



ICES Research Papers

**Competing for Victimhood Status:  
Northern Muslims and the Ironies of Post-War  
Reconciliation, Justice and Development**

Farzana Haniffa

INTERNATIONAL  
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**Farzana Haniffa**

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2, Kynsey Terrace, Colombo 8  
Sri Lanka  
E-mail: [admin@ices.lk](mailto:admin@ices.lk)  
URL: [www.ices.lk](http://www.ices.lk)

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## **Acronyms and Abbreviations**

International Non-Governmental Organisations	INGO
Internally Displaced Persons	IDP
Lessons Learnt and Reconciliation Commission	LLRC
Liberation Tigers of Tamil Eelam	LTTE
Non-Food Relief Items	NFIs
Norwegian Refugee Council- Internal Displacement Monitoring Centre	NRC-IDMC
Quest for Redemption	QFR
Sri Lanka Muslim Congress	SLMC
Tamil National Alliance	TNA
United Nations High Commissioner for Refugees	UNHCR

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## **Competing for Victimhood Status: Northern Muslims and the Ironies of Post-war Reconciliation, Justice and Development<sup>1</sup>**

In an interview with a representative of the United Nations High Commissioner for Refugees (UNHCR) office in Mannar town in January 2012, I heard the official claim for the first time (for me) that the northern Muslims were not their priority caseload. She stated the position to me in the following terms: “Vanni IDPs have nothing; the northern Muslims have a plan B, because they have had assistance for 20 years.” Then she told me also that “the northern Muslims have a right to return, but assistance is a different matter”.<sup>2</sup>

I was taken aback by this statement because the misfit between local human rights activists’ perspective on the northern Muslim predicament and the humanitarian agencies’ (led by UNHCR) perspective on the issue of local integration and return was substantial. The literature on the northern Muslims highlighted the complex nature of northern Muslims’ impact on Puttalam to where they were displaced, the ambivalent nature of most northern Muslims’ relationship to the area where they were compelled to live for over 20 years, and the fraught and difficult relations that prevail among the IDPs and the local Muslim community in the area (Thiranagama 2011; Quest for Redemption (QFR) 2011; Brun 2008; Haniffa 2008; Shanmugaratnam 2001; Zackariah and Shanmugaratnam 2001; Hasbullah 2001). Despite this literature the UNHCR insisted that “local integration” must have occurred due to the years of assistance and aid delivery received by the community.

In 2009 as the war ended in Sri Lanka, aid delivery had been prioritised for the newly displaced; those displaced before 2008, despite still prevailing needs, became a low priority caseload. This decision by the government 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, since I had hitherto understood the UNHCR position on old IDPs as an act of omission, not one of commission. I understood it to be a decision based more on government priorities than

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<sup>1</sup> This paper is based on my long engagement with members of the northern Muslim community who lived in Puttalam and who worked with me on the Citizens’ Commission documentation project that we carried out through the Law and Society Trust. Material for this paper is also drawn from research I did in 2012 for the Law & Society Trust and for the Norwegian Refugee Council Internal Displacement Monitoring Center after the release of the commission report: “The Quest for Redemption”. I thank all those who consented to be interviewed, especially northern Muslims struggling to return. I thank Juwairiya Mohideen and Asghar Khan for help in identifying persons to interview, Shreen Saroor and Mirak Raheem for help with understanding the “bigger picture,” Nafiya Khalik for assistance with the research and Azmin Ayoob for assistance with logistics in Jaffna. I also want to thank Cathrine Brun, Chulani Kodikara, Filippo Osella, Vijay Nagaraj, Harini Amarasuriya and an anonymous reviewer for insightful comments on earlier drafts. The responsibility for all shortcomings is entirely mine.

<sup>2</sup> This research was conducted in part as data collection for an NRC-IDMC report on the northern Muslims that was completed in 2013 but is yet to be published. Part of the research trip was funded by the Law & Society Trust project on the northern Muslims. The material in this paper draws heavily from the research conducted for “Quest for Redemption: The Story of the Northern Muslims,” which was the final report of the Citizens’ Commission on the Expulsion of Muslims from the Northern Province.

UN interests.<sup>3</sup> 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 delineation of northern Muslims as part of the humanitarian establishment's problematic hierarchisation of victimhood in Sri Lanka, which I argue is influenced not by any specificities of the context but by the requirements of the international humanitarian discourse's own philosophically very specific delineation of victimhood.<sup>4</sup> The second section of the study addresses the politicisation of victimhood during the Sri Lankan conflict and the manner in which it has influenced the northern Muslims' displacement, as they have experienced and represented it. This paper then is a study in explicating the different notions of victimhood that were in operation in post-war Sri Lanka and speaks to the larger question of the limited efficacy of ethnicised victimhood narratives for transitional justice processes that Sri Lanka must engage in to move forward from its post-war impasse.

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 northern Muslims. The project was conceptualised and carried out as a Citizens' Commission of Investigation precisely in order to address the insufficient attention paid by the historical narrative on the Sri Lankan conflict to the northern Muslims' story. Conceived as a community-based 'truth telling' transitional justice project, the initiative attempted to articulate the northern Muslims' expulsion experience, their protracted displacement, and their expectations of and encounters during return.<sup>5</sup> The project was difficult and long delayed, but a problem that it did not encounter was a lack of sympathy from its interlocutors – the Sri Lankan human rights community. The institution that supported the project – the Law & Society Trust – the group of commissioners that worked on the project who were activists and academics from different ethnicities, the advisory group of northern Muslims, and the funders of the project were all convinced both of the suffering and the politically abject status of the northern Muslims, the importance of highlighting their history, and mostly the manner in which the community had suffered neglect (QFR 2011; Haniffa 2011; Thiranagama 2011; McGilvray and Raheem 2007). During the course of the project the war ended and the preferred group for resettlement assistance suddenly became the 'new' IDPs.

The research on which this paper is based revealed that the humanitarian aid community – specifically the UNHCR – was not overly sympathetic to the predicament of the northern Muslim community and especially their desire to return. They insisted in fact that it was unrealistic to consider the entire northern Muslim population as 'displaced', and that most

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<sup>3</sup> The UNHCR itself was never available for a meeting with the Commission in spite of several phone calls requesting appointments. I received access and carried out interviews only after the intervention by INGO representatives who commissioned this research. Our assumption was based on conversations that the different commissioners in their individual capacities reported having with UNHCR representatives regarding the old/new caseload distinction.

<sup>4</sup> Following Fassin 2012; and Maalki 1996.

<sup>5</sup> As the commission report "The Quest for Redemption: The Story of the Northern Muslims" (QFR) documents, a handful of scholars have successfully articulated the politics of the expulsion, among them Hasbullah, Brun, Shanmugaratnam, and Thiranagama. Of these Thiranagama's intervention in articulating the culpability of the Tamil nationalist project is important. However, as is evident in the facts gathered by the commission and recorded in this paper, this availability has not been sufficient for the issue to have any importance at the level of government policy or humanitarian intervention.

northern Muslims must have integrated locally. As I will show in this paper, UNHCR's position was problematic in Sri Lanka because while it drew from a humanitarian assistance logic 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 reconciliation in Sri Lanka.<sup>6</sup>

The notion of victimhood that the commission report attempted to illustrate, and the victimhood that deserved humanitarian intervention according to UNHCR, were clearly different. In fact the very definitions of 'displacement' as utilised by UNHCR and northern Muslims were different. As I will show, for UNHCR, displacement was a technical term indicating need. 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 and could have damaged northern Muslims' prospects for return. The first section of this paper will argue that the UNHCR policies and the justification that the organisation presented for them seriously undermined the efforts of local actors and activists to raise the profile of the northern Muslim issue.

### **Background – The Sri Lankan Context**

The LTTE expelled the entire community of Muslims from the Northern Province in October 1990. Since then, northern Muslims have constituted a community in protracted displacement with large numbers concentrated in the economically depressed areas of Puttalam District. During the almost 20 years of war that followed the expulsion and the periodic attempts at peace, the Muslims' return was always compromised by the possibility of another expulsion (Hasbullah 2001). The defeat of the LTTE in 2009 augured the first instance of possible return of large numbers. The enthusiasm of members of the community who wanted to return, however, was not reflected either at the state-policy level or by international humanitarian actors. Five years after the end of the war and speedy attempts at northern and eastern resettlement and development by the government, the return of northern Muslims is beset with problems.<sup>7</sup>

The government – for the first two years after the end of the war – concentrated on resettling the recently displaced, and that too in a manner that paid scant attention to restoring a decent standard of living for those returning. The return process itself was riven with problems of security, and the lack of sustainable livelihoods, consultation of the people and transparency. The securitised and militarised peace meant that the military presence in the conflict areas remained substantial, and the suspicion with which civilian activities were viewed was as intense as during wartime. While the state continues to publicly highlight the massive infrastructure projects that it has completed in the North as post-war reconstruction, many have argued that this has benefitted the people minimally

<sup>6</sup> 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%20authorities%20kenya%20may%202013%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>).

<sup>7</sup> 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.

(*Colombo Telegraph*).<sup>8</sup> The post-war return of Muslims occurred 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. The leadership in the North are adjusting slowly and sometimes reluctantly – amidst the many other problems that have emerged after the war – 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.

Sections of the northern Muslim community have built up their lives fairly successfully in Puttalam where they settled in large numbers after the expulsion. Others eke out an existence with great difficulty given the economic backwardness of the region, and having been missed out by housing assistance programmes, but still have 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 community in the North. They want – and in certain instances are compelled by circumstances – to maintain their linkages in Puttalam while attempting to resettle in Mannar and elsewhere in the North. The lack of housing, basic infrastructure, schools, etc., makes return a difficult short-term prospect.<sup>9</sup>

A large percentage of northern Muslims who could establish that they were heads of household in the North received World Bank-sponsored permanent housing grants in Puttalam on the donor's assumption that they were going to integrate into the Puttalam community. The World Bank housing programme that commenced in 2004 and ended in late 2011 provided close to 4,000 housing units for northern Muslims in Puttalam. Today, those who received housing assistance are not eligible for similar assistance in the North. These housing grants were given only to those who were heads of household in Mannar. Children who have grown up and established households and families of their own were not eligible. Families who were not eligible for assistance in Puttalam are, in some cases, seeking housing assistance in the North. Even some who received housing assistance in Puttalam are exploring possibilities of returning to the North.<sup>10</sup>

Scholars have documented the local integration process in Puttalam. 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 institutional mechanisms, and various bureaucratic procedures that have named, categorised, located and assisted the population, have maintained 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 among the displaced and local populations in certain parts of Puttalam.

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<sup>8</sup> Also see Thahir et al. 2014 for an account of northern and eastern people's perceptions regarding development.

<sup>9</sup> For a more affective delineation of northern Muslims' relationship to 'home-place' both in Puttalam and the North, see Thiranagama 2011.

<sup>10</sup> Interviews with returning Muslims in Jaffna town.

Many local Muslim host community groups have long resented the IDP incursion into their lands, and usage of their resources and state allocations, and want the IDPs to leave (Thiranagama 2011; QFR 2011; Haniffa 2008). Local integration, therefore, while perhaps true for a certain section of the population, is not without problems.

The northern Muslim political leadership is driven by the need to re-establish their vote bases in the North, and are not able or willing to objectively strategise and lobby for the return of only those who want to.<sup>11</sup> Therefore they have been accused – by international actors during my research – of pressuring an otherwise reluctant northern Muslim community to return. Most progressive discourses in Sri Lanka recognise that the LTTE’s expulsion should not be institutionalised by default. However, to date there has been insufficient attention paid to the need to overturn the LTTE’s act of ethnic cleansing, and the issue does not feature significantly in discussions of reconciliation in the country. Northern Muslim activists and others outside the northern Muslim community, such as those involved with the Citizens’ Commission, and the Muslim Council have been lobbying the government to pay more attention both to the historical political neglect of northern Muslims and to speed up resettlement and reconciliation of returning Tamil and Muslim communities in the North.

### **Social Suffering: The Northern Muslim Experience as Captured by the ‘Quest for Redemption’**

The following is an excerpt from Seelan Kadirgamar’s reflections on the QFR report expressed at the launch in November 2011.

Far too many crimes have been committed in the name of language, religion, identity and nationalism, and this has been the case for decades... The suffering of these victims has not been adequately documented; before we can move forward, their voices must be heard, and justice done to them... Only by coming to terms with the facts of the country’s history from the perspective of the victims can Sri Lankans build a new Lanka, both unified and diverse. This can be a Lanka free of hatred and bitterness, a Lanka based on the humanistic values of our religious traditions. These are the building blocks on which today’s generations can pursue the quest for redemption – not only for the Northern Muslims, but for all the victims of the war.<sup>12</sup>

*Himal Southasian* carried the review with the following: “A new report finally allows Sri Lanka’s northern Muslims to tell their story”. The *Himal* tagline and Kadirgamar’s summary above are important in the way in which they locate the victim narrative as necessary for a proper accounting of suffering for the sake of acknowledgement and

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<sup>11</sup> The northern Muslims were able to vote in national elections as voters of the North, due to the cluster polling system that was instituted to ensure the voting rights of displaced populations. However, this system was stopped in Puttalam after 2010, and people were compelled to register as returnees to ensure that their names were maintained on northern voting lists.

<sup>12</sup> <http://himalmag.com/quest-redemption/>

justice. And the *Himal* statement further recognises the dearth of coverage received by this particular story.<sup>13</sup>

The lack of adequate acknowledgement by the state, civil society and international community regarding the northern Muslims' suffering and victimhood prompted the formulation of the Citizens' Commission on the Expulsion. It was partly in order to bring about a complex and affective understanding of the expulsion experience that the commission was formulated and the report written. The commission sought to document the way of life of the northern Muslims prior to the expulsion, articulate the factors that impacted the expulsion, the state response in its immediate aftermath, and the state and INGO response during the nearly 20 years of displacement. The report also documents the manner in which the northern Muslims interacted with the host community and the factors that led to only partial local integration of the community. By paying attention to everyday life, the report attempted to highlight the social nature of northern Muslims' experience of suffering.

The report, was conceptualised as a document that captured the 'social suffering' of the northern Muslims. As Kleinman (1997) notes, there are many elements to suffering and those that are generally recognised by a bureaucratic apparatus alone are not indicative or constitutive of the experience represented. The commission was formulated on the basis that the expulsion was in fact ineffectively recognised by such bureaucratic apparatuses and that a more substantial accounting was necessary.

It was felt that the bureaucratic frames through which knowledge about the northern Muslim experience was viewed were inadequately sensitive to the northern Muslims' connection with a home-place. Writing about the 'local worlds' of experience through which one lives and encounters pain and suffering, Kleinman states:

Experience (including its socio-somatic interconnections) is innately moral, because it is in local worlds that the relational elements of social existence in which people have the greatest stake are played out. These include survival, status, power, resistance, or loss. I do not mean to posit a banal idea of universals for the human condition. What is at stake undergoes great, even extravagant, elaboration through the cultural apparatuses of language and aesthetics and across divergent social positions of gender, age cohort, political faction, class, and ethnicity. Yet the fact that some things really do matter, matter desperately, is what provides local worlds with their immense power to absorb attention, orient interest, and direct action. Moreover, it is these local worlds that have the power to transform the personal and subjective poles of experience. (Kleinman 1997: 327)

The choices made in writing the report 'Quest for Redemption' take into account the local worlds in which experiences of loss and suffering are located and articulates these very local worlds that were dismantled by the expulsion experience. The following are some ways in which loss and suffering were recounted by northern Muslims and recorded in the commission report.

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<sup>13</sup> The commission project was, in fact, first conceptualized under a transitional justice programme run by the International Center for Transitional Justice.

In our village we did not need to spend money to buy everything. We had our own vegetable garden, fruit trees, coconut fields, paddy fields and we had only to buy the meat and fish which was freely available. Here of course you need money and without it there is nothing. We earned and spent and there is nothing left. If we work here for 8 hours we earn 250/-, if we buy fish we spend 200/- and the balance is only sufficient for us to buy vegetables. (QFR 2011: 144)

During my childhood, the school Aligarh Maha Vidyalaya was a main contributory factor to the educational growth in our village. In Mannar there were many educated people but most were from our village. I am not being arrogant when I relate such advances in education in our home town/area. There wasn't a single family that did not include someone holding a government job. These people all studied at Aligarh Maha Vidyalaya. In Mannar itself the first graduate, the first doctor, first engineer all came from our village. When we were displaced, there were more than 200 teachers, nearly 7, 8 doctors and 2-3 engineers. Aligarh Maha Vidyalaya is the reason for our village to improve so much in the educational sector. I too became a teacher by studying there. (QFR 2011: 146)

We have to buy water even to drink. For a person to live, water is essential. We have not even heard the names of the diseases which are prevailing in this area. The problem is because we shifted from our birthplace. There we did not get sick like this. The reason being the people there are very hardworking and well nourished. The work of a 40 year old cannot be done by a 20 year old here. The children are weak here. They are given only rice and curry but in our village they were given milk, fruits and honey and so they were very healthy. Here they are undernourished and always sick, so we really need resettlement. (QFR 2011: 108)

The three excerpts above speak of the different ways through which suffering is both experienced and articulated as a loss of a particular local world. The first describes loss in terms of a loss of a life where nourishment came from the land, where finding one's daily meal was not dependent on the monetised economy. The second describes loss in terms of the loss of a community of learning created through the school. The expulsion is described by many northern Muslims as a great leveller where everyone – regardless of class distinctions – was rendered destitute (QFR 2011; Brun 2008). Parents were no longer able to give children an education, or ensure their future, and this pain was often articulated – as in this instance – in terms of loss related to place. The nourishment of the body too is understood as tied to place, and the destruction of a way of life as causing the loss of capacities of the body. The report of the commission attempted to capture the losses suffered by the northern Muslims in terms of the destruction of life worlds, communities and their connections with a place. Place was all important, and therefore return to the place of plenty and plenitude was understood as the great redemption of the northern Muslims' suffering.

The commission found it important to document that the northern Muslims also suffered great violence during the war, and it was despite the violence and suffering that northern Muslims continued to clamour for return. Further, commission members also recognised pragmatically that within the Sri Lankan discourse of war victimhood, the more 'legitimate' victims were those who experienced and were impacted by the violence – through wounds to the body, through death of loved ones, and through the destruction of dwellings and

infrastructure. Muslims were generally seen to be a group that did not experience such violence; the commission report devoted an entire chapter to illustrate the manner in which the northern Muslims dealt with the everyday violence of the war zone under the state military, the LTTE and the Indian Peace Keeping force (in Sri Lanka during the late 1980s).

For instance, R. Fayisa of Moor Street in Jaffna recounted the following story about her mother and her place in the community; however, in doing so she was compelled to reference the violence that the community experienced.

My mother was not very interested in associations, etc., but she was a popular person. She would help a lot in matters relating to young girls and others. She would go forward for anything. Once 32 people died as a result of a shell attack, and she bathed all the Janasas<sup>14</sup> (all were female) alone. All the houses that came under this attack were destroyed. The army was on one side and the LTTE were on the other side and shell attacks were happening here and there. It was my mother who bathed them in a hurry and buried them. It was a very difficult time. They were in a mood to shoot anyone they saw. (QFR 2011: 47)

The report picked the most poignant, moving and sometimes shocking events recounted by the northern Muslims to illustrate their experience of loss and its relationship to place. Thereby it engaged in a process of legitimising Muslims' claims to suffering within a country replete with different and competing notions of victimhood. It was hoped that the commission interventions would be at least a small step in the direction of establishing Muslim stakeholder status in narratives of the conflict as well as in policy decisions on return resettlement and transitional justice. The commission intervention therefore was profoundly and self-consciously political.<sup>15</sup>

### **The UNHCR Understanding of Victimhood**

The UNHCR expatriate field officer's statement to me in Mannar town, then, was a surprise. The Mannar officer's position was further reinforced by the statements of a senior UNHCR expatriate official in Colombo and, a few months later, in a conversation with the head of mission. It was also indicated to me that the UNHCR would, in fact, actively lobby against the government prioritising anyone other than the Vanni IDPs for assistance. The head of the agency stated that the prioritisation of new IDPs was a government prerogative and not that of the UNHCR, and also that it was beset with funding difficulties. Not just the Muslims but all 'old IDPs' were declared a low-priority caseload according to UNHCR's agreement with the government. However, despite this agreement, the UNHCR was pressured by the minister of Industry and Commerce to assist returning northern Muslims (see below).

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<sup>14</sup> The Arabic term for funeral rituals/death.

<sup>15</sup> In 2001, during the Norwegian-brokered peace accord, there was little or no consensus on Muslim stakeholder status to the conflict, and all other actors – the government, LTTE, Norwegian facilitators and even some civil society actors – were ambivalent about Muslims' right to participate in peace talks. As will be discussed in the next section, Tamil and Muslim victimhood status was considered incommensurable during that time with serious material consequences (Haniffa 2011; McGilvray and Raheem 2007; Haniffa and Raheem 2006).

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, and offer an analysis particularly of the northern Muslim predicament that justified/explained away such neglect. 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).<sup>16</sup> 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.

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." They focus 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 a victim identification leaches out the political life of the person thus identified, but also that anyone who asserts a more complex identity is considered an imperfect victim not worthy of assistance. In the case of the northern Muslims who the UNHCR stated were no longer IDPs, they had created a political and social identity out of the category of IDP that the UNHCR had no framework through which to comprehend.

Not only were the ideal victims without politics or history, victims who failed to perform their victimhood in the manner required by 'humanitarian reason' were judged and declared 'insincere' (such as the northern Muslims who travelled to the North for rations, only to then return to Puttalam).

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<sup>16</sup> 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."

A similar analysis of the humanitarian's requirement of abjection was produced by Lisa Maalki using a different more postcolonial framework in the 1990s as well. Maalki (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 they – UNHCR and others – leaching out the history and context and very humanity of those whom they are serving in order to preserve 'life', they are also taking them out of the political, social and historical context within which they and others who are not identified as similarly abject continue to function. This decontextualising element within the humanitarian project has had damaging consequences for the northern Muslims and for all IDPs in Sri Lanka who have been seen only as abject bodies.

The UNHCR was resentful of the pressure placed on it by government Minister Rishad Bathiudeen to assist returning northern Muslim IDPs in both 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 the people, who were also his constituency, to wait until the resettlement of the Tamils was completed. Then in late 2010 and early 2011, Bathiudeen in turn pressured 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 minister's pressure was resented by the UNHCR and other actors who were also similarly pressurised; 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 (See *Ceylon Today and Sunday Lanka* websites).

The UNHCR also accused Bathiudeen of undermining its assistance to Tamil IDPs in Mannar and other places by making claims that the Muslims were entitled to the land there. This was the land dispute in the Sannar area in Vidathalthivu, Mannar, and the UNHCR field officer 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 – the UNHCR analysis was insufficiently informed by the ethnicised complexities of the context (Raheem and Thangarajah 2013).

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 percent ‘no show’. They were therefore engaged in an ‘insincere return movement’, I was told, and actually going back to their settlement area with assistance materials meant for returnees.

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 actors, 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)<sup>17</sup>

Given their history, and their material needs, the northern Muslims sought to have a foothold in both the North and Puttalam. And after 20 years they were wary of return to the North, because of the destruction of their houses due to the conflict and passing of time, and the decimation of infrastructure, such as water and sanitation, roads, public transportation, schools and health services in their 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 assistance is connected to this registration.<sup>18</sup> Therefore, some maintained a household in Puttalam while male members lived in shacks in the North and engaged 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 percent of the community would return to the North while 50 percent of them stayed back; in that way, if ‘the troubles’ occur again they could mitigate and minimise its impact.

UNHCR officials stated that arriving unannounced without scheduling distribution visits was also a strategy that they consciously adopted, due to these return movements that did not seem to actually result in return. I read this too as an inadequate realisation of the

<sup>17</sup> 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.

<sup>18</sup> 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. Interviews in Puttalam. January 2012.

complexity of protracted IDP life where they often juggle multiple homes simultaneously, and as a lack of respect for the time involved and the challenges they may face. UNHCR spoke of this insincere return movement and the 80 percent no show as morally reprehensible and as a severe indictment of the northern Muslim IDPs.

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 to access their local authorities at great cost and inconvenience, but many persisted in doing so for a variety of reasons. The UNHCR analysis did not take aspects of the specific reality experienced by the northern Muslims into account. Northern Muslim IDPs acting as agents, as exercising their prerogative to make informed decisions regarding their return options and assessing risks under difficult circumstances and minimal information availability did not feature substantially in the UNHCR analysis in early 2012. In terms of the larger context UNHCR officials stated that after 20 years it was ‘unrealistic’ to define all northern Muslims as IDPs, and that many of the northern Muslims must be well on their way to being integrated into the Puttalam Muslim community. They also stated that after 20 years of assistance, they would have a ‘plan B’ that the Vanni IDPs do not have. While some of the above was accurate, there was much detail that was both missing and crucial to the Sri Lankan political context and to discussion of justice for the expulsion. The Puttalam area where northern Muslims were compelled to settle was one of the poorest in the country (FLICT 2009),<sup>19</sup> with a desolate landscape, a marginalised population and no potable water. Further, as many have documented, it was an area tragically ill-equipped to deal with the large influx of IDPs (Brun 2008; Shanmugaratnam 2001; Hasbullah 2001).

As the commission process documented, the northern Muslim middle class considered themselves to be a significant part of the social and political landscape of the North. Members of the community owned large tracts of land in all the five districts they were expelled from, and had well-functioning schools, mosques and other social institutions.<sup>20</sup> The middle classes could therefore still imagine a restoration of their communities in the North. They were rendered destitute across class 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. In the North, however, they had been a community with considerable social capital, some political capital and economic power (QFR 2011; Thiranagama 2011; Mohideen in Thiranagama). They were unable as a community to recover much of the lost wealth that was stolen by the LTTE and all were thereby rendered destitute for a time. Therefore they expected return and assistance to return and at least a discussion regarding compensation for their losses. (In fact, the Erukkulampiddy mosque committee 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.) Therefore large groups of northern Muslims were committed to the reestablishment of communities in the North and wanted

<sup>19</sup> Kalpitiya and Mundel, where there are large concentrations of IDPs, are classified as two of the ten poorest DS divisions in the country.

<sup>20</sup> 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.

the government to deliver on their expectations. The UNHCR position, however, reflected an absence of awareness regarding any of this readily available information.

Further, as stated earlier, there were several institutional and social features that rendered the IDPs separate from the local population. More than supporting or even suggesting integration, most assistance programmes institutionalised the distinction between the communities (Brun 2003; Shanmugaratnam 2000; Haniffa 2008). As Brun has documented, the international humanitarian agencies' definition of northern Muslims' abject status ended some time ago with some agencies deciding that they were self-supporting and no longer in need of assistance (Brun 2003: 390). The rations provided by the World Food Programme were phased out beginning in 1999. Later in 2002, Brun states that the Danish Refugee Council considered the Puttalam IDPs to be 'fully integrated' into the Puttalam community. However, as Brun documents, at that time northern Muslims as voters of the North could not access government jobs in Puttalam, and could not obtain membership in fisheries associations that were a requirement to fish in Puttalam (Brun 2003: 392). However, meeting the 'bare life' requirement of being able to feed themselves was considered to be adequate to define the northern Muslims as integrated and as no longer fitting the profile of the abject. Political disempowerment, lack of livelihood, lack of consideration, consultation or inclusion in peace processes, and lack of acknowledgement of their expulsion were not regarded, even then, as experiences worthy of humanitarian intervention, attention or consideration.

Let me end this section by returning once again to Fassin's use of Agamben to understand humanitarian intervention in Iraq. Discussing the two groups within the matrix of humanitarian medicine – the medical practitioners and affected population as conceptualised and operationalised by *Médecin Sans Frontiers* 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)

Under the guise of 'saving lives' the ethics of humanitarian intervention reinforces the distinction between those who are to be sacrificed and those who choose to sacrifice themselves. As Fassin (2012) explains, the world is divided into those who have politics and those who do not. Those who are therefore entitled to be political must reside on the humanitarian side 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 can assert without irony that northern Muslims who had been registered and recognised by the state as IDPs for 20 years could actually think of

themselves as IDPs was simply ‘unrealistic’ or wrong. Regardless of the northern Muslims’ own understanding of themselves as IDPs framed by 20 years of identifying as such, and thereby having the actively cultivated desire for return and reestablishment of communities in the North, UNHCR can say without any issue that according to international standards northern Muslims should be well on their way to being integrated into the Puttalam community. When I probed the UNHCR expatriate officials regarding their knowledge about how most northern IDPs were registered as voters in the North for the entire duration of their displacement, both senior expatriate officials in Colombo were unaware of this and were unwilling to accept it as an established, recorded, often cited, fairly well-known fact. What I would like to emphasise is not the incompetence or the culpability of the UNHCR expatriate officers; what is more distressing is that the philosophical basis of humanitarian assistance renders such decisions and such perspectives perfectly and dangerously normal.

Humanitarianism is also part of an ‘international community’ that has taken on the status of being a global watchdog, and for victimised populations it is not always possible to distinguish between humanitarian actors who do not consider themselves to be interested in local justice issues and others who do. As Brun states, even in 2002 when she conducted her research, the international organisations providing aid were considered to be important international watchdogs that could in some way guarantee the visibility of the northern Muslim issue at the international level. However, in the case of UNHCR in Sri Lanka in 2012, it was very clear that its position on the northern Muslims was contrary to any legitimate local understanding of their politics, and in fact extremely damaging to northern Muslims’ future prospects for return and justice. Ironically the position adopted by UNHCR was also an *ethical* position, and it is this irony and its material consequences that Fassin so clearly points out.

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. Despite these basic differences in approach, though, an increasing tendency of humanitarian actors to take a rights-based approach is leading to recognition of the interests they share with transitional justice actors. 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)

As I have attempted to show in this paper, humanitarian actors' assumptions regarding their neutrality are far from being non-partisan, are inherently political and are in fact dangerous. The assumptions of local integration, for instance, that were adopted by UNHCR resonated strongly and in fact supported a particular local politics. In refusing to recognise the northern Muslims' return process as one that was worthy of assistance, and in fact incorporating assumptions regarding 'local integration' without adequate knowledge of the actual context and history, UNHCR echoed many others including local Tamil authorities who sometimes asked returning Muslims: 'Why have you come?' (QFR 2011). They 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 are slowly accepting the criminal nature of the LTTE's act (see the section below on commensurable victims), 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. For remaining LTTE sympathisers who did not see the expulsion as morally reprehensible, and also the state that has been consistent in not prioritising Muslim issues in relation to the conflict, the UNHCR position was convenient. In their problematic analysis of the situation in Sannar in Mannar, where there were competing claims to land from Muslim and Tamil returnees, UNHCR took the side of Tamil returnees (interview, January 2012). In this case UNHCR was doing little to mitigate the emerging tensions between Tamil and Muslim returnees to the North and the very real conflicts over resources for livelihoods that were taking place among them. While Mannar was one such case, that of the Uppukulam village fishing harbour was another (Raheem and Thangarajah 2013). The 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 who was contemplating moving 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".<sup>21</sup>

Within their conveniently defined position of neutrality that is disengaged from politics, humanitarian actors have the freedom and ethical imperative to intervene in humanitarian crises under recalcitrant and human rights abusing regimes. They can also then refuse to recognise that their presence contributes to maintain and legitimise such regimes. For instance, in the process of aid provision even to the abject Vanni IDPs there was little or no emphasis on human dignity, and the UNHCR participated in the government's documented, highly problematic and less than transparent resettlement process. The dire conditions to which the Vanni IDPs were often returned, and the manner in which many women heads of household suffered added indignities from men of their communities and from the military due to the lack of security in return areas, were overlooked by agencies due to their preoccupation with the necessity to maintain access to communities and continue their work. It is unclear if this need for access was really in order to alleviate suffering or to maintain the agencies' own relevance.

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<sup>21</sup> Interview in Puttalam, February 2012.

In addition to humanitarian agencies' 'bare-life' definition, northern Muslim IDPs have faced a gamut of different ways in which their victimhood has been framed and mobilised, sometimes, but not always, by IDP representatives themselves. As the literature on the politics of victimhood notes, groups of persons affected by conflict have mobilised their stories of victimhood for political purposes, memorialisation processes towards healing, to access aid for affected communities, and in seeking justice for atrocities. Informed by this literature, the next section will discuss some further relevant elements in the framing of northern Muslims' victimhood within the Sri Lankan context of war, displacement and minority marginalisation. This section will locate the history of northern Muslim displacement within the larger discussion of victimhood in post-war Sri Lanka and the often troubling consequences for the community.

### **The Politics of Victimhood**

Victims have never been without 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 globally (Jeffery and Candea 2006; Ochs 2006; Jeffery 2006; Yildiz and Verkuyten 2011). The mobilisation of the international community around the issue of state terror against Tamils in Sri Lanka after the anti-Tamil pogrom of July 1983 and throughout the conflict, and again after the last phases of the war, is perhaps a case most illustrative of the mobilisation of victimhood. The formulation of the QFR too was such an instance of highlighting elements of victim experience for purposes of greater visibility. In Sri Lanka, however, the unfortunate legacy of the conflict has led to the casting of victimhood primarily in relation to ethnicity. In the post-war context the entrenched legacy of a past preoccupation with ethnicised victim politics has been difficult to let go of. The Muslims too remain trapped within this limited paradigm of asserting ethnicised victimhood.

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 the victim discourse represents yet another milieu in which these worlds of solitude exist, and moreover that they are informed by drastically different notions of ethics and justice.

In a collection of essays edited by Jeffrey and Candea (2006), anthropologists explore the politics of victimhood in different global contexts. Globally, many victims groups have mobilised narratives regarding their victimhood in order to influence policy interventions and draw attention to their particular victim experience. The politics of victimhood takes many forms. Jeffrey and Candea call special attention to the manner in which some victims groups, too, mobilise a non-political ontological status for their victimhood that considers suffering somehow prior to politics (Jeffrey and Candea 2006; Jeffrey 2006). They too seem to be cultivating the 'bare-life' definition of victimhood described above to maximise possible advantages. With regards to the Chagossians displaced from Diego Garcia, for instance, Laura Jeffrey (2006) documents the manner in which their representatives embrace a notion of victimhood that is disengaged from the larger politics of the Chagossian archipelago in order to maintain patronage relationships with the British state, displaced community groups in the Seychelles, and also anti-imperialist and anti-

militarisation activists in Mauritius. These respective groups have their own politics that are often oppositional to one another. However, the Chagossian victims group studied by Jeffery persists in maintaining a stance that endorses none of the above groups' claims, but keeps engagement with all of them open to ensure that any benefits that may accrue to the displaced Chagossian community are not thereby undermined. Another way in which victimhood gets mobilised – as documented regarding the Turkish Alevi community in Europe – is in terms of drawing upon a common experience of oppression to assert a collective Alevi identity and also to assert commonality with other minority communities in the country (Yildiz and Verkuyten 2011).

In a different engagement with victim politics, Julianna Osch (2006) notes the manner in which two spatially and temporally disconnected modes of victimhood are mobilised in Israel in support of the actions of the Israeli state and the Zionist project. Israeli victims of the Intifada are framed and described as being similar to victims of the Holocaust. Osch describes also the manner in which such mobilisation is critiqued for incommensurability within Israel, pointing to the many discourses and counter-discourses that prevail within the same polity. Victims, then, mobilise representations of their victimhood for various political purposes with varying effects.

The commensurability of victimhood when memorialising a history of atrocities has been written about by Ballinger (2006). In this description of memorialising experiences of violence during the Second World War, two communities – the majority Italians and the minority Slovenians in the Trieste region of Italy – 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 that were done by communist forces that administered the 'liberation' from fascism. Both the Shoah – the Jewish experience of the holocaust – and the breakup of the former Yugoslavia and 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 2006).

Constantly defined as not quite victims in the manner, first, of Sri Lanka Tamils living in the war zone prior to 2009 and, second, of survivors of the bombardment of the Vanni in 2009, the northern Muslims have a history of struggling to articulate their suffering in a manner that is acknowledged by both state and non-governmental bureaucracies. Although they were expelled with minimal notice, stripped of their possessions and made to leave suddenly with their claims to home substantially undermined, the northern Muslims have long been considered the 'better off' IDPs. The reason for the distinction is that they were settled in a situation of displacement outside the conflict area with greater access for humanitarian groups and provision of food assistance and infrastructure services from the government (Brun 2008). In the contest over commensurability, therefore, the northern Muslims constantly lost out with serious political effect.

Historically, when the question of commensurability became important the leadership of the respective communities have been at pains to argue for commensurability, or its impossibility.<sup>22</sup> In the East during the peace process of 2002 onward, when the SLMC was struggling to articulate the need for Muslim stakeholder status at peace talks, the Tamil National Alliance parliamentarian R. Sampanthan argued against the inclusion of Muslims in the peace process, because they 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, Bishop of Mannar Rayappu Joseph stated that the Sri Lankan Muslim expulsion by the LTTE was in fact a blessing in disguise, due to the fact that the Muslims did not then have to live through the multiple displacements, loss of limbs and disappearance of family members that the residents of the North have had to go through. The Bishop stated that the Tamils on the other hand suffered far more due to loss of lives, loss of limbs and disappearances (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 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.<sup>23</sup> This claim was echoed by one of the Tamil NGO and peace activists that we spoke to in Mannar as well.<sup>24</sup> Further, there is also the assumption among the Tamil leadership (and echoed by the UNHCR, as explicated in the first section of this paper), that the Muslims are well settled in Puttalam and should not be coming back to Mannar or the North in general. Such a position indicates a refusal to recognise Muslim victimhood, let alone admit commensurability. Sections of the Tamil leadership have therefore been consistent in the claim of incommensurability of victim status. There have been some exceptions. Sharika Thiranagama's work on the expulsion is a powerful indictment of Tamil silence on the issue (Thiranagama 2011).<sup>25</sup> Some salutary recent developments are also promising. M.A. Sumanthiran, TNA MP, recently spoke of the necessity of acknowledging the expulsion as a crime.<sup>26</sup> Additionally, acknowledging the findings of the Citizens' Commission, 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).<sup>27</sup>

<sup>22</sup> 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.

<sup>23</sup> 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.

<sup>24</sup> Meeting with peace NGO in Mannar, October 2012.

<sup>25</sup> Thiranagama states: "I argue that Muslim minorities are not at the margins but the key problem for Tamil nationalism, crucial to understanding the polarization of Sri Lanka and the deepening ethnic identification. Muslims are the absent but pregnant emptiness in the heart of Tamil nationalism. The north, easily assumed to be a mono-ethnic Tamil space, was only created as such after the assertion of its mono-ethnic status through the expulsion of Muslims, even though the LTTE tried to make the outcome 'Tamil Eelam' the immanent cause" (108).

<sup>26</sup> Recently (May 2013) in an extremely important move, MP M.A. Sumanthiran publicly recognized the expulsion of the northern Muslims, at the commemoration of S.J.V. Chelvanayagam's death anniversary held in Vantharamoolai, Batticaloa.

<sup>27</sup> An excerpt from the statement reads: "The eviction represents one of the worst instances of the narrow, exclusivist thrust of the Tamil nationalist political campaign of the past thirty years. The failure of our civil and political leadership to understand and acknowledge this has prevented us from dealing with our own past, and with our own moral and political responsibility towards minority communities that live amidst us. An examination of how we have contributed to the polarisation of relations between our two communities has not been forthcoming even after the

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 civil society activists have had little regard for any state-sanctioned commissions or fact-finding exercises, 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 Chandrika Kumaratunga had considered the institution of such a state commission, but that it had been shot down. It was shot down on the basis, again, of yet another competing claim to victimhood. State representatives had wanted to have the victimhood of the Sinhalese too reflected in any state commission mandate; that the LTTE's driving out of Sinhalese from Jaffna in the aftermath of the riots of July 1983 should also be reflected in the state commission of inquiry. The northern Muslim representatives in turn were reluctant to consider these two experiences as commensurable and had rejected such an initiative.<sup>28</sup> Muslims, then, disallowed from other victim narratives have sometimes asserted their own exclusive victimhood.

The Lessons Learnt and Reconciliation Commission (LLRC), despite all its faults, is valued by northern Muslims for finally being a state mechanism that acknowledges them. Although problematic in its antecedents and widely criticised by human rights groups for the limitations of its mandate as well as findings, the LLRC surprised many by the commitment of the commission members and the manner in which the 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 more or less as northern Muslims who appeared before the LLRC and Citizens' Commission representatives framed it, with minimal distillation, means that the Muslim issue is a substantial part of the LLRC. There is a recognition of Muslim suffering during the conflict and specific recommendations are made to rectify such suffering. The government, under pressure from the UN Human Rights Council in 2012, committed 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 action plan.<sup>29</sup> However, despite the fact that it finally acknowledges northern Muslim victimhood, there is an element of ethnic specificity that is problematic in such a recommendation. Sri Lanka as a country has no legislation for ensuring IDP rights. In such a context formulating policy referencing the Muslims alone is problematic and can only be read as symptomatic of the overly ethnicising imperative of the state in even its most benign fora.

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end of the thirty-year war. We must realise at least now that there is no exclusive political solution for the Tamil community, and that the question of political power sharing and equal rights confronts all minority communities. Inter-ethnic reconciliation and dialogue between communities, in particular the Muslim and Tamil communities are essential processes to arrive at a sustainable political solution. The document *The Quest for Redemption: the Story of the Northern Muslims*, prepared by the Citizens' Commission on the expulsion of Muslims by the LTTE, recently made a most damning pronouncement about the silence of the Tamil community on the eviction. We need to break through this silence if we are to move toward a genuine process of reconciliation".

<sup>28</sup> Interview with northern Muslim activist, October 2011.

<sup>29</sup> 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.

## Politicians, Political Patronage and Victimhood

Under the hyperethnised conditions of the conflict, northern Muslims also had a particular place in Muslim politicians' plans for larger constitutional recognition of Muslim rights to self-determination under a federal Sri Lanka. Under the SLMC, the victimhood of the northern Muslims took on a specific political lustre, and the manner in which its founder leader, M.H.M. Ashraff, capitalised on the expulsion event is emblematic of the politicisation of victimhood. During the research conducted by the Citizens' Commission on the Expulsion, a political activist who was Ashraff's close associate in the 1990s revealed that according to the then SLMC leader's mobilising on the expulsion, 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, including a settlement for Muslims that constituted the SLMC's southeastern unit, and perhaps the non-contiguous federation of northern areas where Muslims were a majority, was agreed upon. Historically the northern Muslims have not supported the SLMC's call for this particular kind of settlement (Haniffa and Raheem 2006). The SLMC leader, however, is on record as speaking of the northern Muslim expulsion as the SLMC's 'political trump card'. Therefore the SLMC leader never campaigned for immediate northern Muslim return and in fact institutionalised the claim that they could not return due to the lack of a guarantee against another expulsion. For Ashraff then, the victimhood of the northern Muslims was the basis on which to argue for a Muslim administrative unit. It is unsurprising that the expulsion that was an act of ethnic cleansing in turn engendered a politicisation of Muslim victimhood. To date, however, some members of the northern Muslim community regret that they were not assisted to return earlier.<sup>30</sup>

Ashraff's particular perspective on the political usefulness of the northern Muslims' victimhood, however, ensured that northern Muslims were provided with decent facilities in displacement. Four years after the expulsion, many northern Muslims could access state assistance under the Ministry of Ports, Shipping, Reconstruction and Resettlement, of which Ashraff was the minister, to purchase land and build permanent houses and move on to some form of semi-permanent existence while maintaining their 'displacement' identity. These settlements too were critiqued by community leaders as institutionalising the expulsion and compromising northern Muslims' right to return. However, interviews among northern Muslim women revealed an appreciation of the Unified Assistance Scheme that many said restored a sense of dignity to their lives in displacement (Thiranagama 2011; QFR 2011; Brun 2008).<sup>31</sup>

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<sup>30</sup> One activist recounted the manner in which Ashraff refused his request to entertain the possibility of northern Muslims return immediately after the expulsion. He stated that if they had returned earlier, their right to live in the North would not be put to test in the manner that is now being done. Interviews in Mannar, September 2011.

<sup>31</sup> The political importance of the northern Muslims shifted after Ashraff's death in 2000. The theatre of war in the early 2000s was very much the Eastern Province, which was the home of a larger percentage of the SLMC vote base. After the Ceasefire Agreement of 2001, the LTTE presence in the Eastern Province increased with the LTTE specifically undermining Muslim economic activity. During that time not only did northern Muslims fade from the SLMC's political agenda, they arguably disappeared altogether from the party's perception. In fact, 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 did not ask for the same for returning northerners (Haniffa 2009, 2011; Haniffa and Raheem 2006).

In these competing claims to suffering, when the humanitarian actors too have only limited sympathy for them, some Muslim community activists have chosen to discursively court the favours of the regime in power. While celebrating the victory and the triumph of the state over ‘terrorism’, certain Muslim activists seem to be also compelled to reiterate the fact that they were never the perpetrators of violence, never those who threatened the state, and were always the ‘good minority’, without whom the state may not have been able to decimate the LTTE (Haniffa 2012; Ismail 1995; de Silva 1981). Needless to say such a position does little to cement linkages between the minority communities and is also an index of the polarisation that persists between Tamil and Muslim interlocutors. The Muslim activists routinely call on the state to acknowledge the community’s ‘good minority’ status and secure their resettlement.<sup>32</sup> More recently, this call has extended to asking the state to protect them from the ire of rampaging monks. However, today, with the emergence and the entrenching of groups such as the Bodu Bala Sena, assertions such as that of M.N. Ameen regarding Muslim loyalty to the state have little traction. In fact, today the BBS is able to claim that the housing projects for returning northern Muslims that Rishard Bathiudeen has managed to find money for are actually Muslim colonisation projects of, first, the wildlife sanctuary, and second of other ethnic communities’ lands.<sup>33</sup>

Northern Muslims are also sometimes seen to have benefitted from their victimhood status. For instance, in Puttalam their status as displaced has brought them a standard of living that is higher (in relative terms) than the abject conditions of the local poor in the Puttalam District. And this is constantly noted and raised by members of the local community. As the QFR notes, the local poor watched as the northern Muslim settlements slowly began to develop with state assistance, including roads and pipe-born water that was not available for many in the area.<sup>34</sup> Even when interviewing northern Muslims who had decided that they would register as Puttalam residents, their own awareness of the fact that their IDP status had brought them certain advantages was palpable. For instance, one person stated that as IDPs they were looked after by the Ministry of Resettlement and other authorities. However, after they give up their IDP status who would look out for them? They see the poor people of Puttalam; there is no one who is looking out for their welfare. Would that be the plight of northern Muslims in the future as well?<sup>35</sup> Other northern Muslim activists feel that the host community ‘Intellectual Group’ that has been active for a long time in Puttalam, and have been quite emphatic about wanting the northern Muslims to leave, are inadequately appreciative of the northern Muslims’ contribution to the development of the area. The growth of Puttalam town, improvements in the standards of schools, and the availability of skills such as masonry and tailoring that the northern Muslims introduced to Puttalam are inadequately appreciated, they felt. There

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<sup>32</sup> The Muslim Council, with the cooperation of the Ministry of Industry and Commerce (Bathiudeen’s ministry), held a commemorative event on 9 November 2012. At this event, N.M. Ameen, head of the Muslim Council, explicitly stated and called attention to the fact that if the Muslims had joined the LTTE, then maybe the war would have ended differently. Ameen has chosen engagement with the state, and reiteration of Muslim ‘good minority’ status as a strategy for the Muslim Council.

<sup>33</sup> Neth FM radio programme, 26 March 2014, <https://www.youtube.com/watch?v=RQB-H0Bg0Ko>.

<sup>34</sup> The housing project mainly targeted northern Muslims. However, some assistance for local families and substantial infrastructure development for local villages were also part of the project. However, both the local community and northern Muslims understood it as being mainly for the latter.

<sup>35</sup> Interviews in Puttalam, February 2012.

is now a victimhood discourse among the Puttalam host community too that sees the arrival of the northern Muslims as rendering the 'host' Puttalam people marginal.

The northern Muslims are also seen to have benefitted from the fact that a minister of the current regime – Rishard Bathiudeen – who is perceived to be close to one of the president's brothers is also a northern Muslim, and formerly minister of Resettlement. Bathiudeen is well known for attempting to provide assistance to the northern Muslims and cultivate his patronage networks. Bathiudeen arranged the implementation of the housing assistance project jointly funded by the World Bank and the Sri Lankan government for 4,000 IDP families in Puttalam in 2004. This also included the building of three clinics, some schools, and the improvement of infrastructure such as roads and water supply to the IDP settlements. Unfortunately, however, Bathiudeen is no longer the minister, and the money for resettlement has shrunk substantially. The emphasis on new IDPs vs. old meant that northern Muslim return was delayed despite Bathiudeen being minister, and continues to move only in fits and starts. Today, even those who moved to the North are moving back to Puttalam due to delays in infrastructure development and allocations for housing and land. According to Bathiudeen the lack of international organisations' interest in the northern Muslim issue, and the government's own lack of attention to it, compelled him to access aid from Muslim-identified foreign governments, such as Qatar and Pakistan, for housing assistance for northern Muslims. Thereby certain housing schemes are being constructed in Mannar for returning northern Muslims, but these too have recently been embroiled in controversy.<sup>36</sup>

## Conclusion

The 'northern Muslims' have been named, framed and formed by their expulsion experience (Thiranagama 2011). However, the political mobilisation of their victimhood status 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. The majority of sympathetic media representations of the northern Muslim story reiterate this particular narrative, of loss and suffering, with any story about the manner in which the community overcame the odds that they were dealt, how they transformed the economy of Puttalam, how many of them managed to emerge successfully and proved to be a resilient and enterprising community having little traction.

Despite the articulations of victimhood and of suffering at the time of the expulsion and the continued victimhood during displacement, today they remain again marginal to the resettlement process. Unfortunately, there is no discourse in Sri Lanka of return as a process of overturning ethnic cleansing. Return is understood only as resettlement and not as an issue of justice and reconciliation. Muslims therefore are trapped in repeatedly

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<sup>36</sup> The delays in relation to resettlement assistance to northern Muslims has hurt Bathiudeen's power base. When he was resettlement minister, he had access to large funds that he used to cultivate his patronage networks. However, when the funds ran out and he was not able to provide for his constituents, this cultivated patronage itself began to backfire, and it was clear that if no assistance was forthcoming there was a likelihood that he would lose support and, further, if Muslims stayed in Puttalam, that he would lose his vote base. This is also a factor that needs to inform the analysis of the northern Muslim predicament.

asserting the need for return and resettlement as also, ironically, a ‘bare life’ issue. Even Rishard Bathiudeen is calling not for overturning ethnic cleansing, but resettlement for the poorest northern Muslims who are anticipating a better life after return.<sup>37</sup>

The constant difficulty faced by northern Muslims in getting an adequate hearing for their condition of suffering has resulted also in some northern Muslim activists’ own blindness to the suffering of others. The Tamils are, for the most part, seen only as those that benefitted from their expulsion (people returning today – 20+ years later – speak of recognising their furniture in Tamil neighbours’ houses and their cattle in the neighbours’ herds).<sup>38</sup> One interview with a Muslim NGO worker revealed the lack of sympathy of many northern Muslims; he stated that he did not know why Tamils were helped in Jaffna because every family in Jaffna had remittances from the diaspora, whereas Muslims had nothing.<sup>39</sup> Further, Muslims also see the manner in which the Tamil predicament is always in the press, and resettlement is only for new IDPs who are invariably Tamils. The fact that over 60,000 Tamils displaced from the High Security Zones of Jaffna also remain ‘old’ IDPs living in extremely abject conditions often escapes most Muslim actors.

One trope that has systematically recurred in northern Muslim accounts of the expulsion, and that needs to be capitalised on in the current context, is the constant reiteration of the good relations that prevailed between Muslims and their Tamil neighbours prior to the expulsion. In the Muslim narrative Tamils were never the perpetrators of the expulsion; it was always the LTTE, and often LTTE cadres who were not of the community – those who were brought in from outside (QFR 2011; Thiranagama 2011). Today this story is somewhat muted given the difficulties that returning northerners are facing and the reluctance of sections of the Tamil leadership to accept Muslim return. However, despite the difficulties, communities continue to find ways of dealing with their differences in everyday settings. The ethnicised manner in which politics has become organised, and aid delivery and resettlement are being conducted, are having a negative impact on communities working together. It is imperative, therefore, that a collective vision of northern resettlement that does not consider ethnicity-based victimhood alone is cultivated forthwith.

Post-war reconstruction in the North has been envisaged in terms of a humanitarian intervention at one level and as an infrastructure-building exercise at another. In terms of the humanitarian exercise, those affected by the last days of the war alone are considered as suitable for assistance and ‘saving’. Other necessary frameworks – overturning ethnic cleansing, reconciliation, the cultivation of interethnic good will, memorialising, mourning

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<sup>37</sup> 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 relation to the various assistance programmes. In fact, during our visits to Puttalam in 2012 we encountered an entire village in Nuraichcholai that was originally driven out from Illanthaikulam, Mannar, 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. These persons were earmarked for the third phase of the World Bank housing project. However, the housing project was suspended in 2011 prior to completion, and the Treasury has refused a further extension of the project.<sup>37</sup> At that time they were waiting for confirmation of land grants in the North in order to return and resettle. There are of course many stories that are similar to those of the people of Illanthaikulam; the northern Muslims constitute a population of over 200,000 and many are in need of assistance. The point, however, is that there is little space today to speak of the different experiences within the community. All are compelled to identify as a collective with no space for a more nuanced discussion of victimhood and survival.

<sup>38</sup> Interviews in Mannar, 2011; and Puttalam, 2013.

<sup>39</sup> 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.

and healing, the empowerment of the war-fatigued communities, livelihood development, demilitarisation, reparations and compensation, all of which must be thought of during a process of transition – have been absent in the North. Both the government and international actors must share some responsibility for this. The northern Muslims, then, have been compelled to assert their victimhood in order to qualify for assistance within such a narrow framework. And within a context where northern Muslims have long been used to the ad hoc nature of assistance provision and where dependency on assistance has been almost cultivated, their own mentality is “to take what you can get when you can get it”. Many therefore – activists included – have been trapped in a discourse of claiming victimhood and are wary of moving beyond it. Circumstances that have compelled northern Muslims to speak only of their ‘sad stories’ has prevented them from highlighting the resilience and strength of the community. Even in the QFR this information appears almost in spite of itself. While victimhood has been the preferred mode of engaging with the outside world, this has undermined a more positive representation of the community.

Other ways in which northern Muslims could mobilise to access benefits for their community have been foreclosed by the manner in which the transition from war to peace is being managed in Sri Lanka’s North. Given that the government’s plans are influenced by a siege mentality uninformed by any forward-thinking ideologies for mobilising Sri Lanka’s pluralism as a positive force, the entire country remains at a troubling impasse. For instance, as a community that has been able to access education during the last decade due to the improved education infrastructure in Puttalam, returning northern Muslims may in fact be able to spearhead the economic development of the North. 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 has focussed on large infrastructure projects to facilitate the influx of money from outside in the hope that it will ‘trickle down’. However, this investment has been documented as promising little for the local people<sup>40</sup> (Thahir et.al. 2013). As has been documented in this paper and elsewhere, the resettlement process is beset with problems. As the recent Norwegian Refugee Council –Internal Displacement Monitoring Center (NRC – IDMC) report documented, many people remain IDPs regardless of government claims to have settled them. Additionally, conflict between returning Muslims and Tamils in the North is intensifying.<sup>41</sup>

Five years after the end of the war disquiet prevails everywhere in the country. Labour strikes, student unrest, popular disaffection, deterioration in the situation of law and order and extreme political corruption and malpractice are everyday occurrences. The ethnicised political polarisation is evident in the manner in which the Northern Provincial Council elections were won by the TNA in a landslide in the North. Additionally hitherto dormant marginal fringe elements, such as the rampaging monks of newly-formed Buddhist nationalist groups and their spectacular scapegoating of Muslims, are a new phenomenon that the country has to contend with. Reconciliation is therefore a dire need. However, the manner in which it should be conceptualised requires a political vision that remains far removed from what is available today.

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<sup>40</sup> See, for instance, a recent article by economist Muthukrishna Sarvananda, 2014.

<sup>41</sup> See IDMC report entitled ‘Almost Five Years of Peace but Tens of Thousands of War Displaced Still Without Solution’ found at <http://www.internal-displacement.org/south-and-south-east-asia/sri-lanka/2014/almost-five-years-of-peace-but-tens-of-thousands-of-war-displaced-still-without-solution/>

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The northern Muslims together with all protracted IDPs displaced prior to 2008 became a low priority case load 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 Muslims own marginality and continued exclusion from the north. Looking also at the manner in which victimhood narratives are mobilized in Sri Lanka by electoral politics, and displaced IDP activists themselves, this paper will speculate about the efficacy of the victim identity for political and social transformation during this time of transition in Sri Lanka.

**Farzana Haniffa** obtained her Ph.D in Anthropology from Columbia University in New York in 2007 and has since then worked as a Senior Lecturer in the Sociology Department of the University of Colombo. Her research and activist interests for the past fifteen years have concentrated on the politics of Muslim communities in Sri Lanka. She has published on the Islamic reform movements in Sri Lanka, the history of Muslims' involvement in electoral politics, the Muslim community's exclusion from the peace processes and more recently on the mobilizing of hate rhetoric against Muslims. In 2009 she initiated - through the Law and Society Trust - a Citizens' Commission to inquire into and report on the expulsion of Muslims from the Northern Province of Sri Lanka by the Liberation Tigers of Tamil Eelam. The final report *entitled A Quest for Redemption: the Story of the Northern Muslims* was launched in 2011 and subsequently translated in to Tamil and Sinhala. Haniffa has also written on issues of women and conflict, transitional justice, militarization, and child rights in Sri Lanka. She is a member of the management council of the Social Scientists' Association and Chair of the Board of Directors of the Secretariat for Muslims.

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