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MEMORIALISATION AND REPARATIONS:

A REPORT OF FOUR DIALOGUES



Memorialisation and Reparations:

A Report of Four Dialogues

International Centre for Ethnic Studies

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Memorialisation and Reparations: A Report of Four Dialogues

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Memorialisation and Reparations:

A Report of Four Dialogues

by

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Executive Summary

In the transitional justice and reconciliation process, memorialisation and reparations play a crucial role. The International Centre for Ethnic Studies (ICES) conducted four sessions of dialogue and discussion on memorialisation and reparations in Jaffna, Trincomalee, Colombo, and Galle. These sessions were intended to gather perspectives from the grassroots in order to influence decision makers and create understanding of these concepts among the community. The participants at these meetings comprised clergy, religious leaders, academics, NGO and INGO representatives, and representatives of community-based organisations. The discussions were led and facilitated by local and international resource persons with expertise in memorialisation and reparations.

Memorialisation complements the other elements of transitional justice: justice, truth-seeking, and reparations. The concept of memorialisation imparts the importance of preserving memory for a better future, by providing the space to remember, mourn, and heal. It contributes to the process of learning from the past, and provides acknowledgement of suffering to affected communities. It can be undertaken through various means, which include museums, monuments, and commemoration of important days. It is however a process that has to be handled with caution to ensure that it is inclusive in nature, and does not reignite the flames of conflict and hatred.

The five themes which sprung up from all four districts are the ethnic aspect of memory; the conflict between politicisation and personal interpretation of memory; oppression and militarisation of memory; history and narrative-building through memorialisation; and the arguments against the need to memorialise. These themes were largely localized for the Sri Lankan context, and were relayed by the participants based on theoretical evidence, examples from other countries, and their own personal experiences.

Reparations, which is an integral element of the transitional justice process, is instrumental in providing redress for the abuses and violations of a violent past. Reparations can take many forms, which could be symbolic or delivered through material means; both are essential for reconciliation and co-existence. Based on the discussions, three key themes were identified within the topic of reparations: accountability and justice; resolving issues pertaining to missing persons; and release of land and livelihood issues. The participants themselves brought forth recommendations in relation to the prevalent needs.

An original play 'Lest We Forget' was performed in Jaffna and Trincomalee; it was instrumental in relaying why memorialisation is needed for Sri Lanka. The play was successful in eliciting meaningful responses from the audience, which contributed to the themes that are discussed in detail in the report.

The report captures the essential features of the discussions and relays the deep cleavages that exist across ethnic and geographical lines in Sri Lanka. The challenge that policymakers and the government face is how to bridge these gaps in order to create an inclusive process of memorialisation and reparations.

Introduction

Context

Seven years after the end of the war, Sri Lanka is on the verge of beginning the long and arduous road to transitional justice. In January 2015, Sri Lanka underwent a dramatic shift in political power, with the fall of the Rajapaksa regime and the election of Maithripala Sirisena as the President of Sri Lanka. The parliamentary elections in August 2015 saw further change, with traditional rivals in Sri Lankan politics, the United National Party and the Sri Lanka Freedom Party, joining forces and forming a National Unity Government.

One of the consequences of the shift in political power has been that the Government included 'transitional justice' on the agenda. The Government's plan for pursuing justice and accountability was first articulated by the Foreign Minister, Mangala Samaraweera, during his address to the 30th Session of the Human Rights Council in Geneva on 14 September 2015. The Foreign Minister laid out the Government's commitments in securing truth, justice, accountability, and reconciliation. The commitments included the creation of four transitional justice mechanisms: a Commission for Truth, Justice, Reconciliation, and Non-recurrence; an Office of Missing Persons (OMP); a Judicial Mechanism with a Special Counsel; and an Office for Reparations.¹

These commitments were further confirmed through the Human Rights Council resolution, co-sponsored by Sri Lanka and adopted on 1 October 2015.² The commitments that the Government has made are extensive, complex, and ambitious. While the commitments are welcomed, there is trepidation around whether and how the Government will give effect to the commitments.

In January 2016, the Government created a Consultation Task Force, comprising members of civil society, to lead the process of national consultations on transitional justice. The Consultation Task Force began consultations in February 2016. In May 2016, the Government created Zonal Task Forces to conduct simultaneous regional consultations in the nine provinces of Sri Lanka. The Zonal Task Forces were responsible for conducting consultations, through public meetings and focus group discussions, on the mechanisms proposed by the Government. The Task Force report

¹ Speech by Hon. Mangala Samaraweera at the 30th Session of the Human Rights Council, Geneva, 14 September 2015.

² Human Rights Council Resolution, Promoting reconciliation, accountability, and human rights in Sri Lanka, 14 October 2015, UN Doc. A/HRC/RES/30/1 (adopted 1 October 2015).

encompasses the views of a wide range of participants, and identifies forthcoming issues such as disappearances, inclusive narratives and history, and demilitarisation. The recommendations dedicate considerable attention to reparations, which include acknowledgement from the state for wrongdoing, acknowledgement of the suffering of people, financial reparations, memorialisation, and justice.³ The Government has also established a technical working group to advise and help formulate proposals about the creation of the mechanisms.

While the broad contours of the transitional justice process have been unveiled the details are not clear. In August 2016, legislation creating the OMP was passed by Parliament. Related to the OMP, in September 2016, the scheme to provide “certificates of absence” to families of the missing and disappeared also became law. In May 2016, the Government ratified the International Convention for the Protection of All Persons from Enforced Disappearance; however, a draft Bill implementing its obligations and criminalising disappearances is, to date, not available.

Meeting on Truth-Seeking and Prosecution

In May 2016, ICES held a meeting on Truth-Seeking and Prosecutions, which was attended by members from the civil society, government, and NGOs. The purpose of the meeting was to draw out and discuss the specifics relating to the design and content of the Truth Commission, the Special Court, and the OMP, as well as policies relating to truth-seeking and prosecution. Six individuals with expertise in the areas of truth-seeking and prosecution participated in a two-day discussion. A report⁴ summarising the discussions has been published. A shorter meeting on the same topic was held in Jaffna soon after.

Objectives

The four dialogues held in Colombo, Galle, Jaffna and Trincomalee sought to generate a discussion around the concepts of reparations and memory in Sri Lanka’s transitional justice process, as well as to strengthen stakeholders’ understanding of the issues, and identify challenges. Experience and lessons from other post-war and post-conflict countries were infused into the dialogues through the participation of external experts. Through these meetings ICES sought to create a robust discussion that would elicit specific recommendations with the potential

³ <http://www.scrm.gov.lk/documents-reports>

⁴ <http://ices.lk/publications/reports/the-relationship-between-truth-seeking-and-prosecution/>

to inform and shape the reparations and memory structures and processes to be initiated by the Sri Lankan Government. The dialogues sought to contribute constructively to the practice and policy on transitional justice, specifically in relation to reparations and memory, both within civil society and political society.

The meetings invited the participation of different groups from Jaffna, Trincomalee, Colombo and Galle in order to have a holistic understanding of the sentiments prevalent amongst different stakeholders. The Trincomalee participants consisted of all three ethnic communities comprising religious clergy, representatives of grassroots organizations, civil society, civil activists, and families of missing persons. In Jaffna the participants comprised religious leaders, university lecturers, postgraduate students and representatives of INGOs and NGOs. The Colombo dialogue included representatives of government, NGOs, INGOs, academics, diplomats, university students, civil society, and members of the Consultation Task Force. The Galle meeting was attended by clergy, civil society, government and non-governmental officials, and representatives of grassroots organisations.

The resource persons who led the discussions comprised international and local experts in the field of transitional justice. Most of the international experts had been directly involved in the transitional justice processes in their own countries and enriched the discussions with their personal experiences. Dr. Ereshnee Naidu, Long Khet, Eduardo Gonzalez, Muthulingam Periasamy, Hasini Haputhanthri, and Ruki Fernando participated in the Colombo and Galle sessions. The Trincomalee and Jaffna sessions were led by Mofidul Hoque, Dr. Malathi de Alwis, Bhavani Fonseka, and Father Elil Rajendram.

The dialogues and discussions were led by the resource persons, and also included an original production, 'Lest We Forget', which through the art of theatre attempted to impart the need for memorialisation in Sri Lanka. The play which is discussed in further detail in the report included three characters, from the Sinhalese, Tamil, and Muslim communities, who faced repression of their memories due to political agendas and misconceptions of memory, and as a result were unable to move from their traumatic past to a hopeful future. The play sparked purposeful discussion among the participants.

Memorialisation in Transitional Justice: From a Painful Past to a Shared Future

Barsalou and Baxter (2007, p. 1) define memorialisation as “a process that satisfies the desire to honor those who suffered or died during conflict, and a means to examine the past and address contemporary issues”. The value of preserving memory was emphasized by Malathi de Alwis and Ereshnee Naidu in their presentations. Ereshnee Naidu stated that the success of memorialisation is dependent on the process and not the product, the dialogues it creates about the past, the vision for a peaceful future, the recognition of victims and survivors, and assistance in breaking the cycle of fear and hate across generations.

Memorialisation is an integral part of any transitional justice process. It cuts across all four pillars of transitional justice in the following way: archives and history relate to **truth seeking**, demanding accountability relates to **justice**, memorials and public apologies relate to **reparations**, and contributing to law and policy making relates to **non-recurrence** (Ruwanpathirana 2016, p. 9). Ereshnee Naidu referred to memorialisation as the fifth pillar of transitional justice as it serves many purposes including truth-telling, civic engagement, community rebuilding, recognition, and can fulfil a range of transitional justice goals during all phases of conflict. Thus, memorialisation can complement the transitional justice agenda, which is a time consuming process, and address grievances that fail to be captured in the potential structures and mechanisms (Ruwanpathirana 2016, p. 5).

Memorialisation can be utilised in different ways such as contributing to truth-telling, facilitating documentation of violations, creating a place and space to mourn, providing symbolic reparations in the form of honouring and reinstating the reputation of victims in the public sphere, paving way to reconciliation, imitating engagement and dialogue on the past, and being instrumental in learning and education through retelling history in an inclusive and unbiased manner (Barsalou & Baxter 2007, p. 4). As Long Khet in his presentation about Cambodia pointed out, the memorialisation efforts were successful because both perpetrators and victims were part of the process, and both sides of the stories were heard. Therefore, inclusiveness is vital for effective memorialisation. Memorialisation is also an important tool for seeking justice such as in the case of Bangladesh where memory initiatives led to awareness about human rights violations and injustices which occurred in the 1971 struggle. Questions of who, how, and what are sought to be answered in memorialisation and hence contribute to the pursuit of justice. As was noted in the Jaffna dialogue, memorialisation should be goal oriented, aiming to bring about justice and closure for the atrocities which occurred during the conflict. Memorialisation promotes non-

recurrence by initiating the “never again” mentality which is facilitated by learning from past mistakes (Bickford 2014, p. 494; Barsalou & Baxter 2007, p. 10). In the Galle discussions, many participants expressed the need for understanding why the conflict came about and how it can be avoided from recurring. According to academic evidence memorialisation can be effective in providing the educative experience needed for sustainable peace.

Memory initiatives can bring healing, reconciliation, open up opportunities for dialogue, promote understanding, acknowledgement, apology, and address past violence in polarized societies (Ruwanpathirana 2016, p. 5). Hayner (2002, pp. 145-147) refers to the psychological wellbeing in the aftermath of immense trauma caused by extreme events such as witnessing and being part of violence; it is important for survivors to speak out about that trauma in order to experience healing and avoid the onset of psychological and physical illnesses. Memorialisation is such an opportunity where people can speak about their experiences and express their grievances. Without healing attempting reconciliation is useless, and it is crucial that war-related trauma and psychological suffering be addressed in the Sri Lankan context.

As Eduardo González stated in his presentation, memorialisation is a subjective theme; and thus it is important that it is locally initiated and carried out in a bottom up manner (Barsalou & Baxter 2007, p. 2). Sri Lanka is not new to memorialisation as Ruki Fernando and Malathi de Alwis relayed, and has several examples of memorialising during various stages of the civil conflict, during the JVP insurrection and in the aftermaths of natural disasters. Atrocities by diverse perpetrators have also been part of the memorialisation process in Sri Lanka.

However, memorialisation if taken forward with hidden agendas can be detrimental to reconciliation and transitional justice processes. Barsalou and Baxter (2007, p. 3) observe the following about the dichotomy of memorialisation: “The urge to honour the dead and remember violent struggles is as prevalent as the impulse to try to repress terrible memories and move on.” This is particularly evident in the case of Sri Lanka, where different power groups throughout history have carried out the suppression. The darker side of memorialisation as noted by Vamik Volkan uses memories of the past to fuel ethnic hatred and demarcation of differences among groups, and consolidates victimhood as the identity of a specific group (Barsalou & Baxter 2007, p. 4). This notion of victimhood was noted in the Jaffna discussions with caution, and participants emphasised the importance of moving from victimhood to sovereignty.

Malathi de Alwis noted how memorialisation can sanitise violence and spur forgetting. However, the goal of memorialisation should not be closure but rather active engagement, which should seek to “unsettle the present”.

Memorialisation can take many forms which include oral history, written works, religious rituals, ceremonies of commemoration, observations of special days, and the building of memorials and museums. The resource persons who are directors and founders of museums and organisations that work on memorialisation shared some salient features of their work which help understand the functions of memorialisation, how it contributes to the transitional justice process, and how it assists in moving from a painful past to a shared future.

Memorialisation in practice

P. Muthulingam founded the Tea Plantation Workers' Museum in 1997. The museum was identified as a need for the plantation workers who are often excluded from national discourse, but have been an integral part of the country's development. The objective of the museum is to build ethnic harmony among divided communities by enlightening them on the contribution of the plantation workers towards Sri Lanka's development. It was also an initiative to build solidarity among the plantation workers. The museum incorporates the labour and human rights struggles of the plantation workers, and the caste and gender discrimination they encounter. The museum is also an important way of educating the younger generation about the struggles of the plantation worker community, and equipping them to secure their labour and democratic rights.

Long Khet is one of the founders of Youth for Peace (YFP), Cambodia, which is an NGO established in 2001. Khet relayed some of the programmes initiated by YFP which facilitates healing through religion, inter-generational dialogue, sharing of stories and memories, and dialogue between various stakeholders. Similar to Sri Lanka, the binary between hero and perpetrator was prominent in Cambodia, and conflicting narratives were inevitable. Through the facilitation of a sharing of experiences and stories from both sides, there was healing, understanding, and willingness to move into reconciliation. Khet emphasised that memorialisation and providing space for people to talk about their experiences is important as it breaks the culture of silence, and facilitates moving forward in a healthy manner.

Mofidul Hoque is one of the founding members of the Liberation War Museum in Bangladesh. The museum was formed 25 years after the occurrence of the liberation war which witnessed many violent atrocities. The museum is a community museum, a success story of a community coming forward to uphold their memory. Memorialisation played a crucial role in seeking justice in Bangladesh, and the museum played an important role in supporting the war crimes tribunals. There is emphasis placed on engaging students, and this is done through a mobile museum, and collection of oral history accounts which promotes inter-generational knowledge sharing. Furthermore, women were at the forefront of memorialisation efforts in Bangladesh, and through the writing of memoirs upheld the past and truth. Mofidul reiterated that even though Sri Lanka

and Bangladesh are indeed different in their struggles, the commonness of suffering, pain, and victimisation is universal. Memorialisation is universal in that it seeks to honour, uphold and acknowledge that pain to promote healing and reconciliation.

Memorialisation is multifaceted as these accounts show. However, several issues were raised in the discussions held in Colombo, Galle, Jaffna and Trincomalee, and it is through an analysis of these that the key themes have been identified and elaborated on.

Key Themes

- **Memory and Ethnicity**

The civil conflict in Sri Lanka is often framed as ethnic in nature. Hence, memorialisation, as with any other concept in the post-war era, has a strong ethnic connotation and approach to it. As observed by the resource persons, memorialisation can be instrumental in promoting reconciliation and coexistence through acknowledgement of suffering. As Bickford (2014, p. 497) observes, acts of remembering in the public sphere would promote the recognition of victims as “fellow citizens who have been harmed and whose harm ought to be acknowledged.” However, the discussions denoted the ethnic gap⁵ that is yet significantly prevalent, and the emergence of comparing one community’s grief with the other.

In the Jaffna and Trincomalee discussions, the importance of educating and informing the Sinhalese community about the space needed for memorialisation by the Tamil community emerged. As a participant noted, “the South needs to be informed that we seek to merely remember our loved ones and mourn their deaths, not revolt”. The idea that the Tamil community has more losses and suffered the most was reiterated in Jaffna and Trincomalee. When discussing the play ‘Lest We Forget’, the Sinhalese participants were critical that their pain and suffering were given less prominence than that of the Tamil and Muslim communities. Hence even in loss, the ethnic gap and divide is not only severe but also exclusive in nature.

In Trincomalee it was interesting to note the rhetoric of a united Sri Lanka, which sought to impart that all communities suffered the same loss and grief. This line of thought emerged from participants of all three ethnicities. While it might seem a possible step in the direction of unity and coexistence, as most of the resource persons noted, without addressing grievances attempts at progress will most likely be futile.

Furthermore, the different ways in which the different ethnic groups experienced the war indicate deeply varied perceptions of perpetrator and victim, triumph and defeat, and hero and enemy. These varied memories should be carefully brought together nationally to create a narrative which is inclusive of all experiences and grievances. This is a significant challenge for Sri Lanka where even memory has been a cause for division instead of a uniting force.

⁵ The term “ethnic gap” refers to the gap that exists between the different ethnic communities in Sri Lanka, which stems from several reasons. This includes geographical locations, cultural and historical differences which possibly contribute to prejudices, and perceived reasons for the eruption of civil conflict in the country.

- **Politicisation of Memory and Personal Perceptions**

Memorialisation, as Barsalou & Baxter (2007, p. 4) note is “a highly political process that is shaped by those in power”. However, it is also deeply personal to the individual as it relates to one’s own suffering and loss which creates emotional pain and perceptions of injustice. Memorialisation at the national level seldom pays attention to the personal aspects of memory, instead using it for political advancement. Sri Lanka has been no exception to the intense politicisation of memory.

State memorialisation in the post-war period has been highly politicised and polarised along ethnic lines. As Dr. Malathi de Alwis explained, the South was allowed to memorialise but the people in the North and East were not allowed to do so. Fr. Elil termed it, “lopsided memorialisation” which further showcases denial and triumphalism on the government’s part. This was significantly prevalent during the former government’s rule where victory celebrations were held in the South, and there was no place or space for the North and East to mourn their loss. Furthermore, as Fr. Elil pointed out, the water tank which the LTTE felled is maintained as a memorial of the atrocities, but the Jaffna library and schools in the North which, were destroyed by the government, were immediately rebuilt and any signs of devastation erased. This erasure of memory and selective memorialisation which has been prevalent in Sri Lanka was an integral part of the political agenda of the governments in power. In relation to the discussion on selective memorialisation, a participant from Trincomalee noted the absence of the experiences of the common man in state memorialisation initiatives and instead the revering of political leaders, military personnel, and other figures of power and authority.

However, this systemic politicization of memory is futile in its attempt to erase or deny the individual and collective memories of those who were directly impacted by conflict. As Dr. Malathi de Alwis stated, “One cannot erase the memories in the hearts of people” and even if monuments are destroyed, the public will continue to remember their loved ones. A widowed social worker from Trincomalee who lost her husband in the war gave a simple example of the truth she has to convey to her child about her father, and in that process, the memory and the truth is kept alive, “We cannot be forced to forget.” Participants in Colombo recalled their parents relaying the events of the JVP⁶ insurrection to them, and that that was their main source of information about the uprising. These examples showcase that cross-generational sharing of memory occurs even if the state fails to uphold these memories publicly.

The political and personal aspects of memorialisation do not necessarily have to be exclusive. As Bickford (2014, pp. 501-502) observes, memorialisation can be used for nation-building through

⁶ Janatha Vimukthi Peramuna (The People’s Liberation Front) is the leading leftist political party in Sri Lanka

the creation of national identity which unifies people in a single imagined community. Hence it can be a tool for reconciliation and coexistence, promoting a sense of belonging and acknowledgement. As Fr. Elil's presentation stressed, and the discussions in Trincomalee and Jaffna confirmed, acknowledgement by the state of the suffering and loss of the Tamil community is essential for trust-building and reconciliation. Ruki Fernando emphasized the importance of balancing the personal, political and ethnic aspects of memorialisation in Sri Lanka. He noted that it is important to decide whether the ethnic and political dimension of memorialisation can be submerged whereby the personal aspect dominates, or whether less prominence can be given to the personal and human aspect of memorialisation, allowing for memory to be discussed at a more conceptual level. The real challenge which was identified was to retain the human/personal aspect of memorialisation.

Hence, as the government with the aim of genuinely embarking on reconciliation, ponders potential possibilities of reconciliation, it is important to realize that memorialisation can be a tool to unite people, and acknowledge the loss and suffering in a public manner. The political and personal can be brought together in a manner that promotes reconciliation and coexistence among and within communities.

- **Oppression and Militarisation of Memory**

Memorialisation in Sri Lanka is a deeply ethnicised process, carried out with political agendas, and in the post-war scenario has had significant military involvement. This is not to say that the military alone is responsible for such repression of memory, as Ruki Fernando noted, the LTTE and the JVP too have engaged in preventing memorialisation of groups in opposition to them during their respective time in power. The oppression of memory in the post-war context has been largely prevalent the North and East of Sri Lanka where memorialisation was forcibly prevented; other parts of the island were allowed to memorialise freely and even encouraged to celebrate memory.

The militarisation of memory exacerbates the situations in the North and East further. As Fr. Elil stated in his presentation, militarisation is an unusual situation and, in such a context, how can steps towards transitional justice and reconciliation take place? By doing so, he questioned whether the aim would be to normalize militarisation in the transitional justice process. The emergence of memorials for the military in predominantly Tamil areas, where mourning and remembering the past was prohibited, was observed by most of the resource persons as adverse to reconciliation. A participant in Galle observed similarly the construction of the military as war heroes, ignored that they were perpetrators in the JVP insurrection.

The destruction of *Thuyilum Illam*⁷, a graveyard in honour of slain LTTE soldiers by the military and the rebuilding of an army camp in its place is an incident that has wrought deep pain and unrest among the Tamil people as was evident in the Jaffna and Trincomalee discussions. As a participant in Trincomalee observed, the name itself signifies a state of slumber and the hope of restoration of life: “The destruction of the tombs symbolically destroyed our hope and approach to the past as well.” Similarly, in the Jaffna discussions it was stated that the destruction of the tombs was aimed at erasing memory and an “attempt to make people forget”. However, this denial of memory was noted as a form of oppression of the Tamils causing much agitation and fear among the community.

Further examples of the former government’s attempts to deny the right to remember and memorialize are the court orders which banned/prevented events of remembrance and mourning in Jaffna in 2014. The military also played a role in threatening those who sought to mourn. This was iterated by participants in both the Jaffna and Trincomalee dialogues who also stressed the fact that having to obtain “permission to mourn” signified humiliation, loss of dignity and a denial of rights which also added to their sense of being constructed as the “other”.

Such feelings of continued repression are unhealthy and “can only lead to more violence” (Ruwanpathirana 2016, p. 22) as it reignites disparities, tensions and mistrust among communities. A participant in Trincomalee noted that continued suppression of grief and anxiety can lead to emotional outbursts as was demonstrated in the audience’s response to the play both in Trincomalee and Jaffna. The militant nature of such repression exacerbates the situation further whereby not only are people prevented from memorialising, but they are also forced to witness the glorification of their perpetrators.

- **History and Narratives**

Memorialisation plays a significant role in constructing history and narratives. In the case of Sri Lanka, both history and popular narratives have been skewed, and this has proven detrimental to the transitional justice and reconciliation process. The role of memory as stated by Mofidul Hoque is to uphold the events of history and the background of history; however, the politicisation of memory has resulted in selective memorialisation, and one-sided narratives.

⁷ *Thuyilum Illam*, which translates into a ‘home of rest/sleep’, was a cemetery for the slain LTTE located in Kilinochchi. The graveyard was a place which people went to in order to mourn their loved ones regardless of whether they were in the LTTE or not and hence became a space of memorialisation. The site was completely destroyed by the military at the end of the civil war.

Memorialisation has been and is a powerful way of expressing counter-narratives and contesting ideologies in a context where multiple narratives have been rejected (Ruwanpathirana 2016, p. 22). It thus paves the way for multiple truths and experiences to emerge. Dr. Ereshnee Naidu in her presentation stated that while national narratives are needed, community narratives should remain unaffected. Ruki Fernando in his presentation emphasised the importance of moving beyond the popular narrative which categorises the Sinhalese army as war heroes and Tamil LTTE as terrorists; it is crucial to remember that both groups were responsible for atrocities, and take into consideration how a loved one would remember a perpetrator. In a similar line of thought Fr. Elil Rajendram drew attention to the importance of labelling and use of language in the construction of such national narratives; it is crucial for the acknowledgement that the ethnic conflict was a “struggle of the Tamil people to secure their rights”, and should pave the way to study the root causes of inequality and injustices which culminated in such a violent outburst. Other experts reiterated the dire need for addressing the primary concerns among the ethnic communities, which have been in place since Sri Lanka gained independence, in order to avoid future conflicts. It was also noted that dialogues about equal rights among all citizens and other grievances, which led to the civil conflict, were prevalent during the war; however, in the post-2009 context there has been a lull and even forgetfulness about these issues in the public sphere. In the discussions in Galle, the desire to learn from the past, in order to prevent such atrocities in the future, was expressed. Indeed, only if all sides of the past are given the opportunity to be expressed can such learning take place.

The popular narrative of the final phase of the war is a clear example of how the absence of space for multiple narratives can hinder reconciliation. Fr. Elil Rajendram referred to the phrasing of the last stages which was propagated as a “humanitarian operation” with “zero casualties” which is in opposition to the memories of the Tamil people, and not only fails to acknowledge the atrocities and injustices which occurred during this time, but also prevents the emergence of other truths. A Sinhalese participant from Trincomalee stated the following as the primary reason as to why it is unnecessary to talk about memorialisation or the past: “We did not have a war. The government made a sacrifice to save and protect the Jaffna Tamils.” This heroic and peaceful portrayal of the military and the government was responded to by a participant of Tamil origin who denied this portrayal and stated that “for the Tamils, the soldiers are not heroes”. This conflict of thought can be attributed to the popular narrative that the government built up in the post-war context, which worsened the gap between the ethnic groups even further.

Narratives and history are formed through various means, one of which is story-telling which is, as Mofidul Hoque noted in his presentation, a common method of inter-generational knowledge sharing among South Asian cultures. Story telling is a powerful tool for upholding and sharing memory, and if confined to the space of home or family these narratives can lead to more

exclusiveness among communities. Therefore as noted in the discussions, the government must ideally play a neutral role and allow for multiple stories to emerge.

The education and construction of history has been contentious in Sri Lanka since independence. The State practices selective memorialisation which is reflected in the national education curricula which fail to reflect the post-independence history, and the ethnic conflict; this is considered as “deliberate state amnesia” and denial which was essential for consecutive governments to continue in power (Ruwanpathirana 2016, p. 8). As illustrated by the resource persons, the experience of the past has been subject to geographical locations and ethnic identities; the question of whose past we deal with subsequently becomes crucial. Hasini Haputhanthri in her presentation noted that memory is a subjective experience whereas history relates to objective facts; in Sri Lanka however the Jaffna school syllabus uses the *Yaalpana Vaipava Malai* as their source of history, whereas Colombo and the South base their syllabus on the *Mahawamsa*. Thus even in history related education, there seems to be selective learning and upholding of particular histories. As a participant in Galle stated, “We learn the Sinhala history but not the Tamil one ... the more we learn about other cultures, the more we respect other cultures.” The sentiment here is that in knowing more about the other, there is the possibility for respect and coexistence. In the Galle discussions, emphasis was placed on children as opposed to adults because they can learn anew and avoid the same mistakes of the past. However in Jaffna there was frustration that the history being taught in schools is framed in a different way from what actually happened, and this was identified as the perennial problem in Sri Lanka.

The rethinking of how history is framed and popular narratives construed are important for the reconciliation process. The main concern in all the discussions was that the truth should not be a casualty in the process of politicisation of memory. Furthermore, the importance for future generations to learn from the past was also emphasised.

- **Arguments against Memorialisation**

In all sessions except for Jaffna, there emerged arguments against memorialisation, especially in the Sri Lankan context. The sentiment behind all these arguments put across in different ways is reflected in the rhetoric which emerged in the Colombo discussion as to how people can move forward with “too much of the past”; holding on to the past and failing to move on from it was seen as counterproductive to reconciliation and development.

Bickford (2014, p. 498) notes that memory when brought out in a careless manner could cause pain, inflict new trauma, and refuel conflict. In a similar line of thought, a participant from

Colombo raised a cautionary note on the possibilities of reliving traumatic memories and the consequential psychological effects that it could bring. In the Trincomalee discussions it was stated that “Sri Lanka does not need memorialisation” because “remembering the incidents of the past will distress us further and prevent healing, which might lead to anger and resentment”. The fear that recalling the past and the violence would re-flame conflict was prominent in these arguments. It was noted that “discriminative and provocative” memories should not be brought forward, and that monuments such as the one in honour of Hasalaka Gamini manifest hatred in the audience, and hence are detrimental to reconciliation. Furthermore, emphasis was placed on the discretion needed in deciding what should and should not be memorialised.

Another line of thought was related to forgetting; it was perceived that the process of forgetting is vital, it is inevitable with time, and therefore memorialisation is an unnecessary reminder of the past. In fact, one of the opening remarks in Trincomalee was the exemplification of mothers of missing persons who appeared greatly distressed about the plight of their children in the immediate aftermath of the war, and now after seven years fail to exhibit the same level of distress, and the conclusion was drawn that with time people will forget and move on. However, this particular remark received backlash from the relatives of missing persons who were also present, who stated that this assumption was not only false but also offensive, and that healing is not possible over time, but only in the event of receiving answers and justice. Another participant from Trincomalee who identified himself as a Muslim stated that, ‘If there was a war it is important to forget what happened and move forward’ and “wrong memories” would prevent from finishing an era and starting anew together.

It is important to note that almost all participants who opined against the need for memorialisation also emphasised non-recurrence. The main perception was that in the event we as a people remember the past, coexistence might not be possible for the future. While these discussions brought forth important matters of consideration such as how to handle the psychological aspect of memory and how to decide on what to memorialise and what to ignore, it also showcased the empathy gap that exists between people of different experiences. The challenge for the future is to bridge this gap, and make each side understand and tolerate the other.

Observations

The key issue in memorialisation stems from the ethnic gap which also translates into an empathy gap. There is also the prevalence of comparing one's grief with the other, thereby seeking to validate it. These two factors contribute to the failure of looking beyond oneself to the other in order to understand their pain and suffering. It is important that this chasm is bridged in order for effective reconciliation or at the least peaceful coexistence to be possible.

Acknowledgement is an essential need of the Tamil community, which is indeed a possibility through effective memorialisation. Acknowledgement of the suffering and loss is expected from the State first, and thereafter from the other ethnic communities.

Memorialisation emerged as a deeply personal and emotional topic for all communities, and the desire to have their stories heard was common across ethnic lines.

“Lest We Forget”

An original production based on memory and dealing with the past, written by Nadee Kammallaweera, directed by Kaushalya Fernando, and performed by the Somalatha Subasinghe Playhouse.

Objectives

The play was staged with the rationale of providing a better understanding of the concept of memorialisation, and the challenges that different ethnic groups have faced in attempting to memorialise. The storyline includes the grievances and injustices faced by all three ethnic communities, and intends to impart these sensitive issues through theatre.

Theatre and drama are often successful in aptly representing human emotions by re-enacting situations and feelings. The sensitive nature of memorialisation was skilfully portrayed through the play which was successful in prompting responses from the participants.

Synopsis

The play commences with an evocation of the past through sounds of bombs, shells, gun shots, screams and wails of people, sirens of ambulances and fire brigades, marching soldiers, political speeches, pirith chanting, drum beats, fireworks, cheering, and singing of the national anthem.

The scene opens with debris scattered across the stage. A character representing an authoritative figure emerges along with a cleaning team and clears the mess by placing the items in a coffin and sealing it off with yellow tape; they scrub and clean the place, ridding it of all indication of the past. The character of Memory emerges and tries to recall the memories of the past, but is disturbed at finding a sanitized environment; a dialogue between Memory and the Person of Authority ensues which showcases the tension between holding on to the past and looking to the future. The scene ends with Memory seemingly persuaded that the future is more enticing than the past.

A grand memorial for the heroes of war is erected and people pay their respects. A politician delivers a speech emphasizing a united nation and the importance of forgetting the past in order to move forward to a prosperous future. Three victims enter the scene, Siththamma, Niranjala

and Abdullah; they represent the Tamil, Sinhalese, and Muslim communities. The three characters clutch to their chests items which are close to them but which are from the past, a framed photograph of a youth, a bougainvillea vine, and a frayed pair of denim trousers. The items are taken away by the cleaning team and thrown into the coffin with the other debris. The three characters are thereafter presented with new houses and flowerpots, and are resettled amidst loud applause.

The three characters are taunted by the memories of the past despite the absence of a context of violence; their stories unfold in the form of monologues:

Siththamma is the mother of Palan, a former LTTE fighter. Siththamma gave birth to him after 13 long years of marriage. However, he dies in battle at a very young age. The cemetery where Palan was buried was bulldozed. Siththamma's only possession left of her son was his photograph, which was taken away from her. As a mother having lost her son, she is left with no place to mourn her loss. She used to visit Palan's tomb often and light lamps in memory of him, but now she is forced to forget him.

Niranjala's brother was taken away in a white van for questioning and never returned home. Niranjala sees one of the military personnel involved in her brother's disappearance roaming freely, and is taunted by this injustice. She is traumatized by the torture her brother endured, and had held on to the pair of trousers, which was tossed away with the debris. Niranjala is not allowed to speak about her brother because it has become a crime to bring up his name, and hence is unable to move away from the past.

Abdullah is a Muslim who was evicted from Jaffna by the LTTE. He has been through multiple displacements and was resettled after the war ended. However Abdullah's ancestral land was used to build a hotel and he has no claim to prove ownership to his property. Abdullah fondly remembers the beautiful bougainvillea tree which he planted on the day his first child was born. Abdullah's son was a victim of the war, and the most cherished memory of him is closely associated with the bougainvillea tree. While Abdullah's pleas go unheard and mocked, his memories of his son, his home, and the happy times spent in the shade of the bougainvillea tree, constantly haunt him.

Each monologue is interrupted by the vigilant cleaning team that scrubs down the place soon after each memory surfaces, while songs of peace drown the voices of the victims.

While the politician insists that the past should be forgotten and that the only way forward is by looking solely to the future, Memory refuses to go away. Siththamma, Niranjala, and Abdullah demand respect for their memories, justice for their sufferings, and freedom to mourn the dead.

The play ends with Memory and the Person of Authority acknowledging that the memories of the past are indeed important, but there are other things which should be prioritized. They join hands and pose the question of "What do you say?" to the audience as well as to the politician.

Discussion and Feedback

The play was well received in Jaffna and Trincomalee and the discussions further revealed the responses and attitudes towards transitional justice in Sri Lanka, and memorialisation in particular. As a prelude to the discussions, Kaushalya Fernando shared important background information on the play: it was deemed important that the play speaks to all Sri Lankans and reflects the hardships faced by all communities. Furthermore, in all three scenarios, the youth is played by the same actor to convey that the loss is the same across ethnic lines. The importance placed on the youth refers to the most affected group in most of the conflict situations in the country such as the JVP insurrection, the ethnic conflict, and the eviction of the Muslims from the North where the disgruntled youth either sought justice or were victims of the violence. Kaushalya also noted that the play was staged with the intention of showcasing potential opportunity, but it is the responsibility of the public to find solutions and take practical initiatives.

It was evident that the visual aspect of the play provided deeper understanding of the concept of memorialisation, and insights into the suffering of the other. The human element of the play was instrumental in provoking empathy which the following comments by participants in Trincomalee showcase: "We can understand many things better after watching the play", "What I understood from the play is that there are many side-effects of war, there has been a lot of destruction and all that can be done now is to provide people with what they ask and want", "it saddens me to know the suffering that this war has brought on people".

The play elicited emotional responses in Trincomalee where most of the participants comprised mothers and wives who had lost their loved ones in the war, and families of missing persons. As one participant tearfully stated, "when I went in search of my husband who went missing, I was provided with no answers and was prevented from speaking about his disappearance, I have lost everything ... I thank you that you have acknowledged that this is what happened even though it is after 24 years. " In a similar manner, participants in Jaffna strongly felt that the play has to be

taken to the South regardless of criticisms that might erupt because the presentation of the loss and sorrow in the North was clearly depicted in the play. The repeated requests and proposals for the play to be staged in the South is evidence of the acknowledgement and empathy that the North seeks from the South. Moreover, one of the key notables was the impact the play had on the Tamil community in both Jaffna and Trincomalee who were impressed and even pleasantly surprised that young people from the South were able to understand and convincingly act out the emotions prevalent in the North and East. As one participant from Jaffna noted, "We were able to understand it on an emotional level, even though the performers have not experienced the loss themselves." Another participant welcomed the initiative thus, "The success of the play is in the fact that someone who was not from North and East brought it forward." Kaushalya in her response to these discussions stated that artists in the South empathise and understand the situation in the North, and are doing their part in order for reconciliation to take place. This again reflects the need for acknowledgement as a step towards reconciliation and sharing of experiences among communities.

Most Sinhalese participants in Trincomalee however, were critical that the play failed to convey their emotional suffering and turmoil, and were biased towards the Tamil and Muslim communities. One participant went as far as stating that the play was not applicable to be staged in the East "as there are Sinhalese living in the East", and it would "hinder reconciliation". Even after explanations by the director and performers about the character of the sister who had lost her brother representing the Sinhala community, the participants remained unconvinced that the play was inclusive of their suffering. One possible reason could be the use of language in the play, the character representing the Sinhala community spoke in English which could have failed to create the same level of identification as the other two characters. Contrastingly, in Jaffna the play was seen as promoting reconciliation, "the play itself is about reconciliation as it is a platform where all three languages and ethnicities come together". These conflicting lines of thought among both ethnic groups is possibly due to the lack of knowledge about and empathy with the other, but is certainly exemplary of the need for such awareness and information sharing in order for even coexistence to take place.

Observations

One of the key observations was the ethnic divide in the reception to the play. Trincomalee is an interesting geographical area in Sri Lanka as all three ethnic communities reside there, and have suffered at the hands of different perpetrators. Since the play was staged in only two locations, the observations below would not be general conclusions of specific community groups, but is more indicative of possible responses from an ethnic standpoint.

The Tamil participants welcomed the play due to the acknowledgement of suffering it provided, and the possible creation of empathy. The Sinhala participants expressed disapproval of the lack of representation of their suffering and loss. However, the responses by the Tamil and Sinhalese communities were largely subject to the representations of their own communities, and failed to comment on issues related to other ethnic groups. The Muslim participants showed appreciation for the play on the basis that it represented the suffering of all communities in the country.

It was evident that acknowledgement of the past and the suffering of those affected is vital for healing to take place, and memorialisation is a simple step in that direction. It was also clear that without acknowledgement, reconciliation and transitional justice would be a difficult venture in all communities.

Reparations in Transitional Justice

Reparations, which is one of the four pillars of transitional justice, relate to the recognition of past abuses, and the attempt to redress those violations. Transitory reparations can take the form of property restitution and monetary payments which are targeted to the individual, or can take a collective approach in the form of memorials, legislative rehabilitations, and apologies (Teitel 2000, p. 146). The most applicable aspects of reparations for Sri Lanka identified by Fonseka (2015, pp. 3-4) include restitution, compensation, rehabilitation, and satisfaction. Reparations further sanction wrongdoing and vindicate victims, and have the potential to be effective in acknowledging and addressing the past injustices (Teitel 2000, p. 127; Fonseka 2015, p. 3).

One of the key challenges of deciding on reparations relates to the type of reparations that are initiated. Each type of reparation serves different purposes. Moral reparations are intended as compensatory as opposed to being punitive, and function to “repair shame and humiliation previously inflicted on victims to restore their reputation and equal status publicly” (Teitel 2000, pp. 126-127). Hayner (2002, p. 178) makes important observations in terms of monetary reparations which do not follow a process of truth-telling, such payments fail to satisfy the need for acknowledgement on the part of the victims and could possibly raise further demands for investigations; it could also be perceived as disrespectful that cash payments could make up for the pain. The discussions also made reference to monetary compensations which though essential should not be the sole form of reparations as it can possibly “dehumanise the losses”. It was further observed that the dignity of victims should be taken into consideration when implementing reparatory mechanisms.

Bhavani Fonseka who led the discussion on reparations in Trincomalee drew examples of reparatory actions that the government has engaged in since taking office in 2015. Examples include the Commission for Truth, Justice Reconciliation and Non-Recurrence, the Office of Missing Persons (OMP), and singing of the national anthem in Tamil and Sinhala at the Independence Day Celebrations. Fonseka relayed the lengthy time periods that might be required in some instances such as in the case of Argentina where the transitional justice process took 30 long years, and in the Sampur land issue which took nearly a decade to be resolved and had resulted in displacement and the creation of several zones. Reparations however provide results in a relatively shorter time frame, and can therefore provide assurances of the success of the process of transitional justice. The vital need to see promises fulfilled and materialised were expressed at all discussions. Hayner (2002, p. 181) confirms the essentiality of reparations such as financial reparations, basic medical and psychological benefits, and support services in order for the commencement of repair.

Key Themes

- **Accountability and Justice**

The need for justice and accountability for reconciliation and a successful transitional justice process was reiterated in all the sessions, especially in the North and East. As a participant in Trincomalee stated, “When the perpetrators roam free, compensation alone would not do; justice is very important.” Justice was also a way of proving that the government is unbiased towards the citizens, “We perceive that the state is majoritarian and acts against the minorities, to change this perception the state must treat all those who violate rights and break the law equally and take suitable action against whoever the perpetrator is.” From the discussions it became evident that in referring to reparations, one of the most important results people expect is justice being meted out in order for them to move beyond the hurt and bitterness; it was also clear that anything less was not deemed suitable.

Mofidul Hoque in his presentation referred to the tribunals in Bangladesh which were domestically driven and welcomed in Bangladesh even though there was criticism from the international community. The response to the nature of the courts for Sri Lanka’s transitional justice process was mixed, while some participants held the notion that international involvement was unnecessary, “There is no need for the neighbour to solve problems between a married couples.” Others firmly reiterated that they lacked trust in local judges and international involvement was necessary to ensure credibility and trust. It is important to note that there was no particular pattern related to geography or ethnicity in these opposing sentiments regarding the nature of courts, which provokes further curiosity as to the reasons for the differences of opinion among affected communities.

- **Missing Persons/Enforced Disappearances**

The issue of missing persons was raised in Trincomalee and Jaffna in an urgent manner. The lack of knowledge about what happened to their loved ones creates deep emotional pain and the inability to reconcile with the past. As a mother of a missing person shared, “The only thing I want is to know where my son is, I don’t want certificates or money.” There was palpable disappointment that the fate of these disappeared were yet unknown, and several promises made by those in power both locally and internationally have gone unfulfilled. Furthermore, the exploitation of relatives of missing persons was revealed to be a lucrative practice in the East

where empty promises to bring back the missing person or reveal their whereabouts were made in exchange for money.

The use of language was flagged in the Trincomalee and Jaffna discussions where activists and civil society expressed frustrations that their recommendations to include the term “enforced disappearances” in relation to missing persons went unheard. This was deemed by some participants as the government’s way of dodging accountability. The lack of trust in the government in the North and East is a matter that needs to be addressed if the initiatives of the government are to be successful and fruitful. The use of language might seem less important than providing concrete results; however, as this particular example illustrates, language is vital for framing an issue or grievance, and it is important that it is adhered to with greater caution and insight.

In the discussions led by Bhavani Fonseka in relation to the Office of Missing Persons (OMP), one of the main requests from Trincomalee was to locate offices in the North and East as affected communities rarely have the financial abilities to travel to Colombo to file their cases and make known their requests. The general frustration towards most processes being Colombo-centric was evident in the discussions related to the geographical location of the OMP and other offices related to reconciliation and transitional justice. Furthermore, concerns about the neutrality and unbiased nature of officials working in the OMP were also raised.

It was observable that there was lack of information and knowledge about the processes of obtaining the Certificate of Absence among the grassroots organisations, government officials, and civil society. Representatives of grassroots organisations and members of families of missing persons drew attention to the lack of initiative on the part of civil society and other organisations for raising awareness and sharing information on issues related to the Certificate of Absence, and other initiatives taken by the government to address the issue of missing persons. It is crucial that information reaches the grassroots and the affected communities if these mechanisms are to be successful.

- **Release of Land and Resolving Livelihood Issues**

Hayner (2002, p. 152) notes that the prevalence of basic economic and social challenges in a post-conflict context can possibly complicate progress; further unaddressed trauma can cause substance abuse and breakdown of relationships. The Jaffna and Trincomalee discussions brought forth such concerns in relation to the lack of economic independence, and rise in social ills and psychosocial needs.

Land and livelihood issues were most prominent in the North and East discussions. The relationship between the release of land under government control and securing a steady income is intertwined in the North and East where agriculture and farming are the main forms of livelihood. Participants from civil society and grassroots organisations emphasised that in a context where people are unable to secure a steady income and fulfil their daily needs and wants, it could be futile to engage them in reconciliation related efforts. Moreover, several participants from the Tamil and Muslim communities observed that the immediate release of land is one of the primary needs which require urgent attention under reparations.

Military occupation of land in the North and East was criticized as being a significant reason for the concurrent struggle of the grassroots. Even after seven years, people continue to live as refugees and the delay in resolving this issue makes people skeptical about the promised change and justice. The inability to return to one's own land results in many families having to share housing and other resources which not only reduces the economic benefits per individual, but also contributes to other social issues. Furthermore, military owned businesses ranging from tourism to selling vegetables and operating salons reduces the business incentives of the public and creates a market in which they are unable to compete. The presence of the military was presented as the "systematic suppression of the Tamil people in the North and East". It was also observed that young widows and mothers who face severe poverty often turn to prostitution for basic survival, which leads to them being shunned in society and contributes to other psychological issues. The human-elephant conflict was also highlighted as a reason for stagnation in cultivation and development.

Apart from releasing the land occupied by the military, participants in Trincomalee raised the issue of current encroachment on Tamil and Muslim owned land. The example of the destruction of the Neethiamman Temple in Trincomalee in 2009, and the emergence of a Bhuddist temple in its place, and the absence of any action to rectify this issue regardless of the evidence of historical documents and deeds in favour of the Neethiamman Temple, illustrates the lack of attention and initiative even by the present authorities to rectify such important issues. Continuous land grabbing is detrimental to reconciliation efforts as the issue of land has been and is sensitive to the minority communities.

Observations

The issue of poverty and livelihood affects the North and East in a tremendous manner, which is further worsened by the fact that the military is one of the main causes for this concern. The role and perception of the military in the North and East has not been cordial, and the continued presence and influence of the military creates frustration and friction.

It is also of absolute importance that issues concerning livelihood and land release are addressed urgently, as reconciliation in the current climate of struggle for basic survival would not be successful.

Release of land for people to return to their homes and engage in agriculture and farming would ensure more economic independence and wellbeing.

There was also frustration and anxiety about social issues such as prostitution, substance abuse, and domestic abuse, which are perceived to be a side-effects of livelihood and land related problems. While this perception might be true, there are also possibilities that these behavioural and social changes are consequences of long years of trauma.

Conclusions

Memorialisation and reparations, two important elements of the transitional justice process, were discussed in depth in the discussions held in Galle, Colombo, Jaffna, and Trincomalee. While the participants differed in terms of demography and perceptions, several patterns were identifiable in the issues raised.

In discussing memorialisation, it became evident that the ethnicisation, politicisation, and militarisation of memory have worsened the “ethnic gap” already prevalent in Sri Lankan society. Furthermore, the retelling of history and popular narratives emerged as an important step for learning from the past and progressing to a peaceful future. There also emerged arguments against the need for memorialisation in relation to the threat of refuelling the conflict, and inflicting emotional and psychological pain; these discussions should be paid close attention to in thinking about how memorialisation should be undertaken in Sri Lanka.

In terms of reparations, the need for addressing issues related to accountability and justice, providing answers to families of missing persons, and resolving land and livelihood issues were stressed on in an urgent manner. Reparations were deemed necessary in order for resolving issues of the past and moving forward with reconciliation efforts.

In the North and East there were requests made to rectify and address emerging issues such as religious hatred, gang violence, and other social ills. Overall, however, there was earnestness to rectify the mistakes of the past, commit to non-recurrence and contribute to lasting peace.

Recommendations

- The discussions brought forth several recommendations addressed to various stakeholders. One of the key requirements was the need to effectively share information with all strata of society about the developments and initiatives of the government with regard to transitional justice. Lack of information fuels skepticism and agitation in the grassroots, while also providing space for anti-peace elements to take root. Information sharing is a task which concerns the government as well as civil society who have direct access to the public.
- Psychosocial care is a crucial necessity in the North and East where years of untreated trauma and suffering has caused substance abuse and psychological imbalance among people. Civil society, especially organisations working in the North and East, can take this initiative more seriously and address psychosocial needs of people.
- There was interest expressed in all meetings for implementing memorialisation activities, which should be undertaken in an inclusive manner. Acknowledgement, healing, and learning, which stem from memorialisation, were largely viewed as positive and necessary for Sri Lanka while also complementing the transitional justice agenda. It is therefore evident that now is a promising time for memorialisation initiatives to take place.
- Incorporating inclusive language and terminology in policies and mechanisms was reiterated in the North and East. Further, incorporating the South in programs and initiatives regarding transitional justice and reconciliation was also an important recommendation which emerged in the discussions. It is important that all stakeholders keep in mind the cleavages prevalent among the ethnic communities in Sri Lanka, and work towards bridging these gaps in an effective manner.
- Reduction of military presence in the North and East was deemed an urgent necessity in order for transitional justice and reconciliation efforts to take place effectively. Further release of land occupied by the military is also important for people to feel assured about the government's efforts, and also to return to their homes and engage in livelihood activities.
- With regard to reparations, participants from the Trincomalee discussion suggested that a pension scheme for those who have lost their loved ones, similar to that received by families of deceased military personnel, would be beneficial for providing a sense of

equality and also in assisting economically constrained families. In a similar manner, provision of services and facilities to disabled people similar to those provided to disabled military personnel was also deemed necessary. Those maimed and disabled by the war struggle in many ways including constraints to their mobility, and access to the services and facilities they require.

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Appendix

Resource Person Information

The resource persons who led the discussions consisted of international and local experts in the field of transitional justice. Most international experts have been directly involved in the transitional justice processes in their own countries and enriched the discussions through their personal experiences. Dr Ereshnee Naidu, Long Khet, Eduardo Gonzalez, Muthulingam Periasamy, Hasini Haputhanthri, and Ruki Fernando participated in the Colombo and Galle sessions. The Trincomalee and Jaffna sessions were led by Mofidul Hoque, Dr. Malathi de Alwis, Bhavani Fonseka, and Fr. Elil Rajendram.

Dr Ereshnee Naidu is the Senior Director for the Global Transitional Justice Initiative at the International Coalition of Sites of Conscience. She was formerly program director at the Coalition, and has worked as a researcher and project manager for memorialisation initiatives such as the Center for the Study of Violence and Reconciliation (CSV) in South Africa. She has more than ten years of experience working with community-based organisations and policymakers to develop memorialisation models that promote human rights. Ereshnee earned her doctorate in sociology from the Graduate Center of the City University of New York and has written extensively on memorialisation and reparations in post-conflict societies.

Long Khet is the Executive Director at Youth for Peace (YFP), Cambodia. Khet is one of the four founders of YFP which was established in 2001. YFP provides a safe space for youth to identify and discuss issues in their society and recognize their responsibility in being an important part of the solution. YFP accommodates a student centre, a library, and a supportive staff to operate workshops in Phnom Penh, surrounding communities, and other provinces.

Eduardo González is a human rights consultant and sociologist, specializing in transitional justice. Eduardo was the former director of the Truth and Memory programme at the International Centre for Transitional Justice. As a Peruvian national, he participated in his country's truth and reconciliation commission. He has contributed to the establishment and operations of truth and reconciliation processes in about 20 countries, providing technical and strategic advice.

Muthulingam Periasamy is the Executive Director and founder of the Institute for Social Development, based in Kandy, Sri Lanka. The organisation focuses on the human rights of the plantation community who are mainly the Tamils of Indian origin who were brought by the

British to work in the coffee and tea plantations, and have had a history of oppression. Muthu established the Tea Plantation Workers' Museum in Pussellawa in 1997 to urge the need to remember and preserve the memories and historical events of the plantation community for the purpose of posterity and ethnic harmony. Muthu was also in the forefront of declaring the International Tea Day which is dedicated to affirming the rights of the tea plantation workers and small growers which is essential in the context of the emerging global regime and structural changes in the industry.

Hasini Haputhanthri is the technical advisor on conflict transformation for Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) since 2007. Hasini's concentration is on arts and culture for reconciliation and has extensive experience in working with partners using art and media for social transformation. She has also worked with government and civil society stakeholders at various levels. Hasini has recently completed a fellowship on Historical Dialogue and Accountability at Columbia University in New York, where she explored how museums, oral history projects, and history education can foster citizenship skills.

Ruki Fernando is a Colombo-based rights activist, who had been involved in documenting violations during and after the war for the purpose of campaign, advocacy, and protection of those at risk. He has been working with families of the disappeared, displaced communities, human rights defenders, and journalists at risk; he also works with local, national, regional and international human rights groups.

Mofidul Hoque is a co-founder and one of eight trustees of the Liberation War Museum, Bangladesh. The museum was established in 1996 to memorialise and commemorate the 1971 struggle of the Bengali nation. The museum has earned recognition both nationally and internationally for being a successful people's museum. Hoque pioneered the oral history project which involves He was deeply involved with the national democratic struggle since his student days and took active part in the liberation war of Bangladesh in 1971. The museum has recently established the 'Centre for Studies on Genocide and Peace' with him as Director. He has written twelve books on society, culture and history.

Dr. Malathi de Alwis is a socio-cultural anthropologist and is currently a visiting lecturer at the Faculty of Graduate Studies at the University of Colombo. She has published extensively on nationalism, humanitarianism, maternalism, suffering and memorialisation. Her current work explores the politicisation of suffering and the memorialisation of grief in the wake of atrocity and disaster. Malathi is also a poet and short story writer and has been involved in several film projects.

Bhavani Fonseka is a constitutional and human rights lawyer based in Sri Lanka with 12 years of work experience. She has researched and published on human rights, minority rights, and rule of law issues and is involved in national and international advocacy. She currently works as a senior researcher at the Centre for Policy Alternatives (CPA).

Fr. Elil Rajendram is a co-spokesperson for Tamil Civil Society Forum, a network consisting of more than 100 Tamil civil society activists from the North-East of Sri Lanka. He also writes about the many issues prevalent in the post-conflict areas.

MEMORIALISATION AND REPARATIONS: A REPORT OF FOUR DIALOGUES

This report captures the key themes arising from four dialogues on memorialisation and reparations in Jaffna, Trincomalee, Colombo and Galle led and facilitated by local and international resource persons. The dialogues intended to gather perspectives from the grassroots in order to influence decision makers and create understanding of these concepts among the community.

The dialogues revealed the deep cleavages that exist across ethnic and geographical lines in Sri Lanka on the issues of memorialisation and reparations, and highlights the challenge that policymakers and the government face in bridging these gaps in order to create an inclusive process of memorialisation and reparations.



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