RESEARCH ARTICLE

Competing for Victim Status: Northern Muslims and the Ironies of Sri Lanka's Post-war Transition

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The northern Muslims together with all protracted IDPs displaced prior to 2008 became a low priority caseload for return and resettlement assistance in the aftermath of the 'end' of the war in Sri Lanka in 2009. Framed in terms of an ethics of 'greatest need' connected only to funding availability, all old IDPs lost out in the resettlement process. This paper attempts to decentre this idea of economic limits and humanitarian need by discussing the manner in which such ideas of 'greatest need' actually emerge from discourses about victimhood that are part of an ethical humanitarian project to which local politics are irrelevant. This paper will show, however, that these initiatives consistently intersect with local power hierarchies and local ideas of legitimacy and belonging. Therefore, this paper will look at the manner in which the war related victim discourse of international humanitarianism, helped to exacerbate northern Muslim's own marginality and continued exclusion from the north. This paper will also look at the manner in which victimhood narratives are mobilized in Sri Lanka by electoral politics and displaced IDP activists themselves, and will speculate about the efficacy of the victim identity for political and social transformation during this time of transition in Sri Lanka.

Introduction

In October 1990, the Liberation Tigers of Tamil Ealam[1] (LTTE) expelled the entire Muslim population of five districts in the North of Sri Lanka. Close to 75,000 northern Muslims were summarily evicted and most of their assets confiscated. In January 2012, less than three years after the end of the war, a representative of the United Nations High Commissioner for Refugees (UNHCR) field office in Mannar, north-western Sri Lanka, told me that the northern Muslims were not among the priority caseloads of internally displaced persons (IDPs). This was the first time I had officially heard this claim. She explained the position to me in the following terms: 'Vanni[2] IDPs have nothing; the northern Muslims have a plan B, because they have had assistance for 20 years.' Then she also told me that 'the northern Muslims have a right to return, but assistance is a different matter.'

This statement took me aback because it pointed to the substantial disjuncture between the perspective of local human rights activists and researchers and that of humanitarian agencies (led by UNHCR) regarding the predicament of northern

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Muslims on the issue of local integration and return. Despite substantial evidence[3] regarding the ambivalent relationship of most northern Muslims IDPs to the areas they were compelled to live in for over 20 years and the fraught and difficult relations between them and the local Muslim community, the UNHCR insisted that 'local integration' must have occurred owing to years of assistance and aid delivery.

With the end of the war in May 2009, aid delivery prioritised the thousands displaced in the final stages of the war; all those displaced prior to 2008 were rendered low priority caseloads. This manifested itself most clearly in the UNHCR cash grant for returnees for which only the 'new' IDPs were eligible. I was taken aback by the UNHCR delineation of their position on northern Muslims because I had assumed its position on 'old' IDPs was an act of omission not commission, and as being based more on government priorities than UN interests. The fact that the UNHCR had clearly worked out a narrative about why it should *not* assist northern Muslims was a surprise.

I have chosen to understand the UNHCR's position on northern Muslims as part of the humanitarian establishment's problematic hierarchisation of victimhood in Sri Lanka. This, I argue, is influenced not by any specificities of the context but by a philosophically specific delineation of victimhood within international humanitarian discourse.[4] As I will show in this paper, UNHCR's position was problematic in Sri Lanka because while it drew from a logic of humanitarian assistance that had very little to do with the local context, it helped reinforce prevailing ethnicised notions regarding return that caused distress to the local populations and boded ill for prospects of post-war reconciliation.[5]

The UNHCR representative's position was surprising to me because I was just emerging from a two-year project documenting the 'social suffering' of the displaced northern Muslims. The project took the form of a Citizens' Commission of Investigation precisely in order to address the insufficient attention paid in narratives of the Sri Lankan conflict to the story of northern Muslims. Though difficult and long delayed, one problem the project did not encounter was a lack of sympathy from its interlocutors – the Sri Lankan human rights community.[6] However, it should be noted that despite repeated requests, the UNHCR was never available for a meeting with the Commission. Conceived as a community-based 'truth telling' transitional justice project, the Commission articulated the northern Muslims' experiences of expulsion and protracted displacement as well as their expectations of and encounters during return in its report entitled The Quest for Redemption: the Story of the Northern Muslims (QFR 2011). In so doing it sought to legitimise the claims to suffering of northern Muslims in a country replete with different and competing notions of victimhood.

The notion of victimhood that QFR illustrated and victimhood deserving of humanitarian intervention according to UNHCR were clearly different. In fact the UNHCR and the northern Muslims used different definitions of 'displacement.' As I will show, for UNHCR, 'displacement' was a technical term indicating need, but for northern Muslims it was a political term that had defined them for over 20 years (Brun 2008). The manner in which the UNHCR framed its position and operationalised it had consequences beyond humanitarian aid delivery. Its policies and the underlying justification seriously undermined the efforts of local actors and activists to raise the profile of the northern Muslim IDPs.

Background: Northern Muslim IDPs and The Sri Lankan Context

Since their expulsion from the Northern Province by the LTTE in 1990, northern Muslims have constituted a community in protracted displacement with large numbers concentrated in the economically depressed areas of Puttalam District in north-western Sri Lanka. In years of war and periods of

peace that followed, their return was always compromised by the possibility of another expulsion (Hasbullah 2001). The defeat of the LTTE in May 2009 augured the first real instance of possible return in large numbers. However, neither the state nor international humanitarian actors shared the enthusiasm of northern Muslims who wanted to return. Five years on, despite on-going resettlement and development work in the war-affected North and East, the return of northern Muslims is beset with problems.[7]

The government – for the first two years after the end of the war – concentrated on resettling the 'new' IDPs who had been displaced since 2008 in a manner that paid scant attention to restoring a decent standard of living. Their return was riven with problems of security, the lack of sustainable livelihoods, minimal consultation of IDPs and little transparency. Moreover, the peace itself was securitised, by a heavy military presence and the militarisation of governance in the conflict areas, and all civilian activities were viewed with intense suspicion. While the state continues to publicly highlight the massive infrastructure projects completed in the North as post-war reconstruction, many have argued that this has benefitted the people minimally (Thahir et al. 2014).[8]

The post-war return of Muslims began in this strained and difficult context where a suspicious military watched over a war-fatigued and resentful Tamil civilian population. Additionally the North was mono-ethnic for 20 years and many had all but forgotten the presence of a substantial community of Muslims in the area. Northern political and civil society leaders are adjusting slowly and sometimes reluctantly – amidst dealing with the many other post-war problems– to the prospect of Muslim return. Muslim villages were decimated and their homes destroyed during the 20 years of displacement; additionally families have expanded and returning Muslims' need for land, infrastructure and livelihood assistance is great. Currently

there are many disputes between the returning Muslim and Tamil communities over land and rights to engage in livelihoods.

Some northern Muslims built up fairly successful lives in Puttalam where the community settled in large numbers after their expulsion. But others eked out an existence with great difficulty given the economic backwardness of the region; some were also missed by housing assistance programmes.[9] But most secured access to basic necessities such as schooling, some transportation and minimal health care. Return is therefore a fraught prospect for many of them – even those committed to rebuilding their lives in the North. They want – and in certain instances are compelled by circumstances – to maintain their linkages with Puttalam while attempting to resettle in the North. The lack of housing, basic infrastructure, schools, etc., in the North makes return a difficult short-term prospect.[10]

As the Citizens' Commission process documented, prior to their expulsion, the Muslims, especially the middle-classes, had been a community with considerable social capital, some political capital and economic power (QFR 2011; Thiranagama 2011; Mohideen in Thiranagama). Many owned large tracts of land and most had access to well-functioning schools, mosques and other social institutions.[11] But virtually all Muslims were rendered destitute by the expulsion, and as Thiranagama (2011) notes, were compelled thereby to think of themselves as 'northern Muslims,' a group identity that arguably did not exist prior to the expulsion. They were unable to recover much of what was stolen by the LTTE, and therefore they expected not only to return and assistance to return but also at least a discussion regarding compensation for the losses they suffered.[12] Therefore large groups of northern Muslims were committed to the reestablishment and restoration of their communities in the North and wanted the government to deliver on their expectations. The UNHCR position, however, reflected a singular lack of awareness and

interest in the northern Muslims despite all of the readily available information.

I explore this problem of 'misunderstanding' outlined above using two specific ideas. Firstly, using Giorgio Agamben's idea of 'bare life,' I delineate the logic UNHCR in Sri Lanka used to hierarchize recipients of its aid – both the northern Muslims and the Vanni IDPs. This logic dictated that victims most worthy of assistance are those that are only capable of suffering but not politics or speech. Such victims can only be either sacrificed or saved and are themselves incapable of action. The politics that motivate northern Muslims to ask for redress for their expulsion and assistance to realise their right to return are irrelevant and illegible within such a framework. Such a depiction made it possible and legitimate for UNHCR to read northern Muslims as somehow misrepresenting their own predicament as victims.

Secondly, I also argue that the predicament of northern Muslims, including their aid seeking behaviour that UNHCR found objectionable, was itself 'formed' by two sets of governmentalities – those of humanitarianism and that of the state in the middle of a conflict. I use the term governmentality in its fullest Foucauldian sense – that of a technique of ruling and controlling populations formulated by and generative of a sense of ethics, a set of actions and a mode of behaviour.

The UNHCR Understanding of Victimhood

The UNHCR representative's position on northern Muslim IDPs was further reinforced in a subsequent conversation with the head of mission in Colombo. He told me that the prioritisation of 'new' IDPs was a government prerogative and not that of the UNHCR, which I was told was also beset with funding difficulties. But it was also indicated to me that the UNHCR would actively lobby against the government prioritising anyone other than the Vanni IDPs for assistance. Apparently, according to the UNHCR's agreement with the government, not just

the northern Muslims but also all 'old' IDPs were declared a low-priority caseload. The head of mission also said that, despite this agreement, the UNHCR was being pressured by the Minister of Industry and Commerce, a Muslim politician, to assist returning northern Muslims.

The UNHCR was resentful of the pressure placed on it by government Minister Rishad Bathiudeen to assist returning northern Muslim IDPs in Mannar and Mullaitivu districts. Bathiudeen, a northern Muslim himself, was Minister of Resettlement at the time the war ended in 2009. Given the politics of that time, Bathiudeen was compelled in the midst of much anger and resentment to ask fellow northern Muslims, also his constituency, to wait until the resettlement of the Tamils was completed. Then in late 2010 and early 2011, Bathiudeen began to pressure the UNHCR and INGOs. According to UNHCR officials, Bathiudeen would call up UNHCR head and field offices and insist that they provide non-food relief items (NFIs) to returning northern Muslims. The UNHCR and other humanitarian actors who were subject to it resented the minister's pressure; the humanitarian community insisted on their own 'objective' criteria. Tensions mounted to such an extent that Bathiudeen's political party even threatened to take legal action against the UNHCR for neglecting to provide support to returning Muslims.[13]

The UNHCR representatives in conversation with me also accused Bathiudeen of undermining the agency's assistance to Tamil IDPs in Mannar and other places by making claims that the Muslims were entitled to the land there. This was a reference to a land dispute in the Sannar area in Vidathalthivu, Mannar district that was just emerging in early 2012; the UNHCR field officer had also discussed the case with me in January 2012. The case of Sannar was one among many emerging disputes over land and livelihood opportunities between returning Muslims and Tamils that still persist and require urgent redress. In the case of Sannar what was clear was that – as documented later by Raheem and

Thangarajah (2013) – the UNHCR analysis was insufficiently informed by the ethnicised complexities of the context.

UNHCR also claimed that the northern Muslims were appearing in Mannar only to access the assistance package and available six-month supply of dry rations and were not sincere about return. UNHCR representatives stated that when they arrived unannounced at resettlement locations to distribute NFIs there were several instances when there was an 80 per cent 'no show' i.e., northern Muslims were engaged in an 'insincere return movement', coming to their villages or areas of origin only to collect assistance materials meant for returnees and take it back with them to where they currently lived.

Subsequent to my research, a report by Mirak Raheem has reiterated the complexities of return for protracted IDPs all over the country. Observing that the humanitarian agencies, the state and the durable solutions framework sees return, relocation and local integration as mutually exclusive options that IDPs can access, Raheem points out that many protracted IDPs regularly choose a combination of the three:

> [W]hile Government and humanitarian actors and the Durable Solutions Framework itself view return, local integration and relocation as mutually exclusive and one time choices, protracted IDPs often see these choices differently. They see in these options a combination of several possibilities and their choices often reflect a mix of options subject to the situation and an assessment of various factors, opportunities and risks. Hence, for example, IDP families may return in phases or even opt for two settlement choices for a period of time but these complexities have not been recognised in policy (Raheem 2013: 6).[14]

Given their history, and their material needs, many northern Muslims sought to have a foothold in both their recently opened up areas of origin in the North and Puttalam and other places where they had lived post-expulsion. After 20 years of being displaced they were wary of immediate return to the North, because of the destruction of their houses and lack of infrastructure, such as water and sanitation, roads, public transportation, schools and health services in these areas. As one northern Muslim IDP stated to me, 'We don't want to live under trees. We don't want to be displaced again.' They, however, registered as returnees given that they were no longer able to maintain their registration status as northern IDPs in Puttalam, and access to assistance was conditional upon such registration.[15] Therefore, some maintained a household in Puttalam while male members lived in shacks in villages of origin in the North and began to engage in cultivation. Many returnee families that we encountered all across the Mannar region spoke of sections of the family staying on in Puttalam. In one instance, an IDP in Kalpitiya spoke of the mosque there deciding that 50 per cent of the community would return to the North while 50 per cent of them stayed back; in that way, if 'the troubles' occur again, they said, they could mitigate and minimise its impact.

UNHCR's analysis of Vanni IDPs as having more immediate and urgent needs than the northern Muslims is understandable given the severe bombardment of the Vanni during the last stages of the war in 2009. In doing so, however, UNHCR also felt compelled to neglect the issue of protracted displacement in the country; it also had to embrace a narrative (based on assumptions of local integration and years of assistance) that could justify or explain its neglect of the northern Muslims. I would like to understand why this was so through recourse to more global discussions on the ethics and logics of contemporary humanitarian interventions. As Didier Fassin (2012) has explicated using Agamben's idea of 'bare life', the beneficiaries of humanitarian intervention are considered a part of the nameless, faceless and

voiceless multitudes defined only in terms of their inability to act, their bodily abjection and their removal from politics. These multitudes waiting to be 'saved' are only defined in terms of biological 'life' (Fassin 2012: 145).[16] The object of humanitarian intervention according to Fassin, following Agamben, is this mass of humanity – not their politics or their histories but only their bodies and wounds. Fassin argues further that the humanitarian transformation can in fact be generalised to a larger governmentality, which he calls biolegitimacy (Fassin 2009).

I am arguing here that the UNHCR compulsion to disallow northern Muslims a victim status results from a combination of many issues including the requirement to prioritise need in the context of a funding crunch; however, I am also arguing that the basis on which the choice was made reflected an identification of 'need' only in relation to 'bare life.' As Fassin notes, the humanitarian relationship is based on a particular identification of life at risk. They intervene in places where 'life is not worth a dollar,' focussing on those considered at risk of physical disappearance and incapable of maintaining their own existence (Fassin 2012: 23). As the UNHCR field worker stated of the Vanni IDPs – 'they have nothing.' Further, as Fassin states, 'The reasoning and speaking subject disappears and becomes theoretically and practically irrelevant to the humanitarian aid-providing discourse' (Fassin 2012: 145).

The problem is not only that such victim identification leaches the political life out of the persons thus identified, but also that anyone who asserts a more complex identity is considered an imperfect victim not worthy of assistance. The northern Muslims had created a political and social identity outside the category of IDP and UNHCR staff had no framework to comprehend it.

Lisa Maalki also produced a similar analysis of the humanitarian's requirement of abjection albeit using a different more postcolonial framework in the 1990s (Maalki 1995; 1996), studying the Hutu refugees in Tanzania, states:

In his or her case, wounds speak louder than words. Wounds are accepted as objective evidence, as more reliable sources of knowledge than the words of the people on whose bodies those wounds are found. So the ideal construct, the "real refugee," was imagined as a particular kind of person: a victim whose judgment and reason had been compromised by his or her experiences. This was a tragic, and sometimes repulsive, figure who could be deciphered and healed only by professionals, and who was opaque even (or perhaps especially) to himself or herself (Maalki 1996: 384).

In treating the Vanni IDPs as 'bare life' not only are the humanitarians – UNHCR and others – leaching out the history and humanity of those whose 'lives' they are preserving, but are also disembedding them from the political, social and historical context within which they and others who are not identified as similarly abject continue to function. This decontextualisation has had damaging consequences for the northern Muslims and for all IDPs in Sri Lanka whose only legitimate claim to assistance is as abject bodies and not as political subjects.

UNHCR officials stated that they consciously adopted a strategy of arriving unannounced without scheduling distribution visits due to northern Muslims' 'insincere return movements.' They wanted to catch the IDPs out, in the act of being absent when they had registered as returnees. UNHCR spoke of this 'insincere return movement' as a morally reprehensible action and an indictment of the entire community of northern Muslim IDPs. I read UNHCR's policing of IDP movements and the morality attributed to it as part of the governmentalizing nature of humanitarian interventions.

Maintaining their connections with the North while living in Puttalam was difficult for many northern Muslims and was done under trying circumstances. They needed to travel to the North not just to access rations

but to access their local authorities, doing so at great cost and inconvenience. But many persisted since it was important that they were legible to the state. In addition to the empirical reality of keeping alive multiple options regarding residence I see northern Muslims as caught between multiple systems of governmentality (Fassin 2007). As IDPs whose registration expires in Puttalam after more than twenty years, northern Muslims felt compelled—as efficiently subjectivised individuals—to access registration in the north (and access the aid that came with it). In the logic of humanitarian governmentality however, their abject status was tied to them living under the polythene and tin sheets of the NFI kits and their refusal to abide by these sets of rules invited moral disapprobation.

UNHCR officials also claimed that after 20 years it was 'unrealistic' to define all northern Muslims as IDPs and that many of them are well on their way to being integrated into the Puttalam Muslim community. They also stated that after 20 years of assistance, they would have that 'plan B' that Vanni IDPs lacked. Thiranagama has noted that owning a house in Puttalam has helped restore a sense of home while in displacement (Thiranagama 2011). Brun, however, has documented the manner in which the very institutional mechanisms, and bureaucratic procedures that named, categorised, located and assisted northern Muslim IDPs also helped maintain their distinct status as a community of visitors to Puttalam who will eventually return to the North (Brun 2008; 2003). The report of the Citizens' Commission (QFR 2011) has documented more recent post-war tensions between the IDPs and local populations in certain parts of Puttalam. Many local Muslim community groups have long resented the IDP 'incursion' into their lands, resources and state allocations, and want them to leave (Thiranagama 2011; QFR 2011; Haniffa 2008). The Puttalam area, where northern Muslims were compelled to settle, was (and remains) one of the poorest in the country (FLICT 2009),[17] and was ill equipped to deal with the large influx of IDPs (Brun 2008; Shanmugaratnam 2000; Hasbullah 2001).

The northern Muslims' place in the politics of the Sri Lanka Muslim Congress (SLMC) has also impacted their status as transients. Under the SLMC of M.H.M. Ashraff, the victimhood of the northern Muslims took on a specific political lustre. Ashraff took the position that the northern Muslims could only return with dignity when a comprehensive solution to the question of Muslims in the North and East was found—in other words, when a political settlement, for Muslims that constituted a Muslim administrative unit in the Southern part of Ampara district was agreed upon. Therefore the SLMC leader never campaigned for immediate northern Muslim return and in fact institutionalised the claim that they could not return without a guarantee against another expulsion. Ashraff, however, recognized the possible protracted nature of their displacement and provided northern Muslims with housing assistance. In 1994, the Ministry of Ports, Shipping, Reconstruction and Resettlement, of which Ashraff was the minister, utilised the Unified Assistance Scheme for some displaced Muslims in Puttalam to purchase land and build permanent houses. However, within the SLMC narrative too, the northern Muslims remained temporary residents of Puttalam anticipating political change (Thiranagama 2011; QFR 2011; Brun 2008).[18]

Contrary to narratives of 20 years of sustained aid provision, less than 10 years after their expulsion, international humanitarian agencies had ceased defining northern Muslims as abject deciding instead that they were self-supporting and no longer in need of assistance (Brun 2003: 390). For example, rations provided by the World Food Programme were phased out beginning in 1999, and by 2002 the Danish Refugee Council considered the Puttalam IDPs to be 'fully integrated' into the local community. However, as Brun documents, they continued to be registered as voters of the north while living in Puttalam,[19] and therefore unable to access provincial government jobs in

the areas and membership of local fisheries associations (Brun 2003: 392).[20] The government was committed to maintaining them as a separate population category with limited rights in these areas of refuge. With the WFP phasing out, the government took over the distribution of rations but with little regularity or updating of its value until by 2010 it was little more than symbolic. Under humanitarian governmentality, meeting the 'bare life' requirement of being able to feed themselves was considered adequate to define the northern Muslims as having integrated and no longer abject in status. Political disempowerment, lack of livelihood, exclusion from peace processes, and non-acknowledgement of their expulsion were not regarded, even then, as worthy of humanitarian intervention. Managing the displaced population was left to the governmentality of a state in the middle of an ethnic conflict.

Let me end this section by returning once again to Fassin's use of Agamben to understand humanitarian intervention in Iraq. Discussing how medical practitioners and the affected population were conceptualised and operationalized by Médicin Sans Frontiers within the matrix of humanitarian medicine in Iraq, Fassin states:

> Physically, there is no difference between them; philosophically, they are worlds apart. They bear witness to the dualism conceptualized by Giorgio Agamben and discussed earlier, between the bare life that is to be saved and the political life that is freely risked, between the *zoe* of "local populations" who can only passively await both bombs and humanitarian workers, fearing the former and mistrusting the latter, and the *bios* of those "citizens of the world," the aid workers who come, with courage and devotion, to render them assistance… What it signifies is, for humanitarian actors, the freedom to sacrifice themselves for a just cause, and for

local populations, the condition of being sacrificeable in the war. In contemporary societies this inequality is perhaps both the most ethically intolerable, in that it concerns the sense given to life, and the most morally tolerated, since it forms the basis for the principle of altruism (Fassin 2012: 231).

As Fassin explains, the world is divided into those who have politics and those who do not. Those who are therefore entitled to be political are the 'citizens of the world' that must reside on the humanitarian side of the hierarchy and not on that of the victim. The 'political' in the case of local populations is at best irrelevant and, at worst, wrong, misguided, deceptive or evil. It is for this reason that the UNHCR could assert without irony that northern Muslims, who had been registered and recognised by the state as IDPs for 20 years, thinking of themselves as IDPs was simply 'unrealistic' or wrong. Indeed, senior UNHCR officials in Colombo were unaware and unwilling to accept that most northern IDPs were registered as voters in the North for the entire duration of their displacement—an established, often cited and fairly well-known fact. What I would like to emphasise is not the incompetence or the culpability of the UNHCR officers; what is more distressing is that the philosophical basis of humanitarian assistance renders such decisions and such perspectives perfectly and dangerously normal.

Humanitarians' insistence of maintaining a status of being non-political is relevant to this discussion. Here a recent description of the differences between transitional justice practitioners and humanitarian actors is instructive.

> Displacement actors, and humanitarians in general, have a more immediate and focused mandate than transitional justice proponents. Their fundamental objective is to save lives

while remaining impartial and neutral; while they may be explicitly committed to particular values, including human rights principles, they typically do not take sides in political debates and conflicts. Humanitarians must be willing to work with, or around, state and non-state actors to deliver critical aid to those in need. In contrast, transitional justice actors are often perceived as taking sides in matters concerning state and non-state actors, which can create unease among humanitarians. Transitional justice is inherently a political process, one that calls for public recognition of wrongdoing and various forms of accountability, including criminal justice. It implicates individuals as well as institutions and therefore provokes political resistance. Notions such as protection and durable solutions, for example, are predicated on the protection and restoration of human rights. However, this rights-based approach is contested by humanitarians because of the potential for its political nature to undermine neutrality (Campbell 2012: 66).

The claims of humanitarianism to being non-political are not new. However, the claims to neutrality by humanitarians mask the effects of the close relationship between humanitarian agencies, governing regimes and militaries. At one level they are compelled to work closely with regimes and militaries at war in the negotiation of spaces for aid delivery. But at another level the state's recognition of the logic of humanitarianism is borne out in the way it is mobilised for military purposes–the 'humanitarian' military operations of Kosovo in 1999 and Mullivaikal in Sri Lanka in 2009 are cases in point.

A convenient non-political neutrality enables humanitarian actors to assume the freedom and an ethical imperative to intervene in humanitarian crises generated by human rights abusing regimes without recognising that their presence contributes to maintaining and legitimising such regimes. For instance, in the process of aiding the abject Vanni IDPs there was little or no emphasis on human dignity, and the UNHCR participated in the government's highly problematic and less than transparent resettlement and the dire conditions to which the Vanni IDPs were often compelled to return. That many women heads of household suffered added indignities both from men within their communities and the military was overlooked by humanitarian agencies due to their preoccupation with maintaining access to communities and continuing their work. It is unclear if this need for access was really in order to alleviate suffering or to maintain the agencies' own relevance.

As I have also attempted to show in this paper, far from being non-political or non-partisan the assumptions of humanitarian actors regarding their neutrality are inherently political and in fact dangerous. Assuming local integration of northern Muslims as a justification for prioritising Vanni IDPs resonated strongly with particular political positions. In refusing to recognise the return of northern Muslims as one worthy of assistance, and assuming local integration despite publicly available knowledge to the contrary, UNHCR echoed and amplified positions of local Tamil authorities who sometimes asked returning Muslims: 'Why have you come?' (QFR 2011). Their position also resonated with certain elements of the Tamil leadership that claimed that the expulsion was in fact a 'blessing in disguise' (QFR). While sections of the Tamil leadership have accepted the criminal nature of the LTTE's act (see further below), the expulsion of Muslims is not an ethically clear issue to many Tamil nationalists. By privileging and restating the point about Muslims having been integrated into Puttalam, the UNHCR was also contributing to further consolidating ground-level discourses regarding the illegitimacy of Muslim return to the North.

The UNHCR position was not only convenient for remaining LTTE sympathisers who did not see the expulsion as morally reprehensible but also for the Sri Lankan state, which has consistently ignored Muslim concerns in relation to the conflict.

On the ground, these assumptions translated into specific problematic interventions. For instance, faced with competing claims to land from Muslim and Tamil returnees in Sannar, Mannar district, UNHCR took the side of Tamil returnees (Interview, UNHCR field officer, January 2012). The dispute over the Uppukulam village fishing harbour (Raheem and Thangarajah 2013) was another case in which UNHCR did little to mitigate the emerging tensions between Tamil and Muslim returnees to the North over conflicting claims over livelihood resources. Humanitarian actors' limited understanding of context and politics, and their consideration of these factors as irrelevant to their mandate, caused enormous distress to the northern Muslim population. As one IDP in Kalpitiya, Puttalam district, who was trying to return to Talaimannar in Mannar district stated: 'UNHCR – it was like they were telling us not to go back to the North. They did not help us at all.'[21]

The Politics of Victimhood

As Fassin (2012) has theorised, victim populations also internalise their identities and are committed to the little largess that such identification may promise. In addition to humanitarian agencies' 'bare-life' definition, the victimhood of northern Muslim IDPs has been framed and mobilised, including by them, in a gamut of different ways. Moreover, persons affected by conflict may mobilise their stories of victimhood for political purposes, towards memorialisation or healing, to access aid and to seek justice for atrocities. Such mobilisation may be understood in terms of different forms of subjectivisation in response to different modes of governmentality. Informed by this literature on victimhood and theories of governmentality, this section will discuss some further elements relevant to the framing of northern Muslims' victimhood within the Sri Lankan context of war, displacement and minority marginalisation.

Victims are never without any agency; and today, more than ever, victim politics is recognised as playing a substantial part in the manner in which political conflict and suffering are understood (Jeffery and Candea 2006; Ochs 2006; Jeffery 2006; Yildiz and Verkuyten 2011). The mobilisation of the international community by Tamils on the issue of state terror against Tamils in Sri Lanka, from the anti-Tamil pogrom of July 1983 to the end of the war and after, is illustrative of the mobilisation of victimhood. The Citizens' Commission and the QFR too were instances of highlighting experiences of victims for purposes of greater visibility. Such articulations often mobilised bio legitimacy using the rights discourse and, given the nature of the Sri Lankan context, the lens of ethnicity. Uyangoda, using Charles Taylor's formulation, described the polarised positions among Sri Lanka's three main ethnic groups regarding state reform as 'worlds of solitude' (Uyangoda 2006). I want to argue that victimhood represents yet another discursive milieu in which these worlds of solitude exist, and moreover, that they are informed by drastically different notions of ethics and justice.

Globally, many victims groups have mobilised narratives of victimhood to influence policy and draw attention to their particular experiences. Jeffery and Candea (2006) call special attention to the manner in which some victims groups, too, mobilise a nonpolitical ontological status that considers suffering somehow prior to politics (Jeffery and Candea 2006; Jeffery 2006). They too seem to be cultivating the 'bare-life' definition of victimhood described above to maximise possible advantages. Laura Jeffery (2006) documents the manner in which representatives of the Chagossians displaced from Diego Garcia embrace a notion of victimhood that is disengaged from the larger politics of the Chagossian archipelago in

order to simultaneously maintain patronage relationships with the British state, displaced community groups in the Seychelles, and also anti-imperialist and anti-militarisation activists in Mauritius. While each of these three groups have their own politics and are often oppositional to one another, the Chagossian victims group studied by Jeffery persists in maintaining a stance that endorses none of their claims, keeping engagement with all of them open to ensure that any possible benefits that may accrue to the Chagossian community are not undermined. Another way in which victimhood gets mobilised is evident in the way the Turkish Alevi community in Europe draw upon a common experience of oppression to assert both a collective Alevi identity and commonality with other minority communities (Yildiz and Verkuyten 2011).

Julianna Ochs (2006) notes the manner in which two spatially and temporally disconnected modes of victimhood are mobilised in support of the actions of the Israeli state and the Zionist project when Israeli victims of the Intifada are framed and described as being similar to victims of the Holocaust. Ochs describes also the manner in which such mobilisation is critiqued for incommensurability within Israel, pointing to the many discourses and counter-discourses prevailing within the same polity.

Ballinger (2004) discusses the commensurability of victimhood in the context of memorialising a history of atrocities and violence in the Trieste region of Italy during the Second World War. Two communities—the majority Italians and the minority Slovenians—compete for the status of 'most affected' during the last phases of the war. Memorialisation of the war is contested around two incidents of extreme violence during the war: the massacre of mostly Slovene anti-fascist activists and the ethnic cleansing of non-Slovene Italians by occupying Yugoslav troops. While the overthrow of fascism is celebrated, some claim that this silences the many reprisal killings by communist forces. Both the Shoah–the Jewish experience of the holocaust – and the breakup of the former Yugoslavia

accompanied by acts of ethnic cleansing resonate with the claims and counterclaims put forward by the Italian and Slovenian groups. Groups that embrace a particular form of victimhood are also often blind to other forms of victimhood or commensurate experiences of suffering that do not recognise their own as primary (Biner 2006; Ballinger 2004).

Constantly defined as not quite victims in comparison, first, to Tamils living in the war zone prior to 2009 and, second, to survivors of the bombardment of the Vanni in 2008–2009, the northern Muslims have a history of struggling to articulate their suffering in a manner that is acknowledged by both state and inter- or non- governmental bureaucracies. Although they were suddenly and summarily expelled, impoverished, stripped of their possessions, and their claims to home, the northern Muslims have long been considered the 'better off' IDPs. The reason for the distinction is that they found themselves in a situation of displacement outside the conflict zone implying greater access to aid from humanitarian agencies and state services alike (Brun 2008). Their necessities for 'life' were seen to have been provided for by humanitarian agencies and later the state. In the contest over commensurability, therefore, the northern Muslims constantly lost out, with serious political effect. [22]

In the East, when the Sri Lanka Muslim Congress was articulating the need for stakeholder status to Muslims in the peace process that began in 2002, the Tamil National Alliance (TNA) parliamentarian R. Sampanthan opposed it arguing that Muslims did not participate in the armed struggle and therefore did not deserve a stake in the settlement (Haniffa and Raheem 2006). In 2009, when the Citizens' Commission was conducting its inquiries, the Bishop of Mannar, Rayappu Joseph, stated that the Muslim expulsion by the LTTE was in fact a 'blessing in disguise' because they did not have to live through the multiple displacements, loss of limbs, and disappearance of family members that the residents of the North had to go through. According to the

Bishop, the Tamils suffered far more on these counts (QFR 2011). Then, more recently, speaking in relation to the conflict over the use of a fishing harbour between displaced Tamils and Muslims returning to Mannar, the Bishop refuted the returning Muslims' right to the harbour by claiming that the Muslims were in fact not fisher people, but well-established business people coming to Mannar from Puttalam,[23] a claim that was echoed by a Tamil NGO and peace activist in Mannar.[24] Further, sections of the Tamil leadership also assumed that the northern Muslims are 'well settled' in Puttalam and should not be coming back to Mannar or the North in general. All of this indicates a refusal to recognise Muslim victimhood, let alone admit commensurability.[25]

As documented in the QFR, the lack of adequate state acknowledgement and the Tamil nationalist justification of the expulsion were issues that impacted northern Muslims' victim narrative and influenced their strategies. In a context where local civil society activists have been skeptical of state-sanctioned commissions or fact-finding exercises in relation to human rights violations, the northern Muslims have, in fact, wanted very much to have the state acknowledge their experience of victimhood. Research into prior attempts to conduct inquiries into the expulsion revealed that the government of former President Chandrika Kumaratunga had considered the institution of such a state commission, but that it had been shot down. The basis yet again, was another competing claim to victimhood; state representatives had wanted to have the victimhood of the Sinhalese, such as the LTTE's expulsion of Sinhalese communities from Jaffna in the aftermath of the July 1983 riots, too reflected in the mandate of any such commission. The northern Muslim representatives in turn were reluctant to consider these two experiences as commensurable and had rejected such an initiative.[26] Northern Muslims, then, disallowed from other victim narratives

have sometimes asserted their own victimhood as exclusive.

The Lessons Learnt and Reconciliation Commission (LLRC), despite all its faults, is valued by northern Muslims for finally being a state mechanism that acknowledged their experiences. Although problematic in its composition and widely criticised by human rights groups for the limitations of its mandate as well as findings, the LLRC surprised many by the manner in which its report stayed true to the testimonies of those that appeared before it (de Mel 2013). The fact that the story of the northern Muslims features with minimal distillation and more or less as it emerged before the LLRC means that the northern Muslims figure substantially in the LLRC's report. There is recognition of their suffering and specific recommendations are made to rectify and address it. The government, under pressure from the UN Human Rights Council in 2012, committed itself to the implementation of the LLRC's recommendations, and policy formulation to address problems of the northern Muslims as recommended by the report is also part of the larger action plan adopted.[27] However, despite the fact that it finally acknowledges northern Muslim victimhood, there is an element of ethnic specificity that is problematic in its approach. Sri Lanka lacks specific legislation to safeguard rights of IDPs and in such a context formulating policy with reference to northern Muslims alone is problematic and can only be read as symptomatic of the overly ethnicising imperative of the state.

Conclusion

The 'northern Muslims' have been named, framed and formed by their experience of expulsion (Thiranagama 2011). However, the political mobilisation of their victimhood status by northern Muslims has not moved beyond a repeated articulation of the expulsion experience and the protracted displacement narrative. Most media attention on the northern Muslims has been limited to articulating their predicament as just this one

story: displaced since 1990, they languished for nearly 20 years in abject conditions in Puttalam. Even northern Muslim cabinet minister Rishard Bathiudeen is not calling for overturning ethnic cleansing but resettlement for the northern Muslims who are in abject poverty and thus anticipating a better life after return.[28] Unfortunately, there is no discourse in Sri Lanka of their return as a process of transitional justice. Return is understood only as resettlement and not as an issue of justice and reconciliation. Muslims therefore are trapped in repeatedly asserting the need for return and resettlement as also, ironically, as an issue of 'bare life.'

Arguably, the difficulty faced by northern Muslims in getting an adequate hearing for their own suffering has resulted in some of them becoming blind to the suffering of others. The Tamils in the North are, for the most part, seen only as those that benefitted from their expulsion; people returning today–20 plus years later–speak of recognising their furniture in Tamil neighbours' houses and their cattle in the neighbours' herds.[29] One Muslim NGO worker said that he did not see why Tamils were being helped in Jaffna because every family in Jaffna had remittances from the diaspora, whereas Muslims had nothing.[30] Further, while Muslims see the high visibility of the Tamil predicament in the international media and the priority given to 'new' IDPs who are invariably Tamils, the fact that over 60,000 Tamils displaced from the High Security Zones of Jaffna are also 'old' IDPs living in extremely abject conditions often escapes their attention.

The government and international actors must share some responsibility for their failures to ensure a process of transition that is just and empowering in post-war Sri Lanka. This includes failures with regard to overturning ethnic cleansing, reconciliation, reparations, mourning and healing, demilitarisation, and development in war-fatigued communities. The northern Muslims, then, have been compelled to assert their victimhood in order to qualify for assistance

within a narrow field of possibilities. Two decades of being forced to adjust to the vagaries of humanitarian aid and its ad hoc nature has given rise to a 'take what you can get when you can get it' mentality. Many therefore–activists included–remain trapped within a discourse of claiming victimhood–a consequence of humanitarian governmentality of the state and are wary of moving beyond it.

The northern Muslims constitute a population of over 200,000 and many are indeed in need of assistance but the point, however, is that there is little space today to speak of the different experiences within the community. Circumstances have compelled northern Muslims to side-line narratives of resilience and strength; even in the QFR this information appears almost in spite of itself. With victimhood being the preferred mode of engagement with the outside, not only are northern Muslims compelled to identify as a collective, leaving little space for a more nuanced discussion of victimhood and survival and undermining more positive representations of the community.

Moreover, the manner in which the transition from war to post-war is being managed in Sri Lanka's North and East has foreclosed the positive role northern Muslims could play. For instance, as a community that has weathered displacement and exhibited resilience and have had the benefit of access to education infrastructure in Puttalam during the war, returning northern Muslims have skills that can be utilised for the economic development of the North. The northern Tamils, after decades of dealing with brutal militaries and negotiating with a reluctant state have their own sets of skills and resources that may complement those of the returning Muslims. Both communities' different experiences of the war bring different capabilities that maybe of great benefit to one another. However, the manner in which development of the North is conceptualised is not in keeping with enhancing the quality of life of the people but instead focussed

on large infrastructure projects, which have been documented as promising little for the local people (Thahir et al. 2013).[31]

One recurring trope in northern Muslim accounts of the expulsion that needs to be capitalised on is that of good relations between Muslims and their Tamil neighbours prior to the expulsion. In the Muslim narrative, the perpetrators of the expulsion were not the Tamils but the LTTE, often cadres brought in from outside (QFR 2011; Thiranagama 2011). While the challenges outlined above have somewhat muted this narrative today, it could provide a basis to enable Muslim and Tamil communities to continue to find ways of peacefully resolving their differences in everyday settings.

Post-war Sri Lanka has been characterised by widespread disquiet connected with labour strikes, student unrest, deterioration of law and order, extreme political corruption and malpractice and heightened ethnic political polarisation. Additionally, the rise of hitherto dormant fringe elements, such as the rampaging monks of newly-formed Buddhist nationalist groups and their spectacular targeting of Muslims, poses more challenges to contend with. As this paper goes to press presidential elections have been held in Sri Lanka, a new president and prime minister are in office and the future holds much promise. It is hoped that this change will result in a more democratic and egalitarian space for all citizens in the country.

Author Information

This paper is based on a longer research paper 'Competing for Victimhood Status: Northern Muslims and the Ironies of Post-War Reconciliation, Justice and Development' published by the International Centre for Ethnic Studies (ICES), Colombo, in July 2014. This work emerges from my long engagement with members of the northern Muslim community, including as part of the Citizens' Commission project and from research I did in 2012 for the Law & Society Trust and for the Norwegian Refugee Council-Internal Displacement Monitoring Center.

Author's Note

Notes

[1] An armed group that fought the Sri Lankan state for an independent Tamil state for some 30 years.

[2] The Vanni is a general term for the area in the northern province of Sri Lanka consisting of the districts of Kilinochchi, Mannar, Mullaitivu and Vavuniya. An area that was largely LTTE-controlled, virtually its entire population was displaced during the final phase of the war.

[3] See Shanmugaratnam 2000; Zackariah and Shanmugaratnam 2001; Hasbullah 2001; Brun 2008; Haniffa 2008; Thiranagama 2011; Quest for Redemption (QFR) 2011.

[4] Following Fassin 2012; and Maalki 1996.

[5] The old vs. new IDP distinction and the problems it entails are not new to Sri Lanka. Similar situations prevail in Georgia (see http://www.unhcr.org/4ad827f59. pdf); Kenya, where there is a category called Integrated IDPs (see http://www. brookings.edu/~/media/research/ files/reports/2013/05/kenya%20displacement/idp%20municipal%20 authorities%20kenya%20may%20 2013%20final.pdf); and the Democratic Republic of Congo (see http://www. irinnews.org/in-depth/70996/41/drc-peace-deals-fail-to-improve-the-lives-of-2-2-million-idps).

[6] The institution that supported the project – the Law & Society Trust – the group of commissioners who were activists and academics from different ethnicities, the

advisory group of northern Muslims and the funders were all convinced both of the suffering and the politically abject status of the northern Muslims, and the importance of highlighting their history (QFR 2011; Haniffa 2011; Thiranagama 2011; McGilvray and Raheem 2007).

[7] The latest problem is the manner in which the Sinhalese extremist group Bodu Bala Sena labels housing projects for northern Muslims as a Middle Eastern colonisation project of a wildlife reserve.

[8] See Sarvananthan (2014). Also see Thahir et al. (2014) for an account of northern and eastern people's negative perceptions regarding 'development' in their areas.

[9] For example, during our visits to Puttalam in 2012 we encountered an entire village in Nuraichcholai that was originally driven out from Illanthaikulam, Mannar district, who had not received housing assistance. Of 85 families in the village, only 20 had permanent housing. Very few had their own toilet and most were compelled to share facilities with 4–5 families. There are of course many stories that are similar to those of the people of Illanthaikulam.

[10] For a more effective delineation of northern Muslims' relationship to 'home-place' both in Puttalam and the North, see Thiranagama 2011.

[11] One middle-class northern Muslim stated that most of the Mannar people owned large amounts of property – either in terms of land or buildings, due to Muslims' reluctance to keep money in banks. Therefore, they invested their earnings in property, much of which they lost or could not use due to the expulsion.

[12] In fact, the Erukkulampiddy mosque committee in Mannar district informed us that if they received compensation for the losses that they suffered due to the expulsion, they would not need any resettlement assistance from the government.

[13] See Abeywickrema (2012)

[14] A durable solution should, according to the IASC framework, be understood not just as a process of emerging from a state of 'bare life', but should ideally include elements of community and politics that contribute towards making life socially meaningful to a person or community. In the northern Muslims' experience with humanitarian actors the mere provision of assistance for existence was considered sufficient for ending people's needs.

[15] The state no longer supported IDPs in Puttalam after December 2010. Circulars to that effect were sent, discontinuing the allowances to grama niladharis who were previously tasked with attending to IDP needs.

[16] In Homo Sacer (1998 [1995]: 4), Agamben interprets Aristotle's use of bios and zoe to make this distinction foundational of his theory of bio-politics. Reformulating Michel Foucault's concept, he writes that 'the entry of zoe into the sphere of the polis – the politicization of bare life as such – constitutes the decisive event of modernity and signals a radical transformation of the political-philosophical categories of classical thought. What becomes important then is not "man" as a social and political animal but as constitute of "life". The saving, protection and care of this life becomes paramount and often the only concern. The reasoning speaking subject disappears and becomes theoretically and practically irrelevant to the humanitarian aid providing discourse.'

[17] Kalpitiya and Mundel, where there are large concentrations of IDPs, are classified as two of the ten poorest DS divisions in the country.

[18] The political importance of the northern Muslims shifted after Ashraff's death in 2000. After the Ceasefire Agreement of 2001, the LTTE presence in the Eastern Province and their attempts to undermine Muslim economic activity increased. During that time the northern

Muslims faded from the SLMC's political agenda. In 2002, during the SLMC's meeting with Pirapaharan, the SLMC failed to insist that the northern Muslims be exempt from LTTE taxation. They won such an exemption for the East, but not for returning northerners. (Haniffa 2011; Haniffa and Raheem 2006).

[19] They were still registered as voters in their places of origin in the North.

[20] This was a pre-requisite to undertake fishing in the area.

[21] Interview in Puttalam, February 2012.

[22] The importance of Muslim refusal of Tamil nationalism on this particular question regarding commensurability should be taken in to account. For an account of Muslim and Tamil nationalism, see Haniffa 2011; Thiranagama 2011; McGilvray and Raheem 2007; Haniffa and Raheem 2006.

[23] Meeting with Bishop Rayappu Joseph, October 2012. At this meeting Bishop Joseph acknowledged that the Muslims were affected materially by the expulsion, but insisted that nevertheless Tamils were affected to a far greater extent.

[24] Meeting with peace NGO in Mannar, October 2012.

[25] Sharika Thiranagama's work on the expulsion is a powerful indictment of Tamil silence on the issue (Thiranagama 2011). Some salutary recent developments are also promising. M.A. Sumanthiran, TNA MP, recently spoke of the necessity of acknowledging the expulsion as a crime. Additionally, acknowledging the findings of the Citizens' Commission and the QFR, a group of Tamil intellectuals released a statement that took the incommensurability crisis head on and even apologised to the Muslims for the expulsion (See Island, 5 January 2012).

[26] Interview with northern Muslim activist, October 2011.

[27] The policy has yet to be formulated and it is unclear if the government will see it through. However, the circumstances have been such that the issue remains on the government agenda.

[28] This is not to reduce the experience of northern Muslims who continue to be in difficulty, remain destitute and have fallen through the cracks in various assistance programmes.

[29] Interviews in Mannar, 2011; and Puttalam, 2013. I see these testimonies as an indication of Muslims claiming both a continuity with their past experience in the north and of course a suspicion of narratives of Tamil victimhood. The point therefore, is not whether the furniture 'actually' survived or if the cattle were 'really' from the herds of twenty years ago.

[30] While there are northern Muslims working abroad who send back money, there is very little evidence of large migrant networks from among the northern Muslims. Unlike for ethnic Sri Lankan Tamils, mass migration has not been an option pursued by Muslims.

[31] See, for instance, a recent article by economist Muthukrishna Sarvananthan, 2014.

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