of the SOGIESC movement, some of the key figures of WSG were also active members of the women's movement. Sunila Abeysekara and Shermal Wijewardene are two persons connected to the women's movement who were also part of the WSG team. In addition to the organising team, some individuals provided on and off support to WSG for their SOGIESC work. The drop-in centre of WSG was a space for women to come and meet each other. Women's rights organisations and WSG also had a good relationship regarding mutual referrals of cases to be handled.[84]

Some SOGIESC activists have had personal relationships with activists from the women's rights movement. The nature of interlinked, personal and civil space had been fruitful in cultivating an informed leadership as much as it created an insular ecosystem on the other hand. As said by one of the SOGIESC activists: "I had a relationship with a human rights activist. I began to gain

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[81] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[82] Interview with a human rights activist (SOGIESC Activist - 10, 2019)in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.
[83] Interview with a human rights activist (SOGIESC Activist - 10, 2019)in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.
[84] Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.

awareness of it … with my partner I started attending to human rights workshop and meetings…"[85]

The instructive learning gained from the relationship SOGIESC communities had with other organisations was also instrumental in deciding the dynamics of the movement and the leadership. WSG greatly benefitted from the mentorship given by other civil society activists during that time.[86]

An instrumental role played by local civil society has also been the connecting bridge between SOGIESC groups and international networks supporting SOGIESC work. Women's rights and human rights activists such as Sunila Abeysekara were connecting SOGIESC activists with international donor agencies abroad.[87] The Center for Poverty Analysis (CEPA) was also supportive of connecting COJ with other international resources and their local initiatives[88] especially training by UN entities and opportunities to learn.[89]

WSG and COJ were both funded and supported by INGOs, foreign missions and other multilateral organisations during 1995-2005, such as the Ford Foundation, ASTREA, Global Fund for Women, Human Dignity Trust, and Mama Cash.[90] The link with the foreign diplomatic missions helped SOGEISC activists get connected with international and regional SOGIESC groups through exposure to international conferences and activists from different part of the world.[91] The South Asian Gay conference organised by the NAZ Foundation in Mumbai in 1994 was a key turning point for Sri Lankan SOGIESC activists to be connected with the regional SOGIESC activists. Queer women were sent to multilateral conferences on gender issues, such as

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[85] Interview with human rights activist (SOGIESC Activist 12(I), 2019) in Colombo on 15.07.2019 with long-standing involvement in the SOGIESC movement.

[86] Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.

[87] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[88] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.

[89] Interviews with two human rights activists (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 and (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.

[90] Interviews with two human rights activists (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 and (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[91] Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement

the World Conference on Women in Beijing in 1995.[92] These conferences were also attended by international non-governmental organisations such as Amnesty International and Human Rights Watch and ILGA.

Through these channels, Sri Lankan SOGIESC activists also proactively contributed to the global sexual and gender justice movement. Sri Lankan SOGIESC activists served two terms as the Asia Representative for the ILGA conference, both in Cologne in 1998 and Rome in 2000. The WSG delegation was instrumental in drafting and lobbying at the Beijing World Conference on Women.[93] These avenues paved the way for instructive learning and extensive dialogues on issues and debates related to SOGIESC issues globally and regionally.

The support given up by international organisations enhanced the recognition and visibility of Sri Lankan SOGIESC activists, which enabled them to replicate the ideas to which they were exposed. The International Gay Games held in Sydney in 2002 was an example of SOGIESC groups in Sri Lanka joining in showcasing their talents and their sexual and gender identities. At the event, WSG participants could win several medals, including gold. This was the first time a queer person from Sri Lanka won a gold medal in any international sporting event. WSG, along with COJ, also organised local Solidarity Games from time to time.[94] The international community also recognised the work done by COJ and WSG. In May 2001, the Felipa de Souza Award was awarded to both of them by OutRight Action International (*The Felipa De Souza Award*, 2016), a prominent LGBTIQ INGO, to recognise their quiet but unobtrusive campaign since 1995 in advancing the rights of SOGIESC communities in Sri Lanka (Fernando, 2001).[95]

In assessing the nature of the impact local civil society and the international organisations had on key junctures of the SOGIESC movement in Sri Lanka, they were most instrumental in fostering the movement by providing the resources to create open spaces. The most significant impact of local civil society and the international organisations was thus in the process of moving from contested public spaces to institutionalised safe spaces. Local human rights NGOs and activists

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[92] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[93] Interview with human rights activist (SOGIESC Activist 12(I), 2019) in Colombo on 15.07.2019 with long-standing involvement in the SOGIESC movement.
[94] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[95] Interview with human rights activist (SOGIESC Activist 12(I), 2019) in Colombo on 15.07.2019 with long-standing involvement in the SOGIESC movement.

provided the space for SOGIESC activists to meet regularly in one of their offices when public spaces have become difficult to access. This certainly provided much-needed institutional support and a base for SOGIESC activists to pursue their efforts in exploiting resources to establish COJ as the first SOGIESC NGO. It was also evident that the resources provided by queer individuals from the Sri Lankan diaspora were critical in establishing the office premises for COJ.

In times of crisis, local civil society acted as a shield for protection while the international community provided safe passage to escape violence and suppression. This was evident during the backlash after the inaugural press conference in 1995. Human rights activists and NGOs immediately turned to help SOGIESC leaders through their network of foreign missions and NGOs to provide them with the necessary shelter and safe passage to flee. However, it is unclear whether the presence or absence of such support from civil society was a key factor in the decision to hold the inaugural press conference in the first place. However, it was evident that their supporting mechanisms were instrumental in helping SOGIESC activists navigate the risks and become resilient in times of crisis.

The Sri Lankan SOGIESC movement was greatly exposed to the support from international organisations working on SOGIESC issues as well. During this time, most of the early leading organisations in South Asia and Southeast Asia started working with the HIV/AIDS lobby, as discussed at the first South Asian gay conference held in Mumbai in 1995. The Blue Diamond Society from Nepal, Sangam from South India, NAZ Foundation and Humsafar Trust from India and organisations from Indonesia, Malaysia and Pakistan also started working on HIV/AIDS issues. Most of these organisations working on both HIV/AIDS and SOGIESC issues were meeting in various cities in South Asia.[96]

These connections could have also informed the strategies adopted by the SOGIESC activists in Sri Lanka. On the decision to strategically embrace a health-based approach, COJ did not resort to this approach, although its leaders attended the Mumbai conference. The Mumbai conference mirrored debates around how to approach governments to be more sensitive about issues of SOGIESC communities, particularly Gay and Koti[97] identities and the implications of their conduct on sexual health (Sherry, 1996). It also debated whether to follow the global HIV and

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[96] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019, p. 09) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[97] Koti or Kothi loosely denotes effeminate gay men who have sex with men in India.

sexual health advocacy approach as it was much focused and funded in the western countries in the 1990s. At this conference, some agreed not to import the Western conception of SOGIESC identities and go back to their cities to articulate what was next to be done.

International organisations and their support were not key influencers in deciding the key decisions of COJ. Rather, the setback of the inaugural press conference pushed COJ to revise its decision on not resorting to a health-based approach. Nevertheless, the international community providing a pocket of open space helped COJ navigate the post-press conference approach to SOGIESC activism.

6.3.3. Nature of the regime

As explained at the beginning of this chapter, 1995-2005 was a period of liberal rule by two governments. The first part was ruled by President Kumaratunga's People's Alliance government, whereas the latter was ruled by Prime Minister Wickremasinghe's United National Front government. These liberal regimes did not follow an approach of fostering anti-NGO sentiment and instead allowed civil society to function relatively freely. President Kumaratunga and her close associates connected well to civil society, including SOGIESC NGOs. Likewise, the peace process during Wickremasinghe's time in office amplified the role of NGOs in shaping political matters. NGOs were considered key stakeholders in the peace process as part of the liberal peace agenda. Despite the ongoing war, the two governments' policy toward civil society was a facilitating factor for NGOs and international organisations to work closely in humanitarian efforts such as reconstruction, peacebuilding and reconciliation work. Following the 2004 tsunami disaster, the role of NGOs become crucial for reconstruction work, with the international community channelling their resources for relief work through NGOs.

These regimes' liberal nature allowed the international organisations to enjoy an uninterrupted relationship with local civil society. The nexus of civil society and the international community certainly benefitted from the government's relaxed approach to civil society. Therefore, one could argue that having a liberal regime that has an enabling approach to civil society can be instrumental in enhancing SOGIESC groups.

Conversely, one may argue that a civil society-friendly government cannot necessarily be interpreted as SOGIESC friendly. As seen with the decriminalisation attempt, the openness of

the government did not bear the same fruit for SOGIESC work. The government was reluctant to decriminalise homosexuality and expanded the criminalisation of sex to include sex between women. The government's reluctance to accept SOGIESC rights was a known factor to SOGIESC activists from the beginning, as some of them articulated that decriminalisation would be the least priority of the government as it was caught in its war for peace.

Although the government did not decriminalise homosexuality, there is no evidence to suggest that the two governments during this period attempted to obstruct SOGIESC NGOs. Perhaps due to their relaxed approach to civil society, both governments generally allowed the function of SOGIESC to work. Compared with the nature of conflict dynamics during this period, particularly the renewed intense warfare from 1995-2001, the emergence and expansion of SOGIESC work could be better understood in relation to the pockets of openness created by liberal regimes that were not hostile to civil society work. This emphasises that the regime's nature is an important explanatory factor compared to conflict dynamics. To establish this, however, it is necessary to examine whether it would be the same under a different configuration, i.e. an illiberal regime in a peaceful setting- a situation that will be examined in the next chapter.

6.3.4. SOGIESC leadership

In the previous section, the discussion revealed that conflict transitions might impose structural constraints on SOGIESC movements resulting in diminishing queer spaces and restrictions on SOGIESC activism, which were nevertheless not decisive factors determining how the SOGIESC movement navigated those junctures. I argued that the nature of regimes tends to be more relevant in explaining why certain outcomes of the SOGIESC movement were possible. The liberal nature of the regimes specifically helped expand civil society groups, providing a pocket of openness, resources and a shield for SOGIESC work. But all these structural conditions would have become irrelevant if it were not for the proactive role played by the SOGIESC leadership in identifying and utilising these conditions for targeted political outcomes. Therefore, the role played by the SOGIESC leadership in navigating such conditions is a crucial part of this analysis.

COJ was operating within the NGO space and conforming to the institutionalised civil society format. COJ had leadership that connected to the outside world. Its leader Sherman De Rose was

the public figure appearing to the media and in the public domain, whereas other individuals working inside the office and the wider network was tasked with the functions of the machinery of COJ.[98] This leadership attracted a core group of 20 regular visitors to COJ in this period. De Rose was a good orator in both Sinhala and English, with the ability to navigate persons from different social strata. The public appearance of the leader from the Sinhalese community had drawn much attention from the media and this accrued both negative and positive visibility for the movement at the early stages.[99]

In contrast, WSG was a small group of 15-20 queer, mostly Sinhala and Burgher women (with no Tamils). The core group of WSG consisted mostly of English and some Sinhala-speaking women from middle and upper-middle social classes of educated women. The management and day-to-day language of WSG became mostly English, whereas the clients who used to drop in were mainly Sinhala speakers.[100] WSG did not have a formal structure until 2004, when one of the leaders decided to leave WSG to form EG. The core group of WSG maintained a good friendship and understanding among the group members.[101]

The differences between leaders coming from different societal strata were not transcended by the organisational structures of both COJ and WSG. Instead, it was solidified and manifested fiercely. The internal leadership style and how a group is organised within a SOGIESC entity matter in its function and navigation of politics during conflict times. WSG relatively had a majority of liberal, educated women from middle and upper-middle classes, which made them less diverse. In contrast, COJ comprised a more diverse group of individuals from different social strata. These differences were reflected in the ways in which SOGIESC leadership responded to certain junctures. COJ resorted to a proactive style of visible leadership while WSG followed a less visible leadership approach. This could be somewhat related to the different social class of the leadership of the two groups. One may also argue that the visibility of Nachchi and/or trangender communities attached to the COJ could have also been a reason for the COJ's

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[98] Interview with a human rights activist (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

[99] Interview with a human rights activist (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

[100] Interview with human rights activist (SOGIESC Activist 12(I), 2019) in Colombo on 15.07.2019 with long-standing involvement in the SOGIESC movement.

[101] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

leadership's uncontained visibility and their risk-taking approach which was in contrast to the WSG was dominated by educated queer women who tended to keep a low profile. However, both were proactive in navigating key junctures of SOGIESC politics.

During this period, COJ and WSG maintained an approach that can be framed as strategic [in]visibility. The first decision to open a 'safe' space and exclude mainstreaming of SOGIESC rights in early 1995 was a sign that visibility in political advocacy with the government was not a feasible option. This was due to the prevailing nature of social and political conditions towards the rights of the SOGIESC communities. However, the creation of 'safe' spaces was a mild version of visibility within civil society and SOGIESC communities. For example, solidarity games and Gay-Lesbian parties such as the Pink Ball were organised within these spaces to help the community feel safe and come together. But none of these events had a clear offensive strategy to confront homophobic forces in society publicly and openly.[102]

The key exception to this strategic invisibility was the first press conference organised in late 1995 to inform the establishment of the COJ. With the negative repercussions of the press conference, SOGIESC leaders decided to consider working with the HIV/AIDS lobby as better a way to maintain a link with resources and government entities. Again, visible political advocacy was not chosen as the path to mainstream SOGIESC rights with the state entities; rather, working with pockets of civil society segments to bring SOGIESC communities together became the focus.

Even in their day-to-day activities, COJ and WSG had to take several precautions not to warrant an undue attack or attention towards their work. The rule of not serving persons below 18 years old was maintained to avoid public outcry on 'promoting' homosexuality to minors. The strict policy of not having anyone below 18 ensured that the underage persons were not associated with the organisation, which could also have invoked legal action against the organisation. Thus, no work was commissioned with schools.[103] Although COJ provided some of its information in the public domain, such as office telephone numbers and its address, WSG worked under the radar for a number of reasons. Many group members were discreet, and there were situations when people did not even want to identify themselves as SOGIESC persons, but this was known by

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[102]Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[103]Interview with human rights activist (SOGIESC Activist 11(I), 2019) in Colombo on 17.07.2019 with long-standing involvement in the SOGIESC movement.

many and not spoken of. Newcomers often met in a public space and were assessed before being received at the office. For a certain period, WSG did not even resort to registering itself to maintain the discreet nature of its work. However, this situation did not last for long as it wanted to access donor funds which required being a registered entity under the laws of Sri Lanka. COJ was registered for the same reasons.[104]

The decision to not extend SOGIESC work to war-affected areas was partly due to practical difficulties in reaching out to Tamil SOGIESC communities due to the intensive war and the fact that working with Tamil communities would put SOGIESC NGOs under the surveillance of the state. Other reasons could have been the lack of a strategic plan to include SOGIESC communities in the North and East, as the main working language of SOGIESC activism during this period was English and Sinhalese. As mentioned in the methodology chapter the 'absence' of Tamil SOGIESC leadership has limited my ability to explore the intersection between ethnic and queer identity in this period.

The outbreak of war in early 1995 and its continued effect on the freedom of individuals and civil society certainly influenced the conditions for moving from contested public spaces to 'safe' spaces, the decision to work with the HIV lobby, and the imposition of strict regulations of confidentiality and discreetness in day-to-day work of COJ and WSG. The nature of regimes which was understood as 'liberal', allowed civil society groups to function in their spheres of work, maintaining openness towards them. SOGIESC leadership, through its articulatory practices, was able to identify risks and possibilities within this state of affairs. Through this articulation, the structural conditions can be identified as a 'relative openness'.

However, civil society's openness is an overstatement concerning the SOGIESC activism during this period. Although most civil society groups were allowed to function, receive foreign funding, and work closely with government entities, SOGIESC organisations' advocacy of the rights of SOGIESC communities was minimally entertained by the government. Human rights organisations worked closely with the government in bringing legal and institutional reforms, but SOGIESC organisations had very little access and were welcomed into such interactions with the government. The 1995 Penal Code reform process is an example where human rights NGOs

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[104] Interview with human rights activist (SOGIESC Activist 12(I), 2019) in Colombo on 15.07.2019 with long-standing involvement in the SOGIESC movement.

were allowed to proactively participate in the process compared to SOGIESC NGOs. The calls for decriminalising homosexuality by human rights groups were not only not entertained by the government but also expanded the criminalisation of same-sex desires to women, which originally was not a crime. It is, therefore, possible to argue that the openness extended to the civil society by the 'liberal' regime in power did not apply to SOGIESC rights groups in the same manner.

The regime's reluctance to entertain and accept visible political advocacy by SOGIESC groups during the ongoing warfare further narrowed the openness available for civil society for SOGIESC groups, which I would characterise as a "relative openness". It was a relatively open space in the contemporary political landscape for SOGIESC organisations and groups, but it was not an indiscriminate openness to SOGIESC communities. SOGIESC communities did not enjoy the space to work with the government and its entities directly to mainstream a visible political advocacy, unlike many other human rights groups such as women's rights organisations. Furthermore, the war prevented SOGIESC organisations from expanding their work to war-affected regions. This led to a situation where the SOGIESC leadership was rarely proactive about the rights of SOGIESC persons in the war zones and issues related to ongoing conflict resolution measures. This could have been dfferent if any of these organizations had SOGIESC leaders from the Tamil ethnic background. Hardly any of the SOGIESC organisations took up issues related to the peace process and larger political issues.[105] Thus, SOGIESC groups were prevented from politically advocating to the government for their rights and also voicing for the rights of SOGIESC persons in war zones. This relative openness led SOGIESC communities to follow a strategic invisibility approach during this period. The strategic invisibility was maintained through invisible political advocacy with the government on SOGIESC rights and conflict-related matters.

To navigate this relative openness, SOGIESC communities continued to work with other civil society organisations. Major relationships were kept with women's human rights organisations, the HIV/AIDS lobby and the international organisations.[106] As described in the above sections on civil society, SOGIESC groups maintained a fruitful relationship with women's rights, human rights groups and HIV/AIDS lobby. This was the major platform utilised by SOGIESC groups

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[105] Interview with human rights activist (Civil Society Activist 13(I), 2019) in Colombo on 26.11.2019 with long-standing involvement in the SOGIESC movement.
[106] Interview with human rights activist (Civil Society Activist 13(I), 2019) in Colombo on 26.11.2019 with long-standing involvement in the SOGIESC movement.

to expand their work within the pockets of openness that existed in liberal civil society. Similarly, the non-hostile nature of the government towards the international organisations and their strong connection with liberal civil society groups in Colombo enabled SOGIESC groups to exploit the resources and channels. Encounters with persons from the diaspora and subsequent connections with foreign embassies were enabled by the prevailing atmosphere favourable to such civil society activism. The connections garnered through the foreign diplomatic missions to support the 'local' initiatives were a first step towards starting a substantial process towards the institutionalisation of SOGIESC activism in Sri Lanka. This support from foreign diplomatic missions was somewhat insulated from local political fluctuations. They continued to support SOGIESC groups despite protests and constraints. The international conferences were also signs of interactions between the international organisations and local SOGIESC activists.[107]

6.4. Conclusions

In summary, it is possible to observe that SOGIESC groups' actions in this period were affected by the relative openness as a structural condition created by the dynamics of war and the regime's nature. The SOGIESC leadership responded to this structural condition by effectively exploiting a space in civil society that I have characterised as a pocket of openness. These spaces were also supported by resources from international organisations and liberal civil society. The opening of the first safe space, the first press conference and the strategic embrace of the sexual health approach constituted key junctures in the SOGIESC movements. All of these crucial junctures demonstrated the effective role played by the SOGIESC leadership in navigating such a volatile political landscape. If it were not for this versatile leadership, with its constant risk and benefit calculations and proactively responding to those conditions, the changes or the nature of the SOGIESC movement would have been different. Therefore, it is possible to identify the opportunistic leadership of the SOGIESC groups as a decisive factor in shaping the nature of queer politics during this time.

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[107] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 and (SOGIESC Activist - 10, 2019, p. 10) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

CHAPTER SEVEN

Troubled times (2006-2014)

This chapter analyses key junctures of the SOGIESC movement in Sri Lanka during President Mahinda Rajapaksha's rule from 2005-2014, which was marked by intense warfare, the end of the war, and the post-war period. Key incidents or trends that took place in this period include the disintegration of Companions on a Journey (COJ) and Women's Support Group (WSG), the 'Rivira Incident' (a queerphobic media attack), and the rise of the HIV/AIDS lobby. The chapter also discusses the relationships between SOGIESC communities, civil society, regime and the media concerning these key incidents. Despite some initial constraints due to war, there had not been major conflict-related impacts on SOGIESC organisations' work. However, civil society and NGOs, which were the shield for SOGIESC work, were negatively affected by the regime's anti-dissent, anti-NGO, and queerphobic approach. The diminishing civic space and mounting queerphobic media campaigns made SOGIESC work much more vulnerable. Nevertheless, this analysis also shows the importance of SOGIESC leadership, which is again highlighted as vital and decisive organizational factor in shaping the direction of the SOGIESC movement under these circumstances. This uncovers the complex nature of interactions between these factors and highlights the key role of the agency of SOGIESC leadership as determining element in this thesis.

7.1. First Rajapaksha regime, final war, and post-war triumphalism

Mahinda Rajapaksha's marginal victory against former Prime Minister Ranil Wickremasinghe from the United National Party (UNP) at the Presidential election held in November 2005 was a historical turning point in Sri Lankan politics for several reasons. First, Rajapaksha's election opened access to power for ultra-nationalist forces like the Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU), which supported Rajapaksha's bid for the presidency. Second, Rajapaksha was mandated to change the approach to the ongoing peace process with the Liberation Tigers of Tamil Eealam (LTTE) rebels. This approach was labelled as a 'just and honourable' peace, distinct from the approach predicated on a negotiated settlement during the Wickremasinghe period (De Silva, 2006). The change of the Government of Sri Lanka's (GOSL)

approach to the peace process and continuous violations of the ceasefire agreement by both parties were instrumental in the failure of the peace talks. This breakdown in talks was followed by the escalation of tensions leading to the resumption of hostilities between the LTTE and the GOSL, culminating in the former's military defeat in 2009.

The first phase of the Rajapaksha regime from 2006-2009 was marked by failed peace talks, a decisive brutal war, and the eventual elimination of the LTTE. The fragile ceasefire and the failure of the Rajapaksha-LTTE peace talks in 2006 brought an end to the undecisive period (2005-2006) of no war-no peace. The war led to the eventual retreat of LTTE from the Eastern Province in 2007. With the fall of the Eastern front, the war front escalated to an all-out war in the Northern Province in 2007. The intense war continued until the GOSL's capture of LTTE held territory and the death of most key LTTE leaders in May 2009, including its leader Velupillai Prabhakaran.

The second phase of the Rajapaksha regime was the post-war period from 2009-2014. This period was characterized by regime consolidation through post-war triumphalism, an authoritarian turn in politics, expanding militarisation and development drive, and the manifestation of new tensions between Buddhists and Muslims (Uyangoda, 2011). During this period, the Rajapaksha government effectively appropriated the Sinhala Buddhist nationalism championed earlier by the JVP and JHU. The JVP, which was a vocal supporter and coalition partner in the victory of Rajapaksha in 2005, was now in the opposition, having lost its nationalist and radical appeal. The 18th Amendment to the constitution further strengthened the Rajapaksha's grip on power in in 2010, as it abolished the presidential two-term limit and weakened independent commissions, among other reforms. The regime also impeached the Chief Justice of the Supreme Court, its first-ever woman in the position, threatening the independence of the judiciary.

This regime consolidation overshadowed the government's approach to addressing the root causes of the ethnic civil war, and an illiberal approach to peacebuilding became dominant (Walton and Thiyagaraja, 2020). It resembled a situation where forces that enabled violence during the brutal war continued even after the war as the government was focused on economic development in war-affected areas and neglected to address the political drivers of ethnic conflict. The triumph of Sinhala Buddhist ethno-nationalism in a militarized context was a powerful ideological justification for the continuation of violence even after the end of war. It has

effectively sidelined the call for addressing the root causes of the ethnic conflict and enabled Rajapskha to dictate the terms of the post-war transition. In 2010, Rajapaksha was re-elected as President with an overwhelming public mandate for the post-war development drive. On the other hand, the GOSL and the LTTE were accused of grave human rights violations and excessive violence, especially during the last stages of the war, by the UN and Western powers (Darusman Report, 2011; UNHRC, 2015; Hoglund, Kovacs and Thiyagaraja, 2016). The dominance of the development drive and a lack of adequate measures to address the root causes of the conflict and transitional justice issues were also coloured by widespread corruption, nepotism, shrinking civic space and growing human rights violations (Uyangoda, 2011).

The regime became increasingly hostile towards NGOs, civil society and dissenting voices. The anti-dissent approach towards civil society and NGOs was fuelled by anti-NGO sentiments rooted in the ideas of NGOs as part of a 'Western Influence' that was a corrupting influence on Sri Lankan state and society and Sinhala Buddhism in particular (Devotta, 2005; Uyangoda, 2011). NGOs were also seen as the continuation of the collusion of the colonial period between Tamils and foreigners against the Sinhalese. These ultra-nationalist perspectives on NGOs led to organisations working on issues related to the rights of minorities and reconciliation that opposed the centralisation of power and Sinhala Buddhist ethnonationalism being labelled as 'traitors' and subject to harassment and violence (Walton, 2012). The resumption of war in 2006 had already provided an incentive for attacks on NGOs, which Walton describes as "one of the most intense periods of hostility against NGOs" (2012, p. 378). Disappearances and the murder of journalists and human rights activists became a common means of controlling dissenting voices. Surveillance and sabotage of NGOs were often executed with demonizing public campaigns that painted them as traitors aligned with Western conspirators. Anti-NGO sentiments intensified in state media during this period, narrowing the space for civil society work (Walton, 2012).

7.2. Key junctures

How did SOGIESC organisations navigate this hostile environment? With regards to SOGIESC activism, three first-generation organisations, COJ, WSG and EG, existed during the first period of Rajapaksha's presidency. Two other organisations - Heart to Heart (H2H) and Sakhi - were formed during the second phase of the Rajapaksha regime. The sections below provide an account of the key junctures of the SOGIESC movement in Sri Lanka during this period, which

analyses how SOGIESC NGOs navigated the space in the shadow of an anti-dissent illiberal regime dominated by Sinhala Buddhist ethno-nationalist ideology.

7.2.1. Encountering queerphobic media: Rivira incident and the fall of COJ

During this period, one of the key moments for SOGIESC communities in Sri Lanka was the irreversible sabotage inflicted on COJ by a Sinhala nationalist tabloid called *Rivira,* referred to hereafter as the 'Rivira Incident'. As described by an interviewee, an undercover 'journalist' called "Chandana Kariyawasam", who had been to the COJ office pretending to be a gay person seeking help, took photos of COJ and systematically collected information on the 9th of September 2011. This information was used to publish a series of articles in *Rivira* mentioned below.[108]

On the 11th of September 2011, the *Rivira* headline article on its front page stated that "24 'gay centres' will be established violating the Penal Code of Sri Lanka". The article alleged that SOGIESC NGOs, with support from foreign entities, were intending to open 'gay centres' 'spreading' homosexuality (Rivira, 2011e). It also cited that establishing such 'gay centres' was a 'violation' of the Penal Code, which proscribes same-sex sexual conduct. The newspaper carried a weekly series of their discoveries attacking COJ. The following week, the article carried a major news item titled "*The unseen aspect of expanding discreet 'gay culture'* (Chandana, 2011). The tabloid published a weekly series of articles of a similar nature that stigmatised SOGIESC NGOs for several weeks afterwards.

With this hate campaign against SOGIESC communities, the *Rivira* newspaper effectively mainstreamed political queerphobia, often produced by a masculinist heterosexualised discourse on sexual and gender identities (Schilt and Westbrook, 2009; Namatende-Sakwa, 2013). First, it portrayed 'Gay Culture' as anti-local culture and SOGIESC NGOs as foreign as they are funded by foreign agencies, overlapping with the logic of casting NGO civil society actors as foreign traitors in the country. The deliberate demonising of SOGIESC work and SOGIESC NGOs was done through spreading disinformation and lies on SOGIESC terminologies; labelling them as Western, foreign and anti-local; and accusing them of spreading foreign ideas through a 'secret gay culture'.

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[108] Interviews with a human rights activist (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

SOGIESC NGOs were framed as attempting to tarnish the image of the military by linking them with homosexuality and accused COJ of trying to spread homosexuality, especially among children, as the office of COJ was located in the vicinity of numerous schools. Furthermore, COJ's work on HIV/AIDS issues was trivialised by claiming that COJ used it as a cover to 'spread' homosexuality. According to *Rivira*, 'Gay Culture' is 'alien' and 'implanted' in Sri Lanka by SOGIESC NGOs like COJ. The media created an artificial binary between perceived 'gay culture' and 'pure' local culture. This was a strategy used by the media to debunk the legitimacy of SOGIESC NGOs and their work of securing SOGIESC Rights (Chandana, 2011; Rivira, 2011e, 2011c, 2011a, 2011b, 2011d).

Second, the articles framed non-reproductive sexualities as a threat to the reproduction of state and nation by capitalising on queerphobia to advance existing Sinhala-Buddhist ethnonationalism. SOGIESC NGOs were painted as threats to Sinhalese ethnicity with claims that 'spreading' homosexuality across the country posed a threat to the majority Sinhalese population. The articles further accused these NGOs of turning straight men into homosexuals, especially declaring that they secretly attempted to 'convert' military men into homosexuality. By doing this, the media not only portrayed the SOGIESC NGOs as a threat to the state and Sinhalese ethnicity, which consider military men as a primary source of security and reproducing the population but further jettisoned SOGIESC communities from the 'legitimate' national imaginary (Parker *et al.*, 1992; Yuval-Davis, 1997b; Peterson, 1999; Alexander, 2005).

The above ideas were often used to favour the existing Sinhala Buddhist ethno-nationalist ideology of the regime in power. The ruling regime of President Rajapaksha had been perpetuating Sinhala Buddhist ethnonationalism as the ideological basis of the state, which was instrumental in utilising the war machinery against the LTTE. As explained in the first section of this chapter, the JVP and JHU, the two nationalist parties of the ruling regime, were instrumental in propagating such ideas in society. Protecting Sinhalese ethnic dominance over the state was vital to the prevalence of the regime. Thus, work done by queerphobic media facilitated a process which placed SOGIESC NGOs in opposition to Sinhala Buddhist ethnonationalism. Therefore, one could argue that political queerphobia was a deliberate strategy used by nationalist media that benefited from solidifying the boundaries of national identities and national belonging (Bacchetta, 1999; Puri, 1999). Political queerphobia is the ideological manifestation of violence against SOGIESC communities beyond the conflict period. Although it is a result of the need to protect

the Sinhalese ethnicity, political queerphobia made no distinction for SOGIESC leaders who are Sinhalese. Simply put, being queer does not make one immune to ongoing queerphobic violence even if one belongs to majority ethnic Sinhalese group in Sri Lanka.

The effect of this political queerphobic attack on COJ was profound. First, it paved the way for the state's and international donors' surveillance mechanisms to investigate the organisation, which eventually halted its functions. The media 'exposed' the leader COJ with photographs, accusing him of committing crimes under the country's laws. The office premises were raided by the Criminal Investigation Department (CID), and files and materials, including its computer hard discs, were taken. Some were returned later, but many were retained. Activists were questioned for long hours without arrest. The fear caused by the raid forced key leaders of the organisation to flee the country for some time with the help of civil society activists and human rights defenders.[109] They did not return to the country until the situation was deemed safe enough. Those who could not leave the country were questioned at the CID headquarters in Colombo for many hours. These intimidating questions were about the functions and the connections of the organisation. Most of the questions were about sources of funding and the organisation's activities.[110] SOGIESC activists were confused as to why the interrogations by CID were about sources of funds to the COJ and not on the accusation made by the media for promoting homosexuality.[111] The media attacks also sparked concern among donors prompting them to assess the feasibility of delivering projects and the long-term optics for them working with COJ. Donors and other civil society activists also used this window of opportunity to inquire about ongoing allegations of financial malpractices by the COJ's leadership.

Due to the media coverage, CID interrogations and donor backlash, COJ was in a situation where it was struggling to continue with its operations. By then, COJ had moved their offices to a new place with more facilities with a higher lease. The new office premises were closed after the raid, and the staff was disoriented. COJ could not function due to the disclosure, so the rent, debts, and salaries for staff were delayed. COJ was supposed to start a major HIV/AIDS project funded by Global Fund for AIDS and Malaria (GFTAM). The debt collectors were particularly anxious

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[109] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[110] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[111] Interviews with two human rights activists (SOGIESC Activist 16, 2020) virtual on 08.08.2020 with long-standing involvement in the SOGIESC movement.

and demanded the settlement of payments. As stated by an activist who had been part of COJ's management, this led COJ's leadership to settle those debts with project funds which eventually put COJ on the blacklist of donors for the 'mismanagement' of funds.[112] When COJ had to close their newly opened office, the office equipments were given to other organisations such as United Nations Program on HIV/AIDS (UNAIDS). No payments or compensation were paid to staff. The main office became dysfunctional.

Secondly, the *Rivira* incident also encouraged other SOGIESC organisations to impose self-censorship and keep a low profile. Newly formed organisations such as Diversity and Solidarity Trust (DAST) went underground, fearing potential raids on SOGIESC organisations. International organizations and government entities working with SOGIESC communities like UNAIDS and National STD and AIDS Control Program (NSACP) did not explicitly defend the COJ from the sabotage. The Ministry of Health (MOH) was requested by activists to intervene, but it responded with deliberate silence. Many NGOs at the time resorted to adopting a low profile as it was an ideal time to attack civil society organisations after the end of the war and the dominance of anti-NGO ethno-nationalist ideas. WSG was a separate group of female intellectuals who relied on multiple sources of funds. With internal disputes, WSG's disintegration process became inevitable with these new circumstances. WSG intensified invisible strategies to safeguard themselves as they were already vulnerable. Although WSG was not directly affected by the *Rivira* incident, it had taken proactive measures to curtail the consequences of the incident to prevent its organisation from also being raided by the CID.[113] This included shutting down its website and office premises as a safety measure and transferring documents and files to a safe place.[114] Neither WSG nor EG encountered the media directly to defend the work of COJ. WSG continued to keep their address secret.[115]

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[112] Interviews with two human rights activists (SOGIESC Activist 16, 2020) virtual on 08.08.2020 with long-standing involvement in the SOGIESC movement.
[113] Interview with a human rights activist (Civil Society Activist 04(I)) virtual on 14.05.2019 with long-standing involvement in the SOGIESC movement.
[114] Interview with human rights activist (SOGIESC Activist 12(I), 2019) in Colombo on 15.07.2019 with long-standing involvement in the SOGIESC movement.
[115] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtual on 15.02.2020 with long-standing involvement in the SOGIESC movement.

Thirdly, the *Rivira* Incident provided key momentum in SOGIESC activism[116] as it provided an impetus for both internal and inter-group conversations on the nature of the challenges faced by the SOGIESC movement and how to navigate them. One of the key factors discussed by civil society circles, including SOGIESC communities, was the cause of the media attack and the subsequent sabotage. Activists wondered why this newspaper wanted to attack COJ when there were other newspapers which published stories and features of SOGIESC organisations and cultural aspects in mixed ways. A week before the media attack, *Divaina*, a Sinhalese national newspaper, published a feature article on night parties organised for transgender and cross-dressing (CD) persons in Colombo (Tharanga, 2011).

Another belief that activists associated with the attack cause are NGO competition for foreign funds. This idea came from several interviewees, although it could not be fully corroborated. COJ was the National Program Recipient and Regional Sub-Recipient for South Asia GFTAM grants. These were significant grants for a single NGO working on sexual health in the country. A few weeks before signing the agreement between COJ and the donor, COJ invested money in renting a new building in the central city of Colombo for their Regional Program. The grant was competitive and attracted other competitive applicants. The timing of the incident was highlighted as a curious point by activists as it was a crucial time for COJ, which was preparing to embark on a major project with two grants.[117]

Another point raised in this articulation is the regime's role in the attack. While most interviewees still asserted that the media had directly staged the incident, certain SOGIESC activists believed the government may have a hand in the sabotage. As stated by an activist who had been directly affected by the incident, "there is also a perception that the incident could have had a government hand in it. Sometimes it could be anti-COJ groups or elements that had helped the sabotage. But newspapers did it on their own".[118] Although the act was committed by the newspaper itself the speculations of the governments hand is also noted. However, a news report published years later revealed the close connection between the ruling Rajapaksha regime and *Rivira* (*Sri Lankan Mirror*,

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[116] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.

[117] Interviews with three human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019, (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 and (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

[118] Interview with a human rights activist (Civil Society Activist 04(I)) virtually on 14.05.2019 with long-standing involvement in the SOGIESC movement.

2018). Thus, the media cannot be separated from the political homophobia deployed by the regime. This suggests that media strategies can also become part of the strategies and ideologies of the ruling regime.

Feminist scholars who claim homophobia is a deliberate political strategy argue that the public denigration of non-conforming sexualities and gendered identities by political elites is a purposeful gendered and racialised political strategy that invokes globalised homosexual boogeymen to consolidate power (Boellstorff, 2004; Currier, 2012; Meredith L and Michael J, 2013). When media autonomy is undermined, the media can become a defiance-defining tool used by the political elites. Media become tools for elite-driven projects; Critcher states that "modern moral panics are unthinkable without media" (2003, p. 131). The *Rivira* incident depicts a situation where the media capitalised on existing anti-NGO sentiment to construct entities working on SOGEISC issues as Western anti-local bogeymen to further consolidate their position as moral watchdogs.

This is a clear example where even the ending of the war did not guarantee the safety of SOGIESC communities as long as the root causes of the conflict, and the dominance of Sinhala Buddhist ethno-nationalism, remained in place. One of the activists whose photo was published in the article mentioned that "I called the editor of *Rivira* to ask why they have published my photo … I was told... [there is no way out for you guys… this [homosexuality] is a more dangerous terrorism than LTTE terrorism] …".[119] The equation of SOGIESC identities and work with that of LTTE terrorism is an attempt to construct non-conforming identities as not just outsiders to Sinhala Buddhist nationhood but also as a phenomenon that needs to be eliminated to preserve the very existence of that nationhood. As eliminating the LTTE was considered a legitimate cause of the ruling regime, the media also placed SOGIESC work in the domain of the political "Other" that needed to be eliminated. Throughout this period, the Rajapaksha regime systematically labelled those who criticised the regime's policies as traitors, echoing the famous statement of George W Bush that "you are either with us or against us". Placing SOGIESC work as anti-national or anti-regime was particularly damaging. The basis for this narrative about SOGIESC work was derived from existing Sinhala Buddhist ethnonationalist ideology that considered any interventions or works towards accommodating human rights and minority

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[119] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

grievances as Western-driven and foreign-funded projects led by NGOs that threatened the monopoly of Sinhala Buddhist ideology within the Sri Lankan state. Therefore, the equation of terrorism and SOGIESC work is a prudent effort that culminated from the political queerphobia engineered by media benefitting from dominant Sinhala Buddhist ethnonationalism. *Rivira* was interested in catering to the homophobic audience often identified with Sinhala Buddhist ethnonationalist ideology and thus marketed sensationalised hate speech against COJ and SOGIESC work.

Theorists who argue that queerphobia is a deliberate political strategy state that queerphobic rhetoric becomes a tool with a cultural cachet deliberately used by political leaders and other elites (Boellstorff, 2004; Puar, 2007; Murray, 2009; Conrad, 2010; Currier, 2010). The *Rivira* Incident is an illustrative moment of how media elites connected to the ruling regime capitalised on a queerphobic campaign derived from the Sinhala Buddhist ethno-nationalist nationhood. The self-assumed moral watchdog of heterosexualised patriarchal culture deliberately targeted a queerphobic nationalist constituency by sensationalised reporting of SOGIESC work and identities. As pointed out by a SOGIESC activist, "they were selling *Kunu Rasaya* [Filthy Taste]. The press has marketed the news sensationalising hate towards SOGIESC communities".[120]

This can be contrasted with theorists who argue that rulers' political utilisation of queerphobia attempts to deflect human rights abuses and growing socio-economic problems in a country (Phillips, 1997; Hoad, 1999; Currier, 2010; McKay and Angotti, 2016). The *Rivira* Incident occurred during the highest stage of the popularity of President Mahinda Rajapaksha's regime.[121] Despite his rule being accused of numerous human rights abuses and faced with international pressure, he won a second term in 2010 with a sweeping majority. Therefore, one might wonder whether there was any further benefit for the regime to be gained from such a queerphobic campaign. However, the *Rivira* Incident suggests that it is not only political elites but other elites who capitalise on queerphobia. *Rivira* was a privately owned newspaper which started circulation five years before the incident in 2006. Its ownership was indirectly controlled by the ruling Rajapaksha regime, which was known for providing outright campaign support to the Rajapaksha government. As observed by a SOGIESC activist above, the newspaper benefitted from the

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[120] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.
[121] Interview with a human rights activist (SOGIESC Activist - 10, 2019) in Colombo on 07.07.2019 with long-standing involvement in the SOGIESC movement.

sensationalised reporting of the queerphobic campaign and acted as a cultural watchdog. The editor of the articles demanded the state to inquire into the function of COJ, which induced the CID to launch an inquiry. However, the CID was cautious enough not to arrest the activists, and even the ones who fled and later returned to the island were not arrested.[122]

Did these circumstances lead to the closure of COJ? Major conversations followed the incident to decide the future of COJ, its leadership and larger implications to other SOGIESC NGOs. As explained above, the decisions of self-censorship and low profile keeping of other SOGIESC organisations clearly depicted how these entities responded to the challenges posed by queerphobic media attacks and sabotaged by state and international actors. Some organisations temporarily shut down their visible functions while others scaled down to lower visibility, so COJ encountered questions about its future course of action. Neither the CID nor other government authorities were able to shut down the COJ officially despite their confiscation of equipment and sabotage, which nevertheless significantly demoralised and disabled COJ's functions and closed their office in Colombo. Internal conversations around the accountability of the leadership resurfaced with key leaders fleeing the country. Issues around the alcoholism of the main leader and the need for a change in the leadership were central to these conversations. Other civil society activists warned the members of COJ to be careful with the potential repercussions of these internal issues related to the leadership conditions. The leaders who could not flee were unclear about the next action to take. As stated by a former member of the COJ, "we could have restarted COJ, but the leadership was not around, and some of them were hiding".[123] This statement indicates the importance of leadership in times of queerphobic attacks to navigate the moments of crisis.

The few actions taken by certain civil society activists to support and save COJ did not help. This includes WSG starting an intergroup conversation to ensure that the functions of COJ were continued. These conversations also involved SOGIESC activists who were not necessarily part of COJ. A key suggestion that came from these conversations was to change the COJ leadership and appoint a new leader to provide a fresh start and stabilise the organisation's internal allegations against its leadership. As there was no consensus on changing leadership that was

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[122] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[123] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

already grappling with accountability and financial malpractice allegations, the intergroup efforts to save COJ produced no positive outcome. As stated by an activist, "We were able to help COJ when this happened. Also, we wanted to see a new leadership for COJ as there were accusations on alcoholism and financial malpractices of the leadership even before the media sabotage".[124] This statement highlights that the SOGIESC leadership failed to produce a resilient approach for COJ in times of crisis. Despite the queerphobic media attack, COJ also had issues that contributed to the eventual outcome of its closure. In this case, one could argue that the crisis momentum triggered by the media attack exposed the organisation's internal conflicts and weaknesses in leadership. If it was not for the obdurate leadership of COJ, the crisis triggered by the *Rivira* Incident might not have had a devastating effect on COJ's future.

7.2.2. Discontinuities and continuities: the origin of Heart to Heart

The closure of COJ left its employees and the beneficiary network in limbo. The new reality of helplessness caused by unemployment and the vacuum left by the COJ was a major concern to many who were part of COJ and the HIV/AIDS lobby. As described by one COJ employee, "I was in Maradana. We were supposed to get our salaries and we could not. So we had to write to the UNAIDS to see if we can get paid for the work we have already done ".[125] At the time of closure, COJ had a network of more than a thousand members from around the country and high visibility for the SOGIESC movement due to its populist leader. COJ was the major source of income for many activists who had previously engaged in 'sex work' or "Rele Yaama" (cruising around to meet men with similar desires, often with monetary gains) where their sexual encounters would bring monetary benefits to them at nights in the streets of Colombo. A few activists who were part of the HIV/AIDS lobby helped these employees pay their salaries by UNAIDS.

The above concerns led some of the key employees of COJ and its leaders to start a new entity working for the rights of SOGIESC communities to retain the network of COJ and be the space for work and relief for SOGIESC communities. The initial idea for a new organisation came from a known ally from the Family Planning Association of Sri Lanka (FPASL) in October 2011, one

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[124] Interview with a human rights activist (SOGIESC Activist 15 (II), 2021) virtually on 21.06.2021 with long-standing involvement in the SOGIESC movement.

[125] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

month after the Rivira Incident. The remaining SOGIESC activists welcomed this as COJ leadership failed to agree on a new leader. H2H was thus formed in November 2011 by key SOGIESC activists Tania, Lalith Dharmawardena, Umal, and late activist Jude who were all part of the COJ leadership. The executive director of COJ was left out of the process as they wanted a new entity to face the situation.

The UNAIDS project on HIV/AIDS also helped save the COJ network and establish H2H with very few resources. The office was started in Narahenpita in Colombo at its current location.[126] Two of the founder members' salaries were covered first by an activist using their money and later by FPASL.[127] H2H's small-scale fundraising events were held at Shalika Ground in Colombo also helped to pay the salaries of staff. Slowly H2H was able to partner with HIV/AIDS projects implemented by FPA and UNAIDS. Since then, it has employed more than 70 persons directly and indirectly through these projects, providing them with short-term solutions for unemployment caused by the closure of COJ.[128] Compared to COJ, H2H has maintained a low profile in the media and is often aligned with the HIV/AIDS lobby supported by FPASL and UNAIDS. From time to time, activists raised that H2H also suffered allegations of fund misappropriations by its leadership. However, these were seldom substantiated.[129] Today, H2H remains one of the two oldest functional SOGIESC NGOs in Sri Lanka.

Navigating such a critical juncture by forming H2H from the disintegrating COJ illustrates numerous dynamics within the SOGIESC movement. SOGIESC activists' articulation of this situation is centred on saving the work that was done by COJ and continuing it without its current leadership. WSG and some SOGIESC activists who supported COJ during the incident failed to convince the COJ leadership to step down and prevent the closure of COJ. WSG, despite its difficulties, was able to help key leaders of COJ with safe passage. The less troubled EG showed the least interest in intervening. The network and services that COJ built and

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[126] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

[127] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 and (SOGIESC Activist 02(I), 2019) in Colombo on 31.01.2019 with long standing involvement in the SOGIESC movement.

[128] Interviews with a human rights activist (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.

[129] Interview with a human rights activist (SOGIESC Activist 02(I), 2019) in Colombo on 31.01.2019 with long-standing involvement in the SOGIESC movement.

continued harbouring were at risk of being wasted if nothing was done to save them. At this juncture, the idea to revive COJ to safeguard the network was abandoned as none wanted to see the key leader of COJ returning to run a revived COJ. Thus, the remaining members of COJ resorted to creating a separate entity that would mark a break from the past while maintaining the COJ network. In this way, SOGIESC communities mitigated the harm and destruction that would have been caused by the closure of COJ to the community. This process of the closure of COJ and the opening of H2H reveals resilient navigation in a context constrained by state-sponsored queerphobia.

7.2.3. Professionalization and disintegration of WSG

Like COJ, WSG also accessed increased funding for their activities. This forced WSG to enter into an institutionalized process by registering themselves as a not-for-profit company to gain a five-year grant from an international philanthropic donor.[130] The entry into a formal organisational structure was motivated by the funding requirement for a group that has never wanted to delve into such a formal organisational structure. This was also a key aspect of NGO professionalization. It sparked a conversation within the leadership which comprised SOGIESC activists who had less of a belief in institutionalisation.[131] With increased funding, WSG maintained a drop-in centre (DIC) and conducted counselling, social gatherings, and events.[132] It took part in global events as well, including the Gay Games in 2006 and 2008.[133] In addition, their workshops on sexual and reproductive health continued to expand causing increased operational and substantial costs without further substantial funds. Unlike COJ, who had been receiving funds from sources that were part of the Global HIV/AIDS lobby, WSG had to resort to non-HIV/AIDS sources to fund their activities. The Ford Foundation is one such major donor that supported the WSG.

Embracing institutionalisation to raise resources to execute activities requires not only a mechanism governed by a set of professional rules and regulations but also conducts that

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[130] Interview with a human rights activist (SOGIESC Activist 15 (II), 2021) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement

[131] Interview with a human rights activist (SOGIESC Activist 15 (II), 2021) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

[132] Interview with a human rights activist (Civil Society Activist 06(I), 2019) in Colombo on 16.05.2019 with long-standing involvement in the SOGIESC movement.

[133] Interview with human rights activist (Civil Society Activist 13(I), 2019) in Colombo on 26.11.2019 with long-standing involvement in the SOGIESC movement.

transcends the limits of personal connections among existing members of the organisation. WSG was a group of non-normative women and transgender men who were closely knit through their relationships, working together to protect the rights of SOGIESC communities. WSG's management group resembled a connected network of friends more closely than a professionalised NGO network of activists. This hybrid nature of being personally connected for political intervention within a professionalised NGO setting was a zone of tension between the norms of members' relationships and professionalised ethics. In other words, a closed group of friends, including some with intimate relationships, were forced to become a professionalised NGO where personal connections were expected to play a negligible role. Such a situation provided fertile ground for conflict among members, affecting future work due to a lack of clear demarcation between the personal and professional spheres of engagement.

Such tensions can lead to goal displacements (Sothy and Heidi, 2015) and mission drifts in NGOs (George, 2014). COJ too embraced institutionalisation and accessing foreign funds by registering it as an NGO, but the internal tensions of COJ did not appear to have caused its disintegration. It transformed itself into the largest SOGIESC NGO in the country from an informal group of SOGIESC activists. Unlike COJ, WSG seems to have encountered intense tensions, leading to its eventual disintegration. The first instance of major conflict within WSG erupted during the early 2000s, as described in the previous chapter, when one of the paid coordinators left WSG and established her SOGIESC organisation, Equal Ground, in 2004. However, this incident did not cause a major de-escalation of work done by WSG, and the conflict did not inflict a serious rupture in the leadership of the organisation.

The second incident occurred in early 2011 when a violent encounter between two management committee members escalated to such a degree that most of the members had to be involved. This trigger event led to a situation where most of the practices that were not questioned for some time became a point of contention with the confrontational dynamics within the group. This resulted in the removal of the Executive Director, who had been the major operational force of the group since its inception. The withdrawal of a few others followed this. These departures effectively made the work of WSG difficult to continue without filling the gap left by the removed Executive Director. This trigger point was a personal conflict that escalated to the institutional level. One could argue that this was inevitable given the hybrid nature of the leadership team's dynamics between personal and professional elements of the organisation.

Although WSG survived the first incident with a sense of resilience, the second trigger was instrumental in disintegrating WSG. The organisation was not formally closed, but its functions stopped. The six-member leadership group, which was forged through trust and personal connections, fragmented, marking the disintegration of the first LBT NGO of Sri Lanka.[134] When encountered with tensions, WSG's leadership was no more resilient than the leadership of COJ, which was mainly centred around one charismatic activist. The collective leadership of WSG centred on a few closely connected women and became fragile when encountered personal strife as no single charismatic leader was dominating the leadership. Here, the leadership of WSG disintegrated following internal strife rather than due to any external factor.

7.2.4. Transgender communities: the politics of gender recognition

The mainstreaming of issues faced by transgender communities through trans-led initiatives is an important juncture in understanding the changing politics of gender recognition in Sri Lanka. The prevalence of the need for trans-led initiatives was deeply felt with the disintegration of COJ and WSG. However, its manifestation was limited to a certain extent until the regime change that happened in late 2014. This section assesses the need for trans-led initiatives and the factors that conditioned its initial invisibility and subsequent visibility of transgender politics.

The focus on having a specific group working on issues faced by transgender persons has been around even before EG was started in 2004. The rights and welfare of transgender persons were generally incorporated into the work of COJ and WSG. Transgender persons transitioning from male to female (MTF) were mainly associated with COJ, while those transitioning from female to male (FTM) were attached to WSG. With the collapse of both WSG and COJ, EG and H2H became the major spaces where transgender persons had to look for support. EG worked as an LGBTIQA+ organisation including every identity, whereas H2H included mainly GBT and *Nachchi* communities. A small group of transgender rights activists employed by EG felt the need for trans-led initiatives. These two transgender rights activists later became the founders of the National Transgender Network and the Venasa Transgender Network.

The transgender community's gender recognition politics was strongly shaped by issues surrounding the document-changing process for transgender persons, which came to the fore in

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[134] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.

2008. The incompatibility between the gender assigned to a person at birth and their desired gender and expression puts transgender persons at risk and vulnerable to systematic oppression. Changing documents representing the gender assigned at birth was considered one of the most obvious remedies. Since then, the process and consequences related to transition have dominated the politics of gender recognition in Sri Lanka. Both individuals and institutions have taken interventions in this regard. Individual efforts were taken by transgender persons who had initiated their transitioning process and wanted their former name and gender replaced with their desired name and gender in official documents such as the National Identity Card (NIC), passport, driving license and birth certificate. There had been unreported cases where individuals had managed to get their documents changed in the early 2000s. However, these cases are difficult to trace apart from oral stories and witnesses.[135]

Since 2003, individual efforts to change the identity documents of transgender persons have been subject to protracted delays by relevant authorities. The Legal Aid Commission did not support efforts to address this more systematically through legal means in 2008. A group of three transgender men attempted to advance this struggle in the early stages. One of them filed a case at the Kandy High Court, saying that their identity documents violate their fundamental rights as they do not reflect their desired gender. There seems to have a certain degree of accommodation from the Department of Registration of Persons, whose Commissioner General did not object to changing the documents of transgender persons but insisted on the need for due process to be followed. When it was taken to the attention of the Attorney General's Department, the file was retained for almost two years since it was lodged with no response.[136]

There were also a few professionals, such as doctors and artists, who had already succeeded in changing their documents. These individuals could change the name and gender in their NICs, driving licenses and passports but changing details in birth certificates remained problematic and troublesome both in Kandy and Colombo. The faults and delays in document change resulted transgender persons being discriminated at work, studies and legal representations.[137]

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[135] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.
[136] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.
[137] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.

Institutional efforts were undertaken much later than individual attempts to address the issues around legal documents. This is partly due to the dynamics of SOGIESC NGO leadership. Although WSG and COJ had transgender persons associated with and working with them, the document change process did not seem to have occupied their visible agendas. With the collapse of COJ and WSG, the remaining two organisations, H2H and EG, became safe spaces for transgender persons. As per a transgender activist, EG had mainly started working on MTF issues after 2012 and was focused on developing their MTF person network. In the first two years, it had grown to 60 persons.[138] EG has started another network of FTM persons. These two networks were beginning to form when activists interested in transgender issues realised the need for a dedicated entity to work on issues related to the politics of gender recognition. As stated by an activist, "both H2H and EG were not the ideal platforms for issues related to the transgender persons".[139] Transgender persons from both organisations wanted to start a new entity as there were issues faced by transgender communities that needed dedicated attention and intervention.[140] Being part of an organisation that is not trans-led and dedicated instead to all SOGIESC identities was a constraint as transgender activists who wanted to have their initiatives were tied to the organisations they worked for. The leadership of such organisations was also seen as being driven by territoriality and gatekeeping of their work.

The idea to start an entity dedicated to the rights of transgender persons was halted for some time until it resurfaced in 2014 from the end of the Rajapaksha regime, partly also due to the changing nature of support received from state institutions. Institutions, including government organisations and SOGIESC NGOs, rendered very little support for efforts to change birth certificates for transgender persons. On certain occasions, government organisations became hostile to persons who had sought support in this regard. The Legal Aid Commission of Sri Lanka had verbally harassed individuals who sought their support to change their birth certificates. The activists met with the former Chief Justice Sarath N De Silva to bring the issue to his attention, which was also in vain.[141] Then, activists moved to the AG's department and

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[138] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.
[139] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.
[140] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.
[141] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.

submitted a file full of details. It is doubtful that even the AGs department's lawyer has ever read the grievances, and activists were never given an appointment. The Human Rights Commission of Sri Lanka (HRCSL) also demonstrated a lethargic approach to the activists' efforts. The constant change of personnel handling the case diluted SOGIESC activists' faith in the legal system. This became tiresome with no results as every time; activists had to describe the same details to new officers, especially at the HRCSL. Hence it is understandable why this process had been abandoned for some time as there was not much accommodation or enthusiasm from relevant stakeholders from the government.[142]The nature of SOGIESC leadership and the reluctance of the state institutions to support the transgender plan are two key factors that shaped transgender activists' decision to maintain a position of relative invisibility during this period.

7.3. Structural and organisational factors

This section explains the relevance of structural and organizational factors that shaped the queer politics of SOGIESC communities during this period. The relative importance conflict dynamics and three key structural and organisational factors: (1) the wider nature of the regime, (2) the wider nature of civil society, and (3) the role of the SOGIESC leadership will be assessed in situations of four key junctures—the the Rivira incident and closure of COJ, the origins of H2H, the disintegration of WSG, and the emergence of an activist community focused on transgender rights.

7.3.1. Conflict dynamics and the nature of the regime

Conflict dynamics during this period are marked by intense warfare from 2006-2009 and a period of illiberal peace from 2009-2014. This period started with three SOGIESC NGOs—COJ, WSG and EG—and had grown to groups such as DAST and SAKHI formed after 2009. Certain constraints were imposed generally due to the resumption of war which affected SOGIESC communities. SOGIESC communities encountered several security issues during the war, especially for the transgender community. Transgender persons were forced to confine themselves to the gender identities given to them at birth. They were, for example, accordingly, sent to queue lines of women or men at military check points. As roadblocks were increased with constant military and police patrolling in the cities, cruising areas were severely affected. Life for

SOGIESC persons who engaged in sex work at night was worst hit. Nevertheless, these restrictions did not dismantle the total function of SOGIESC NGOs.

The identity card mismatch of transgender persons has been a major issue at police and military checkpoints during wartime. As described by a Sinhalese SOGIESC person who had been subjected to police and military surveillance:

"I was even mis-understood as a tiger (a colloquial name used to identify LTTE cadres) when I was at a shopping mall in a suburb of Colombo. In 2006, I went in for a textile store to buy clothes. I rode my bike and someone has informed the police that I looked suspicious and my bike was parked there. The police with Special Forces arrived at the place and I was suspected to be a tiger who had arrived by bike. But I defended myself and a friend of mine from the police luckily arrived there so she saved me from being arrested".[143]

This experience of a Sinhalese queer woman whose gender identity appeared non-conforming gives a glimpse of the issues faced by SOGIESC persons in their day-to-day life during intense warfare. Several other cases during this period were not reported, including the difficulties and oppression against Tamil SOGIESC persons during the war. This is because the war front was in the North-Eastern parts of Sri Lanka, where SOGIESC NGOs (normally based in and focused on Colombo) had the least outreach.

In contrast to the constraints, the numerical growth of entities working on SOGIESC issues counters the logic that says conflict escalation hinders(Orjuela, 2003) the space for SOGIESC work as two more entities were formed in this period, and the existing NGOs' function did not cease. Most of the activities carried out by SOGIESC groups continued during the early parts of the Rajapaksha regime. Parties were held, and even government Ministers attended such parties.[144]Numerically, two more groups started working on SOGIESC issues during this period called Diversity and Solidarity Trust (DAST) and SAKHI (Friend in Sinhalese). As chapter 05 of this thesis mentions, DAST is a SOGIESC consultancy firm co-founded by two gay men to support SOGIESC NGO work. SAKHI is a group of young gay men who conducted regular

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[143] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[144] Interview with human rights activist (Civil Society Activist 13(I), 2019) in Colombo on 26.11.2019 with long-standing involvement in the SOGIESC movement.

events in Colombo and occasional interventions into the issues related to the SOGIESC community.

Likewise, developments within SOGIESC communities during the second part of Rajapaksha rule in the 2009-2014 post-war periods also failed to confirm that the post-war period represents an opportunity for SOGIESC organisations. As shown in previous sections, the *Rivira* Incident and eventual closure of COJ and WSG neither confirm the logic of the conflict as a constraint nor validate the transition as an opportunity. COJ was closed in 2011, and the closure of WSG followed. This also affected other SOGIESC groups, such as DAST, which imposed self-censorship. It also delayed the manifestation of transgender visibility. It is, therefore, crucial to assess the nature of the regime including its ideological basis and its relationship to civil society to understand what has fashioned the conditions for SOGIESC NGOs.

The period of Rajapaksha's rule from 2005-2009, marked by intense warfare with eventual military victory to the GOSL, is considered by SOGIESC activists as a troubled time for the SOGIESC communities in Sri Lanka. It confirms that violence during conflict may continue even after the end of war. The case of SOGIESC communities stands as a clear example of how political queerphobia emobodied in the nationalist sentiment tends to impose violence on SOGIESC communities despite the ending of armed conflict. Some SOGIESC activists even consider this as the darkest era for the queer communities since its origins in the mid-nineties.[145] The three-year war period from 2006-2009 is when the difficulties and discrimination against SOGIESC communities increased, even though no organisations were closed. As one activist interviewed for this study commented, it was seen as a period of fear.[146]

The Rajapaksha regime's anti-dissent and anti-NGO approach affected SOGIESC communities in two ways. First, it shrunk the civic space for liberal NGOs, which often acted as a shield for SOGIESC NGOs and emboldened hostile entities such as antagonistic media to police and benefit from the moral policing of SOGIESC NGOs through their queerphobic profiteering coverage. The surveillance of NGOs expanded, and civil society activists faced arrests, including well-known human rights activists such as Ruki Fernando. As noted by an activist interviewed for

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[145] Interview with human rights activist (SOGIESC Activist 02(I), 2019) in Colombo on 31.01.2019 with long-standing involvement in the SOGIESC movement.
[146] Interview with a human rights activist (Civil Society Activist 06(II), 2019) in Colombo on 19.06.2019 with long-standing involvement in the SOGIESC movement.

this study, "the forum for gender-based violence was sabotaged. We had least opportunities to work during this period".[147] There was widespread fear of speaking out openly on issues affecting SOGIESC communities.[148] The NGO Secretariat was deployed to screen civil society groups. FPASL started facing difficulties in Sexual Rights and Health Rights (SRHR) related work, which indicates that surveillance was extended to the work done by the HIV/AIDS lobby. SOGIESC organisations were closely connected to the HIV/AIDS lobby in Sri Lanka. During this period, it was the HIV/AIDS lobby that SOGIESC NGOs worked with the most.

The illiberal approach of the regime also resulted in SOGEISC organisations' work being directly sabotaged. As a result of surveillance of SRHR NGOs, the HIV/AIDS prevention work done by SOGIESC NGOs also came under threat. Condom distribution and SRHR awareness-raising programs were stigmatised and morally policed by the law enforcement authorities, especially the police. SOGIESC organisations suffered delays in getting foreign funds transferred into their accounts. Most organisations' accounts were screened, and transactions had to be approved by the Defense Ministry. Some activists were taken to the CID and questioned on the sources of their funds and whether they were getting funds from 'terrorist' organisations abroad. The CID was even present at meetings of SOGIESC groups. This was a major issue for SOGIESC groups functioning during this period.[149]

At some point, WSG moved its documentation out of the country, and a security guard was installed to safeguard its premises. With many difficulties, the National LGBTIQ Conference was held around 2010 and attended by WSG, COJ, EG and SAKHI. COJ wanted to have a Gay Conference, which caused a backlash against the organisation.[150] WSG's research on Lesbian, Bisexual and Transgender persons also had to be postponed due to the intense war as there were increased surveillance and restrictions.

Hostilities against liberal civil society activists by the state and its allied entities hindered the nature of support rendered by other civil society organisations and groups to SOGIESC

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[147] Interview with a human rights activist(Civil Society Activist 04(I), 2019) virtually on 14.05.2019 with long-standing involvement in the SOGIESC movement.
[148] Interview with a human rights activist (Civil Society Activist 06(II), 2019) in Colombo on 19.06.2019 with long-standing involvement in the SOGIESC movement.
[149] Interview with a human rights activist (SOGIESC Activist 15 (II), 2021) virtually on 21.06.2021 with long-standing involvement in the SOGIESC movement.
[150] Interview with a human rights activist (Civil Society Activist 06(II), 2019) in Colombo on 19.06.2019 with long-standing involvement in the SOGIESC movement.

communities. Civil society and other NGOs tended to be a safety shield for SOGIESC NGOs in times of crisis. The regime's anti-NGO policies effectively weakened the civil society shield of SOGIESC NGOs. When the *Rivira* Incident happened, not many organisations were able to extend their support visibly to COJ. But some human rights groups supported the leaders of COJ behind the scenes by supporting its leaders to flee the country and having internal conversations and resources set up to mitigate the impact of the incident. It was the HIV/AIDS lobby that held press conferences as a response to the situation to support the COJ. The first press conference was organised by UNAIDS in 2011, inviting media and press personnel, including one from *Rivira,*. The journalist from *Rivira* stated, "I am disgusted to see them (SOGIESC person) on this press panel, " which led to a verbal argument and the journalist leaving the conference. Other journalists were silent and cooperative.[151]

The second press conference was organised by the NSACP and the HIV/AIDS lobby with the support of others. The panel comprised healthcare professionals, including doctors, the DIG of Police Ajith Rohana and representatives from FPASL. No disruptions were caused at this press conference, unlike the previous one[152]as it was carefully planned with the presence of state authorities and no hostile media was invited by the organizers.[153] A lack of visible support from civil society organisations working on human rights issues to counter the demonisation of COJ and SOGIESC work resulted from the widespread fear of state oppression and ongoing sabotage against dissenting voices. However, the HIV/AIDS lobby was partly connected to the Ministry of Health, so the second press conference was more successful as government officials were present.

There was not much optimism for legal and judicial decriminalisation during this period. After a conference in Nepal, some lawyers from the human rights lobby approached a few of the SOGIESC activists and asked if they were interested in pursuing judicial means towards decriminalisation. But the ones that were approached were reluctant as they feared the news getting into the public domain and becoming a scandal in 2013.[154] Thus, no systematic efforts were made towards any outcomes towards decriminalisation. Although there was much

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[151] Interviews with human rights activist (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.
[152] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.
[153] Interviews with two human rights activists (SOGIESC Activist 17, 2020) in Colombo on 09.08.2020 with long-standing involvement in the SOGIESC movement.
[154] Interview with a human rights activist (SOGIESC Activist 08(I), 2019) in Colombo on 30.05.2019 with long-standing involvement in the SOGIESC movement.

pessimism about the potential of legal reforms towards decriminalisation under an illiberal ethno-nationalist regime, there had been several recorded attempts to start a conversation and reach out to the state. In 2009 then Prime Minister Rathnasiri Wickremanayake declared that SOGIESC communities must bring their issues to discuss with him. When WSG replied with a letter, however, the Prime Minister's office never replied. However, a person from the Prime Minister's Office called WSG asking for more information about their work and funds after the letter had been sent. There was a planned meeting between Chief Justice Shiranee Bandaranayake and SOGIESC activists. The need for a case to be brought to the courts was felt during this initiative. However, nothing moved in the direction of finding a case to be argued at the courts during the tenure of Chief Justice Bandaranayake, who was impeached by Parliament later.

Rajapaksha refused to include decriminalization of same sex conduct in the National Human Rights Action Plan in 2011, a Universal Periodic Review (UPR) commitment. He followed the same tactic used by the Prime Minister in asking the SOGIESC community to come forward with their demands. When responded with a joint letter asking for a meeting, he never replied. Similarly, President Rajapaksha had always refused to have SOGIESC activists in official meetings. As stated by an activist, "he never entertained having us in meetings where he is present".[155] The reason for this position has never been made clear.

Besides the ruling regime, other political parties did not support SOGIESC rights. Neither the ruling party United People's Freedom Alliance (UPFA), led by Rajapaksha, nor the opposition United National Party led by former Prime Minister Ranil Wickremasinghe, supported the rights of SOGIESC communities. The leftist Nawa Sama Samaja Party (NSSP), New Equal Society Party (NESP) led by Wickremabahu Karunarathna was the only party that appeared to be supportive of SOGIESC rights. No other parties openly supported SOGIESC communities as they appeared to not be interested. As no other parties supported SOGIESC rights, some activists published newspaper advertisements to SOGIESC communities during the elections in 2004 stating a message that 'queer votes' were there. Still, nobody was supporting them and

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[155] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

asking them to vote wisely.[156] This indicates the level of queerphobia that existed among political circles in the country.

The anti-gay, anti-dissent and anti-NGO approach of the ruling regime during this period provided a fertile ground for queerphobic campaigns used for sensationalised media marketing. The queerphobic hate campaign by Rivira was enabled by the conditions created by the regime's approach towards civil society, particularly SOGIESC NGOs. As explained in section 7.2 of this chapter, framing SOGIESC NGOs as foreign traitors against the Sinhala Buddhist nation was a perfect match for moral policing by the media to construct what is 'normal' in the public mind. On the other hand, the civil society shield that SOGIESC communities enjoyed during the previous regime was severely weakened. This increased the vulnerability of SOGIESC NGOs when attacked by queerphobic forces. The following section assesses the role civil society and international organisations played in shaping the nature of the SOGIESC communities during this troubled period.

7.3.2. Wider civil society

The instrumental role played by civil society and international organisations during the previous regime (1995-2004) had been weakened, and very few civil society groups supported SOGIESC NGOs visibly. Organisations working on human rights issues especially become restrained in expressing visible support for SOGIESC work during emergencies. Even other SOGIESC groups had to act discretely to help SOGIESC groups in crisis. A set of civil society groups who have worked with COJ only helped key leaders of the COJ to overcome issues around its leadership by supporting to form a different SOGIESC organisation, paving the way to new leadership with a different set of skills. The international organisations, including global donors and foreign missions, played a dual role during this period. After the *Rivira* Incident, COJ leaders were supported to safe passage by INGOs and embassies as they had been doing it before. But when financial allegations were brought against COJ, the donor scrutinisation process became another burden in a time of crisis for SOGIESC organisations. The COJ leadership was forced to rectify financial accusations when confronted with major sabotage.

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[156] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.

The restrained support from wider civil society and international organisations was largely due to the unfavourable political climate for civil society NGO work. As explained in the previous section, it was not only SOGISEC rights that these groups were failing to mobilise in support of during this period but many other issues related to transitional justice and reconciliation processes, which were also under severe scrutiny by the state. NGOs were regarded as unpatriotic and sabotaged in general. However, the HIV/AIDS lobby was another thin shield for SOGIESC NGOs during this period, providing a pocket of openness. As many SOGIESC NGOs started embracing the HIV/AIDS lobby during the previous regime, they cultivated a working relationship with organisations working on issues related to HIV/AIDS and SRHR matters. The role of FPASL and UNAIDS was instrumental in sustaining SOGIESC activism even without COJ.

One of the features during this period is the strategic utilisation of HIV/AIDS avenues becoming strengthened and amplified by certain SOGIESC groups. COJ, as the leading SOGIESC NGO in the country, not only benefitted from the funding, networks, and institutional shield associated with the HIV/AIDS lobby but also became one of the leading SOGIESC entities in the South Asian region working on HIV/AIDS. By the time of its disbandment, COJ was selected as both the national and regional stakeholder for the GFTAM grant for HIV/AIDS prevention. COJ was the sub-recipient for the GFTAM grant in Sri Lanka, whereas FPASL was the primary recipient.[157] WSG also utilised the avenues offered by the HIV/AIDS lobby and SRHR groups for their outreach activities. The HIV/AIDS donors did not directly fund WSG. Still, it did access channels provided by organisations and groups working on issues related to HIV/AIDS and SRHR initially. WSG conducted workshops for rural women using these channels.[158]EG has adopted a similar approach. However, the HIV/AIDS lobby was not a major source of funds for them.[159] An openly out PLHIV and SOGIESC person employed by EG was publicly working on issues related to HIV/AIDS. Apart from these two entities, smaller SOGIESC groups such as SAKHI and DAST also held activities that addressed the stigma and welfare issues of PLHIV Persons. Two more organisations working exclusively for PLHIV persons, Lanka Plus and

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[157] Interview with human rights activist (SOGIESC Activist 14(I), 2020) in Bath on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[158] Interview with a human rights activist (SOGIESC Activist 15 (I), 2020) virtually on 15.02.2020 with long-standing involvement in the SOGIESC movement.
[159] Interview with a human rights activist (Civil Society Activist 04(I), 2019) virtually on 14.05.2019 with long-standing involvement in the SOGIESC movement.

Positive Hopes Alliance, were dedicated to HIV/AIDS work in which certain elements of overlap between HIV/AIDS and SOGIESC communities occurred. SOGIESC persons and activists interested in HIV/AIDS work occasionally collaborated with these two entities. The organisation formed with the closure of COJ, H2H, became heavily dependent on the HIV/AIDS lobby as its formation was rooted within that approach. FPASL and UNAIDS were major entities that supported the establishment of H2H.

The diverse nature of relationships between SOGIESC groups and the HIV/AIDS lobby was no longer a secret. It was rather an open, visible approach for SOGIESC groups and organisations to utilise this relationship in discharging their functions. However, there were criticisms and deliberate distancing from the HIV/AIDS lobby. The HIV/AIDS approach for decriminalisation and enhancing SOGIESC rights was not considered a moral approach as it pathologised the community by connecting the SOGIESC community with HIV.[160] Thus, WSG and EG maintained a deliberate distance with HIV/AIDS funding. At the same time, some other groups such as SAKHI and DAST were critical about some aspects of the HIV/AIDS lobby. WSG and EG were interested in following a human rights approach. However, this does not mean that the COJ and H2H did not follow a human rights approach. COJ was more vocal and visible on issues related to human rights. However, COJ had its funds from different sources, including foreign missions supporting COJ to advance the rights of SOGIESC communities. In its early stages, COJ was also involved with several other similar civil society human rights work, including solidarity actions on women's' rights and the peace process before 1998. However, COJ's eventually became a major recipient of grants from the Global Fund[161] and mainly went into the HIV lobby.

One could even argue that heavy reliance on HIV/AIDS lobby donors was a negative and dangerous dynamic for an organisation's financial sustainability since providing access to greater funding levels made them more conspicuous and open to criticism from rivals. COJ and H2H are the two organisations that had such a reliance on HIV/AIDS donors. But WSG, EG and other entities had other sources of funds.

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[160] Interview with a human rights activist (Civil Society Activist 04(I), 2019) virtually on 14.05.2019 with long-standing involvement in the SOGIESC movement.
[161] Interview with a human rights activist (Civil Society Activist 04(I), 2019) virtually on 14.05.2019 with long-standing involvement in the SOGIESC movement.

Almost all the SOGIESC groups during this period (2006-2014) had to different extents benefitted from the funds and protection offered by the HIV/AIDS lobby.[162] It provided a space and a channel to access state entities as well, especially the Ministry of Health (MOH). MOH was one of the primary recipients of the GFATM grants to implement HIV/AIDS projects in Sri Lanka and working with the Ministry opened a space for SOGIESC activists to access state entities and seek their protection. Working with the Ministry since 2007 and the HIV/AIDS lobby made them appear less contentious than working on SOGIESC issues alone. This enabled SOGIESC communities to cultivate a prolonged relationship with relevant state entities and convince the MOH and its HIV/AIDS program to officially support decriminalisation later.

However, the strategic embrace of the HIV/AIDs lobby as an avenue to advance the work of SOGIESC organisations and groups has shown that there is very little protection this avenue can offer in times of crisis, despite being helpful in more stable periods. During the *Rivira* Incident, the Ministry of Health, which was a major stakeholder in HIV/AIDS prevention work with SOGIESC communities, maintained total silence.[163] It was other civil society groups that came to the rescue immediately by helping SOGIESC activists navigate the crisis despite the difficulties they encountered. Relocation and other issues had been sorted with the support of these civil society activists working on human rights in Sri Lanka.[164] The HIV/AIDS lobby was very much concerned with retaining an entity for discharging their function related to HIV/AIDS work. This could be why they stepped in during the latter parts of the crisis by helping establish H2H as a separate entity to COJ.

Shrinking civic space and limited support provided by the HIV/AIDS lobby indicates the limited conditions under which pockets of openness had to operate in defending SOGIESC NGOs in times of crisis. COJ encountered sabotage from state-sponsored queerphobia staged by the media, whereas WSG went into internal dispute. On both occasions, different NGOs offered urgent support, and other groups offered support later, which may not necessarily have been the most useful interventions. However, it is fruitful to analyse the role of SOGIESC leadership during these junctures to understand the relevance of the regime factor and shield provided by

[162] Interview with a human rights activist (Civil Society Activist 04(I), 2019) virtually on 14.05.2019 with long-standing involvement in the SOGIESC movement.
[163] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.
[164] Interviews with two human rights activists (SOGIESC Activist 09-(II), 2019) in Colombo on 24.11.2019 with long-standing involvement in the SOGIESC movement.

the civil society and international community and therefore understand the outcomes of the political navigation during this period.

7.3.3. SOGIESC leadership

The agency of SOGIESC leadership and its navigation is a vital factor in shaping the nature of the movement during the conflict transition. The SOGIESC leadership of three organisations, COJ, WSG and EG, played a determining role in all these key junctures analysed above. COJ was led by a charismatic leader, Sherman de Rose, whereas WSG was led by a closely connected group of educated women invested in horizontal decision-making and governance. EG was led by Rosanna Flamer-Caldera, a queer woman raised in the US with an upper-middle-class background and strong guidance and ownership of initiatives. The leadership of these three organisations was significant in defining the outcomes of the key junctures.

Although it has been sabotaged by the state-sponsored hate campaign led by a newspaper and a subsequent investigation by the CID, the disintegration of COJ could have been prevented if it was not for the rigid approach taken by the leadership, as explained in the above section on the *Rivira* Incident. When mounting criticism and crisis occurred, one suggestion discussed within the circles of SOGIESC activists was to change COJ's existing leadership and appoint a new leader. De Rose refused this despite losing his legitimacy due to allegations of financial misconduct and alcoholism. This resulted in SOGIESC communities abandoning COJ and forming H2H under new leadership, including key leaders of COJ and with the support of other SOGIESC and HIV/AIDS lobby groups. This shows the agency of SOGIESC leadership in determining the direction of the movement at a key juncture. Had COJ's leader resigned and been replaced with new leadership, the disintegration of COJ could have been prevented. The autocratic style of COJ's leadership prevented any reform of the leadership, which was a key factor in its demise, despite pressures exerted by external structural factors related to the nature of the regime and shrinking civic space. COJ could have been saved if the leadership accommodated changing dynamics within the SOGIESC leadership due to structural factors. On the other hand, H2H has maintained a low-profile grassroots approach since then. It remained a grassroots organisation catering to the constituency that COJ used to cater to but on a very limited scale.

Unlike COJ, WSG encountered a personal dispute that developed into an internal crisis leading to its eventual disintegration. The state was not involved in the closure of the WSG. It was merely an internal dispute owing to the nature of the organisation's leadership. When a professional setting is disturbed by highly personal conflicts between leaders, the leadership is constrained in its ability to find a way out. WSG's conflict was centred on the Executive Director, who oversaw the major operational arm of the entity and its public outreach. WSG failed to replace the vacuum created by the resignation of its ED, and the internal dispute demoralised the organisation. If WSG had a different leadership style that did not merge the personal and professional spheres into a horizontal governance system, one could argue that the disintegration could have been avoided.

EG's leadership is dominated by its leader Rosanna Flamer-Caldera and most of its decisions and directions are conditioned by her. Although some EG employees wanted to initiate a trans-led intervention, it never became a reality until they left EG. It illustrates how SOGIESC leaders can also constrain new initiatives.

Another observation that can be noted here is the ethnic identity of the leaders. Their Sinhalese ethnic identity did not make them immune from the queerphobic violence of the regime. However, it does not provide an opportunity to examine whether there would have been a different outcome if one of the leaders were from Tamil or Muslim queer communities.

7.4. Conclusions

By assessing these factors, the above analysis again confirms the decisive role the SOGIESC leadership plays in determining the nature and direction of the movement. The nature of the regime and diminishing civic space were conditioning factors that acted as a constraint on space for SOGIESC NGOs. The queerphobic attack on SOGIESC NGOs was especially a manifestation of key structural factors as it caused existential difficulties and made advancing more wide-ranging reforms such as decriminalisation nearly impossible during this period. But the ways in which SOGIESC leadership made their decisions profoundly affected how the movement responded to these conditions. Due to their leadership dynamics, the two pioneering SOGIESC entities in the country were forced to close. This shows that the leadership's ability to decide strategic responses to different structural conditions is key in determining change within queer

politics. Although the analysis does not demonstrate any strong causal link between particular approaches to leadership and organisational outcomes, it suggests that organisations that blend personal and professional ties may in some ways be more vulnerable to external shocks during critical moments. Consequences of this vulnerability have included policing marginal voices, the creation of breakaway factions, and creating reactive caution in new SOGIESC NGOs. This chapter has analysed the trajectory of the SOGIESC movement during 2006-2014. The next chapter examines a key moment of change within the SOGIESC movement in greater detail.

CHAPTER EIGHT

Queering post-war transition (2018)

This chapter takes a different approach from the preceding chapters by focusing on a spontaneous but critical political juncture in 2018, the Butterflies for Democracy Movement (B4D). Unlike the previous empirical chapters, it does not trace the trajectory of organisations but rather analyses the social navigation of SOGIESC communities around a particular incidence of state-sponsored queerphobia. This episode took place against a backdrop of renewed post-war democratisation, which began with the change of government in 2015. This chapter draws from an ongoing book chapter accepted to be published in an edited volume on Masculinities and Queer Perspectives on Transitional Justice by Philipp Schulz, Helen Touquet and Brandon Hamber.

The chapter's analysis shows the decisive role the SOGIESC leadership played in shaping the direction of queer politics during this transitional period. The chapter argues that the SOGIESC leadership played a key role in steering the Social Navigation of SOGIESC communities. It also emphasises that having a regime with no anti-NGO approach in power was an important factor in enabling the growth of pockets of openness for SOGIESC NGOs to thrive and expand. However, the chapter also notes that the support from international organisations can be double-edged in times of floating opportunities and rising queerphobic nationalism. The chapter finally shows that the marginal but background conditioning nature of conflict dynamics continue to affect the larger context queer politics operates.

8.1. Context

This section outlines the political context of between 2015-2018, highlighting the regime's nature, the dynamics of post-war transition with the new government's election, and the shifting landscape of SOGIESC NGOs. The second part of the chapter examines a critical juncture in the trajectory of the SOGIESC movement during this period: the Butterflies for Democracy movement.

8.1.1. New government, democratic openness, and challenges

The election in 2015 of a Unity Government led by President Maithripala Sirisena officially ended the decade-long rule of the wartime regime of President Mahinda Rajapaksa. Sirisena was the Minister of Health in the Rajapaksha government before leaving in November 2014 to contest the presidential election against Rajapaksha as a common candidate representing a coalition of opposition parties, including the United National Party (UNP), a range of minor parties, and some members of his party, the Sri Lanka Freedom Party (SLFP), which Rajapaksha then led). He was also supported by a broad coalition of civil society organisations. His narrow electoral victory against Rajapaksa, which came as a shock, was affirmed in parliamentary elections in August 2015, after which Sirisena formed a "Unity Government" with his SLFP loyalists and the UNP appointed Ranil Wickremasinghe as Prime Minister.

The electoral victory of President Sirisena came at a time when the country was being led towards an autocratic turn by the post-war regime. The first five years of the post-war period (2009-2014), as explained in chapter 07, were marked by the declining democratic nature of the state, an unprecedented level of power centralisation by Rajapaksa, and severe human rights violations. The level of corruption and nepotism also became a major concern (Walton and Thiyagaraja, 2020).

In terms of post-war reconciliation, apart from a few limited and ineffective concessions such as the government-appointed Lessons Learnt and Reconciliation Commission (LLRC), very little progress was made (Walton and Thiyagaraja, 2020), and achieving sustainable peace had become an even greater challenge due to the reinforced ethnic divisions and lack of credible efforts in addressing the root causes of conflict (Hoglund, Kovacs and Thiyagaraja, 2016). Sri Lanka eventually became a prime example of a 'Victor's Peace' contributing to the early theorising of illiberal peacebuilding (Smith *et al.*, 2020, p. 5). One might therefore consider that the electoral victory of President Sirisena constituted a clear mandate from the public not only to reverse the autocratic turn in governance but also to take the country forward along a path informed by more inclusive ideas of post-war peacebuilding.

The unity government delivered a few key promises toward democratisation and restoring peacebuilding efforts. The most immediate outcome of the regime change was to bring a sense of

relief to the masses whose dissenting voices had been oppressed by the wartime Rajapaksa regime, as Alan Keenan put it.

"In public places, cafés, in restaurants, people talk openly about corruption and war crimes, about the need to hold politicians, security forces, and armed groups accountable for abuses of power. Academics and activists are publishing and speaking publicly again. In my view, this is Sirisena's greatest achievement so far. The word that many people used when talking to me was that they felt "relief" (Keenan, 2015, p. 1).

Several key political moves substantiated such openness. The government passed the 19th Amendment to the Constitution to reverse the autocratic provisions of the preceding Rajapaksa-imposed 18th Amendment by reimposing the two-term limit on the presidency, removing the Executive President's power to dissolve the parliament and removing certain immunities granted to the office. It has also granted more powers to the Prime Minister and the cabinet, restored the independence of independent statutory commissions, and enacted an extensive right to information regime. The government also relaxed the censorship and suppression of media and reduced military presence in civilian affairs to some extent including in the Northern and Eastern parts of the country. These efforts returned some hope for democratic governance in the central organs of the state (Padma, 2019).

The government also initiated certain measures that can be identified with the liberal peacebuilding paradigm to address the Tamil community's grievances and restart the peacebuilding process. Some lands belonging to Tamil people that were occupied by the military in the North and East were returned to their owners, civilian governors were appointed to the Provinces (including the Northern and Eastern Provinces), and some of the political prisoners who had been detained under the Prevention of Terrorism Act (PTA) were released (Keenan, 2015, p. 1).

In a conciliatory step to long-standing calls from the international community for reconciliation and accountability, the government in September 2015 co-sponsored UN Human Rights Council Resolution 30/1, which initiated the "Geneva Process" transitional justice program. It called for four transitional justice mechanisms to be established: a truth commission, an office for reparations, an office for missing persons, and an independent special court for war crimes with the participation of foreign judges. In addition, the government also agreed to conduct public

consultations with victims and all stakeholders and to reach a political settlement to the conflict through a new constitution.

Out of these measures, the government only implemented the Office of Missing Persons(OMP) and undertook public consultations on reconciliation mechanisms and constitutional reforms. Growing opposition to the transitional justice process from Sinhala Buddhist nationalist elements was blamed for the continuous delays from the government in meeting these commitments. The government not only failed to deliver key transitional justice mechanisms but also relatively mild constitutional reforms (de Greiff, 2017). By the beginning of 2018, it had failed to convert the Consultation Task Force on Reconciliation Mechanisms (CTF) reports and the Public Representations Committee on Constitutional Reforms (PRC) into concrete political action. The OMP itself lacked timely allocation of adequate resources from the government.

On the political front, the popularity of Rajapaksa and Sinhala Buddhist nationalism began to gain ground. The government faced resistance from militant Buddhist monks cultivated by the Rajapaksa regime while in power and opposition. Bodu Bala Sena (Buddhist Power Force, BBS), the largest radical Buddhist monk group continued to threaten violence against the minority Muslim community. It held a large rally and marched to the Buddhist Temple of the Sacred Tooth in Kandy denouncing Muslims as a threat. BBS planned another rally in Batticaloa in the Eastern Province, which has roughly equal Tamil, Muslim and Sinhala populations. Incidents such as the militant Buddhist monk Ampitiye Sumana of Batticaloa abusing a Tamil public servant who was trying to prevent an attempt to settle Sinhalese in Tamil areas became common and received wide exposure (*Buddhist monk verbally abuses Tamil officials in Batticaloa*, 2016). These tensions effectively reinvigorated the Sinhala community's fears and communal disharmony against Muslim and Tamil minorities in the country. The previous regime actively promoted this strategy to sustain power. The outbreak of communal riots against Muslims in Eastern and Central Sri Lanka in February and March 2018 led President Sirisena to declare a state of emergency for the first time since the end of the war in 2009 (Sri Lanka Brief, 2018).

The 'Unity Government' also began to show sharp internal divisions between the President and Prime Minister. The two leaders come from historically 'rival' political parties, and the 'Unity Government' was the first instance in history that these two parties came together to form a government. Major differences between the two on reconciliation and economic development

policies were policy decisions were enacted and reversed by both leaders repeatedly, and the rift between the two began to be played out publicly. The two leaders never formed a strong working relationship and took steps to undermine each other's reputation and trust (International Crisis Group, 2017).

Rajapaksa took advantage of this, and his newly formed party, the Sri Lanka Podujana Peramuna (SLPP), won the local government elections in 2018. This revived hopes for Sinhala Buddhist nationalists that the Rajapaksas and the SLPP could win the subsequent Presidential and Parliamentary elections. Sirisena, trapped in party politics and hoping to remain in power for another term, accused Wickremasinghe of going against the national interest and betraying the military through the transitional justice program. Sirisena began actively seeking ways to remove Wickremasinghe from office, including a failed no-confidence motion against Wickremasinghe in March 2018.

Sirisena not only wanted a different Prime Minister but also to deviate from his earlier positions on policies such as the transitional justice process. At a meeting in September 2018, he declared that fresh proposals would be made to acquit 'war heroes' going against the spirit of the 'Geneva Process'. Due to these reasons and conditions, the 'Unity Government' became increasingly unpopular. These dynamics culminate in Sirisena's unexpected dismissal of Wickremasinghe and his unconstitutional appointment of Rajapaksa as Prime Minister in October 2018.

8.1.2. From weakened to thriving SOGIESC movement

The emboldened environment created by the new regime in 2015 brought hope for SOGIESC groups. With the new government discontinuing the anti-NGO policies of the previous regime, NGO civil society became proactive stakeholders in the revived democratisation, reconciliation, and transitional justice processes and their respective fields of work. This period saw the formation of several key organisations, including the Venasa Transgender Network (VTN), CHATHRA LGBT Sri Lanka Network (CHATHRA), Community Welfare and Development Fund (CWDF), Young Out Here (YOH), the National Transgender Network (NTN), Jaffna Sangam Tamil Speaking LGBTIQA+ Network (JS), and Equité Sri Lanka (Equité). In addition, SOGIESC NGOs that had previously been closed, such as the Diversity and Solidarity Trust (DAST), were restarted. Equal Ground (EG) and Heart to Heart (H2H) continued their activities

on an expanded basis. The total number of SOGIESC NGOs during this period grew from two during the previous regime (EG and H2H) to ten. For the first time, Tamil-lead SOGIESC organizations emerged: CWDF in Colombo, and the Jaffna Sangam in the war-affected Northern Sri Lanka. This brought Tamil queer issues into conversations, unlike during the previous two periods when SOGIESC organizations were largely dominated by Sinhalese SOGIESC leaders. The diversity of SOGIESC movement was enhanced further with the clear manifestations of liberal, left and nationalist segments within the movement. The SOGIESC movement's liberal outlook during the last two periods was diversified with the emergence of queer left and homonationalist elements in the movement. Leaders of the queer left including myself had greater inclination towards Tamil SOGIESC politics and made visible interventions whereas the more long-standing liberal segments of the movement tended to display a cautious approach in responding to the crisis, while homonationalist elements maintained a distance from any approach that threatened the dominace of nationalist rule.

The opening also enabled SOGIESC activists to work with state entities in addressing issues faced by SOGIESC communities. In 2015, three transgender women approached the HRCSL and complained about the refusal by Registrar General's Department to change their legal gender. As a result of the intervention of the HRCSL, in 2016, a Gender Recognition Certificate (GRC) that all departments would accept was proposed. In June 2016, the Ministry of Health issued a circular outlining the criteria for issuing GRC, which allows a doctor to certify that a transgender person has been referred to hormone therapy and required surgical procedures and has fulfilled such procedures (Ariyarathne, 2020). Simultaneously, the Registrar General's Department issued a circular outlining the procedure to change the name and gender of transgender persons' birth certificates (*General Circular 01-34/2016*, 2016). This enabled transgender persons to approach a psychiatrist at a government hospital with authority to issue the GRC a mandatory document to change the legal name and gender on birth certificates. Although it has been argued that such an approach would medicalize transgender identities (Ariyarathne, 2020), transgender communities in Sri Lanka viewed this as a significant step in the SOGIESC movement (Vimukthi, 2021).

Government entities also became more accommodating and supportive of proactive measures to support the rights of SOGIESC persons during this period. Three notable entities in this regard were the Human Rights Commission of Sri Lanka (HRCSL), the National STI and AIDS Control Program (NSACP) under the Ministry of Health (MOH), and the Register General's Department

of Sri Lanka. HRCSL, with a fresh mandate as a properly independent commission, established a sub-committee on SOGIESC issues as part of its standard operations in 2015. Major SOGIESC NGOs became part of an official body of the government for the first time and were given space to bring their issues to the forefront. Further, the HRCSL proactively initiated the process of resolving issues of documentation change for transgender persons in Sri Lanka. For the first time, a government entity initiated a process to enhance the rights of the SOGIESC community. The Ministry of Health and the Registrar General's Department were brought together to remove barriers for transgender persons to acquire relevant identity documents complying with their preferred gender identity. As a result, Registrar General's Department began issuing GRCs, enabling transgender persons to change their gender and name on their Birth Certificate and subsequently other official documentation (*General Circular 01-34/2016*, 2016).

The regime's consultative approach to reconciliation and the transitional justice process allowed SOGIESC communities to engage with state mechanisms on conflict transitions. SOGIESC communities made representations to the government-initiated PRC and Consultation Task Force CTF (CTF, 2016; PRC, 2016; Fonseka and Schulz, 2018). PRC recommended the inclusion of the equality clause into the fundamental rights of the new constitution. The equality clause included non-discrimination based on sexual orientations and sexual or gender identities (PRC, 2016, p. 95). Furthermore, a comprehensive section on LGBTIQA+ rights was introduced in section 28 of the recommendations covering the civil and political rights of SOGIESC communities (PRC, 2016). The CTF report also suggested the inclusion of SOGIESC identities and sensitivity in any attempt to address the reconciliation and transitional justice process (CTF, 2016).

It is against this backdrop that an incident of state-sponsored hate speech against SOGIESC persons occurred in 2018, leading to the formation of the B4D movement and the Progressive Queer Collective (PQC). The next section will analyze this juncture in detail.

8.2. Key juncture

This section analyses the key events and turning points leading to the emergence of the B4D movement and the outcomes of the initiative. It also highlights the key decisions made and their motivations to navigate the transition period. The B4D movement presents an illustrative case of

how various factors intersect to determine the trajectory of queer politics in conflict settings. These factors include structural features, including conflict transitions and processes of regime consolidation, and organizational factors, including the agency of SOGIESC NGOs and their leadership.

8.2.1. Constitutional coup

With mounting tensions within the 'Unity Government' between President Sirisena and Prime Minister Wickremasinghe, Sirisena removed Wickremesinghe as Prime Minister and replaced him with Rajapaksa on October 26, 2018. This political act was referred to as a 'constitutional coup' and lasted 51 days until December 16, when Wickremesinghe was reinstated following a Supreme Court decision which ruled Sirisena's move unconstitutional. During the 51 days of the 'constitutional coup', Sri Lanka witnessed a high level of protest from sections of the public, both in the streets and in public institutions, demanding the President respect the constitution and 'restore' democracy in the country. Civil society activists and different pressure groups, including the queer community, took to the streets and courts, marking a historical turn in the politics of gender and sexual justice rights in Sri Lanka (International Crisis Group, 2018).

The 'constitutional coup' presented a political opportunity for different forces to manifest contending interests. First, the return of Rajapaksa sparked mixed reactions from different interest groups and constituencies. Rajapaksa supporters were reassured and celebrated the move despite the unconstitutional nature of his return. Rajapaksa allies and trade unions also started obstructing Ministers and members of the ousted Prime Minister's government from fulfilling their duties a day after President Sirisena declared that the cabinet had been dissolved following his appointment of Rajapaksa (Shihar, 2018). In response, Wickremasinghe and his allies began protesting his dismissal and led protests in Colombo and initiated legal action in the Supreme Court, just as Sirisena and Rajapaksha attempted to consolidate power both within and outside Parliament. Opposition political parties such as the JVP and Tamil National Alliance (TNA) also condemned the move and requested that democracy and the constitution be upheld.

The moment presented an unexpected 'constraint' for civil society and SOGIESC NGOs reminding us that transitional moments contain the possibility of a relapse into war time dynamics. The returning of Rajapaksha to power indicates war-time and post-war suppression

against the civil society including SOGIESC groups has not compeletely diminished (Bourgois, 2001). Civil society groups and human rights defenders, including SOGIESC activists, were undecided and shocked. Liberal circles of SOGIESC NGOs and groups were worried in the initial days. Certain civil society groups who had witnessed the oppression under Rajapaksha's previous regime were concerned about their freedom to work and resorted to self-censorship to navigate the political challenge posed by the moment. SOGIESC NGOs and groups especially ones closer to the liberal politics became cautious in their work and actions. The proposal made by me during the coup's early days for SOGIESC activists to have a briefing session was also seen as too contentious by SOGIESC NGOs. A few human rights activists, including SOGIESC activists interviewed by the author, felt this coup could lead to the resurgence of the era of sabotage and anti-dissent explained in the previous chapter. On the other hand, homonationalist segments felt reassured with the return of Rajapakshas and maintained a position that was neither opposing nor supportive of any interventions at this point. As a result, majority of SOGIESC activists did not support the idea of proactive meetings and gatherings that would attract unnecessary attention from the government (Thiyagaraja, 2018).[165]

This fear was also evident in the conduct of regular activities by SOGIESC organisations. Hosting regular events was done with caution. For example, one of the groups co-founded by the author had been tasked with creating a queer social space in October 2018 in Kandy, Sri Lanka's second-largest city, known for its religious and conservative political landscape. While the event, a movie screening, was eventually held with good participation, the organising team had to be extra vigilant. And the event was discretely organised with the support of a public university in Kandy.

Another manifestation of fear was the renewal of discussions among SOGIESC NGOs on reducing visible activities, further indicating the cautious approach. A few SOGIESC NGO leaders, especially those working on transgender rights, were concerned about the situation. Internal measures were taken to maintain low visibility in activities and their social media presence (Thiyagaraja, 2018).[166] This also led SOGIESC activists and SOGIESC NGOs to maintain deliberate silence in their responses to the 'coup' during its initial days.

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[165] Reflective Journal 26th of October 2018, in Colombo.
[166] These trends were noted during field observations and interviews conducted with human rights and SOGIESC activists during fieldwork in October 2018. The author's participatory reflections also document and articulate these findings during the period of the coup and its aftermath throughout 2018.

However, other civil society groups renounced self-censorship, went beyond regular activities, and organised proactive meetings to respond to the situation. Several women's rights groups, human rights defenders, liberal NGOs and artists held meetings to discuss the changed political situation and explore ways to navigate the situation, contrasting the position adopted by many SOGIESC activists. The meetings were mainly held in Colombo and included human rights defenders, activists, and civil society leaders protesting against the constitutional coup. One such meeting was convened by a group of NGO leaders, including key NGOs in Colombo, in which the author participated in October 2018. Sinhala-speaking actors and artists summoned another meeting of artists in Colombo to protest the media campaign used by the new government to support its appointment. The 'Jada Maadhya' (shameful media) protest is an example of the activities that emerged from these discussions, providing a space for articulating potential strategies to respond to the changed political situation. To avoid visibility, certain SOGIESC activists of queer left, including the myself joined other NGOs and civil society initiatives to raise their voices for democracy without necessarily invoking their SOGIESC identities. One example was a statement issued by a group of Sri Lankan students studying abroad titled "A coup in Asia's oldest democracy" (*Daily FT*, 2018). SOGIESC students, including the author, also endorsed this statement. Similarly, certain SOGIESC artists joined initiatives and dialogues in response to the crisis.

8.2.2. Butterfly Speech: state-sponsored political queerphobia

On November 5, 2018, at a mass political rally in Colombo organised to garner public support for his actions, President Sirisena stated that the dismissed Wickremesinghe "forgot to solve peoples' problems and entered into a butterfly life" (Ameen, 2018). He further argued that the government's decisions had been made not by Cabinet, senior government Ministers or in consultation with him as President, but by Wickremesinghe and his' clan of butterflies', referring to Wickremesinghe's inner circle within his party.

"*Samanalaya*" ('Butterfly') is a homophobic slur in Sinhala and denotes the carefree, socially non-conforming lifestyle of non-heterosexual men.[167] It is also used as a derogatory term for effeminate men or queer men. As a hate expression towards men who are considered not 'manly' or 'masculine' enough, it is a way of demonizing queer individuals in a society where

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[167] It may loosely be equated with the English language homophobic slur 'fairy'.

heteropatriarchal values are dominant. In the context of Sri Lanka, where sodomy is a crime and socially stigmatized, being queer is a 'legitimate' ground for discrimination. Queer identities are considered abnormal, weak and unpreferred citizenry for a society led and shaped by masculine, strong father figures. Thus, using homophobic slurs is an easy way to reinforce the idea that being queer makes one unfit to rule and meet the expectations of heterosexual society.

Sirisena's use of the term 'Butterfly' to refer to Wickremasinghe's rule as one in which all governance decisions were made by his 'Butterfly gang' was a clear attempt to delegitimise Wickremesinghe's rule by invoking homophobia and thereby justifying his removal. I would argue that this political utilization of a queerphobic slur to delegitimise social elements that do not conform to heteropatriarchal values is state-sponsored queerphobia. It is instrumentalised by the state to reinforce the heteropatriarchal nature of the state and nationhood by naming queerness as a condition that should be excluded from statehood and governance. It is a clear affirmation that not being heterosexual disqualifies people from ruling the country. This has effectively made heterosexual citizens the only legitimate actors to control and govern the state.

Sirisena's use of this queerphobic slur also rendered queerness a cause of economic and political instability in the country. Queerness was essentially blamed for the failures of governance and security in the state, thereby creating a binary logic where queerness is constructed as a sign of disloyalty and a cause of state failure while heterosexuality becomes a symbol of loyalty and cause of state success (Wanniarachchi, 2019). Hence, the state and nation should be defended from queerness and its 'intrusion' into heterosexualised spheres. Therefore, one could argue that Sirisena's *Butterfly* speech was not merely against one person but entire SOGIESC communities and was politically instrumentalised to appeal to the queerphobic lobby.

Sirisena's Butterfly Speech signifies the recurring violence against SOGIESC communities in the post-war context by legitimizing the exclusion of queer subjectivities from the post-war nation. Post-war transitions in this sense, has offered nothing but a fragile space for SOGIESC work alongside a continuation of violence. An immediate response to the speech came from the audience gathered at the rally. The crowd chuckled, and other politicians on stage, including Rajapaksa, were seen laughing. Sirisena's extended explanation was followed by roaring approval from the crowd. The crowd, however, would have consisted of not only heterosexuals but non-heterosexuals as well. They're joining in with the crowd's approval could be seen as conduct to 'fit

in' as a survival mechanism. The heterosexualised audience, including heterosexuals and 'Butterflies' trying to fit in, thus actively engaged with this state-sponsored queerphobic act. Sirisena's speech popularised queerphobia as an acceptable political logic of exclusion in just a few minutes in a way not publicly articulated before in Sri Lankan politics. Sirisena's speech also had extensive reach as it was widely covered in the media and on social media, making 'butterflies' a generalised logic of delegitimising queerness. As observed during fieldwork and through interviews with grassroots SOGIESC activists and persons, individuals from rural areas also started to specially use the Butterfly as a slur publicly to demonise persons who dissented against ethno-nationalist sentiments.[168]

In response to Sirisena's queerphobic speech, Mangala Samaraweera, the Minister of Finance of the ousted Wickremasinghe's government, who was and is to date the only 'openly' queer politician in Sri Lanka, stated online that "I would rather be a Butterfly than a leech, Mr President" ('Facebook', 2018). The initial public criticism of the Butterflies Speech was mainly recorded on Twitter, a platform used by a minuscule community of English-speaking urban individuals. His mild opposition did not radically question the effort of state-sponsored queerphobia, placed queerness and corruption on the same spectrum. It attempted to relativise queerness as a more acceptable voice rather than radically questioning the underpinning heteropatriarchal values of Sirisena's words. It did not provide any critical opening to respond to state-sponsored queerphobia (Thiyagaraja, 2017).

8.2.3. Encountering the Butterfly speech

Sirisena's speech presented another open moment that challenged the strategies and positions of the SOGIESC NGOs and activists with regard to the coup. This led to the complete reversal of the invisible approach adopted previously by some SOGIESC groups. Those groups that refused to initiate a political briefing meeting were compelled to start internal conversations to comprehend the incident and its impact on SOGIESC communities. One of the key spaces where such articulations took place was a group of liberal and left-leaning SOGIESC activists, of which the author was part. The political briefing meeting was virtually held on November 5, 2018, and agreed to respond immediately to the speech to initiate a public online petition against

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[168] Interviews with a human rights activist(Civil Society Activist 04(I), 2019) virtually on 14.05.2019, (Civil Society Activist 06(I), 2019) in Colombo on 16.05.2019 and(Civil Society Activist 06(II), 2019) in Colombo on 19.06.2019 with long-standing involvement in the SOGIESC movement.

Sirisena's speech. After the initial decision to refrain from proactive measures against the 'coup', like-minded SOGIESC groups were convinced that there was nothing more to lose and that silence would risk the movement's political credibility. On the other hand, the response from Samaraweera had been a positive sign for like-minded groups to initiate the online petition (*Daily Mirror*, 2021). These developments provided the necessary courage for rereading the circumstances and reordering the costs and benefits of any potential initiatives by SOGIESC groups.

The petition was signed by more than 200 SOGIESC persons online, including rights activists, with their names visible and disseminated through news sites for visibility (Peiris, 2018). The statement condemned the queerphobia used by the Head of State and called for the President to be made accountable for the consequences of his act:

> "We condemn his use of homophobia to amuse his political gallery. By trivializing homophobia in this fashion, President Sirisena should be held responsible for any homophobic incidents that Sri Lankan citizens may experience in the coming days." (Peiris, 2018)

This petition marked the strongest protest from SOGIESC communities against queerphobic leadership, as many who signed the petition were themselves from the SOGIEC community and would not otherwise have revealed their identity publicly.

An internal conversation held by the author regarding whether to hold a press conference in addition to the petition made clear that not everyone was confident to challenge the President publicly given the return of Rajapaksa. Initially, certain SOGIESC activists argued that a proactive measure could invoke more attention from queerphobic socio-political forces. This led to certain SOGIESC activists declining to be part of the press conference as it was deemed too risky. SOGIESC activists close to liberal civil society were especially concerned about repercussions and did not participate in the press conference. The conference was held on November 6, 2021. It was attended by four SOGIESC activists, including the author, a Tamil gay man, a Sinhalese lesbian woman, and a Sinhala and Tamil biracial gay man. The trilingual (Sinhalese, Tamil and English) press briefing was met with very few criticisms and hate responses afterwards.

At the end of the press conference, SOGIESC groups also organised themselves and joined the ongoing continuous evening protest organised by civil society activists demanding the restoration

of democracy, close to the Prime Minister's official residence in central Colombo each day since the onset of the 'coup'.

Both the press conference and the protest manifested the approach taken by SOGIESC leadership in strategically navigating the moment of openness. The composition of SOGIESC activists who joined the press conference was crucial in preventing any possible backlash. SOGIESC activists who might be labelled as foreign-funded persons were not made prominent to pre-empt any backlash framing the press conference as a foreign conspiracy. The conference also strengthened the demand articulated in the collective public petition and demanded an apology from the President – "Sirisena should apologize to the LGBTQI+ community over his remark made at Government's rally on Monday in Colombo…" (*Daily Mirror*, 2018b). The tone of the press conference highlighted that the worst affected by the hate speech would be rural SOGIESC communities – "It is the minority LGBTIQ+ community in rural areas will have to undergo the repercussions of this statement." (*Daily Mirror*, 2018b) Highlighting the fate of poorer segments of SOGIESC communities was part of the media strategy to counter the hate speech of the government, which ostensibly had the support of persons from rural areas, including SOGIESC persons. The demands raised at the press conference were not related to decriminalizing homosexuality – a demand considered Western-driven by the nationalist lobby – but instead focused on holding the President accountable for his hate speech – which would not necessarily have invoked the Western label used to delegitimise SOGIESC demands.

At the protest, SOGIESC groups carried slogans such as "Butterflies vote too" and "Butterfly Power" (Duffy, 2018) in an attempt to reclaim the derogatory slur as an emancipatory symbol. The protest was also acknowledged in the international media (Duffy, 2018). Individuals working in SOGIESC NGOs and 'independent' SOGIESC activists joined the evening protest against the Butterflies Speech.

In addition to these collective initiatives, open letters addressed to the President by two queer individuals also received wide attention. A gay man (Gamage, 2018) and a lesbian woman (Wijesinghe, 2018) wrote letters highlighting the suffering due to the prevalent stigma and criminalization of homosexuality in Sri Lanka – "I'm young. Yes. But I've gone through the bullying. The teasing. The endless nights crying and cutting myself because I hated myself, because of statements and ridicule that the society in general directed at me" (Gamage, 2018).

Similarly, Wijesinghe highlighted the continuous oppression of queer women – "Our queer lives were always hanging on a ceiling. Some queer Sri Lankan citizens have been beaten to death or banned from their native towns and villages." (Wijesinghe, 2018) The letters were well received by the public and created a supportive conversation on social media which was crucial in generating support for the online petition.

These responses presented a clear tactical change from the sentiments and positions adopted by the SOGIESC groups during the early weeks of the 'coup', which was to maintain self-censorship and keep a low profile. Sirisena's hate speech provided a reality check for the defensive approach initially adopted by SOGIESC communities. It brought sexual and gender justice politics to the centre of political contestations and revealed that being restrained and withdrawn was no longer a viable option when it directly affected the existence of queer lives. This was well presented in Wijesinghe's open letter, which stated that "…when I browsed through a couple of articles, I just said to myself, wait, I'm just 18 years old and I never had a thing for politics unless it affected my right to live…" (Wijesinghe, 2018). The earlier sentiment of distancing from visible politics and deploying strategic invisibility as safe politics became redundant as it made strategic invisibility no longer politically prudent when queer subjectivities were forced into the centre of the discourse. Many SOGIESC groups therefore, decided to respond actively to the 'new' circumstances, which can be characterised as a moment of 'waking up'.

8.2.4. Mainstreaming Butterflies for Democracy and its impact

SOGIESC communities' activism took a different shape when they commenced proactive and collective political mobilisation. SOGIESC activists expanded their agenda to speak up for democracy beyond just staging opposition to the Butterfly speech. On December 7, 2018, SOGIESC groups organised and staged a protest in Colombo at the Lipton Circus roundabout under the banner of 'Butterflies for Democracy' demanding democracy and dignity. A press statement released to the media before the protest stated:

> "Butterflies for Democracy" will stand in solidarity with allies, family, and friends of the LGBTQIA community to protest the blatant disregard for democracy currently prevailing in the country"('135 Campaign', 2018).

This was a clear demand that aligned with the politically pressing issue of the time, i.e. defending democracy. The statement further mentioned that:

> "We demand that democracy prevails and insist that democracy is nothing without equality, respect, and dignity for all citizens of this country. We stand in solidarity with the many groups who have been speaking out for the same moment in time and warmly invite them to join us" ('135 Campaign', 2018).

The latter part of the statement demanding democracy articulates the connection between democracy and equality, respect and dignity; this was the basis of what SOGIESC communities had long been fighting for. It blended sexual, and gender justice demands with democracy to widen the meaning of democracy as a political ideology where many communities and social demands can come under one umbrella.

At the protest, protestors carried slogans saying, "Butterflies are voters too" and "We stand for equality and Democracy"(*Butterflies for Democracy*, 2018). The key slogans were to defend democracy, demand complete democracy and institute a better political culture. Compared to the previous protests joined by the SOGIESC NGOs and groups on November 7, 2018, this protest had clearer slogans and demands focused on democracy rather than simply resistance to government-sponsored hate speech. As listed in the figure 8.1 below, the focus of the protest was explicitly on democracy.

The equality agenda for sexual and gender justice was also mainstreamed by the leadership of SOGIESC communities proactively organising the protest and taking ownership of the December 2018 initiative. Inspired by the Women's' March to the Presidential Secretariat demanding democracy a few days before, leaders from different segments of the SOGIESC community were involved in organising, taking ownership, and mainstreaming the second protest by gaining more visibility in the main political debates. Other civil society groups had no hand in leading the protest, but most expressed their support by joining it. As such, the protest was a landmark moment where SOGIESC communities came forward for an issue that affected each citizen of the country. The protest also communicated to the public that the SOGIESC community – a community often criticized for not mobilizing for common issues – could stand together with the wider public demanding democracy. Therefore, one could argue that the

December protest successfully mainstreamed the B4D agenda. An invisible group of oppressed communities became visible through its proactive political role during a struggle for democracy.

Figure 8.1: Comparison of Two Protests

	November 7, 2018, Liberty Roundabout Protest	December 7, 2018, Lipton Circus Protest
Major Theme	Protesting President's hate speech calling SOGIESC communities 'Butterflies'	Demanding democracy and a better political culture
Participants	A majority of SOGIESC organisations and groups and wider civil society groups	Almost all the SOGIESC organisations and groups, wider civil society groups, and left-aligned political parties, artists, professionals and women's rights groups.
Organizers	Ongoing protest organised by wider civil society groups at Liberty Circus in Colombo, joined by SOGIESC communities	SOGEISC communities and individuals as lead organizers

Source: Created by the author using data collected during a field visit to Sri Lanka

This attempt of mainstreaming B4D, on the one hand, symbolised a radical break from the defensive approach of SOGIESC groups in the early stages of the 'coup'. The invisibility and self-censorship were abandoned as part of the new proactive approach. The culmination of B4D marked this, a unified, proactive collective response to the situation. And on the other hand, it shows how SOGIESC communities navigated the constraints of this nature in such a way that could be transformed into an opportunity if deployed strategically with proactive leadership. A community that was fearful and relied on self-censorship at the beginning of the 'coup' had become an energized proactive force contributing to transforming the post-war transition towards democracy in the country.

As a result of the collective mobilisation, the SOGIESC community gained wider publicity and legitimacy within Sri Lankan society. The proactive protest of Butterflies for Democracy was timely, and some welcomed it as a new political development in the country when certain radical left groups remained silent during the 'coup'. Some even praised SOGIESC communities as an

example of how to mainstream a specific struggle through a common issue in a creative and nuanced way (Fonseka, 2018). This can also be seen in the following section of an English translation of a Facebook post from a radical youth group called '*Aluth Parapura*' (New Generation) commenting on the role of Butterflies for Democracy during the democratization struggle:

> "[What have Butterflies taught us about politics?
>
> The interventions of SOGIESC communities in the struggle for democracy are of the greatest importance. Their interventions seem to be politically creative and nuanced. They have gained unprecedented visibility in the public political space by bringing their struggle against 'Butterfly' hate speech into the mainstream democratic struggle. … the importance is that the SOGIESC communities did not restrain themselves from their own struggle in a time of national emergency. Rather, they mainstreamed their specific issues while contributing to the struggle to resolve the larger political problem of the country. They are different from the country's student movement that kept silent throughout the crucial period and confined themselves to their specific struggle only.]"(Fonseka, 2018)

By using an intersectional approach to respond to the Butterflies Speech, SOGIESC communities also effectively reclaimed and redefined the term 'butterfly'. A derogatory slur for queer people symbolizing queerphobia was turned into a symbol of unity, courage and solidarity. 'Butterfly power', 'butterflies vote too', and coming out as 'butterflies' and using symbols of butterflies in the protest marked the signs of reclaiming 'Butterfly' as a term synonym with queer courage. How can this kind of change be explained? I turn to this question in the following section.

8.3. Structural and organisational factors

This section analyses the relevance of conflict dynamics and several key structural factors, (1) the wider nature of the regime, (2) the wider nature of the civil society, and organisational factors, especially (3) the SOGIESC leadership in bringing the above outcome. It assesses how these factors shaped the social navigation of SOGIESC communities to understand the underlying process of the changes in queer politics. This section shows how SOGIESC leadership could exploit the moment of the President's 'Butterfly' Speech to generate change in queer politics.

8.3.1. Conflict transitions and the nature of the regime

The dynamics of the war's end in Sri Lanka continued to shape the country's politics post-war. Sri Lanka's post-war politics were volatile and saw an authoritarian turn. These conditions were produced by the legacy of the war's ending. In the immediate post-war period, militarised governance and regime consolidation imposed many restrictions on public freedom of speech and association. These shifts, in turn, contributed to the government's electoral defeat in 2015.

The transitional justice process took a turn with the Geneva Process, creating an avenue where SOGIESC rights were incorporated into the recommendations formulated for reconciliation and transitional justice processes. As explained above in section 8.1.2, SOGIESC groups contributed their demands to reconciliation mechanisms and constitutional reforms through the CTF and PRC, respectively, where non-discrimination based on SOGIESC identities and decriminalisation were included in their final recommendations. However, none of these processes moved beyond the recommendations stage. It is in this light that one could argue that there is very little evidence to suggest that conflict dynamics played a key role in shaping the directions of the SOGIESC movement except in indirectly causing the conditions for the regime change in 2015.

The analysis in section 8.1.2 also showed how the nature of the regime shaped the conditions for SOGIESC activism. That section revealed how the emergence of a government that is not anti-NGOs and relaxed approach towards civil society enabled SOGIESC communities to submit their grievances to post-war reconciliation and transitional justice mechanisms mentioned in that section.

While the relatively relaxed approach of the government provided much-needed space for civil society work, as mentioned in section 8.1.2 of this chapter, the dynamics of the regime and the nature of the post-war democratisation process produced a number of constraints. Economic incentives were attached to the consultative reconciliation process, particularly through the European Union's GSP+ trade concession to Sri Lanka. These prompted the government to initiate an inclusive National Plan of Action on Human Rights in 2017, in which attempts were made to include provisions for decriminalising homosexuality. However, the action plan was approved by the Cabinet of Ministers without any provisions for decriminalisation. The Minister of Health, Rajitha Senarathne, was quoted as saying "In view of the protests by members of the

cabinet of ministers, as well as other groups, we have decided to drop the proposal…" (Tamil Guardian, 2017). Many SOGIESC activists were not informed about the effort and knew about it only after it was disseminated in the media.

The 'Constitutional Coup' and the return of Mahinda Rajapaksha as the prime minister presented a greater challenge to the visible work of SOGIESC communities resulting in them initially resorting to an approach based on [in]visibility and self-censorship. This challenge reminds us that the end of war does not necessarily mean the violence connected to the war time ideologies ceased to exist. The civic space in which SOGIESC activists operated was now challenged by the uncertainty of the openness for NGOs to work. Knowing the constraints encountered during the Rajapaksa regime (2005-2014), many SOGIESC activists were forced into silence as a collective movement and maintained strategic invisibility, which was a complete shift from the visible, proactive interventions of the SOGIESC movement during the period between 2015 and 2018. The political invisibility and self-censorship- approach was feasible as sexual and gender identities were not a central contention of the 'coup' or resistance to it initially. A majority of SOGIESC communities perceived that the labour around the SOGIESC movement could be saved by being on the periphery of power struggles.

However, this tactic of being distant from the contentions of power soon ended as queer subjectivities were invoked in President Sirisena's Butterfly Speech. This brought queerness into the centre of the political debate making it a visible target of state-sponsored hate speech. It made invisibility and self-censorship no longer a viable approach for SOGIESC communities and forced them to resort to reclaiming the term through proactive intervention. This intervention not only brought enhanced legitimacy to the SOGIESC movement but also expanded its ability to devise a convincing strategy to mainstream SOGIESC rights by being part of the ongoing efforts to democratise post-war Sri Lanka. SOGIESC activists did not use decriminalisation as a framework to protest hate speech, instead, non-discrimination and demands for dignity were used as an approach to the protest. This was due to the limitations imposed by the nature of the discourse around the return of the former President's regime, which had claimed decriminalisation was a Western-funded project. By utilising an approach that had local resonance, SOGIESC activists could transform the Butterfly Speech from a significant constraint into an opportunity which will be explained in detail in section 8.3.3. The change with the constitutional coup is an indication of the change in the wider nature of the regime, which

impacted the strategic approach of the work done by SOGIESC communities. From 2015-2018 SOGIESC communities grew stronger, but as soon as the coup occurred, SOGIESC communities initially resorted to a strategic invisibility approach. But this approach changed in the aftermath of the Butterfly speech. The causes of this change will be explained below through the wider nature of the civil society and the leadership of SOGIESC communities.

8.3.2. Wider civil society

With the opening and relaxation created by the government change in 2015, civil society and international organisations' role in politics became more prominent. The anti-NGO policy adopted by the Rajapaksa regime was discontinued. NGOs could function, and civil society activists joined human rights, reconciliation, transitional justice, and other developmental initiatives by the government. This growing relationship between state and NGOs enabled civil society to function as a supportive shield for SOGIESC communities.

The above analysis suggests that the support from international organisations was useful but contentious to navigate. The growth of SOGIESC NGOs also showed increased international support for SOGIESC work. Although the total amount of international funds granted to SOGIESC work cannot be comprehensively calculated, the growth and the expansion of SOGIESC NGOs is a clear sign of enhanced international funds for SOGIESC work in the country as most of these organisations are dependent on foreign donors for their functions. The decline of government hostility towards NGOs and international organisations was important in enabling more foreign funds to be channeled for SOGIESC work.

However, the 'Coup' and the rise of nationalism cautioned SOGIESC NGOs from accessing international support visibly and being associated with international organisations. President Sirisena's refusal to decriminalise homosexuality in 2017 was a manifestation of growing resistance to the international presence in the governance about SOGIESC issues due to reinvigorated nationalist sentiments. Knowing the potential opposition from emboldened nationalist forces, the SOGIESC activists' avoided the use of decriminalisation and support from international organisations in devising the Butterflies for Democracy movement. In such a context, visible association with the international organisations was considered a key factor that would demonise the SOGIESC movement labelling it as a foreign agent conspiring against native

culture. Therefore, SOGIEC groups avoided slogans and demands that could be labelled as foreign and centred their campaign on non-discrimination against rural SOGIESC communities.

Civil society played a significant role in shaping the dynamics of SOGIESC communities during this period. Human rights and women's rights groups contributed to the diversification of SOGIESC groups by supporting the establishment of SOGIESC NGOs such as VTN, NTN, CWDF, JS, JTN, CHATHRA, and Equité. The revival of DAST and YOH was supported by civil society organisations and groups such as FPASL. Furthermore, initiatives taken by SOGIESC communities were provided with technical support and resources from civil society groups. Work with the HRCSL and the issuance of GRC stand as prime examples of these collaborations. The support extended to the establishment of the two transgender organisations, and the issuance of the GRC amplified and mainstreamed the politics of gender recognition and transgender issues in the country.

The inclusion of the SOGIESC agenda and ensuring the contribution of SOGIESC activists to the ongoing reconciliation process would have been difficult without the support of human rights activists. Civil society leaders facilitated the inclusion of SOGIESC activists' testimonials in the PRC and CTF through their technical input and logistical support. Women's rights and human rights groups also assisted SOGIESC communities in different parts of the country to present before public consultations of the PRC and CTF.[169]

Civil society remained supportive of SOGIESC organisations during the constitutional coup. Rights activists did not question the strategic invisibility and self-censorship of the SOGIESC communities immediately after the 'coup'. Instead, SOGIESC activists were accommodated into the spaces of protest organised by human rights groups. As stated above, civil society petitions, protests, and other initiatives were attended by SOGIESC leaders, although they did not explicitly manifest a queer agenda. Certain protests were led by SOGIESC persons, i.e. the protest against biased media during the coup. The author and some other activists led these protests before the Butterflies Speech. Similarly, the women's march to the Presidential Secretariat to demand democracy significantly influenced the SOGIESC communities. This was a key factor enabling

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[169] Interviews with a human rights activist (SOGIESC Activist 07 (I), 2019) in Colombo on 29.05.2019 with long-standing involvement in the SOGIESC movement.

the launch of a proactive agenda demanding democracy and culminating in the Butterflies for Democracy protest held in Lipton Circus.

Civil society and human rights groups, including trade unions, acted as a shield during the B4D. A record number of allies, more than 200 from civil society in total, signed the online petition initiated by the author with the support of other SOGIESC activists. The SOGIESC leadership was also encouraged to take further steps to raise their visibility. Support from human rights activists and civil society groups were visible on social media. A space provided by civil society activists at the Liberty Circus of Colombo for the daily protest was when SOGIESC groups first participated in a public protest since the 'coup'.

Even politicians extended their resistance to the Butterfly Speech and spoke in support of the SOGIESC communities. Support came from different political communities such as the JVP, the Queer Left, and Mangala Samaraweera was instrumental in overcoming the fear of suppression that prevented SOGIESC communities from responding to the 'coup' and provided powerful motivation for SOGIESC communities to amplify their efforts to resist the Butterflies Speech. Another JVP politician and former Member of Parliament, K.D. Lalkantha also expressed supportive remarks about SOGIESC communities in an interview (Uduwaragedara, 2018).

These developments evidence the instrumental role of civil society as a shield that enabled SOGIESC groups to act. Civil society was also a space where SOGIESC communities derived strength, motivation, and lessons through instructive learning. Most importantly, civil society's enabling role in supporting SOGIESC communities to navigate open moments of the constitutional coup and the Butterfly speech was feasible due to civil society's ability and widened capacity during the new government. Unlike the previous regime under President Rajapaksa, during the Unity Government, a strengthened civil society network effectively offered space and resources for SOGIESC activists to thrive.

8.3.3. SOGIESC leadership

Unlike the previous two periods analysed in the previous chapters, the nature of SOGIESC leadership underwent significant changes during the three years since 2015. This section analyses the SOGISEC leadership in depth by looking at their geographical location and political leaning as it was exposed during the study. With the closure of COJ and WSG, EG and H2H remained

the sole SOGIESC organisations at the beginning of this period. EG was perceived as a large-scale foreign-funded NGO struggling with legitimacy issues and little outreach to grassroots SOGIESC communities (Ellawala, 2019). H2H, on the other hand, operated as a grassroots organisation and seldom functioned as a large advocacy entity that fronted the movement. New entities such as VTN, NTN, CHATHRA, CWDF, YoH-Sri Lanka and JS, which emerged during this period, offered further contrast with different styles of leadership and approaches. For instance, transgender organisations generally followed an NGO model informed by the liberal democratic approach, which embraced visibility and lobbied for SRHR and civil and political rights for transgender persons. SOGIESC organisations working for youth and SRHR rights followed a similar approach to SOGIESC rights.

The emergence of homo-ethnonationalism was another key feature in the latter part of this period. As mentioned in the first section of this chapter,'re-emergence' of Rajapaksa's popularity and emboldened Sinhala Buddhist ethnonationalism during the 'coup' influenced the SOGIESC movement. Some SOGIESC activists openly supported the return of a Sinhala Buddhist regime to power. The nationalist tendency within SOGIESC communities spanned across the spectrum of the SOGIESC identities. Even grassroots SOGIESC activists were reluctantly ready to trade off SOGIESC rights to ensure a national security-focused government led by a nationalist regime.[170] This tendency was quite visible among SOGIESC activists' social media profiles. A careful observation of a few homo-ethnonationalist grassroots leaders' Facebook profiles during the author's field visit shows that most of them publicly shared social media contents supporting key elements of Sinhala Buddhist nationalist ideology, including islamophobia, xenophobia, national security, the dominance of Sinhala Buddhists in the ruling regime, and anti-ethnic minority rights. This content was often shared alongside their efforts to give voice to SOGIESC rights. These activists later became prominent in garnering support within SOGIESC communities for electing Gotabhaya Rajapaksa as President in the 2019 Presidential Elections.

Another key development that occurred within the SOGIESC communities was the emergence of the queer left. As mentioned in chapter 05, left parties such as NSSP's support was evident during the late 1990s. However, during this period (2015-2018), a few vocal SOGIESC persons with left trade unions and political backgrounds started working publicly from the left-leaning

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[170] The emerging nationalist tendency was observed during the field visit and the study period. Certain SOGIESC leaders publicly supported nationalist sentiments and a securitised state where SOGIESC rights were undermined.

queer political group. These individuals presented a political approach to critique right-wing neoliberal identity politics. They asserted the importance of intersectional struggles that connect economic emancipation with oppression against SOGIESC communities. SOGIESC activists from centre-left political ideologies mainstreamed their work, exploiting the openness created by the new government. The JVP's endorsement of SOGIESC rights in 2017, the first political party in Parliament to do so, stimulated the SOGIESC voices that navigated the left political space to visibly stand up for SOGIESC rights. These left SOGIESC activists did not form any particular entity for the queer left but rather remained in mainstream political circles while contributing to the SOGIESC movement. They politically opposed the rise of Sinhala Buddhist ethnonationalism and neo-liberal economic policies. Their politics centred on the idea that the struggle for queer emancipation should include social-economic justice for SOGIESC communities. These include eliminating the economic, social, and ethnic marginalisation of SOGIESC communities.

Furthermore, the emergence of SOGIESC groups in minority-dominated former war-affected Tamil-speaking areas such as Jaffna evidenced another strand of SOGIESC leadership that recognised the intersection between queer emancipation and ethnic minority communities. Such leadership identified, for example, Tamil and Muslim SOGIESC persons as people subjected to both ethnic *and* SOGIESC-based discrimination. A number of SOGIESC organisations were formed in the Northern city of Jaffna in early 2018 with the support of CWDF and CHATHRA, led by the author. These informal and loosely connected Tamil-speaking SOGIESC individuals soon organised themselves as JaffnaSangam (JS) and started working in the Northern Province. They were led by Thenmozhi, who is a *Nachchu* identifying SOGIESC activist. The queer left also supported their work as it corresponded with the intersectional approach of both groups.

In contrast, when they were formed, Sinhala Buddhist homo-ethnonationalist groups rarely met in solidarity with Tamil-speaking SOGIESC organisations. JS initially operated as a space to distance themselves from monetising their labour for NGO-based activism. They organised monthly gatherings in Jaffna with the support of other NGOs. This was a departure from the Colombo-centered SOGIESC NGO landscape of Sri Lanka. These differences also led to greater diversity in the forms of engagement used by SOGIESC activists. Some operated through NGOs, while others resorted to a model of a trade union or more loosely connected political groups as a way of signaling their indigenous roots and independence from foreign agendas and support. For example, JS and CHATHRA, the individuals who initiated the petition and the press

conference against the Butterfly Speech, were mainly from loosely connected queer left circles. Their activism was mainly within the trade union, arts and culture and left political spaces. Nonetheless, some organisations, including JS and another group associated with CHATHRA and CWDF, received foreign funding later.

The heterogenous SOGIESC movement and its expanded diversity indicated two major factors. One is the space in which these developments occurred. The 2015 change of government was certainly a key factor in providing the necessary structural conditions for these groups to emerge, as explained in the first section of this part of the chapter. Another factor is that such diversity affected the dynamics of the SOGIESC leadership in the movement. Different styles of engagement and diverse interests intersecting with economic, political, and ethnic grievances within SOGIESC communities also influenced the type of decisions and directions the leadership took. The analysis below demonstrates the relationship between these divergent interests and the direction of Social Navigation the SOGIESC leadership took in the aftermath of the Butterflies Speech.

In this section, I argue that the agency of SOGIESC leadership was a key factor that determined the social navigation of the movement. The decision to remain 'invisible' and impose self-censorship during the initial days of the 'constitutional coup' and deploy a proactive intersectional agenda as a response to the Butterfly Speech would not have been a reality if not for the proactive role of SOGIESC leadership in particular the proactive leadership of the queer left and liberal segments of the SOGIESC movement The pocket of openness provided by the new government during the first three years of the Unity Government enabled the SOGIESC movement to thrive. It also restored the shield provided by civil society through relaxed restrictions for civic activism. The experiences that SOGIESC leadership underwent during both the Rajapaksa regime and the first three years of the Unity Government convinced SOGIESC leadership to return to strategic 'invisibility' and self-censorship as a means of Social Navigation in the initial days of the 'coup'. The author's experience with other SOGIESC leaders highlights that invisibility was applied to collective SOGIESC mobilisations, whereas individual SOGIESC leaders appeared in other civil society responses to the 'coup'. The public letter of Sri Lankan students issued demanding to

restore democracy (*Daily FT*, 2018), artists' mobilisations, and responses by women's rights[171] and human rights groups (Colombage, 2018) were some of the key platforms where SOGIESC leaders contributed without necessarily having to publicly reveal their collective SOGIESC identities (*Daily FT*, 2018).

However, as explained in the above section on conflict dynamics and the nature of the regime, the Butterflies Speech forced the SOGIESC leadership to reconsider their approach to the 'coup' of strategic invisibility. It sparked a series of interventions by SOGIESC communities characterising a formation of an intersectional agenda merging oppression against democratic forces and gender and sexual minorities. SOGIESC leaders, particularly from the queer left and SOGIESC leaders who navigated the NGO space, had to devise a pathway to navigate the queerphobic anti-democratic political landscape by radically reinterpreting their strategic approach. This reinterpretation was done by articulating the political contexts that resonated with the incident of hate speech. State-sponsored queerphobia was employed as a technique to legitimise undemocratic political actions of the ethnonationalist regime, which emboldened the queerphobic lobby in the country. These revitalised anti-SOGIESC voices effectively imposed a sense of fear and self-censorship within SOGIESC groups. Hence, any attempt to respond to the speech with existing ideas and campaigns was not considered prudent by SOGIESC activists.

In strategising the focus of the responses, one key decision made by the SOGIESC leaders, including the queer left, was not to use decriminalisation in responding to the speech. Decriminalisation has been the continuous and visible demand of most SOGIESC groups and NGOs since the beginning of the SOGIESC movement in Sri Lanka. Still, it was not used as a visible demand in this chain of interventions. The legal approach to decriminalise non-conforming sexualities had long been labelled Western and counter to local cultural values and traditions by the homophobic ethnonationalist lobby. It became a contentious demand to bring many constituencies together. Therefore, SOGIESC leadership used non-discrimination, anti-hate speech, and democracy as their core themes for mobilisation from the beginning. The petition (Peiris, 2018) and media briefing (*Daily Mirror*, 2018b) organised by the queer left and SOGIESC leaders who do not identify with queer left highlighted the need for democracy and accountability

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[171] Women's rights groups organised a march towards the Presidential Secretariat on November 28, 2018, from Town Hall. The march was joined by artists, media personalities, actors, civil society activists, human rights and women's rights groups, including SOGIESC activists.

to address the repercussions of Sirisena's hate speech. The press invitation sent out by the SOGIESC activists not only protested against the instance of hate speech but also commented on the country's state of affairs, including the President's anti-democratic turn. The November protest, which SOGIESC groups joined, had slogans for democracy, equality, and dignity (Duffy, 2018). The different divisions along class, language and ideas were united in the December protest.

The decision for many different SOGIESC groups to join the civil society protest in November can also be understood as an efficient tactic of navigating the fear of not being seen at the forefront of opposing the ethnonationalist regime. By joining an ongoing protest organised by civil society groups, SOGIESC entities were shielded under the wider solidarity and responsibility of the civil society activists. Revealing participants' SOGIESC identities in collective actions was another risk that was mitigated with the use of masks. Inviting supportive allies also encouraged discreet individuals about their SOGIESC identity to join.

Queer-left political group's vital role in initiating the chain of responses to the Butterfly Speech highlights the importance of the intersections of political ideology of SOGIESC leaders and its connection to their responses to transitional moments. On the same day after the press conference, homo-liberal and a few homo-nationalist segments of SOGIESC groups joined the wider civil society protests in Colombo. An attempt was made by the queer left to organise a united protest in December (*Butterflies for Democracy*, 2018) demanding democracy, highlighting the importance of equality, and holding the President accountable for hate speech. It carried slogans affirming that SOGIESC persons are also citizens and have the right to political participation, demanding equal respect for SOGIESC communities. This point was repeated in the interviews made by SOGIESC activists to the media during the December protest, where it was noted that "we all have a common problem in the country today, and we are here for that" (*Butterflies for Democracy*, 2018). The explicit use of democracy and non-discrimination as ideological grounds formed the basis for an intersectional agenda where equality and sexual and gender justice as a specific demand was mainstreamed through the common problem of threats to democracy affecting the wider population. This intersectional premise effectively combined the ideas of non-discrimination, democracy and accountability, which helped mainstream the B4D movement.

For several reasons, such an intersectional approach founded on a non-discrimination agenda was beneficial for collective mobilisation. First, it functioned as a tactical shield for queerphobic criticisms levelled against decriminalisation. By using non-discrimination as an ideological platform to stand for democracy and equality, any potential anti-Western and anti-cultural attacks could be deflected. Although there were a few media responses critiquing the movement (See Gossiplanka, 2018), the majority of the media coverage was either sympathetic or curious about the protest actions. The online petition was well-received on social media with more than 200 signatures and publicity on media and other human rights NGOs' websites (Groundviews, 2018). The two articles written by young queer people were widely shared and cultivated a sympathetic and localised discourse through the open sharing of the suffering and discrimination the authors endured as young SOGIESC Sri Lankan citizens (Gamage, 2018; Wijesinghe, 2018). The press conference was covered in mainstream media, including audio-visual news channels in Sinhala, Tamil, and English, which were telecasted without criticism. The activists well exploited the questions posed during the demonstrations to highlight and elaborate that non-discrimination and democracy are key demands of every Sri Lankan citizen, including those from SOGIESC communities (*Daily Mirror*, 2018a; *Butterflies for Democracy*, 2018). Many SOGIESC activists felt that the way in which the content of the speeches and slogans were framed through an intersectional approach was powerful enough to silence major criticism from queerphobic ethnonationalist lobbies who would have labelled them as foreign-funded, dollar-driven NGO conspiracies and defined the decriminalisation of homosexuality as a foreign project.

Secondly, it brought together different interest groups onto a common platform making spontaneous coalitions a strength of the movement. The intersectional agenda was able to attract many in support of mobilisation. Civil society groups, including human rights, women's rights groups, youth groups, and artists, came forward to support the Butterflies for Democracy protest. Political groups aligned with 'left' politics also joined the protest along with liberal civil society groups. The agenda embraced a spectrum of interests, some more closely aligned than others. Those who were not necessarily pro decriminalisation also joined the march along with SOGIESC groups as the agenda was not about decriminalisation but democracy and non-discrimination. This benefitted the mobilisation as SOGIESC groups were a small number of individuals whose presence might not have been significant enough in a protest without allies and

other interest groups. The wider civil society provided not only necessary numbers but also ideas and slogans.

Thirdly, it was also a platform which brought together highly divisive SOGIESC groups and NGOs onto a single platform. Pro-'coup' elements, mostly homo-ethnonationalists within SOGIESC communities which maintained silence on Sirisena's move to dismiss Wickremesinghe, also joined the protest as their identity was under threat because of the Butterfly Speech. This was a major victory for homo-liberal and queer-left groups within SOGIESC communities since it brought all SOGIESC communities together in solidarity to protest a common issue through an intersectional agenda. Devising an intersectional agenda bridged the gap between various homo-ethno-nationalists, homo-liberals, and the queer left. Initially, there were certain differences evident within the SOGIESC communities. The online petition and the press conference were organised mainly by the left-leaning queer elements, whereas liberal and homo-ethnonationalist groups used the November protest. During the December protest, these divisions became less distinct. Although some activists did not participate in organising and attending the protest, most SOGIESC groups joined the B4D protest and contributed to media statements. Coming together for joint efforts generated hope for SOGIESC communities.

In December, internal divisions within SOGIESC communities constituted a major hurdle for the B4D protest. Although an intersectional agenda was devised, there were certain tensions in bringing together homo-liberals, homo-ethnonationalists, and the queer-left. Although certain activists did not appear for unknown reasons, most participated in organising and mobilising participants. Arguably, this was because of the success achieved in previous actions and the fact that the government did not suppress them. Another instance where these tensions were revealed was when the centre-left JVP declared its support for SOGIESC rights. At that time, there was reluctance among sections of homo-liberals, particularly those who were part of SOGIESC NGOs embedded in neo-liberal economic models, to celebrate the move. Instead, they resorted to questioning the authenticity of the position on social media. The queer left's leadership role in queering left political parties was subject to scepticism from the homo-liberals and homo-ethnonationalist groups who raised accusations of the 'politicisation'[172] of the SOGIESC movement. The collective efforts to respond to the Butterflies Speech did not reconcile these

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[172] Here, politicisation invoked party politics. SOGIESC persons who align with liberal political parties and nationalist forces did not welcome a centre-left political party embracing a queer agenda.

tensions within the SOGIESC communities in the long run. These tensions between queer left and homonationalist segments on Tamil ethnic rights, social justice issues, and SOGIESC issues were solidified once more when the political momentum created by the 'coup' evaporated following its resolution. As a result of this, the PQC (*Samaabhimaani Samuhikaya*), a forum of SOGIESC activists from the queer left, was formed in late 2018 to advocate for SOGIESC rights through an intersectional approach within the National Peoples' Power (NPP) and public in general.

Furthermore, one may still wonder whether there is any role in changing public opinion about homosexuality had a role in the outcome of the B4D movement. Sri Lanka's SOGIESC movement started in 1995, as explained in chapter 06 and has been intervening in public discourse for over 20 years. It is difficult to compare the change in public opinion as no nationwide public opinion surveys were done in the early days of the SOGIESC movement. But a recent nationwide survey by the Social Scientist Association in 2021 using 2130 individuals from all 25 districts of Sri Lanka claims that 55% of the population reported not having heard of the term LGBT. The same survey reported that most respondents were positive about introducing legal protection for SOGIESC persons. The survey reported that 51.4% said they would support legislation to protect LGBT persons (Peiris, 2018). This survey was done in 2021, and it is therefore difficult to assess to what extent public opinion or change in public opinion on SOGIESC persons have been useful in explaining the outcomes of the Butterflies for Democracy movement.

The above analysis suggests that SOGIESC leadership and its changing dynamics such as the emergence of Tamil and queer left played a decisive role in directing the Social Navigation of SOGIESC communities during the period of the 'coup', particularly after the Butterflies Speech. The newly emerged queer left and SOGIESC activists whose work was based outside of Colombo played a key role in shaping the political strategy of the SOGIESC movement during this period. This enabled a more intersectional approach to queer politics during the conflict transition period. Such social navigation was also shaped by structural conditions such as changes in the political climate and the ruling regime, limiting the tools available for SOGIESC communities. An enhanced civil society sector was a shield as the ruling regime did not restrict it. Finally, it is possible to argue that SOGIESC leadership effectively exploited the opportunities created due to the liberal regime responding to a hate speech targeted against the SOGIESC

communities. In doing so, they reclaimed the term 'butterfly' into a term that signaled courage and dignity.

8.4. Conclusions

This chapter examined the particular event of the B4D movement as an illustrative case in this thesis. Through a collective response to a state-sponsored queerphobic hate speech called –Butterfly Speech-, it has proven the decisive role played by SOGIESC leadership in producing a change in queer politics. The structural factors such as the regime's nature and the civil society's wider nature shaped the conditions that SOGIESC leadership had to navigate. In this case, the SOGIESC leadership not only proactively responded to a constraint caused by the conflict dynamic but was able to effectively transform a moment of constraint into an opportunity through its proactive role, which led to the change in the SOGIESC movement. It has gained wider visibility and legitimacy among civil society through the intervention of the B4D

CHAPTER NINE

Conclusions

This thesis has examined how sexual and gender-diverse communities and groups (SOGIESC communities) in Sri Lanka navigate conflict transitions and how conflict transitions shape the change and trajectory of SOGIESC activism. It has investigated how several key structural and organisational factors have shaped these changes. These include (1) the changing nature of the regime, (2) the changing wider nature of civil society (3) and the role of the SOGIESC leadership. My analysis of SOGIESC communities in Sri Lanka was divided into three different key periods- Origins (1995-2005), Troubled Times (2006-2014), and 2018 (Butterflies for Democracy) as an illustrative juncture. This thesis is the first detailed account of the SOGIESC movement in Sri Lanka, as very little has been written on the country's SOGIESC activism and movement building despite its existence since 1995 as one of the oldest SOGISEC movements in South Asia.

This chapter revisits the overarching hypothesis posed in the thesis that conflict transitions change the space for queer politics. The chapter consolidates the major arguments and reflects on its wider implication for research, policy, and practice of queer politics and conflict transitions. The first section of this chapter outlines key contributions to the literature on the relationship between queer politics and conflict transitions, followed by policy implications and future research. It examines how and why queer politics change in conflict transitions. The thesis argues that the relationship between conflict dynamics and change in queer politics is indirect. This relationship is shaped by several structural and organisational factors, which in this case includes the wider nature of the regime, the nature of wider civil society and its relationship with the state, and finally, SOGIESC leadership. It shows how the SOGIESC movement is able to effectively navigate the constraints and opportunities of volatile post-war politics and the critical role of SOGIESC leadership in leading change in queer politics.

9.1. Dynamics of conflict transitions and civil society

This thesis has attempted to challenge the heterosexual orientation of peace and conflict studies by foregrounding the collective agency of SOGIESC communities during conflict transitions. To do so, social navigation was introduced to conceptualise how SOGIESC NGOs navigate (Henrik, 2009, 2010) conflict transitions. The conceptual framework articulated in Chapter 03 approached

conflict transitions as open moments (Sahlins, 1972, 2017; S Solway, 1994; Maley, 2006; Goodhand, Klem and Walton, 2016; Lund, 2016), producing constraints and opportunities for human rights and social justice movements. Civil society, in the context of conflict transitions, is considered a potentially active agent of change (Ashe, 2009; Duggan, 2017; Megan and Henri, 2018). In that light, SOGIESC communities were considered as potential active agents of change in the sexual and gender justice movement and not merely victims of violence. The nexus between SOGIESC communities and conflict transitions were examined using the lens of social navigation (Beck, Bonss and Lau, 2003; Henrik, 2009, 2010). Social navigation of SOGIESC communities during conflict transitions was operationalised through articulatory practices (Gardiner, 1995, p. 34) of the collective agency of SOGIESC communities. This framework draws strong attention to the societal milieu in which structural conditions are produced by conflict transitions for SOGIESC activism and the agential role of the activism. When presented with structural conditions such as constraints or opportunities produced by the conflict transitions, SOGIESC communities' actions are shaped and constantly reshaped by the social terrain they navigate, considering the immediate constraints or opportunities while focusing on the imagined movement of the conflict transition. The SOGIESC communities articulate conflict transitions and their impact on SOGIESC activism, and they react to the situation which produces the social navigation (Beck, Bonss and Lau, 2003; Henrik, 2009, 2010).

Although the structural constraints and opportunities produced by conflict dynamics affect the SOGIESC communities, the thesis argues that there is no clear or linear relationship between conflict dynamics and the growth of the SOGIESC movement. The argument that conflicts can dramatically increase the existing vulnerability of SOGIESC communities (IGLHRC, 2014a; Megan and Henri, 2018; Hagen, Daigle and Myrttinen, 2021) is only partially true when it comes to the collective agency of these communities and might not reveal the nuanced trajectory of SOGIESC communities during conflict transitions. The escalation of the war in Sri Lanka, particularly in early 1995, led to the imposition of limitations on freedom of movement, causing the deterioration of queer spaces. However, the study also demonstrated that queer politics stands as an exception to the argument that war leads to a deterioration of civic space (Orjuela, 2003; IGLHRC, 2014a) and this thesis finds no clear evidence to support this argument. Analysis of SOGIEC communities during conflicts shows that conflict did not limit the growth of the SOGIESC movement. Instead, constraints generated by conflict escalation were sometimes

transformed into opportunities by the SOGIESC leadership. Key junctures such as the original expansion of COJ, the birth of WSG, and the emergence of the HIV/AIDS lobby demonstrated the growth of SOGIESC communities against the backdrop of a brutal war.

Further, the relaxation of hostilities did not coincide with the growth of SOGIESC communities. This chimes with the idea of a continuum of violence where the ending of large-scale armed violence does not necessarily translate into enhanced security for SOGIESC communities' work (Bourgois, 2001). As explained in chapter 6, the Norwegian peace process period from 2002-2005 was not a significant enabling factor for the growth of the SOGIESC movement compared to the preceding years of war from 1995-2001, while the post-war period from 2009-2014 saw the degeneration of the movement, with a significant expansion only beginning from 2014 when a new government came to power with the electoral defeat of Rajapaksha regime (2005-2014). This reiterates that the end of conflict does not necessarily mean an opening for accommodation of SOGIESC rights unless there is also the emergence of a more sympathetic or open regime. Contrary to existing work on civil society in Sri Lanka, the research shows no direct or linear relationship between broad conflict dynamics and the growth of the SOGIESC movement in Sri Lanka. On the othe hand, it could also be argued that the continuation of the war-time ethno-nationalist regime in the post-war period and the dominance of war-time Sinhala Buddhist ethno-nationalist ideology, is another way of continuing the violence and a further manifestation of conflict(Bourgois, 2001). This was visible in the Rivira Incident where SOGIESCC subjectivities are portrayed as threats to the Sinhala Buddhist ethno-nationalist nation which was the central contention of the ethnic conflict. It was also visible in the Butterfly Speech which jettisoned the queer subjectivitiy from the imagined citizenry of the nation, representing the cultural violence embodied in the post-war regimes. These incidents nuance our understanding of conflict transition and suggest the need not to essentialise that transition as good and conflict as a constraint for the SOGIESC communities. It suggests an approach to conflict transition that considers the unique nature of SOGIESC polity in contrast to other civil society groups and which considers how state-sponsored queerphobic ideas are deployed in such open moments. This will allow detecting continuities and discontinuities of violence and factors contributing to it.

This thesis contributes to the existing literature on civil society and conflict in Sri Lanka by highlighting that the flourishing of SOGIESC communities during conflict depends heavily on the existence of a strong wider civil society, which can play a critical supportive role in allowing

SOGIESC groups to navigate open moments. This thesis has shown how wider civil society plays a crucial role as a shield, facilitator, supporter, and enabler for SOGIESC communities during different key junctures. Having a conducive environment for civil society groups and international organisations is critical in providing their support for SOGIESC work. The relative openness that existed for civil society during early 1995, 2002-2004, and 2015-2018 due to conflict de-escalation has indirectly enabled the support given by the civil society to SOGIESC work. In other words, a better environment for civil society meant better support from civil society for SOGIESC work.

A more confident wider civil society and a more assertive role for international organisations were important enabling factors that shaped how SOGIESC communities decided on their strategies, tactics, and navigation tools during the key junctures examined in this thesis. During some difficult moments, SOGIESC communities' proactive measures were enabled by the availability of support from other civil society groups. At other times, where much less support was available from wider civil society, the SOGIESC movement resorted to a defensive approach. For example, in late 1995, SOGIESC communities resorted to a defensive approach by embracing a health-based approach when civil society was generally constrained by conflict escalation. Therefore, the study concludes that conflict transitions have indirectly shaped the structure in which civil society operates, which determines the pockets of openness for SOGIESC work.

9.2. Regime-civil society relationship and political queerphobia

This thesis highlights the importance of the state-civil society relationship as a structural factor likely to strongly influence the trajectory of SOGIESC movements in conflict transitions. The strategies and approaches used by SOGIESC activists are closely shaped by the structural conditions caused by the broader relationship between the state and civil society. The government's policy towards NGOs and civil society is a key factor defining this relationship. This research has found that when the regime's wider nature allows a conciliatory approach towards civil society and NGOs, that can be instrumental in shaping a favourable environment for SOGIESC work. It creates a favourable environment for civil society groups and other NGOs, which often act as a shield for SOGIESC activism. The origin and the expansion of COJ, WSG, and EG occurred during a period of relatively cordial relationships between the state and NGO civil society during 1995-2005 during President Kumaratunga's time in office. The anti-

NGO approach of the Rajapaksha regime (2006-2014) was a major factor in shaping the more defensive approaches adopted by the SOGIESC communities.

The study shows a general tendency for SOGIESC communities to adopt a defensive approach when the state apparatus sabotages the organisations. This is due to the vulnerability caused by the regime's anti-NGO policies. The Rajapaksha period examined in chapter 7 highlights the constraints faced by the SOGIESC groups, which made them vulnerable with much less support from the wider civil society, international NGOs and donors. SOGIESC communities have encountered queerphobic attacks during President Kumaratunga and Rajapaksha's period. Although the SOGIESC movement displayed a resilient approach in the first period, the latter had been devastating, and COJ particularly did not survive the state-sponsored queerphobic attack. One of the major reasons for this is the dwindling support from the wider civil society, international NGOs and donors, which had been demonised and sabotaged by the anti-NGO policy of the Rajapaksha regime. Only two organisations were left at the end of the Rajapaksha regime in 2014.

On the other hand, the opening and relaxed approach to civil society since the end of the war occurred with the return of the Unity Government in 2014. This is a period when SOGIESC communities saw greater growth and expansion. The number of SOGIESC NGOs grew from 2 to 10 within three years. One of the key differences during this period was the improved relationship between the state and civil society, which created more opportunities than in the previous two regimes. Another key difference is the absence of war during this period. Comparing the three periods, the three-year period between 2015 and 2018 had the combination of the absence of war with transitional justice and reconciliation agenda and a relaxed relationship with civil society. None of the two factors was jointly present in the two previous regimes. It is, therefore, possible to argue that the nature of the relationship between the state and civil society plays a direct role in shaping the structural conditions of the SOGIESC movement to navigate a politically volatile society. Hence, an improved state-civil society relationship becomes a critical factor that mediates the broader relationship between conflict transition and the trajectory of the SOGIESC movement as it not only widened the space for civic work but thickened the shield for SOGIESC activism. This argument exposes an area that has been overlooked in the existing literature on SOGIESC activism and conflict (Ashe, 2009; Duggan, 2010, 2012, 2017; Nagle, 2018b; Hagen, Daigle and Myrttinen, 2021). Existing work has focused on neglected relationships

that the SOGIESC movement has with wider civil society. This study highlights the importance of the relationship that SOGIESC communities maintain with wider civil society groups working in conflict-affected settings to explain how it shapes the SOGIESC agency as it does not operate in isolation.

This study has also shown the importance of examining the link between SOGIESC groups and the state. However, certain studies have discussed how state oppression results in violence against SOGIESC communities during conflict transitions (Ashe, 2009; IGLHRC, 2014a; Duggan, 2017; Hagen, Daigle and Myrttinen, 2021). These studies have not considered state-sponsored queerphobic violence and state-civil society relationship as factors that are central in explaining SOGIESC collective agency during conflict transitions. The majority of existing studies have focused on how SOGIESC communities are affected by or respond to violence.

The relative openness caused by the improved state-civil society relationship does not always create long-term opportunities for SOGIESC work. These moments often tend to be fleeting and remain constrained by prevailing queerphobia. Taking a longer view of the key junctures examined in chapter 6 (a first press conference in 1995 and the criminalisation of same-sex between women in the same year) and chapter 8 (the Butterflies for Democracy movement) shows that a period of openness does not necessarily translate into long-term structural transformations of the position of SOGIESC communities in the society. As argued in the previous section, such openness is also conditioned by prevailing queerphobia within the regime and its attempts to capitalise politically on this queerphobia. This enables the continuation of violence including structural violence during transition times. The criminalisation of same-sex desires between women, the government's refusal to decriminalise homosexual sex in 2017 and the Butterfly speech are prime examples of where prevailing societal and political queerphobia constrained SOGIESC work. The *Rivira* Incident explained in chapter 7, and the Butterflies for Democracy movement in chapter 8 are examples where SOGIESC issues have been exploited by the notorious political queerphobia of the state. Periods of conflict de-escalation and improved state-civil society relationships do not always translate into openness for SOGIESC work.

Even after gaining some visibility and effectively navigating volatile conditions, the spirit of unity and visible legitimacy of the Butterfly for Democracy movement did not last long. The emboldened Sinhala Buddhist nationalist sentiments eroded the opportunity for change in queer

politics. The left-leaning groups within the B4D movement left it and formed their own PQC. Other groups returned to their regular work, making B4D dysfunctional. And no change has happened in the policy and legal situation of homosexuality in the country. Instead, the Rajapaksha regime returned to power in 2019 and emboldened the queerphobic hetero-patriarchal sentiments. In the long run, B4D has failed to challenge the state-sponsored political queerphobia and secure the space for advancing their rights. Therefore, the long-term improvement of these events is not assured. This suggests that we should consider carefully how political queerphobia conditions the space for SOGIESC work. This broadly supports Hagen's(2016) findings about the failure of the Colombian peace accord facilitated by Norwegian mediation, where the inclusion of the queer agenda into the negotiated settlement became a contentious aspect that led to the refusal of the accord by the public. This is largely due to the prevailing political queerphobia in that country.

The findings of this study about SOGIESC communities' ability to collectively respond to the violence unleashed upon them by the state confirm the call for queering transitions by the existing studies of Ashe (2007, 2009) and Duggan (2010, 2012, 2017) whose work is primarily situated in Northern Ireland. By examining women's and SOGIESC communities' political resistance in the context of ethno-nationalist conflict in Northern Ireland, both Ashe (2007, 2009) and Duggan (2010, 2012, 2017) highlighted the need to include the struggles of women and SOGIESC persons in conflict transformation literature. Furthermore, the thesis also pushes the agenda beyond the need for inclusion and highlights the areas of focus beyond the inclusion agenda. This thesis argues that SOGIESC communities' ability to collectively respond to conflict situations and the role of structural factors such as SOGIESC leadership and state-civil society relationships manifested through political queerphobia should be considered. It shows the benefits of combining queer politics with state, civil society and SOGIESC leadership. Such an approach shows how political queerphobia has been strategically utilised by state actors in defining the political citizenry of post-war societies, thus alerting scholars and practitioners concerned about SOGIESC inclusion to think beyond the mere victimisation logic of sexual identities.

9.3. Social navigation: SOGIESC leadership

The above sections have illustrated how the conflict transition and structural conditions such as the wider nature of the regime and wider civil society relationships shape the opportunities for SOGIESC activism. However, these conditions alone did not shape the final outlook of the SOGIESC movement. Whether open moments are opportunities or oppression depends upon the social navigation by the SOGIESC leadership during those junctures indicating the importance of individual leadership within collective agency. As shown in the empirical chapters, the agency of the SOGIESC leadership plays a crucial role by not only engaging in the articulatory process but also acting upon it and deciding the outcome of the SOGIESC movement in key junctures.

Social navigation entails a dual temporality of factors that condition the movement's present and politically imagined future (Henrik, 2009, 2010). The SOGIESC movement politically navigates present constraints and opportunities in such a way that enables them to gain better leverage in achieving their goals in the future. SOGIESC leadership emerged from this study as a determining factor with the ability to navigate open moments during conflict transitions. The social navigation of SOGIESC leaders involved articulating structural constraints and possibilities along with their immediate objectives and strategic goals. Such articulations helped in deciding the actions and responses to open moments. The nature of SOGIESC leadership becomes crucial in defining this process of articulations and actions.

The nature of COJ and WSG's leadership played a key role in shaping how these organisations navigated key junctures. COJ had one person-centred leadership, whereas WSG was led by a group of closely connected women, most of whom were from English-educated backgrounds. These two leadership styles shaped how SOGIESC communities responded to structural conditions, which led to the change in queer politics. COJ's one-person-centred style enabled the organisation to be involved in risk-taking behaviour, which helped to strengthen the movement's resilience by bringing much-needed versatility. Even the establishment of COJ, which was a risk-taking step, was an outcome determined by its leadership's response to the shrinking civic space at the beginning of early 1995. The decision to seek support from the HIV/AIDS lobby and go public was largely made by the SOGIESC leadership's risk-taking tendency. The disintegration of both COJ and WSG was also partly caused by internal tensions within the leadership. However,

they were indirectly shaped by the diminishing civic space during the Rajapaksha rule (2009-2014). Although structural conditions such as conflict dynamics and state-civil society relationships shaped the space for SOGIESC work, internal tensions in SOGIESC leadership had been the decisive factor in the closure of the two entities. It is the rigidity of COJ's leadership that led to the closure of the entity.

The research also shows the changing nature of the SOGISEC leadership across the three cases and its implications for queer politics. The leadership of COG and WSG was static until the disintegration of both entities. Unlike the first two periods, B4D witnessed a diverse set of leadership styles including SOGIESC activists who distanced themselves from institutionaised politics, particularly the emergence of the queer left and Tamil queer leaders who played a significant role in association with those who aligned with SOGIESC organisations. This opened the space for allies who supported SOGISEC rights to make visible their public support to the movement. Unlike WSG, COG sought to make itself legible to the state in order to win their rights. WSG often remained (il)legible to the state by pursuing a strategic invisibility. These two approaches have changed with the diversification of the SOGIESC leadership. In the B4D intervention, the SOGIESC leadership resorted to a confrontational approach of reclaiming the term 'Butterfly' against Sirisena's Butterfly speech.

The change within the SOGIESC leadership illustrates the intersectional identities of the movement. Traditionally the SOGIESC leadership during the first two periods was dominated by Sinhala ethnic communities. And the presence of the SOGIESC leadership from the Tamil ethnic minority was almost non-existent. This changed during the B4D intervention. Tamil SOGIESC leaders (including myself as a Tamil queer activist) emerged between 2015 and 2018 and played an instrumental role in shaping the responses to the butterfly speech. However, the role of Muslim queer has been absent in all three cases. In terms of social class, there was a change within SOGIESC leadership. The class difference between the COG's and WSG leadership was further diversified by the emergence of educated Tamil SOGIESC activists after 2015. WSG's upper-middle-class mostly educated English and Sinhala speaking leadership influenced their responses to the internal and external challenges often resulting in strategic invisibility and conforming to mainstream expectations. COG's more proactive role and risk-taking behaviour was related to the role of Sinhala speaking middle class, lower middleclass transgender, and Nachchi individuals within its leadership. These dynamics were further complicated by the addition of educated

Tamil-speaking SOGIESC leaders (including myself) who had a background in left politics. The intersections between class and ethnic identities in shaping the interventions of SOGIESC leadership cannot be thus undermined.

Similarly, the blurring of personal and professional spheres of the leadership of WSG made them vulnerable to internal conflicts and led to the eventual disintegration of the entity. The two organisations survived the external shocks from structural conditions. But navigating them with internal leadership dynamic proved to be decisive. The relevance of SOGIESC leadership' and internal tensions is further demonstrated by the Butterflies for Democracy movement. The B4D movement suggests that the SOGIESC leadership is capable of transforming an open moment into an opportunity for the movement. The B4D movement's emergence was a response to threatened space for SOGIESC work and state-sponsored queerphobia despite diminishing space for civic action at that particular moment. The SOGIESC leadership's diligent articulation of the cost-benefit assessment of strategic moves enabled them to shift their approaches depending on the changing nature of the conflict dynamics, state-civil society relations, and the prevailing currents of political queerphobia.

By highlighting the agency of SOGIESC groups and their leaders, this thesis transcends the tendency in the existing literature to view SOGIESC communities in conflict settings primarily as victims of heterosexualised violence(Seifert, 1993; UNHCR, 1998; Gardam and Charlesworth, 2000; Colombini, 2002; Plümper and Neumayer, 2006b; Wood, 2006; Cockburn, 2008; Farr, 2009; Cohen, 2013). A relatively small number of works talked about the agency of SOGIESC communities in conflict transitions (Ashe, 2007, 2009; Duggan, 2010, 2012, 2017; Black, 2015; Hagen, 2017; Nagle, 2018b; Hagen, Daigle and Myrttinen, 2021). Some of the studies mentioned above have examined the link between SOGIESC agency and conflict situations from an approach that centres the conflict and violence and situates SOGIESC communities as responsive objects of conflict transition interventions. This approach has overlooked the factors that cause varying outcomes in queer politics in conflict transitions and has rarely moved beyond issues of SOGIESC inclusion and SOGIESC responses to violence. In contrast, this thesis centred on SOGIESC trajectories conceptualises the link between SOGISEC communities and post-war politics. It has moved beyond conflict dynamics and explored the relevance of structural and organisational factors such as the wider nature of the regime, wider civil society, and

SOGIESC leadership. It shows how SOGIESC communities' relationship with conflict transitions is shaped by factors such as SOGIESC leadership and state-civil society relationship.

The story of a young SOGIESC movement in Sri Lanka navigating highly volatile war-affected and post-war transitions reveals a complex picture of conflict transitions, state-civil society relationships, political queerphobia, and SOGIESC leadership. It shows how conflict dynamics indirectly affect the conditions that SOGIESC groups navigate, complementing the literature mentioned above (Ashe, 2007, 2009; Duggan, 2010, 2012, 2017; Black, 2015; Hagen, 2017; Nagle, 2018b; Hagen, Daigle and Myrttinen, 2021). It also emphasises the need to move beyond conflict dynamics itself. And on the other hand, it reveals that the state-civil society relationship is an important mediating factor that shapes the relationship between conflict transition and the SOGIESC group's trajectory. In other words, the change in state-civil society relationships is more significant for queer politics than a mere change in conflict dynamics. This finding supports the arguments of the literature on the inter-movement solidarity for LGBT rights (Currier, 2014; Hodžić, 2014). Currier (2014) argues that in contexts such as Malawi, where political homophobia is prevalent, the support of civil society groups for LGBT organising is not guaranteed. It may even become messy and unpredictable (Hodžić, 2014). This research's findings on the state-civil society relationship and its impact on the change in queer politics complement the argument on unpredictable and messy civil society support for LGBT. Further, leadership emerges as the decisive factor that continues to shape the nature of the movement. Simply put, the nature of leadership and its internal dynamics are vital elements in deciding how those structural opportunities and constraints are handled and socially navigated. The below diagram shows this relationship in detail.

Figure 9.1: Conflict Transition and Queer Politics
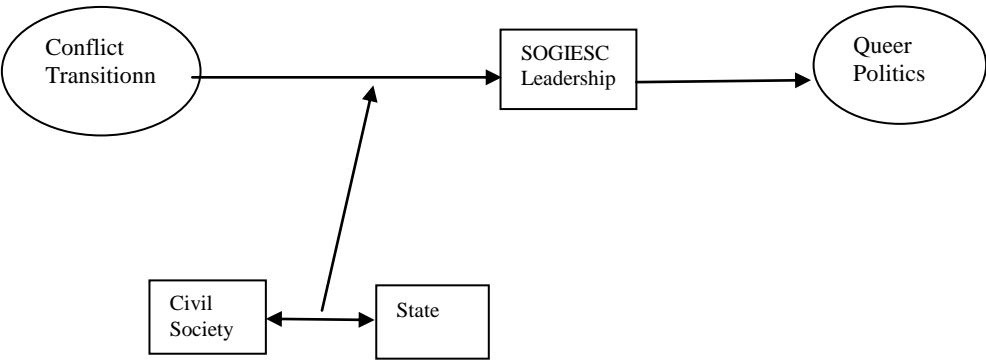
9.4. Policy implications and future research

The research adds nuance findings to the existing work on the relationship between conflict transitions and the SOGIESC movement by emphasising an indirect relationship between conflict dynamics and SOGIESC activism, which is mediated by structural conditions such as the nature of state-society relations and organisational factors such as the SOGIESC leadership. This study suggests that a civil society-friendly regime, which enables the conditions for SOGIESC work, is a more relevant factor than conflict dynamics itself. It indicates the importance of having or working towards civil society-friendly regimes in power for SOGIESC work to thrive more than mere conflict de-escalation.

A key finding of this thesis relates to the political navigation of the SOGIESC leadership and its ability to explain the outcomes of the SOGIESC movement. This study highlights the ability of the leadership to articulate the changing structural conditions that affect SOGIESC work and take strategic decisions is pivotal in defining the social navigation of conflict transitions. By stressing the importance of SOGIESC leadership, this thesis demonstrates the importance for policymakers to pay more attention to these dimensions. The findings of this study suggest that donors interested in supporting the SOGIESC movement should invest in SOGIESC leadership and support efforts to create conditions for civil society-friendly regimes. Similarly, SOGIESC activists and other human rights movements should give greater consideration to SOGIESC leadership as it tends to contribute to more decisive outcomes of the movement than other structural conditions. In particular, as shown in chapter 8, a diverse leadership can bring different resources and dynamics to change queer politics.

This thesis has focused on groups and individuals who explicitly worked and identified their work predominantly on SOGIESC issues related to Sri Lanka, neglecting organisations and individuals who do not identify as engaged in SOGIESC work but work in a multitude of sectors, including SOGIESC. Examining the work of these groups constitutes an important area for future research. The research unpacked the complex process of political navigation by examining the agency of SOGIESC leaders in a volatile context. It has examined that the improved state-civil society relationship resulted in relative openness for civil society translating into the openness for SOGIESC work which was nevertheless still shaped by political queerphobia.

A systematic examination of the role of political queerphobia in conflict-affected societies and its effect on SOGIESC needs to be further examined to understand how political queerphobia functions in societies affected by ethnic conflicts, which continue to criminalise homosexuality for instance in places like Malawi (Currier, 2012), Northern Ireland (Ashe, 2009) and in places like Myanmar (Chua and Gilbert, 2015).Another interesting area for future research exposed by the study is on the role of ethnonationalism and its relationship to political queerphobia and SOGIESC work in post-war societies with the legacy of military victory.

The thesis has also exposed the need for further research on how SOGIESC communities respond to the contested issues of conflict in different societies. This study explored the Butterfly for Democracy Movement as an instance of converting a constraint into an opportunity during the post-war democratisation process in Sri Lanka and how situating SOGIESC issues within a wider struggle for democracy helped to advance both causes. For example, Tambiah (2005), Ashe (2007, 2009), Duggan's (2010, 2012, 2017) and Nagle's (2018b) work on Sri Lanka, Northern Ireland, and Lebanon shows how SOGIESC communities were instrumental in transcending ethnic boundaries and bringing queer communities from both contested groups together. Future comparative work could help to develop a better understanding of how and why SOGIESC activism can benefit from and contribute to wider societal struggles.

This thesis also highlighted the intersectionality of class, ethnicity, and political ideologies of the SOGIESC leaders. Since the research methodology was designed to unpack collective agency, the extent to which this study examined the intersectional identities of individual leaders was limited. However, it has indicated that leader's social class, ethnicity, political ideologies and language tend to affect their role in collective decition making. This needs to be explored further to make a robust claim about how the intersectionality of SOGIESC leaders shapes their decisions. Therefore, it is prudent to conduct further research on how Tamil and Muslim SOGIESC leaders evoloved in transition spaces. For such a study, a research methodology that captured the lived experiences and life trajectories would be recommended.

Finally, this research raises questions about the future trajectory of the SOGISEC movement in Sri Lanka. This thesis suggests that a key determinant of their future trajectory is the SOGIESC leadership. As demonstrated in chapter 8, the internal dynamics of the SOGIESC leadership have been changing and increasingly have become more diverse. At the time of writing (2022), new

SOGIESC organisations have emerged in war-affected regions such as Jaffna and Batticaloa in the Northern and Eastern parts of the country. SOGIESC communities have increasingly mobilised in virtual platforms during the COVID-19 pandemic. During the pandemic and subsequent economic crisis, more attention has been focused on COVID-19 relief and livelihood support work for SOGIESC persons affected by the pandemic and economic degeneration in Sri Lanka (Thiyagaraja, 2021). During such a volatile period, the leadership of the movement has again been adopting a mixed approach combining periods of bolder risk-taking with more defensive positions based on a carefully calibrated reading of the political circumstances. President Gotabaya Rajapaksa, elected in 2019, has continued the ethno-nationalist approach of his brother Mahinda, and under his leadership, relations between the state and civil society remained strained. The challenges for SOGIESC communities have multiplied with the COVID-19 pandemic and the subsequent economic crisis.

Despite these ongoing vulnerabilities, SOGIESC groups and leaders continued to advance their struggle through the protest against the now-ousted President Gotabhaya Rajapaksha. The first SOGIESC organised protest was held on the 8th of April, 2022. Since then, SOGIESC leaders and groups have actively engaged with the protest organising and the occupation of GotaGoGama near the presidential secretariat. SOGIESC groups were able to make visible their contribution further by establishing the "Equality Shelter" in GotaGoGama. SOGIESC leaders organised the first ever pride march called "Aragalaya Pride 2022" on the 25th of July to support the protest against President Gotabhaya Rajapaksha. These developments, which occurred after the study period, also point to the important role of SOGIESC leadership in shaping queer politics. This study suggests that the key determinant that will shape the future trajectory of the SOGIESC movement in a volatile and hostile context will be the SOGIESC leadership. It also finds that this leadership will be shaped by the changing nature of the regime and its stance towards civil society, which in turn will be indirectly shaped by wider conflict dynamics.

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Annex I – Legal Status of Homosexuality in Conflict Affected Countries as of 2018

#		State/Territories	Cretiria 01		Crietira 02			Criteria 3 & 4	Criteria 5
			Decriminalised	Criminalised	Extra State	Inter-State	Internal	Overlap Period	Regional Parity
1	AF	Cenrtal African Republic	Y		N	N	Y	N	
2	AF	Congo	Y		N	N	Y	N	
3	AF	Cote DÍvoire	Y		N	N	Y	N	
4	AF	Democratic Rep of Congo	Y		N	N	Y	N	
5	AF	Niger	Y		N	N	Y	N	
6	AF	Rwanda	Y		N	N	Y	N	
7	AF	Lesotho	Y		N	N	Y	N	
8	AF	South Africa	Y		N	N	Y	Y	N
9	AM	Bolivia	Y		N	N	Y	N	
10	AM	Chile	Y		N	N	Y	N	
11	AM	Colombia	Y		N	N	Y	N	
12	AM	Guatemala	Y		N	N	Y	N	
13	AM	Haiti	Y		N	N	Y	N	
14	AM	Mexico	Y		N	N	Y	N	
15	AM	Paraguay	Y		N	N	Y	N	
16	AM	Suriname	Y		N	N	Y	N	
17	AM	Uruguay	Y		N	N	Y	N	
18	AM	Venezuela	Y		N	N	Y	N	
19	AM	Trinidad and Tobago	Y		N	N	Y	N	
20	AS	Nepal	Y		N	N	Y	Y	Y
21	AS	Philipphines	Y		N	N	Y	N	
22	AS	Tajikistan	Y		N	N	Y	N	
23	EU	Bosnia Hersegovina	Y		N	N	Y	Y	N
24	EU	Croatia	Y		N	N	Y	N	
25	EU	Georgia	Y		N	N	Y	Y	N
26	EU	Greece	Y		N	N	Y	Y	N
27	EU	Macedonia	Y		N	N	Y	N	
28	EU	Moldova	Y		N	N	Y	Y	N
29	EU	Rumania	Y		N	N	Y	N	
30	EU	Serbia	Y		N	N	Y	Y	N
31	EU	Ukraine	Y		N	N	Y	N	
32	AF	Burundi		Y	N	N	Y	N	
33	AF	Comoros		Y	N	N	Y	N	
34	AF	Gambia		Y	N	N	Y	N	
35	AF	Ghana		Y	N	N	Y	N	
36	AF	Guinea		Y	N	N	Y	N	
37	AF	Liberia		Y	N	N	Y	N	
38	AF	Senegal		Y	N	N	Y	N	
39	AF	Sierra Leone		Y	N	N	Y	N	
40	AF	Togo		Y	N	N	Y	N	
41	AF	Zimbabwe		Y	N	N	Y	N	
42	AS	Bangladesh		Y	N	N	Y	N	
43	AS	Saudi Arabia		Y	N	N	Y	N	
44	AS	Sri Lanka		Y	N	N	Y	Y	Y
45	AS	Uzbekistan		Y	N	N	Y	N	
46	OC	Papua New Guinea		Y	N	N	Y	N	

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Annex II : SOGIESC Organisations in Sri Lanka as of 2018

Conflict Transition	Year	Name	Founders	Activities	Donors	Target Group	Approach
Kumaratunga-LTTE Talks, Norwegian Mediation, Post-War I period	1995-2011	Companions of Journey (CoJ)	Sherman Anthony De Rose	Drop in Centre, meeting place, awareness workshops welfare, Large network of 1600 members, national conferences and advocacy	INGOs & IGOs	Persons with Diverse SOGI identities (national and rural)	Health and Rights-based approach (HIV and STD Prevention and Decriminalization
	1999-2012	Women's Support Group (WSG)	Was part of CoJ and became independent later	Developing a community of support, Lesbian conference, advocacy, and research	Do	Lesbian, Bisexual women	DO
Norway Mediation, Post-war I & II	Since 2005	Equal Ground (EG)	Rosanne Flamer Caldera	Drop in Centre, meeting place, awareness workshops, welfare, Research and advocacy	DO	LGBTIQ+ Persons (National)	Rights Based Approach
Post-war I	2009-early 2013	SAKHI (Friends in Sinhala)	Jake Orloff & Denver Peterson	A social space for dialogue, queer arts such as movies and drama, awareness campaign	Voluntary self help group	Urban Gay men	urban grass root voluntarism
Post-war I & II	Since 2011. dec 13	Heart to Heart (H2H)	Lalith Dharmawadena & Jude Fernando	Drop in centre, Awareness workshops, welfare, advocacy for health and human rights, HIV prevention	INGOs, IGOs & Health Ministry	Transgender and Trans sex workers	Mainly Health based approach
	2013 revived in 2016	Diversity and Solidarity Trust (DAST)	Roshan De Zilwa and Neluka Perera	Consultancy firm for capacity development and technical support for orgs with SOGI mandate	INGOs, IGOs and Social Business	Activist on SOGIE issue	Human Resource Based and capacity building approach
	2012 & since 2016	Young out Here (YoH)	Roshan De Zilwa and Neluka Perera	Drop in centre, Awareness workshops, welfare, advocacy for health and human rights, HIV prevention, social activities	DO	Young persons with SOGIE identities	Health and Rights based approach (HIV and STD Prevention & Decriminalization)
Post-war II	Since 2015	Wenasa (Change in Sinhala)	Thenu Ranketh	A transgender men's network, Workshops, drop in centre, advocacy, HIV prevention, health and welfare support	DO	Transgender men and women	Do
	Since 2016	Chathra (Shelter in Sinhala)	Author and group of gay men	Social space and activities, political advocacy and community mobilization	INGOs & community self-help	groups with SOGIE identities	Rights Based Approach
	Since 2018	Community Welfare and Development (CWDF)	Author and group of gay men	Rapid assistance such as shelter, food, legal, medical and counselling support and larger community development activities	INGOs, Community Self-help and corporate sector	Groups with SOGIES persons (national)	Rights and welfare based approach
	Since 2018	National Transgender Network (NTN)	Bhoomi Harendran	Drop in centre, Awareness workshops, welfare, advocacy for health and human rights, HIV prevention	INGOs, IGOs & Health Ministry	Transgender persons	health and Rights based approach (HIV and STD Prevention and Decriminalization
	Since 2018	Jaffna Sangam (JS)	Thenmoli Margret	A Nachchi/Trans led network working for LGBTIQ rights of Tamil speaking community	NGOs and Well Wishers	Tamil speaking Groups with SOGIESC identities	Rights Based Approach

Topic Guide
T.Waradas
Queer Politics in Conflict Transitions
University of Bath

A. Goals:
1. What is the nature of SOGIESC Communities (orgs/groups/ individuals political landscape)?
2. What are the major conflict transition moments according to the SOGIESC community?
3. What were the opportunities and constraints produced by those transition moments?
4. How did the SOGIESC communities respond to those challenges and opportunities? Were they defensive or proactive? And why?
5. What is the role of ethnic and class identities of the SOGIESC communities in defining and deciding such responses?
6. What are the negative and positive outcomes of such responses?
7. How did SOGIESC community perceive those outcomes and changes with regard to the SOGIESC goals?
8. What are factors contributing to the changes of queer politics?

B. Brainstorming questions:
B.1. Introducing myself and the research
B.2. Ethics and consent dialogue
B.3. Explain the flow and ability for them to withdraw
B.4. Tell us little bit about SOGIESC community here?
    When was it begun?
    How are you connected?
    What is your understanding about the community?
B.5. what does it mean to be a SOGIESC community member?
    What do you expect from a community?
    What are their goals?
    Composition
    What is the strategy of the community?
    How do you connect with the community?
B.6. Tell us little bit about yourself/orgs/group?
    What the goal?
    When did you start working?
    What were the major successes?
    What is the composition of your team?
    Where they are from/areas?
    What is the age group?
    Is it trans/gay/lesbian/bi-sexual/queer or what type of focus?
    How is it possible to work in this field?
    Do you have enough funding, manpower and support from different parties?
    (these questions will be asked to get an overview about the organizations/activist and lay the foundation for trust).

C. Major Questions:

Under what conditions or circumstances do queer politics change in conflict transitions?

Three major research questions:

C.1. How SOGIESC communities articulate the challenges and the possibilities produced by the conflict transition moments?

I. Tell us about the conflict and your experience
a. What are the major incidents or turning points in the conflict?
i. According to them the turning points will be mapped.
b. Why are those key incidents in the conflict? Is it because a peace deal was reached? Or is it because the highest escalation of the conflict?
. Note why they think certain incidents are key and not others
II) Tell us the history of the SOGEISC Community in SL and how it has evolved?

  c. What are key moments for queer politics during the conflict period (Identified key transition moments will also be presented)
    1. This is to see if there is a parallel to conflict transition moments and queer politics
  d. What is the importance of these key moments for queer politics?
e. What were the orgs/groups/activists were doing at these key moments?
f. Did it create a difficult situation or more smoothening time?
g. In which ways the possibilities/constraints affected the work queer orgs/groups/individuals were doing?
h. Any specific instances to elaborate?

C.2. How the tactics and strategies of SOGIESC communities shaped the dynamics of queer politics in conflict transition?

- What were the responses to the opportunities and constraints?
- Were there any collective responses? If so what are they? If not why so?
- What were the defensive/proactive tactics and strategies adopted?
    o Change in language
    o Change in Visibility
    o Donor Engagements
    o Outreach activities
    o Engagement with other civil society groups
    o Major actions mainstream SOGIESC rights
- Why defensive?
- Why proactive?
- What are the outcomes of those proactive and defensive strategies and tactics?
- How did it affect the larger goals of the SOGIESC communities?
- Were there any other challenges in implementing those strategies?
- Were those outcomes are positive or negative changes?

C.3. What are the drivers that lead to changes in Queer Politics?

- What are the key changes produced by those outcomes?
a. Any legal and policy reforms?
b. Were there any setbacks? Or reversal of the situations?
- According to you what are the reasons for those changes?
  - Following questions will be asked depending on what is missing in the answer for this question.
- What is the role of ethnicity?
  - Do you think people transcend ethnic boundaries?
  - Was ethnicity a dividing factor within the community to make this change?
  - Did ethnic groups come together in implementing the strategy?
- What is the role of class?
  - Do you think people from different economic background involved differently in such a situation?
  - How did you get the rural people involved?
  - Were there any accusations against the community interms of reaching out to poor and rich segments of the society?
- What is the role of international support?
  - Do you think community had enough support from international donors during crisis time?
  - Do you think you had to rely to local sources for work?
  - Were foreign donors were welcome during this period?
- What is the role of colonial legacies?
  - Was it easier to advocate policy reforms despite the colonial laws?
  - How did the traditional laws and rules affect the strategy this time?
- What is your experience with the SOGEISC community and movement in the country?
  - How do you assess their success or failure?
  - How do you think you are connected to them?
- What is your experience as a queer person in Sri Lanka?
  - Do you feel you have someone to support?
  - How was your experience to go through conflict as a queer person?
  - What is your experience with the government and family?

D. Conclusion
1. Sum up the interview and clarify if anything.
2. How did you feel talking to me? Were you able to express freely in front of an activist like me?
3. Is there anything important you haven't mentioned but would like to talk?
4. Participant will be told again they can withdraw anytime even after the interview is taken.
5. Follow up information and contact details will be shared with the participant.

The End!

Annex IV

Research Study on the Queer Politics in
Conflicts Transition in Sri Lanka

I am currently conducting fieldwork for a PhD at the University of Bath on the topic of queer politics in conflict transitions in Sri Lanka. My study seeks to understand the struggle for equality for communities of diverse sexual orientations, gender identities and expressions and sex characteristics (SOGIESC) since 1995.

Queer politics in Sri Lanka started in 1995 during a very difficult time for civil society activism. Since then it has evolved with many difficulties and strengths. Many of those groups and organizations continue to work towards the goal of equality for SOGEISC communities in Sri Lanka. More than twenty years has passed since its beginning, the evolvement of queer politics needs to be understood how these groups navigates in conflict transitions.

What is the nature of queer politics in Sri Lanka? How did queer politics start? What are the major trends in queer politics during conflict transitions? What is the progress made by SOGIESC communities in Sri Lanka? What are strengths and weakness of SOGIESC communities in the struggle for equality? I am also trying to understand the strategies and tactics adopted by the SOGIESC groups and individuals during both difficult and conducive times.

This is an academic study with no immediate benefit to interviewees and focus group discussion participants. However, participation in this study would contribute to increasing society's and our knowledge about the constraints and challenges to delivering on the demand for equality for SOGIESC communities. Findings would be communicated back to organizations and individuals working on the rights of SOGIESC communities so that they can use this knowledge in their own work.

Sincerely,

Thiyagaraja Waradas
PhD Candidate
University of Bath

15th of April 2019