

Chapter II

GANDHI MEMORIAL ORATION: A PEACE WITH DEMOCRACY, A PEACE WITH DIGNITY

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It is with great humility that I stand before you today to deliver this year's Mahatma Gandhi Oration. As Einstein remarked, generations to come may wonder that such a human being walked this earth and any address to honour his life and work is a daunting challenge in itself. There is an incomparable richness of material from which to draw. There are the speeches and writings of the Mahatma, innumerable books and articles and anecdotes. Shining through them, through the idiom of service and sacrifice, wit and wisdom, philosophy and politics, are the simple, soaring tenets of *Truth* and *Non-Violence* which toppled an empire, liberated the people of a subcontinent and set a standard for human emancipation that will into perpetuity, no doubt, ennoble even those who aspire to attain it.

I want to relate the work of the Mahatma in the public political realm to the challenge and situation of Sri Lanka today. This is not the first half of the twenty century, but of the twenty first, and the fight is not against a far-flung empire, far across the seas. However, the pertinence of the life and work of the Mahatma to us today in our seminal nation and state building endeavours is its splendid illumination of the struggle against the iniquities and injustices within and between ourselves; the fears and the yearnings that drive us apart and imprison us within unforgiving stereotypes, paradigms of intolerance and hate.

The project that we are to embarked upon, that has had its official inauguration in Sattahip, Thailand, is quite simply a project to redesign and redefine the polity and with it, society. Irrespective of whether we move from ad hoc bodies to facilitate relief and rehabilitation to interim political structures and finally to a new constitutionally sanctified political architecture, the process that can

trace its inception to the November 2000 meeting in the Vanni between the leader of the Liberation Tigers of Tamil Eelam (LTTE) Vellupillai Prabhakaran and the Norwegian facilitator Erik Solheim, is one which in no small measure, will transform the state. And as it does, we too, in our relations with each other, will have to transform. No exercise in political architecture and masonry and certainly not one of this scale and magnitude can succeed without the appropriate, enabling popular political culture to accompany it. That a new architecture can be conceived of at all, attests to the onset of change. Yet, this needs to go deeper and wider into the polity, if it is to constitute that seismic shift for a better tomorrow. Moreover, it needs to be founded on more than mutual exhaustion and desperation, or the mere making of a virtue out of a necessity. It needs to be generated by hope and conviction, rather than jaded by sullen resignation, cynicism or despair. Institutions and processes are animated by an enabling political culture and if the life and work of the Mahatma is deemed too demanding a blueprint for the former, it is surely pivotal to underpin the latter.

Accordingly, I wish to sketch for you the trajectory and profile of challenge that confronts us. And in doing so, also identify what I believe will have to be the founding ideas of a new Sri Lanka, defined by a **democratic peace** and a **peace with dignity**.

Let me begin with the peace process and its objective of a settlement with constitutional guarantees, which meets the political aspirations of the people within a united country.

At the outset, I want to stress that the process can only be founded on public support and legitimacy. Accordingly, the doubts and apprehensions of the public must be addressed through a Statement of Mutual Understanding between the parties to the negotiations on the Principles that will frame the Negotiating Process and the Agreements to be reached through it. This will provide a sense of direction. It will go a long way in assuaging fears that a separate state is being created on the ground or that a unitary one will always be with us in spirit, if not in law. Most importantly, it will constitute a shared vision.

I submit to you that this Statement must include the following principles:

1. Self-determination within a united Sri Lanka,
2. Respect, protection and strengthening of human rights and internationally accepted standards thereof,
3. Democratic pluralism, especially the fundamental rights to speech, expression, association and dissent,
4. Respect for the Rule of Law and due process,
5. Representation of all stakeholders, especially local minorities, on political decision making bodies,
6. Legitimation of the above through elections as soon as feasible and the explicit commitment to move towards this as a matter of priority,
7. Assured access to resources and financial autonomy for any structure agreed upon for the North and East, combined with its obligation to establish procedures and mechanisms for accountability and transparency.

I further submit to you, that the political structure that can accommodate the above as the aspirations of the people of our island, will have to be federal. Whether we call it federal or not and there still is stiff resistance to doing so, the state of the future will have to be federal in nature, if the country is to be united and at peace. This of course is a radical departure from the past practice of constitution making, especially its home grown or autochthonous incarnations of 1972 and 78.

We have under the guise of democratisation and development cumulatively concentrated power at the centre, effectively in the hands of one community, one party and in the office of one person.

Born more out of insecurity, suspicion and fear than an overarching notion of national interest or collective good, our faith has been vested in a zero sum notion of power and a majoritarian notion of democracy. In turn, we have excluded and isolated and had to pay the price of teetering, wretchedly, on the brink of division. We have after all had to contend with armed insurrection and secession, not because we shared power, but rather, because we stubbornly, foolishly refused to do so. The persistence of this miserably costly paradigm is attested to by the frequent mistake in common parlance with respect to the structure of the state – the equation of the term ‘unitary’, where all power is concentrated in the centre with ‘united’, where all the constituent elements of society voluntarily subscribe to a sense of collective destiny, as the bedrock of their political arrangements.

Federalism as an idea, as a founding idea for the new political architecture of Sri Lanka, has been much misunderstood, deliberately distorted and vilified. Even though our political and constitutional evolution quite clearly records otherwise, federalism has been branded as a stepping-stone to secession. It continues to be misunderstood and is in need therefore, of clarification and elaboration.

Federalism is an idea that is expressed in political structures which reconcile the desire of political actors to be apart from a larger unit and yet a part of it. It combines the notions of ‘self-rule’ and ‘shared-rule’ in one unifying idea. It entails a clear cut division of powers between the centre and the federating units and as much as self-rule connotes autonomy and self-determination for the federating units, shared-rule entails a stake for them at the centre and the ultimate responsibility of the centre for the preservation and protection of the democratic rights of all citizens, throughout the polity.

Federalism cannot take root or endure unless the very culture and mindset that gives life to the political structures established, are imbued with a commitment to pluralism and a celebration of diversity as a source of strength. Ostensibly federal states that have failed are those which in fact, negated the federal idea by entrenching

power and authority in a single source and interpreted federalism to be a mere mechanism for administration. A culture of rights, respect and the honourable accommodation of difference are crucial to the federal idea and to its realisation. Indeed, they constitute the source of its coherence and the seminal elements of its success.

In effect, the basic essence of the federal idea is an amalgam too of the values of empowerment, dignity and tolerance that the Mahatma embodied in his life's work. A settlement of our current travails designed along federal principles, will therefore immeasurably facilitate a democratic peace and a peace with dignity in our country. We may desire more, but surely we deserve no less.

To achieve this settlement, to make it work and to make it last, we will have to change and quite fundamentally, the popular political culture of which we are all adherents. The settlement I speak of, will never realise its full potential if it is only an agreement between armed combatants and key political protagonists. It has to be a new social contract, a covenant – the Latin word from which the term federalism is coined – if it is to have the legitimacy necessary for liberation and longevity. As one authority on the subject – the Forum of Federations has elaborated:

“A covenant signifies a binding partnership among co-equals in which the parties to the covenant retain their individual identity and integrity while creating a new entity, such as a family or a body politic, that has its own identity and integrity as well. A covenant also signifies a morally binding commitment in which the partners behave toward each other in accord with the spirit of the law rather than merely the letter of the law. Thus the binding agreement is more than a contract. A covenant commits the parties to an enduring, even perpetual relationship and to an obligation to cooperate to achieve the ends of the agreement and to resolve peacefully the conflicts that invariably arise in every relationship.”

We cannot be apart from this enterprise; we have to be a part of it. There is no greater responsibility at this critical juncture in the life of our country, than that which has been cast upon the shoulders of civil society, to make this country a more decent place to live in. It is to the eradication of the more insidious of insecurities and injustices, woven well into the very fabric of society, that the Mahatma devoted his public life and set as the destination of his odyssey. Civil society has to be galvanised into taking the lead in this, in propagating the values and ideas that will give meaning and strength to the social contract or covenant enshrining democracy and dignity that has to be made anew. As the philosopher Avishai Margalit argues in his treatise of the same name, a decent society is one whose institutions do not humiliate people; a civilised society is one whose members do not humiliate one another.

And this has to be done through the lingering pain and suffering of a devastating two decade old war, long characterised as one without mercy. There are simple and yet profound challenges that confront us, individually and collectively in coming out of war and into peace to embrace the idea of a new social contract. Whilst, very definitely some, much, much more than others, have been savaged by this war, none of us has escaped unscathed, however monumental our indifference and pervasive our inertia. We all have an opinion of the 'other' in our midst with whom we share a land and a common destiny. Each in turn has to heal and in doing so, search their very souls for forgiveness. Must we, will we, forget as well?

A July opinion poll conducted by Social Indicator, the Polling Unit of the Centre for Policy Alternatives, found that amongst the Sinhalese community, an LTTE cadre was identified as an 'enemy' by 67.8% - a drop nevertheless from 74.8%, two months earlier in May. This identification evoked feelings of anger. Evoking feelings of compassion and sorrow, is the identification of an LTTE cadre as a 'human being' by 18% of the Sinhalese respondents. In the same survey, amongst the Tamil community polled - all outside the Jaffna peninsula and LTTE controlled areas of the North and East - a soldier was identified as an 'enemy' by 15.1% and as a 'human being' by 18.7%. Amongst the Muslim community, the figures for

LTTE cadre are 19.4% and 29.6% respectively and for a soldier are 9% and 35.9% respectively. Amongst the Up Country Tamils the figures for the LTTE cadre are 9.9% and 49.2% respectively and for a soldier, 6.8% and 53.6% respectively.

Falling into the 'Do not know' category in respect of LTTE cadre are 3.4% of the Sinhalese, 25.4% of the Tamils, 9.8% of the Muslims and 9.4% of the Up Country Tamils. Likewise with regard to a soldier, are 0.8% of the Sinhalese, 33.4% of the Tamils, 9.9% of the Muslims and 8.8% of the Up Country Tamils polled. This is an illustration of the chasms of suspicion, insecurity and anxiety that have yet to be bridged.

The survey also illustrates the bridges of reconciliation that can be built upon. Amongst all ethnic communities polled, the majority reveals that 'peace' means ethnic harmony – nationally the figure is 50.6% in comparison to 36.4% who identify peace as 'freedom' and 31.2% as an 'end to war'. A substantial majority of the respondents – 60.2% identify war as 'death or destruction' and 9% conclude that there will never be peace in our island.

The reconciliation necessary for faith and confidence in a new beginning cannot be built on collective amnesia. Neither can it be built on revenge or retribution. How we face the truth about the violence that has killed so much and so many in this country, will be the litmus test of our emancipation and a trial of strength of our moral fibre which once overcome, will secure the promise of tomorrow. This is a profoundly complex undertaking which has to be commenced in earnest and urgently.

This does not mean the **immediate** establishment of formal structures of accountability and public catharsis for those who took the decisions to kill and maim, rape, torture, abduct and extort; it means at the very outset, societal support and solidarity for rebuilding the shattered lives of innocents, for the healing of the pain of victims and the mending of the minds of perpetrator and victim alike. Two books, written by distinguished Sri Lankan academics on

the toll of this war on the people caught up in it, are not surprisingly titled 'Scarred Minds' and 'Charred Lullabies'.

Whether we establish a Truth and Reconciliation Commission as in South Africa – the land where the Mahatma got his early political experience and where another extraordinary human being, Nelson Mandela, inspired and effected a political revolution through courage and compassion – or set up a Commission for Historical Clarification as in Guatemala, we cannot evade the issue of truth nor can any of us proclaim a monopoly of it. And we cannot set it apart from, and against reconciliation. As Bishop Desmond Tutu, the chairperson of the South African Truth and Reconciliation Commission plainly observed:

"If we look only to retributive justice, then we could just as well close up shop. Forgiveness...is practical politics. Without forgiveness, there is no future."

The federal idea will permeate the political institutions and processes; the values of truth and reconciliation must inspire those of civil society. The politicians will have to take the lead in respect of the former, we in civil society must, in respect of the latter.

The challenge confronting us is enormous. It will not be surmounted easily, quickly or cheaply. Yet it comes with enormous promise, which can be secured with commitment, courage, compassion and tolerance.

In this, the making of our destiny, let us remember the words of the poet, which is the message too of the life of the Mahatma – our reach should exceed our grasp. Or what's a heaven for?