‘The camp’ and ‘the lesser evil’: humanitarianism in Sri Lanka

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‘The camp’ and ‘the lesser evil’: humanitarianism in Sri Lanka

David Keen

This article examines the 2009 humanitarian disaster in Sri Lanka through fieldwork conducted at the time and through theoretical lenses supplied by Arendt, Foucault and Agamben. The article suggests that this catastrophe represents a salutary example of the consequences of promoting a ‘lesser evil’ in the context of a government-fuelled human rights disaster. In line with Arendt’s critique of the ‘lesser evil’, the case illustrates the limits to prioritising compromise, quietude and ‘access’. At the same time, while ‘democracy’ and ‘terror’ have frequently been posed as opposites, this tragedy shows how democratic forces, nationally and even internationally, can embrace something that approximates to Agamben’s ‘camp’, a state of emergency in which entire groups of people lose their rights and can, at the extreme, be killed with impunity. Meanwhile, a pervasive official language of ‘care’ and ‘humanitarianism’ (corresponding to Foucault’s politics of ‘life’) not only proved entirely consistent with ethnic cleansing and the large-scale killing of civilians; it also actively assisted in this endeavour by creating a smokescreen behind which massacres could be carried out.
Introduction

At what point does mitigation become complicity? Hannah Arendt highlighted the role of Jewish councils in the Holocaust as an example of the dangers of embracing a ‘lesser evil’ (in this case, co-operation with the Nazi authorities, delivering lists of names, selecting people for deportation, even rounding them up) in the hope that this strategy could mitigate a wider evil (in this instance, the Holocaust). The hope of personal survival frequently clouded the issue and Arendt noted that the prospect of being deemed an ‘exception’ helped secure co-operation for the general rule.1 Arendt suggested, controversially, that the scale of the Holocaust owed a good deal to the generally meek co-operation of Jewish authorities.2

Arguments about ‘lesser evils’ also have more recent resonances. Some analysts have suggested that, in a ‘war on terror’, torture may be a defensible ‘evil’ if it reveals, for example, the whereabouts of a ticking bomb.3 In his book The Least of all Possible Evils, Eyal Weizman has described how some human rights lawyers were drawn into the design of Israel’s West Bank separation barrier in an attempt to secure a route that would do a little less damage to Palestinian lives and livelihoods. Meanwhile, in the realm of humanitarian aid many agencies have argued that they have a duty to provide international relief even if this means quietude on human rights abuses: at the extreme, this shades into the suggestion that a host government’s policy of massacre and/or internment can usefully be mitigated (and indeed ought to be mitigated) through the provision of humanitarian relief, whilst a strategy of quiet co-operation with abusive authorities can be defended on the grounds that, by providing material relief, one is promoting a ‘lesser evil’.4

This article examines the recent humanitarian disaster in Sri Lanka—when an intensified war culminated in the defeat of the rebel LTTE (or ‘Tamil Tigers’) in May 2009—and shows the consequences of promoting a ‘lesser evil’ during a government-fuelled human rights disaster. Aid agencies made many compromises in order to maintain ‘access’ in the face of a government that had notable totalitarian tendencies and that was determined to pursue military victory even at the expense of large-scale civilian suffering. On the whole, the hope among international humanitarians was that a policy of compromise and near-silence in the public sphere would prevent a greater disaster.

There were some positive achievements: after relief agencies were effectively ejected from the north in September 2008, several relief convoys reached northern Sri Lanka; as hundreds of thousands poured out into Vavuniya on the edge of the war zone, aid agencies supplied them with food, shelter and medical assistance; some freedom of movement was
eventually secured for these people; and a little assistance even reached the people huddled
around the beaches of Mullataivu, assaulted by LTTE bullets and government shelling.

It must also be acknowledged at the outset that the ruthlessness and clever tactics of the
Sri Lankan government put aid agencies in an extremely difficult position, particularly
given the dangers of being ejected and the varied duties of care that these agencies have.
Nevertheless, the idea that one could ‘do business’ with the Sri Lankan government—the
hope of securing concessions via behind-the-scenes diplomacy—proved largely deluded.
Sri Lanka is a small nation heavily dependent on international trade, finance and military
support (the US, for example, is Sri Lanka’s second largest export destination). Colombo
also came to depend on international aid to feed the population displaced from the north.
Yet the Sri Lankan government succeeded in bullying and deceiving ‘the international
community’ into surrendering not only its voice but a great deal of its neutrality, with
extremely damaging results.

Colombo secured a surprising degree of international consent for its policy of mass
ethnic internment whilst engaging in ruthless military tactics that killed perhaps 40,000
civilians, including thousands who had been shepherded into what governmental and
some international actors referred to as ‘safe areas’. The international community has even
been accused of funding ethnic cleansing by assuming the expense of feeding the displaced.
Some 280,000 displaced people were interned in and around the town of Vavuniya.
Meanwhile, hospitals in the north were systematically attacked by government forces, and
the UN never succeeded in obtaining a humanitarian pause to encourage civilians to move
to safety.

In what follows, the first section looks at Sri Lanka as an example of what Georgio
Agamben calls ‘the camp’. The following sections look at the clever manipulation of relief;
the extreme manipulation of the truth; and the flourishing of Sri Lanka’s ‘war system’ in
the context of a ‘war on terror’. The final section concludes.

‘The camp’

Agamben has argued that ‘the camp’ (in its purest form, the concentration camp), rather
than the city, represents the ‘hidden matrix [. . .] of the political space in which we are still
living.’ When ‘security’ is threatened, this will tend to give rise to a ‘state of exception’; and
as a result some people will be deemed, in effect, to be without rights and to be a legitimate
object for killing. Indeed, no act against these people will even be regarded as a crime. Agamben suggests that the potential for a suspension of normal rules is inherent in modern Western political systems. As Agamben himself puts it, ‘[...] the exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception.’

He stresses, for example, that Article 48 of the Weimar constitution allowed for the suspension of fundamental rights if there was a threat to public security, and that many elements of German democracy were suspended before Hitler became Chancellor. Agamben also argued that invoking the sacredness of life was a ‘hypocritical dogma’ linked to ‘vacuous declarations of human rights’, echoing Arendt’s view that ‘human rights’ were typically invoked at the precise moment when they were being stripped away, leaving only ‘the abstract nakedness of being human and nothing but human.’

While much of Agamben’s work pertains to European history, his arguments resonate in recent humanitarian emergencies—not least in Sri Lanka, where a large proportion of the Tamil population was either being shelled by government forces or forcibly detained. Was this not a prime example of ‘the camp’ writ large, a devastating ‘state of exception’ that rendered a large group effectively without rights? Agamben notes that in Europe and the US emergency wartime emergency powers have often been retained into peacetime—and, significantly, in Sri Lanka the defeat of the Tamil Tigers actually heralded new emergency powers as well as an increase in the size of the army. Human rights discourses proved of limited usefulness (in line with Arendt and Agamben), and the UN Human Rights Council was used—as will be shown—to whitewash abuses.

Significantly, Sri Lanka’s ‘camp’ did not come about under an unelected dictatorship but under a democratically elected government that fought a ruthless war and restricted political freedoms in the name of ‘security’. In a 2008 article, Jonathan Spencer noted that while ‘democracy’ and ‘terror’ are often seen as antagonists, in Sri Lanka ‘[...] much of the peculiar nastiness of the past 20 years of conflict [lies] in the institutional structure and working dynamic of representative democracy [...]’. In a similar vein, Rajesh Venugopal has stressed that democratic forces helped unleash the brutal tactics in the north—not least as nationalist parties set their stall against a pro-business 2001–2004 United National Front government that was pushing for peace in harness with a programme of economic liberalisation that eroded the livelihoods of many poorer rural Sinhalese in particular.

Meanwhile, Colombo’s ruthless war strategy received rather limited criticism from democratically elected governments in the West, governments that also spoke the language of ‘security’ in the context of a global ‘war on terror’. Significantly, the United States in
particular has sometimes been seen as operating within its own ‘permanent emergency’, a continuing ‘state of exception’ that legitimises enormous military spending as well as a suspension of rights for a wide range of ‘enemies’ in the ‘war on terror’. In Sri Lanka, the rather belated efforts of the US and UK governments to rein in the worst governmental abuses were impeded by this ‘security’ paradigm—and when attempts were made to criticise Colombo’s human rights abuses, the Sri Lankan government quickly turned to accusations of imperialism and stone-throwing by people in glass houses.

In analysing how ‘the camp’ becomes possible, Agamben noted that the state’s growing role in promoting the welfare of a given population—promoting ‘life’, in Foucault’s terms—has had the paradoxical effect of increasing the possibility of mass death. While in many ways there is nothing particularly modern about a policy of persecution and massacre that purports to ensure the health of a community, Sri Lanka shows how a policy of mass death can today be justified in the name of the welfare of the population; in line with Foucault’s analysis in ‘Society Must be Defended’, it was ethnic categories that helped to determine who was marked out for dying and who was to have their conditions and their ‘right to life’ promoted—in part, through the deaths of others. The general idea in Sri Lanka was that the civilian population of ‘loyal Sri Lankans’ could be managed and cared for through the welfare bureaucracies of the Sri Lankan government and the international community, while the terrorist/rebel threat was surgically—and indeed painlessly—removed. A pervasive language of care not only proved entirely consistent with ethnic cleansing and the large-scale killing of civilians, it also actively assisted in this endeavour by creating a smokescreen behind which massacres could be carried out.

Importantly, the Sri Lankan government’s military push into the north-east was presented by Colombo as a ‘humanitarian operation’ designed to free those ‘held hostage’ by the LTTE rebels, and this language, for the most part, was not effectively countered by international actors. Meanwhile, government officials and international humanitarians talked a great deal about ‘helping IDPs’ (or internally displaced persons) in ‘welfare centres’ (detention camps) and not much about the causes of displacement—a long and not very glorious tradition in the context of conflict-driven humanitarian emergencies. Several aid agencies spoke the language of ‘protection’ and ‘protection by presence’ (the latter idea perhaps legitimising a priority for access over advocacy). But in practice aid agencies’ ability to promote protection was extremely limited—and ‘protection by presence’ meant little when agencies, except the International Committee of the Red Cross (ICRC) and Caritas, were kicked out of the north in September 2008.
Meanwhile, mass death and mass internment—outcomes often neatly and euphemistically summarised as a ‘tough’ approach towards terror—could be presented as a route to development; after all, in a ‘securitised’ language that was reinforced by 9/11, security is frequently seen as necessary for development, and development as necessary for security. The favoured ‘development’ was one where Tamil civil society had rather little control or input.26 A ‘tough line’ could even be framed as conflict resolution: it was presented as bringing war to a close and as making possible the economic development that would in turn insirue against future conflict.27 Even as mass internment was legitimised with the language of care, it also created opportunities for humanitarian organisations to carry out their ‘emergency’ work and to raise revenue—potentially distorting the balance that was struck between access and advocacy.28

The rebel LTTE was not difficult to ‘demonise’: it had carried out numerous acts of terrorism, widespread forcible recruitment of children, and diverse acts of intimidation against Tamils it claimed to represent. It also used civilians as a ‘human shield’ during the government’s military push in the north from September 2008. These abuses were used to justify government abuses. Many aid workers pointed to a set of official policies and practices that had the predictable effect of debilitating, displacing and ultimately interning a very substantial portion of the Tamil population. The official ‘hostage’ story was actually much more complicated. For example, an aid worker with extensive experience of the north noted:

*No army wants enemies behind their lines. People were pushed west to east. It was both the army and the LTTE, a combination of the army and LTTE not letting people go through their lines. If you get through the LTTE, then you have to go through the army.*

Rather similarly, a World Food Programme (WFP) situation analysis in September 2008 noted that civilians were likely to be prevented from moving from LTTE areas because, first, the LTTE wanted to keep control of this population and, second, ‘the Sri Lankan Army (SLA) wants no Tamil elements to move through the lines and have potential infiltrated elements in its back.’29 A UN aid worker commented: ‘[c]ivilians have been deliberately shelled [. . .] Part of the strategy is to shell civilians to move them around’. So, far from simply being captured and forced east by the LTTE, many people were actually driving to the east of the country—in line with government objectives and out of fear of what the army would do to them. As this UN worker recalled: ‘[d]uring convoy number 1,
to Mullaitivu and PTK [Puthukkudiyiruppu], the 2nd to 3rd of October [2008], I saw empty vehicles going east to west and full vehicles west to east, 24 hours a day.

Once people had moved to near the north-east coast, government forces intensified the shelling of areas in which civilians were heavily concentrated. The International Crisis Group (ICG) reported on 9 March 2009: ‘[w]hile they [an estimated 150,000 IDPs at the time] are mostly in or near the government-declared “no fire zone” along the coast, the government itself has shelled that zone daily’.30 The ICG’s Gareth Evans noted on 1 May 2009:

> Despite the government’s April 2 announcement that the military had been ordered to cease using air attacks, artillery, and other heavy weapons against remaining LTTE-held areas, such attacks have carried on with increasing intensity […] the government has defaulted on its promises and paid mere lip service to calls for restraint, all the while pursuing its military onslaught.31

As hundreds of thousands fled to Vavuniya, Colombo claimed this was the result of government forces’ military success against the Tigers, allowing people to leave. The Defence Minister called it ‘the world’s biggest rescue operation’.32 But government violence was itself widespread and highly destructive.

Aid workers reported in April 2009 that until roughly the second week of that month, the wounds of those in Vavuniya hospital were mostly from shrapnel, the result of government shelling operations.33 One aid worker in Vavuniya said ‘[c]asualties were mainly by the SLA [Sri Lankan army]. The government says there’s shelling by the LTTE, but that’s not happening. The LTTE is shooting at people, and there’s [LTTE] suicide bombers to scare them’. Aid workers also stressed that civilians were being forced onto government buses and misled about the conditions (including lack of freedom of movement) they would find in Vavuniya; moreover, had conditions in Vavuniya been better, more would have risked fleeing the LTTE earlier.34 Significantly, population movements towards Vavuniya began well before the final April–May 2009 assault on the LTTE, reflecting in part the long-standing government restrictions on relief to the north.

### Manipulating relief

Relief operations were systematically manipulated to serve the Sri Lankan government’s military purposes; and, for the most part, the international community complied rather meekly with this process. Crucially, September 2008 saw the government telling
humanitarian agencies that they should move out of northern Sri Lanka, noting that this was a ‘short-term measure’ and that their security could no longer be guaranteed. Only the ICRC and Caritas remained. This enforced evacuation was defended by Colombo as necessary for the security of aid staff. But, as Human Rights Watch noted, aid agencies are accustomed to dealing with dangerous environments and they need to be able to exercise their own professional judgment on operating in insecure areas.

Other agendas were at play, and one experienced aid worker said humanitarians were regarded as ‘a nail on the foot of military plans to advance’: to eject aid workers was to eject potential witnesses. One aid worker remembered that in Kilinochchi, ‘local inhabitants were blocking the [compound] gates and saying you can’t leave, you’re leaving us so exposed’. Meanwhile, the UN issued a statement that it had been forced temporarily to relocate because of its assessment that the situation was too dangerous, failing to mention that it had been forced to leave by the government.

In addition to ejecting possible witnesses, Colombo also limited relief to the north (usually citing ‘security concerns’), with the apparent purpose of weakening and ultimately depopulating areas of rebel strength—a tactic familiar from Sudan and Ethiopia, for example. Some food was allowed in, and one senior UN worker suggested: ‘the government realised early on that they didn’t want an outright food-based humanitarian situation’. Indeed, aid workers stressed that the Sri Lankan government used the existence of humanitarian operations to demonstrate the government’s good intentions and ‘humanitarian credentials’ (much as the Israeli government had done during the 2008–2009 attacks on Gaza). Some aid workers themselves bought the government line here, with one senior UN worker telling me: ‘[i]t’s a relatively civilised war, with channelling food through to enemy territory’. Meanwhile, the Sri Lankan government took full credit for WFP deliveries as ‘government’ food.

But the food was gravely inadequate. One UN aid worker noted in April 2009 that there had not been a full ration for IDPs in the north since February 2008, estimating deliveries at 50 per cent of those that would provide a full ration. Actual deliveries in October, November and December were only 40 per cent of the minimum nutrition requirements of the displaced. The 16 January 2009 relief convoy (which encountered heavy shelling) proved to be the last one. One UN worker commented, ‘[t]hey allowed vessels by sea. The government doesn’t want people to see the devastation of the land’. The food brought by sea was also gravely inadequate. Monitoring of all the relief was very weak, with agencies often simply adopting government assessments of who needed what.
Significantly, non-food items were generally excluded from UN convoys despite the intense need for medicine, shelter and sanitation created by multiple displacements. One aid worker who travelled with many of the convoys said, ‘the government of Sri Lanka does not want anything to go in [to the Vanni] except food’ (The Vanni is northern Sri Lanka without the Jaffa peninsular.) Another aid worker noted: ‘starvation would be huge in the media, but blocking medicine is not so dramatic or visible’. Promoting ‘life’ (in Foucault’s terms) also involved promoting sickness. Even back in 2006, while some 16 per cent of food projects in the Vanni were negatively affected by the conflict, fully 49 per cent of Water and Sanitation projects were affected, 51 per cent of health projects and 55 per cent of education projects. One aid worker said, ‘[w]e were never allowed to take water tanks and pipes in any significant quantities, and it was deliberate. They [the people in the north] were supposed to get sick. UNICEF never made a fuss, not publicly’. Negotiations to allow non-food items delayed departure, and one aid worker noted, ‘there were jealousies of WFP being in the frontline and other agencies not’.

With agencies vying for space on the convoys, the chances of collective pressure and advocacy for an improved relief response were significantly reduced. Inter-agency co-ordination was actively discouraged by Colombo, and where there were quiet attempts at inter-agency co-ordination, this could then be made to look like a ‘conspiracy’—an interesting example of what Arendt has called ‘action as propaganda’ (or making a totalitarian fiction more plausible through particular violent actions). The instrumentalisation of humanitarianism even extended to both sides using aid convoys as physical cover for military manoeuvres. An aid worker who travelled with several convoys explained the military’s manipulation of the 16 January 2009 convoy:

The SLA [Sri Lankan army] wants to follow the convoy and use the convoy to hide behind, and if you are behind the convoy, the other side cannot fire. The government used convoys for physical cover to move and to find if an area is safe and, if so, they ask others to come and join.

The politics of truth

Diplomatic sources stressed that government information control was designed to prevent the kind of international pressures that were seen as having impeded previous efforts to crush the rebels (for example in the 1990s). The Sri Lankan government very astutely
created the political space—both nationally and internationally—in which a ruthless ‘solution’ to the civil war became possible. Commenting on Colombo’s successful lobbying of the UN Human Rights Council, Sri Lanka’s Permanent Representative to the UN in Geneva observed:

*The attempt to hold a special session of the HRC [UN Human Rights Council] was on for four weeks. Those driving the move wanted to hold it when the war was on, and they pushed for it to be held on May 14\(^47\). They wanted to put the international brakes on our final offensive. In short they wanted to save the Tigers. We thwarted that exercise and bought the time and space for our armed forces to finish the job.* \(^47\)

Strikingly, the UN Human Rights Council rejected a draft statement that was critical of the Sri Lankan government and on 27 May 2009 (after the mass killing and defeat of the LTTE) put out an alternative statement:

*Welcoming the conclusion of hostilities and the liberation by the Government of Sri Lanka of tens of thousands of its citizens that were kept by the LTTE against their will as hostages, as well as the efforts by the Government to ensure safety and security for all Sri Lankans and bringing permanent peace to the country.* \(^48\)

Enemy definition was complex. Over a long period in Sri Lanka, international attention had tended to focus on a ‘north–south’ or ‘Tamil–Sinhalese’ conflict (just as Sudan, for example, had seen a long-standing focus on ‘north–south’ conflict). However, as in Sudan, conflicts in Sri Lanka have been diverse: a major fault-line was revealed, for example, in the rebellions of 1971 and 1987–1989. A ‘war on terror’ offered a way to distract from class-based conflict and a way to absorb the energies of young, poor Sinhalese males, many of whom had been attracted to rebellions within the south. \(^49\)

In the summer of 2009, a large proportion of the Tamil population of the Vanni was interned in camps—a dramatic practical expression of the fact that *the Tamil population as a whole* was considered suspect in relation to ‘rebellion’ and ‘terrorism’. Mass detention could itself be taken as evidence of the intensity of the threat: as Arendt put it in her discussion of how a ‘fictitious world’ was made to appear plausible in relation to the Nazi holocaust, ‘the point was that the Nazis acted as though the world were dominated by the Jews and needed a counterconspiracy to defend itself’. \(^50\) Meanwhile, some aid workers seemed to support the mass internment. For example, Simon Harris, with extensive aid agency experience in Sri Lanka, noted:
Faced with a time-critical period in which to act decisively, the mass internment of IDPs was probably the only effective and efficient strategy open to the Sri Lankan government in responding to a very real security threat which, if left unchecked, could have resulted in the prolonging of an already protracted violent conflict.  

For the most part, the military ‘endgame’ was seen as ‘inevitable’ and many staff became ‘socialised’ into a highly coercive environment. If anyone did question the war or the government or even tried to highlight civilian suffering, he or she ran the risk of being labelled—and treated—as a terrorist sympathiser. Significantly, the government used a widening definition of the enemy to police the information environment (and to reinforce its own definitions of what the conflict was ‘about’).  

Constraints on journalism inhibited national and international understanding of the unfolding humanitarian disaster in the north. Intimidation and restrictions on access meant reports on the war were consistently pro-government. Attacks on journalists were often preceded by a public ‘outing’ on the Ministry of Defence website. One minister openly boasted that he had been responsible for the killing of the editor of the Sunday Leader, Lansana Wickrematunge. The brazen quality of these crimes (and accompanying statements) recalls Arendt’s discussion of the ‘open crimes’ of the Nazis even before their rise to power.

Aid agencies themselves faced a very real prospect of being incorporated into the government’s (flexible) definition of the enemy. At any time, they could be expelled or labelled a ‘white tiger’ (a rebel sympathiser or even a ‘terrorist’). Even the Undersecretary-General for Humanitarian Affairs was labelled a terrorist by a Minister in 2007. Sri Lankan laws passed in 2006 made it illegal to have any transaction with terrorists irrespective of motive or intent—in theory allowing for indefinite imprisonment of any aid worker delivering food to areas controlled by the Tigers; meanwhile, US law criminalised aid reaching ‘terrorist’ groups, something that inhibited aid in a number of other contexts (notably Somalia).

The Sri Lankan government used visas, travel permits, written agreements, misinformation, compulsory evacuations, impediments to land convoys and various kinds of intimidation to minimise the damaging information leaking out via the activities of aid agencies. Revealingly, between 2006 and 2008, at least 63 national staff (of humanitarian agencies) are believed to have been killed. One UN worker said simply:
‘anyone who speaks up gets a bullet in the head’. The worst incident was the killing of 17 local staff of the French NGO Action Internationale Contre La Faim (AICF) in Muttur in August 2006 a few hours after pro-government forces recaptured the town.\textsuperscript{61} In criticising aid agencies, Colombo was able to capitalise on a degree of public antipathy to a rather chaotic international response to the 2004 Tsunami.

‘The enemy’ also came to include those civilians who did not go where the government wanted them to go. A Ministry of Defence statement of 2 February 2009 warned:

\textit{While the Security Forces accept all responsibility to ensure the safety and protection of civilians in the Safety Zones, they are unable to give such an assurance to those who remain outside these zones. Therefore, the government, with full responsibility, urges all civilians to come to the Safety Zones; and also states that as civilians who do not heed this call will be among LTTE cadres, the Security Forces will not be able to accept responsibility for their safety.}\textsuperscript{62}

In line with this threat, when government shells hit a packed women’s ward at the PTK hospital, Defence Minister Gotabaya Rajapaksa said ‘there shouldn’t be a [PTK] hospital or anything because we withdrew that [. . .] nothing should exist beyond the No Fire Zone’.\textsuperscript{63} As noted, the safe zones were subsequently and ruthlessly shelled by government forces.

Referring to information coming out of the battle zone, the Defence Minister said, ‘[t]here are no independent observers, only LTTE sympathizers’.\textsuperscript{64} Thus, having effectively banished journalists and aid workers from the battle zone, the government was then able to claim that any troublesome information must come from a biased source. As Arendt noted:

\textit{The common-sense disinclination to believe the monstrous is constantly strengthened by the totalitarian ruler himself, who makes sure that no reliable statistics, no controllable facts and figures are ever published, so that there are only subjective, uncontrollable, and unreliable reports about the places of the living dead.}\textsuperscript{65}

UN advocacy could sometimes make a positive difference,\textsuperscript{66} and international donors did eventually help to end the forcible detention in camps, with Britain playing a prominent role.\textsuperscript{67} The ICRC was certainly able to use its continuing presence in the north to highlight civilian suffering. And some NGOs pushed hard on certain issues: for example, Médecins Sans Frontières (MSF) pressed for a proper inquiry into the 2006 killing of the AICF workers. However, most of those interviewed were very critical of UN and NGO advocacy
efforts over a prolonged period, and the quietude of senior aid officials and many diplomats was seen by many aid workers as particularly unhelpful.

Many interviewees stressed that Colombo was *emboldened* by this quietude, and that this process started early. Indeed, the Sri Lankan government seems to have been encouraged—over a significant period—into believing that there were no consequences for bad behaviour. After the 2002 ceasefire agreement, only the reconstruction aid for the north-east was made conditional on progress in the peace process; other aid was not conditional. But while the LTTE was certainly attacking opponents, a good deal of the violence at the time (particularly after the Karuna faction split from the LTTE in March 2004) was actually being perpetrated by paramilitaries. This violence was fuelling LTTE attacks in a *cycle* of violence, yet it went unpunished. As has been common elsewhere, ‘spoilers’ linked to the state fell largely below the international radar screen.

While there were some limited Western sanctions on Sri Lanka (for example the US suspended grant aid in early 2007), on the whole these were weak. Significantly, at least 16 EU countries supplied Sri Lanka with arms up until 2008. A UN worker said of the military campaign from 2006, ‘[t]here’s never been a serious international opposition to the war’. In fact, just as the government was stepping up its military campaign in the east of Sri Lanka, Western donors sent the wrong signal by withdrawing or not replacing many of their conflict advisors. One UN aid suggested: ‘[t]he only leverage is much higher up. I don’t think we’ve been clever in negotiating […] I don’t think anyone thinks Sri Lanka is important’. Another senior UN worker said simply: ‘[n]obody backed words with a threat’.

One experienced WFP worker commented:

*We should have had a bigger protest when the Sri Lanka Monitoring Mission was asked to leave [in January 2008] Nobody did anything, and after a while I think the Sri Lanka government got very bold because nobody was standing up to them.*

When some Western donors did voice disapproval at the breakdown of the ceasefire, the Sri Lankan government seems consciously to have moved closer to China. Meanwhile, Colombo’s growing ties with China appear to have served as something of an ‘alibi’ for Western governments who did not get very tough on the government’s human rights abuses. In the West, the Sri Lankan government was widely praised for its democratic nature and its developmental record, and the conflict was sometimes presented as an irritating blemish rather than a product of Sri Lanka’s democracy and developmental
trajectory. For example, in April 2009 when the killing was most intense, the UK’s Economist magazine noted the high economic growth outside the war zone and said conflict, ‘an increasingly anachronistic blot on a hopeful country’, was a ‘stain’ that President Rajapaksa had ‘almost erased’.

In practice, a large amount of violence was frequently seen as permissible and even desirable. As Eyal Weizman noted in his more general discussion, the ‘architects of contemporary war’ must strike a balance between ‘keeping violence at a low enough level to limit civilian suffering, and at a level high enough to bring a decisive end to the war and bring peace’. While government actors (and the LTTE) undoubtedly broke international humanitarian law in numerous respects, that body of law is also permissive of significant violence (including, on one interpretation, the killing of civilians where this is deemed ‘incidental’ and proportional to military advantage).

Some Western states—including the US, France and Britain—increased their pressure on Sri Lanka as the crisis in Mullaitivu worsened in April 2009. But in New York the issue remained relegated to informal statements and unofficial meetings taking place not in the Security Council chamber but in the basement of the UN building. Nor were there formal meetings of the General Assembly on Sri Lanka. Important states opposing engagement by the Security Council included China and Russia (with their own separatist problems), Libya, Vietnam and Japan. There were no sanctions on individuals and, with the exception of some belated trade sanctions from the EU (that did hit textiles hard), there continued to be few attempts at imposing sanctions on the government as a whole. In fact, the International Monetary Fund (IMF) released a US$2.6 billion loan in July 2009, just after the height of the crisis.

Meanwhile, the Sri Lankan government was able to use the existence of relief operations not only as evidence of its humanitarian intentions but as a kind of ‘leverage’ over the international community: agencies were in effect encouraged to accept quietude in return for access. The government’s ability selectively to grant access (as in the discrimination against non-food items) was important here, inhibiting collective pressure. Several of those interviewed in Sri Lanka felt that a prioritisation of delivery over advocacy had ultimately had very adverse effects for the protection of target populations, and had actually done little to enhance staff security or even the ability to deliver relief goods and services. MSF’s Marie Pierra Allié recalls:
In 2009, still under threat of expulsion from Sri Lanka [as a result of pushing for a proper investigation of the murder of 17 AICF workers], MSF signed a Memorandum of Understanding enjoining it to remain silent—but still did not gain access to the combat zones.\textsuperscript{85} Significantly, the UN Secretary-General’s Internal Review Panel commented in 2012: ‘UN officials said they did not want to prejudice humanitarian access by criticizing the Government—and maintained this position even when access within the Wanni [or Vanni] was almost non-existent’.\textsuperscript{86} Silence was also defended on the grounds that UN officials were trying to negotiate a humanitarian pause (which did not materialise). In practice, the amount of ‘humanitarian space’ in which aid agencies could operate was perceived by most informants as having shrunk progressively alongside a series of concessions to the Sri Lankan government.

Many aid workers saw the international community’s near-silence on the September 2008 expulsion of aid agencies as giving a ‘green light’ to an escalation of the war. One UN worker, who had been working in Kilinochchi, said: ‘[i]n August and September 2008, bombs were dropped from planes right next door to our office. We were really angry. The statements coming out of Colombo were completely unhelpful, including OCHA/Colombo [the UN’s Office for the Co-ordination of Humanitarian Affairs]’. MSF’s Fabrice Weissman remembered international diplomats’ reactions to the expulsion: ‘[a]sked to pressure the authorities, the Indian and western embassies said they were powerless’.\textsuperscript{87} The UN Secretary-General’s Internal Review Panel commented: ‘[ . . . ] the logic of relocating staff because of a Government safety warning when Government forces themselves represented the dominant threat to staff seems never to have been questioned’.\textsuperscript{88}

Also criticised by aid workers in the field were the weak protests from within the UN system—at least in public—at the civilian casualties resulting from government shelling and aerial bombardment during the intensified military push from September 2008. Even when the UN’s own staff came under direct fire and witnessed evidence of war crimes, the UN was not willing to speak on the basis of its own evidence.\textsuperscript{89} One UN worker observed:

\begin{quote}
We spoke on underage recruitment [by the LTTE], which was not verified, but not on child deaths. It compromised our neutrality a great deal [ . . . ] It became embarrassing for ICRC to come out and speak about casualties because no-one else would, so the UN said a bit more [ . . . ] Our ability to verify that [child
recruitment] was much less than our ability to verify child deaths. We had names, addresses and everything [...].

In 2012, the Secretary-General’s Internal Review Panel noted that the government was very rarely publicly identified by UN staff as killing civilians, that higher standards of verification were applied to government abuses than to LTTE abuses, that poor monitoring of government abuses was encouraged when these were seen as ‘political’ rather than ‘humanitarian’ issues, and that protection was sometimes defined as psycho-social care or even food provision even as the shells fell.90 UN human rights monitoring had been inadequate from 2007.91 The Internal Review Panel also questioned the ability of the Resident Co-ordinator/UN Country Team, set up to respond to development needs and staffed by development experts, to lead a UN response to a major human rights crisis.92

UN Headquarters (UNHQ) tended to take a weak line on government abuses. As the UN’s own Internal Review Panel noted: ‘[t]he tone, content and objectives of UNHQ’s engagement with Member States regarding Sri Lanka were heavily influenced by what it perceived Member States wanted to hear, rather than by what Member States needed to know if they were to respond’.93 Senior UN Secretariat members were divided on whether to push for Security Council involvement.94 There was pressure from the UN Secretariat on the Office of the High Commissioner for Human Rights to exercise extreme caution when speaking of casualties caused by government forces.95 UN Department for Safety and Security situation reports referred to the navy’s ‘special rescue mission’ for Tamils and to the army’s ‘noble mission of rescuing civilians’.96

When relief convoys were used as cover for military operations, this too drew little protest. In fact, it appears that silence on this issue was seen as the price to pay for getting relief delivered. One aid worker who had experience on the convoys said getting permission was actually dependent on the government being able to use them militarily: ‘[t]he government cannot give a green light if they cannot ensure that they will also take advantage’. One is reminded of the excellent 2011 MSF book Humanitarian Negotiations Revealed, which suggested that the political exploitation of aid was not simply to be expected, it was also likely to be aid operations’ ‘principle condition of existence’.97

Colombo expressed worries about aid falling into LTTE hands. But after a vehicle transporting high-energy biscuits was detained at Medawachchiya in January 2008, one UN worker commented:
the government accused UNICEF of feeding the Tigers to make ‘Supertigers’. Is this not something to stand up and refute? I feel like it’s got progressively worse to the point where [Defence Minister] Gotobaya Rajapakse can say ridiculous things like not one person has been killed in our ‘humanitarian operation’. We’ve made them believe there is total impunity.

Of course, when someone does something ridiculous and they are not challenged on it, that itself is a major demonstration of power. One UN aid worker, whilst very mindful of the dangers for aid agency operations of speaking out too publicly or boldly, said: ‘[t]here’s a different level of negotiation that actually becomes begging. There’s a need for stronger advocacy at all levels. We say, “No, we cannot be searched”. You protest, then you accept’. Another UN aid worker said, ‘[t]he bullying that has gone on here has been absolutely incredible. We have compromised. Historians and academics will work out whether it was correct’. A third UN worker said: ‘There are very few opportunities to look back and say “We confronted, and it didn’t work”. We’re told we have no leverage. I don’t know if that’s true. It gets taken from us, and we accept’.

A revealing exception was OCHA’s highlighting of forcible relocation from Batticaloa to Trincomalee in 2007, which does seem to have reduced government abuses. Notwithstanding the tragic experience of ‘safe areas’ in the former Yugoslavia in particular, the concept of the ‘safe zone’ was often used rather uncritically within the UN system. Using the term without inverted commas sometimes helped to downplay the likelihood—and existence—of government assaults within the zones.

One UN aid worker said: ‘WFP was not making a fuss about the fact that the food going into the Vanni was not sufficient’. In October 2008, WFP said it had ‘largely achieved the goals of […] preventing malnutrition rates among beneficiaries’, adding, oddly, that 40 per cent of children in the north and east were underweight. Page 9 of the WFP report quietly gave the explanation for these apparently contradictory statements: ‘malnutrition rates among beneficiary populations have remained stable, while they increased in unassisted conflict-affected households’. Some NGO workers complained that they had had to sign a Memorandum of Understanding (or MoU) with the government that prevented them from speaking publicly even on the adequacy or inadequacy of emergency services that were being provided. There were even restrictions on releasing nutritional data.
Some donor representatives stressed that aid ministries needed UN support in relation to defence or trade ministries. As one representative put it:

*We need from our UN partners transparency, admitting there are obstacles and problems. The system as presented on paper is not the reality. It’s not helpful if these elements remain hidden—the protection environment, problems of distribution.*

Clearer human rights information from within the UN system might have helped member states to reach a consensus on holding a formal meeting. Several interviewees stressed that WFP’s resources were valuable to the Sri Lankan government, and that this implied some significant leverage (including on protection issues). One UN worker said: ‘[w]e are not without power, we are without a will to use it’, while a representative from one major donor stressed that WFP was ‘part of the UN family [. . .] You cannot reduce yourself to logistics!’ Opportunities for *early* pressure seem to have been missed. As one UN worker observed:

*It’s easy to place the argument at the end of the spectrum, saying ‘Is it about walking away?’ [. . .] When we had space to negotiate, we weren’t doing it. There were small numbers coming into Vavuniya last year [2008], November, December and January 2009. The government could have met needs at that time if we’d withdrawn. Now they couldn’t afford to. It’s been played really nicely [. . .] We have to fill gaps at 100,000 and didn’t have to at 20,000.*

When it came to advocacy and pushing for improvements in protection, one source of leverage was seen to lie precisely in the government’s extreme sensitivity to critical or inconvenient information. As one UN worker noted: ‘[t]he state is concerned about its international reputation. Otherwise, you don’t control information and journalists to the extent that they do.’ The growing gap between official lies and the truth may also have been a source of vulnerability. Back in 1950, Arendt had stressed how totalitarian states set up an ‘iron curtain of information control against the ever-threatening flood of reality from the other, nontotalitarian side’.

If Arendt stressed some self-interested elements in Jewish leaders’ pursuit of the lesser evil, self-interest also hovered uneasily over humanitarian interventions in Sri Lanka. One UN worker stressed that aid workers were usually assessed using output-based indicators, adding: ‘[t]he incentive is to keep your head down, do your job, put your tents up, deliver your food’. Some felt that this applied strongly to WFP. One senior WFP staff member said:
There’s a huge problem with our financing model. We’re funded through a percentage of the tonnage we deliver. You keep the sub-office open through a certain amount of tonnage - whether it’s purchased or comes in kind, like local purchase.

For NGOs, there were also significant financial advantages in being seen to be present in a prominent emergency—perhaps particularly in the context of what one aid worker referred to wryly as the ‘shortage’ of international humanitarian crises at the time. That was also an incentive for quietude. The UN’s own Internal Review Panel noted:

Some agencies were perceived by a considerable number of their own working-level staff and some members of the diplomatic corps as quick to compromise on principles in the interests of increasing the profile of their agencies and gaining access to funding during the humanitarian emergency that accompanied the final stages of the conflict.106

One is reminded of other studies suggesting that staff in UN agencies and NGOs have often seen ‘speaking out’ as a risk not only to presence but the funding that goes with it.107 There was also pressure from donors to disburse funding.108 UN and NGO staff risked being declared Persona Non Grata (PNG)—or simply having visas withdrawn—if they spoke out. But one UN worker said: ‘[f]ear of PNG should not be driving our response’, adding that the UN should be making clear that a label of PNG would not damage one’s career.109

Several interviewees stressed that aid workers were so preoccupied with battling government bureaucracy (for example, in relation to the convoys or visas) that they had little time or energy to map or address ‘the big picture’, something that presumably suited the government well. A similar phenomenon was noted by aid workers in Darfur, Sudan.110 In both contexts, there seems to have been a preoccupation with ‘fire-fighting’: as one senior aid worker in Sri Lanka put it, ‘[t]he decisions of humanitarians are reactive—“There are 40,000 people here, what to do?”’. Significantly, while the rapid influx to Vavuniya created a sense of crisis (and a sense that foreign agencies ‘had to help’), the influx had actually been part of government planning. As one Human Rights Watch report noted:

In September 2008 [when agencies were being ejected from the north], the Sri Lankan authorities informed the UN and humanitarian organizations that they were in the process of drawing up contingency plans to keep up to 200,000
displaced people from the Vanni in new camps in Vavuniya district, in case a mass outflux from the Vanni materialised.111

Put differently, this was an open invitation to complicity in ethnic cleansing. Again, there was little reaction or public protest from the international community. The mass displacement from the Vanni was another ‘open crime’ (in Arendt’s terms), and as the influx unfolded, it was hard to challenge a plan that had, after all, been publicly announced and tacitly accepted. As Arendt noted in relation to the Nazi Holocaust, ‘[a]s soon as the execution of the victims has been carried out, the “prophesy” becomes a retrospective alibi: nothing happened but what had already been predicted.’112

The publicly announced plan for camps in Vavuniya put aid agencies in a very difficult position, and the government was presumably aware that it would. If agencies did not prepare for an influx, they might be accused of neglecting humanitarian needs. If they did prepare for a major influx, they might be said to be encouraging and facilitating the depopulation of the north.113 In the event, the assistance was largely reactive and vast numbers of IDPs were left living in tents. Meanwhile, the government made propaganda out of the permanent structures that it was providing at Manik Farm, Vavuniya. As one UN worker noted, ‘[t]he government says Manik Farm, this is what we’re providing. What are you providing? It’s so easy to turn it on its head.’

Sri Lankan government statements severely downplayed the numbers of Tamils remaining in the Vanni, thereby downplaying both the need for relief and the likely extent of casualties. Foremost among those who can be killed with impunity, perhaps, are those who have already been deemed not to exist. In October 2008, local government estimates had put the numbers in the Vanni as high as 429,000, a figure that may have admittedly been inflated by LTTE pressure.114 WFP had itself been using a figure of 350,000 in its 2008 relief distributions.115 But as the crisis in the north escalated, the government sometimes used a figure of 70,000 people in the Vanni, and by April 2009 one government estimate was that there were only 1,000 people remaining trapped in the Vanni.116 This suggests a belief in the efficacy of ‘the big lie’,117 particularly since the ICRC was estimating in early April (with many flooding south to Vavuviya) that the number of IDPs trapped in a thin strip of land in Mullaitivu district was some 150,000.118 Complimenting the downplaying of numbers was a parallel government discourse that Tamils and other minorities did not exist any longer: there were only those who ‘love their country’ and a ‘lesser group’ who do not.119
One aid worker in Vavuniya, who had given considerable attention to the numbers issue, commented: ‘[s]ome of our esteemed colleagues [in the aid community] took the [government’s] 70,000 figure too much, didn’t question it. It’s a big reason why preparation is so bad now’. The 2012 UN Internal Review noted that within the UN a planning figure of 200,000 was often used, but that ‘the UN believed there were up to 350,000 civilians’ (a higher number given some support by the eventual arrival of some 280,000 in and around Vavuniya).120 As the crisis worsened, UN agency statements still tended to underplay the numbers remaining in the north. For example, a 27 March 2009 WFP Executive Brief noted, ‘[t]he government estimates that there are about 70,000 IDPs remaining in the Vanni. Other sources claim the number to be over 100,000’.121

**Overlapping ‘war systems’**

Some interviewees suggested that, while an immediate renewal of rebellion was unlikely, the 2009 killings and the mistreatment of the displaced would fuel future violence, especially since virtually all the displaced Tamils were, in effect, treated as ‘suspects’.122 Significantly, the LTTE was in the past able to use government abuses to gain sway over Tamil civilians.123 Any ‘new LTTE’ would be likely to get significant support from the Tamil diaspora, where sentiment was hardened by the events of 2009 in particular. As Arendt stressed via her concept of ‘action as propaganda’, those who portray the world as full of enemies can sometimes—through their actions—help to make the accusation more plausible.124 As the war was ending, soldiers stressed to me that they could not demobilise because the security threat continued. Whilst draconian security measures have helped quell Tamil resistance in the short term, these will inevitably fuel resentments.

In practice, the government has maintained something approaching a state of emergency in the post-war period. A February 2013 Human Rights Watch report noted:

> President Mahinda Rajapaksa and his brothers continued the trend of recent years to accumulate power at the expense of democratic institutions, including the judiciary, and constrict free speech and association. The government targeted civil society through threats and surveillance.125

There has been a progressive dismantling of the independent judiciary and an effective continuance of military rule in the north.126 Suppression of freedom of speech has flourished under what some local analysts have presented as ‘A State of Permanent
Crisis', a situation where ‘both conflict as well as the assumption of extraordinary powers and measures by the State have become normalised as a part of everyday life’. Anti-terrorism legislation continues to allow detention on a wide range of pretexts, and opposition to the government continues to be portrayed as unpatriotic.

Particularly revealing of the ‘state of exception’ in Sri Lanka was the government’s announcement, shortly after military victory over the LTTE was declared in May 2009, that it would be increasing the size of the army by 50,000—ostensibly for reconstruction. Venugopal argues convincingly that war and high levels of military mobilisation have served something of a hidden function in defusing social tensions (notably in the south), with the availability of work failing to keep pace with educational improvements and neo-liberal economic reforms also fuelling tensions.

Young Sinhalese males from rural areas, who form the core of the military, had shown their potential for destabilising the state in the ‘JVP’ (Janatha Vimukthi Peramuna) rebellions of 1971 and 1987–1989. Nationalist parties (including the JVP) opposed the 2002 ceasefire agreement, and Mahinda Rajapaksa, who became Prime Minister in 2004 and President in 2005, was increasingly in thrall to Sri Lanka’s nationalist parties, including the JVP, on whom he depended for a working majority. The Rajapaksa government made significant electoral gains from its ‘glorious victory’ over the Tamil Tigers, with Rajapaka’s Sri Lankan Freedom Party retaining power in the 2010 elections. Criticising ‘the international community’ has often been popular, and one Western diplomat told us: ‘[t]he more you bash the international community, the more votes you get’.

Running alongside the political functions of war have been the economic functions. While not primarily driven by the desire to acquire resources, the LTTE did evolve elaborate systems of ‘taxation’ and also—like Colombo—used recruitment to absorb young jobless males.

On the government side, armed conflict and associated political repression have helped to underpin a highly profitable ‘war system’. Apart from the jobs and salaries in the army, there have been very large kickbacks from the flourishing arms trade. ‘Reconstruction’ is also lucrative: the Rajapaksa family reportedly controls 70 per cent of the government budget via various prominent ministries and has profited greatly from the ‘reconstruction’ of the north and east. In his excellent book The Cage, former UN spokesman on Sri Lanka Gordon Weiss noted:
Basil Rajapaksa [one of the President’s brothers] has been the prime mover behind reconstruction in the east and north of the country in the wake of the war waged by his brothers. He chaired the Presidential Task Force on Reconstruction, with another eighteen members who were largely ex-servicemen.\textsuperscript{136}

Corruption has been rife, and ‘relatives and wives of government ministers have established NGOs in order to participate in development and reconstruction activities.’\textsuperscript{137} This echoes a phenomenon highlighted by Naomi Klein in relation to the US in particular: namely, that those profiting from reconstruction after a variety of wars have sometimes been instrumental in the original violence.\textsuperscript{138}

A ‘state of exception’ also helps to underpin profits in activities unrelated to the war, with many members of Rajapaksa family involved in forcible corporate takeovers, for example. Meanwhile, much of the opposition was neatly co-opted by expanding the cabinet to 130 members—a gravy train of remarkable dimensions. Weiss gives an incisive summary of Sri Lanka’s ‘greed’ system:

\begin{quote}
In the absence of an overly inquisitive press, a vital civil society, an effective investigative police force, an independent judiciary or the meaningful scrutiny of parliament, the war and its aftermath provided an ideal opportunity to loot the country’s coffers.\textsuperscript{139}
\end{quote}

Sri Lanka’s war system also needs to be understood within the context of global war systems. The ‘war on terror’ made it relatively easy for Colombo to wage what it framed as its own ‘war on terror’. As John Lee Anderson reported, ‘Sri Lankan diplomats and military officers acknowledged to me privately that U.S. satellite intelligence had been crucial when, in 2008, Sri Lanka’s Navy sank seven Tiger ships loaded with military cargo.’\textsuperscript{140} The Tigers lost tens of millions of dollars of war materiel, a major blow. Revealingly, a secret 18 May 2007 cable from the US Embassy in Colombo, while noting that addressing paramilitaries’ human rights abuses was a top priority for the Embassy, observed that ‘it is perhaps understandable that the GSL [Government of Sri Lanka] wants to use every possible means in its war against LTTE terror [ . . . ]’.\textsuperscript{141} Asked if there were protests from influential international governments at the September 2009 expulsion of aid agencies from the north, one experienced UN worker said:

\begin{quote}
No, they [the government] have the support of the Americans, the Pakistanis and the Indians for their strategy.\textsuperscript{142} The Americans wanted to avoid civilian casualties—they pushed to allow the humanitarian corridors to go in, but only to the extent that it did not conflict with war objectives.
\end{quote}
Once the humanitarian crisis was in full sway, the shadow of Guantanamo Bay made it difficult for US leaders to criticise the Sri Lankan government’s policy of *indefinite detention* (in Sri Lanka’s case, the indefinite detention of Tamil civilians in camps). Indeed, the Sri Lankan government was in many ways operating according to the same paradigm—essentially Agamben’s ‘state of exception’—as the West. Since the US and the European Commission had both declared the LTTE a terrorist group, Colombo’s claim that it was fighting a ‘war on terror’ was often difficult to counter. At the height of the killing, on 13 May 2009, the UN Security Council stressed the legitimate right of the Sri Lankan government to combat terrorism in the form of the LTTE.

For Colombo, the global ‘war on terror’ actually proved to be a double opportunity: not just an opportunity to solicit the support of the US and allied powers, but also an opportunity to present Sri Lanka as standing up to the US and as an ally of others who see themselves in a similar light. As one NGO worker commented: ‘[t]he government has played as much as it can on the global war on terror, but also at the same time they use the defence that this is a purely national problem, not an issue that has international implications’. Colombo cleverly portrayed itself as standing up for national sovereignty and standing up to the West and the declining colonial countries of Europe. Asked in June 2009 about media allegations of abuses in the camps, Sri Lanka’s Permanent Representative to the UN in Geneva, Dr Daya Jayatilleka replied:

> anyone who has read Noam Chomsky on Kosovo will know the pernicious role played by sections of the western media in artificially creating the impression of a humanitarian crisis which provided the smokescreen for intervention. These media you speak of are the very same that tried to convince the world that Iraq possessed weapons of mass destruction!

Colombo has been able to tap into funding from several countries uneasy about colonialism and American power. An April 2009 report in the *Economist* noted that Pakistan had become Sri Lanka’s main arms supplier, with Iran providing 70 per cent of Sri Lanka’s oil supply on credit and Libya poised to make a soft loan of US$500 million. The Sri Lankan government has cultivated Arab states through its position on Palestine. China and Japan provided significant aid while opposing (as noted) engagement by the UN Security Council.
Conclusion

While many are aware of some negative effects of the ‘war on terror’ in Iraq and Afghanistan, relatively few realise quite how systematically zones of impunity—or Agamben’s ‘camp’—have grown up ‘in the shadow of just wars’,147 wars of which the ‘war on terror’ is the latest and currently most damaging example. These ‘camps’ have flourished not only in Sri Lanka but also in numerous other countries where the pursuit of a ‘demon enemy’, whilst frequently having the effect of reproducing this enemy, serves to legitimise the abuse and exploitation of civilians by those who sign up, at least in theory, to this enduring and ‘righteous’ pursuit.148

Whilst the international community often talks about ‘lessons learned’ from various humanitarian crises, abusive governments may actually be learning lessons faster than anyone—particularly when it comes to manipulating the information environment. One key lesson the international community should learn from Sri Lanka is that very damaging signals were sent—both nationally and internationally—when humanitarian principles were compromised and humanitarian voices were silenced (not least in pursuit of an access that, for the most part, did not materialise).149 The idea that China in particular would block UN Security Council action seems to have served as an alibi for a damaging lack of frankness within the UN system which in turn meant that ‘constraints’ in the Security Council were never properly tested and potential international ‘spoilers’ never seriously embarrassed.

The working interpretation of a ‘lesser evil’ proved deeply flawed in this instance, and no clear or co-ordinated counter-strategy was developed in the face of Colombo’s own strategy of instrumentalising humanitarianism and manipulating information.150 In the wake of the war (and in striking contrast to Libya), the UN Security Council has not referred Sri Lanka to the International Criminal Court,151 underlining Agamben’s point that ‘the camp’ contains people whose victimisation will not even be regarded as a crime.152 Meanwhile, Sri Lanka has since been touted as a ‘model counter-insurgency’ that might be emulated in India and elsewhere.153 Around the world, powerful actors—many of them democratically elected governments—continue to see the endemic insecurity and impunity of ‘the camp’ as a legitimate means to ‘security’.
Endnotes

1. See Arendt, Eichmann in Jerusalem; also discussion in Weizman, Least of All Possible Evils, 35–6. Of course totalitarianism proceeds on the basis of the ‘lesser evil’—most notably, the idea that certain sacrifices (perhaps of an entire class or race) are necessary in the interest of some wider and longer-term good (see, for example, Gray, Black Mass).


3. See, for example, Dershowitz, Why Terrorism Works. Suggesting that ‘coercive interrogations’ might be justified in such circumstances, Michael Ignatieff argued that ‘[t]o defeat evil, we may have to traffic in evils […]’ (Michael Ignatieff, ‘Could We Lose the War on Terror? Lesser Evils’. New York Times Magazine, 2 May 2004.). See also Ignatieff, Lesser Evil.

4. Weizman, Least of All Possible Evils; Slim, ‘Doing the Right Thing’; de Waal, Famine Crimes; Keen, Complex Emergencies.


7. UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’, 13. Over a 10-day period in April 2009, as part of a wide World Food Programme (WFP) study on lessons learned from humanitarian crises, our team conducted interviews in Colombo and Vavuniya with NGO workers, UN aid workers, donor representatives, embassy officials, government officials and members of the military. The initial findings were published as part of a long World Food Programme report on responses to Haiti, DRC and Sri Lanka (WFP, ‘Humanitarian Emergencies’). At Vavuniya (on the edge of the conflict zone), government soldiers followed us everywhere inside the camps, and talking with those interned there was virtually impossible. Aid agencies were often prohibited from taking mobile phones into camps (ODI, ‘Humanitarian Space in Sri Lanka’, 4).

8. UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’, 12.


10. Agamben’s critics include Alison Ross, who suggests in ‘Agamben’s Political Paradigm’ that ‘[…] as political theory Agamben’s work founders because his core fidelity is not to explain complex events but to defend concepts with dubious explanatory value’, 425.


20. Melman, Permanent War Economy; Keen, Endless War; Keen, Useful Enemies.

21. See, for example, discussion in Hussain and Ptacek, ‘Thresholds’. See also Duffield, ‘Getting Savages to Fight Barbarians’. See also Foucault, Power/Knowledge.

22. This was part of the justification for the Albigensian crusade against the Cathars in southern France in the thirteenth century, for example (Costen, The Cathars).

23. Foucault, ‘Society Must be Defended’.

24. Keen, Complex Emergencies. On this focus in Uganda and the damage it did, see Dolan, Social Torture. Compare Agamben, Homo Sacer, 133–134.

25. On this more generally, see Pantuliano and O’Callaghan, ‘Protection Crisis’.


27. See Goodhand, ‘Stabilising a Victor’s Peace’; Keen, ‘Economic Initiatives’

28. Keen, Benefits of Famine; Keen, Conflict and Collusion; de Waal, Famine Crimes; Dolan, Social Torture.

29. WFP, ‘WFP Situation Analysis’.


31. Evans, ‘Falling Down on the Job’.


33. After this, more and more were bullet wounds. See also UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’ on shelling by government forces.


35. Harrison, Still Counting the Dead.


38. See also WFP, ‘Standard Project Report 2008’; UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’.
39. Harrison, Still Counting the Dead.
40. Human Rights Watch, ‘Besieged, Displaced, and Detained’. There were some relief deliveries in addition to the main international convoys—notably a consignment from the Indian government and the government convoys carrying food-for-sale—but these will not have significantly plugged the gaps (Human Rights Watch, ‘Besieged, Displaced, and Detained’).
43. Figures from OCHA-Kilinochchi in WFP, ‘Emergency Food Security Assessment’, 32.
44. See also UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’, 8; ODI, ‘Humanitarian Space in Sri Lanka’, 4.
47. Dayan Jayatilleka, ‘Stand Up For Others, They Stand Up For You’. Interview in Waani Operation, 3 June 2009 [waanioperation.com].
49. Venugopal, ‘Cosmopolitan Capitalism’; and compare Keen, Benefits of Famine.
50. Arendt, Origins of Totalitarianism, 362 [italics in original].
51. Harris added: ‘Sri Lanka has shown that humanitarianism that smacks of neo-imperialism or Western arrogance will no longer be tolerated’ (Harris, ‘Humanitarianism in Sri Lanka’, 9).
53. Compare Keen, Useful Enemies.
55. Weiss, The Cage, 150.
57. UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’, 105.
63. Weiss, The Cage, 129.
66. Most strikingly, one NGO worker commented, ‘[t]o be honest, the UN did well in terms of advocacy—answering to the needs, and in parallel, advocacy’.
67. See, for example, UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’, 21; ODI, ‘Humanitarian Space in Sri Lanka’, 5.
68. Compare Arendt, Origins of Totalitarianism.
70. Keen, Benefits of Famine; Keen, Conflict and Collusion; Joint Evaluation of Emergency Assistance to Rwanda.
71. Weissman, In the Shadow of ‘Just Wars’; Keen, Complex Emergencies; Keen, Useful Enemies.
73. ICG, ‘Development Assistance and Conflict’; see also Goodhand, ‘Stabilising a Victor’s Peace?’.
74. Wheeler, ‘China and Conflict-affected States’.
75. This point is discussed in Wheeler, ‘China and Conflict-affected States’.
76. On these trajectories, see, for example, Rampton, ‘Deeper Hegemony’.
78. Weizman, Least of All Possible Evils, 9.
79. Weizman, Least of All Possible Evils, 11–14; Slim, Killing Civilians; Keen and Lee, ‘Civilians Status and the New Security Agendas’.
80. UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’, 14.
81. Evans, ‘Falling Down on the Job’.
82. One academic stressed to me the value placed by many politicians in Sri Lanka on having access to educational and health services in Europe.
86. UN Secretary-General, ‘Report of the Secretary-General’s Internal Review Panel’, 12.
87. Weissman, ‘Sri Lanka’. While the Indian government showed some concern for the Tamils, its attitude has been coloured by the 1991 assassination of Rajiv Gandhi, which widely blamed on the LTTE.
88. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 17.
90. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 19–20.
91. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 23.
92. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 24.
93. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 27.
94. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 80–81.
95. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 67–68.
96. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 73.
98. Compare Arendt, Origins of Totalitarianism.
100. See, for example, WFP, ‘Sea Route Opened for WFP Relief Food Deliveries to Sri Lanka’. News Release, 27 February 2009.
101. WFP, ‘Humanitarian Emergencies’.
103. See also ODI, ‘Humanitarian Space in Sri Lanka’, 12.
104. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 81.
105. Arendt, Origins of Totalitarianism, 349.
106. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 110; Goodhand, ‘Stabilising a Victor’s Peace’.
108. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 110; Goodhand, ‘Stabilising a Victor’s Peace’.
109. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 110.
110. Author’s interviews in Amsterdam, Holland, 2009, for example.
112. Arendt, Origins of Totalitarianism.
114. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 110.
117. Compare Arendt, Origins of Totalitarianism.
118. USAID, ‘Complex Emergency’, citing figures for 1 April. See also discussion in Weiss, The Cage.
119. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 89.
120. UN Secretary-General, 'Report of the Secretary-General’s Internal Review Panel’, 18. When the dispatch of 1,030 metric tons of food for Mullaitivu was announced by WFP on 2 April 2009, it was noted that ‘[t]he WFP food sent to the area will be sufficient to feed approximately 100,000 Internally Displaced Persons (IDPs) for a period of 20 days’ (WFP, 'WFP Dispatches Another 1000 Tons of Food to the Vanni'. News Release, Rome, 2 April 2009).
122. For example, a Sri Lankan aid worker observed: ‘[t]he way the government is treating the Tamils will make another liberation movement’.
126. See, for example, ICG, ‘Sri Lanka’s Authoritarian Turn’.
128. Ibid., 237.
129. Weissman, ‘Sri Lanka’.
130. Goodhand, ‘Stabilising a Victor’s Peace’.
132. Venugopal, ‘Sectarian Socialism’. The latter rebellion was so serious that it almost brought the government down.
133. Compare Collier, ‘Doing Well out of War’.
134. Keen, Useful Enemies.
135. See, for example, Wheeler, ‘China and Conflict-affected States’, 3.
137. Ibid.
139. Weiss, The Cage, 170; see also Rajasingham-Senanayake, ‘Dangers of Devolution’.
142. India is believed to have provided critical intelligence and military technical assistance to Colombo (Wheeler, ‘China and Conflict-affected States’).
143. As one aid worker put it, ‘[a]ll the western countries have said the LTTE is a terrorist group, so you can’t back up and say it’s not really a terrorist group’.
References


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