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RESEARCH ARTICLE

## Movements of Minorities: AusLankan Struggles for Transnational Justice

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### Abstract

This paper reflects on arguments and positions put forth by Tamils in Sri Lanka, those in the diaspora and commentators in the 'international community,' regarding the 2015 presidential elections in Sri Lanka. In particular it concerns the prospect of justice for those that suffered in the final stages of Sri Lanka's civil war, which concluded in May 2009. It is a self-reflexive account of my activities as a writer in residence at the University of Peradeniya, Sri Lanka, in the lead-up to the election and of the implications of those events upon my return to Sydney.

### Keywords

**Sri Lanka-Australia relations; People-to-people; Tamil Diaspora Studies; 2015 Sri Lankan Presidential elections; Media juxtaposition; self-reflexivity**

This text arose from my experiences during a writers' residency in Sri Lanka in the build-up to the January 2015 election, in which Maithripala Sririsenra usurped the long-standing president Mahinda Rajapaksa. It tracks notions of democracy and justice as put forth by a range of public figures commenting in the international news media, as Tamils and other activists campaigned for an independent probe into war crimes that occurred during the final stages of the civil conflict that ended in 2009. Returning to Sydney, I continued to monitor commentary regarding the tacit agreement between Australian and Sri Lankan governments that produced the 'AusLankan' asylum seeking subject and found myself amongst grass roots 'people-to-people' networks that were challenging these powers.



Figure 1 MIAuniverse, 2 January 2015

## A vote for democracy

In the days leading up to the 2015 presidential election in Sri Lanka I travelled between the southern capital city of Colombo and Jaffna, the 'Tamil capital' in the island's north. As one of the Tamil diaspora, I was familiar with the widespread criticisms of President Mahinda Rajapaksa, a man who likened himself to a mythological king, and alongside his brothers and son, kept an authoritarian rule over a country rebuilding in the wake of a decades long civil war. The war is often understood as an ethnic conflict between a Sinhala majority population and an armed Tamil secessionist movement, the Liberation Tigers of Tamil Eelam (LTTE), who effectively ran a de-facto state in the island's north and east from the mid-1980s until their ultimate defeat by Sri Lankan Forces in May 2009.

On election day I rode my bicycle to the iconic Jaffna Library to read the newspapers, negotiating the roadblocks and the exceptional number of police, who were out in force anticipating trouble. Here I learned that the 'international Tamil diaspora' was urging Tamils to abstain from voting. Professor R. Sri Ranjan, a spokesperson for the International Council of Eelam Tamils (ICET), claimed that neither the ruling president Mahinda Rajapaksa, representing the United People's Freedom Alliance, or his significant challenger, the common candidate Maithripala Sririsenra for the United Democratic Front, would bring Tamils positive change. From his base in Canada, Sri Ranjan observed that neither presidential candidate had specifically addressed Tamil concerns or had indicated they would withdraw the military presence from the former LTTE-controlled areas. It was the professor's belief that the election only concerned the 'Sinhala Nation' and was impervious to issues of Tamil self-determination, arguing that:

*A country is beautiful when all people can live in harmony with equal rights where human rights are respected. These governments, whoever it is, whatever party it is, has destroyed the country. The fundamental rights of self-determination of all the people should be respected and the constitution of Sri Lanka gives no space for it. (Sri Ranjan 2015: para. 22)*

As a representative of both Tamils in the diaspora and in Sri Lanka, Sri Ranjan called for a constitutional change to recognise both the Tamil and Sinhala Nations as equal partners.

Despite the decision of the Tamil National Alliance (TNA) to support the common opposition, Sri Ranjan urged Tamils not to be used as a ‘bargaining chip’ in majority politics and to instead boycott the vote.

The filmmaker, academic and activist Sivamohan Sumathy strenuously disagreed with such calls to boycott, arguing that the election had opened up spaces for minority voices in the politics of the Sinhala majority state. Addressing the possibility of de-militarisation, she claimed that the presidential election gave Tamil voters of the north ‘hope and a confidence in our own strength to bring about change’ (Sumathy 2014: para. 2). Speaking specifically about the people of the north and east—the lifeblood of the Tamil nation—she cautioned that this change would not occur overnight, but that it was necessary for Tamil and Muslim communities to better conceive their own lives and agendas. Rather than self-determination Sumathy advocated for a politics of participation, insisting that it would be ‘suicidal for the Tamil voter to not vote, to engage in a politics of isolationism’ (Sumathy 2014: para. 2). To make her case she drew attention to the disjunction between the hardline separatist politics of Tamil nationalists, such as Sri Ranjan, and the realities that these positions have failed to address:

*The daily lives of people are racked by unemployment, a dearth of skilled labour, caste discrimination persisting at many levels, in white collar as well as working class sectors. Education, housing, farming, the persistence of problems facing the fishing people, the right to the sea, access to government bodies, safeguards for farmers etc. The resettled do not have the capital to start up life anew and they go into debt in a major way. (Sumathy 2014: para. 6)*

The election thus presented Tamils with an opportunity to leverage their concerns beyond rival nationalist agendas and to participate in a broader critique of the Rajapaksa regime—indeed several commentators regarded the Tamil voter as being largely anti-Mahinda rather than pro-Maithripala (Srinivasan 2015: para. 9). So, it stands to reason that by pursuing political alliances rather than separatist politics Tamils would benefit from building affinities and strategies with other minorities whose communities are beset by similar problems. Such a ‘movement of minorities’ could potentially campaign for coherent reforms to be delivered across the country. This would involve implementing the long-slated devolution of powers in Sri Lanka, granting provincial councils relative autonomy, which has long been a concern for those who feel as ‘second-class citizens’ on the island (Iqbal 2009). Sumathy (2014) argues that the curtailing of extra ordinary executive presidential powers and reforms, such as the right to associate, would open up spaces for democracy to develop. Given such conditions, minorities would be able to build resistance to forces such as big development and militarisation.

The Sri Lankan born popstar MIA, the public persona of Mathangi ‘Maya’ Arulpragasam, is a high profile commentator with a global diasporic following, who Tweeted:



Figure 2 MIAuniverse, 2 January 2015

The celebrity appeared to echo the urgings of Sri Ranjan when she announced earlier that if she were in Sri Lanka she ‘wouldn’t vote at all to endorse war crimes’ (MIAuniverse 2015). While some are dismissive of MIA’s opinions, I raise her here as a self-styled voice of a generation, a commercially successful yet uncompromising poster girl for transnational justice, who has championed the plight of Sri Lankan Tamils as a *cause célèbre*. Her comments led me to dwell on the interplay of justice and democracy.

Professor Sri Ranjan argued that since neither of the major parties mentioned justice in their election manifestos there was effectively nothing for people of the Tamil nation to vote for, especially as Tamils in the north were being colonised and made dependent by the ‘Sinhalaisation’ of the island (Sri Ranjan 2015: para. 8). By comparison, Sumathy’s campaign presses for community participation in a nation-wide democratic process. It is an option only made available for Tamils of the north and east after the defeat of the LTTE who forcibly discouraged or prevented people from voting in the past. MIA, however, calls on those outside Sri Lanka to ensure justice prevails, addressing her followers, the international diaspora and civil society groups. She brings to mind what the cultural theorist Suvendrini Perera labels ‘The International Community’ (TIC), comprising ‘global institutions that are seen to administer and adjudicate matters of international justice,’ such as relevant divisions of the United Nations and NGOs (2016: 74).

Does participation equate to empowerment, and can empowerment deliver justice? In the aftermath of the civil war, the perpetrators of injustice are understood as being representatives of the Sinhala state and the Tamil militants. Those subject to this violence are not only Tamil civilians, but as now widely acknowledged, also Muslims, Up-country or *Malaiyaka* Tamils and others caught in the crossfire of the warring factions. What is most significant about Sumathy’s emphasis on empowerment through participation is that minorities are not simply rendered pawns or victims of dominant political machinations; rather they are at the forefront, articulating their needs and lobbying the government to implement their recommendations, independent of the international diaspora’s will. Ideally these movements would not be expressions of Tamil or other nationalisms, especially those formulating outside the island, and would arise from intercultural community organisations and the desire to address common injustices as equals.

## Justice on hold

Like many others I awoke on the morning after the election to learn that Mahinda Rajapaksa had vacated Temple Trees, the Prime Minister’s official residence in Colombo, during the night. The news of his defeat was celebrated amongst my circle of friends, both Tamil and Sinhala. The incoming president Maithripala Sirisena won on a mandate that promised a program of political reforms within one hundred days of election, which would be followed by a general parliamentary election. Many of the people I encountered seemed circumspect as to how, and even if, these reforms would affect those most in need. Regardless, the historical change of government appeared to have been received across the island with optimism and relative calm. Often I would hear people say things like: ‘it is what the people wanted’; and ‘this is good for democracy in this country.’ If democracy implies participation and equality, how then does one attain justice? The legal scholar Ratna Kapur has argued that justice implies haste, as the longer the delay in redressing injustice, the greater injustice becomes (Kapur 2014).

Days after the election, stories surfaced claiming that the leadership change was not as smooth as it had appeared. Allegations in the press accused the outgoing president of attempting to convince police and military leaders to mount a coup (BBC News 2015).

In light of these claims it is worth noting the commentary published in *The Guardian* newspaper, which emphasises that the election results were ‘not a revolution,’ but rather ‘an uprising within the dominant party in government against the high-handed style of the Rajapaksas’ (*The Guardian* 2015: para. 2). Echoing these sentiments was the Australian sports journalist and human rights activist Trevor Grant, who wrote on the day the new president was sworn in:

*the central current issue of the UN war crimes investigation into the slaughter of up to 70,000 innocent Tamil civilians will receive the same blathering nationalistic rejection as Rajapaksa applied to it, from the moment he declared in 2009 that, despite the 70,000 or so dead bodies lying in the sands of Mullivaikal, his military had completed a humanitarian mission with zero casualty. (Grant 2015: para. 12).*

The LTTE are also culpable of war crimes. During the much discussed ‘white flag incident’ several prominent insurgent leaders with the assistance of journalists arranged to surrender to Sri Lankan forces in the last days of the war. Perera calls out the ‘shocking indifference’ of these high ranking LTTE towards Tamil civilians, whom they had prevented from fleeing on the point of death and whom they now sought to abandon (Perera 2016: 81). In a grim twist, it appears that soon after surrendering the leaders were executed (Harrison 2013). While this is a clear violation of international law, it suggests that some of the LTTE members responsible for war crimes may have already been dealt with. As Grant pointedly remarks, those in the Sri Lankan Government who are liable for such crimes are still, more or less, in power, including the newly elected Prime Minister who was the acting Minister of Defence around the time of the executions (Grant 2015: para. 14).

Mahinda Rajapaksa was widely criticised for his government’s failure to seriously investigate these and other allegations of war crimes, or to implement the recommendations made by its own Lessons Learnt and Reconciliation Commission (LLRC). His government’s refusal to cooperate with consecutive United Nations Human Rights Council resolutions and the growing international disapproval of the president led to the Council adopting a resolution in March 2014 to mount an independent international inquiry (resolution 25/1). Yet the probe continues to meet with delays. Following Sirisena’s election victory the process was deferred for six months in response to a request by the new Government to carry out their own independent domestic investigation. According to the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, this was a concession made ‘for one time only’ so as to gain the cooperation of Sirisena’s government and to strengthen the UNHRC’s findings and recommendations (OHCHR 2015). Following Sri Lanka’s parliamentary election in August 2015, a resolution was mutually adopted in late September that specifies the involvement of ‘Commonwealth and other foreign judges, defence lawyers and authorised prosecutors and investigators’ to ensure a credible justice process (HRC 2015: 4). Yet midway through 2016, the international inquiry still flounders, with Sirisena stating in January that, contra to the agreement, he would refuse to allow foreign judges into the investigation (Ameen 2016). Given the ongoing resistance to establishing an independent probe, it appears injustice will be prolonged for the foreseeable future.

## People-to-people

Connections between Australians and Sri Lankans exist for me as family networks that span widespread Tamil diasporas. I am not certain if it is these networks that the Foreign Minister for Australia in 2010, Stephen Smith, had in mind when he coined the phrase ‘people-to-people

links' in a ministerial statement delivered to parliament soon after the end of the war in Sri Lanka. Smith used the phrase to emphasise how ongoing cooperation between Sri Lanka and Australia would be crucial to 'combating people smuggling and human trafficking' (Smith 2010: para. 4). 'People-to-people' has since been adopted by Australian officials to encompass a range of shared interests between the two countries that include membership of the Commonwealth, initiatives such as the Colombo Plan, development aid, education and sporting ties.

Since asylum seekers fleeing Sri Lanka appeared on the national horizon late in 2009, successive Australian governments have sought the cooperation of the Sri Lankan government to curb the flow of migrants 'upstream' (Mulligan 2010: 19). It was therefore not unusual that the then newly-elected Prime Minister, Tony Abbott, emerged as an ally of the Rajapaksa regime amidst the controversy of the Commonwealth Heads of Government Meeting (CHOGM) held in Colombo in 2013. As a campaign to boycott the meeting spearheaded by charismatic QC Geoffrey Robertson gained momentum, the heads of state of Canada, India and Mauritius announced they would not attend. The UK Prime Minister at that time, David Cameron, used the event as a platform to openly critique the Rajapaksa Government, making an unscheduled visit to Jaffna and speaking to some of those who were internally displaced. It was a performance that was widely read as appealing to the significant population of Tamil voters in the UK, which leads one to ask why the significant Tamil community in Australia did not warrant a similar display of support from their Prime Minister.

As the outgoing chair of CHOGM the Australian Prime Minister was obliged to attend; however in contrast to his British counterpart, Abbott used the gathering to exhibit his friendship and support of the post-war government. Abbott, who campaigned behind the slogan 'stop the boats,' acted against the tide of criticism of the Rajapaksa Government and even appeared to justify the allegations of torture leveled at his host when he told a press conference, 'in difficult circumstances, difficult things happen' (Abbott 2013: para. 30). At the conclusion of the meeting Abbott presented the Sri Lankan Navy with a gift of two Bay class patrol boats to assist in its policing of people-smugglers, only days after a senior Sri Lankan navy officer who had advised Australia on human trafficking was arrested for his key role in a major smuggling operation (Doherty 2013).

In an interview published in 2015, the new Sri Lankan Prime Minister Ranil Wickremesinghe disclosed that the Abbott government had chosen to 'look the other way' as reports of the Rajapaksa's human rights abuses emerged, thereby securing the former president's cooperation and confirming suspicions of a tacit agreement between the two governments. Wickremesinghe claimed that it was impossible for asylum seekers to leave Sri Lanka by boat without the consent of those close to the government, alluding to top level involvement in people-smuggling operations (cited in Hodge 2015).

Perera also describes the UN's departure from Sri Lanka in the moments before the final stages of the war as an act of 'turning away,' setting the conditions of (in)visibility for the violence that was to follow, a technique of self-blinding that performance scholar Diana Taylor labels 'percepticide' (cited in Perera 2016: 75). Perera argues such acts serve to delimit authorities' knowledge of suffering and ultimately shape the means of accountability for that suffering (Perera 2016: 76).

Similarly in Australia, 'looking the other way' to avoid allegations of human rights abuses is a familiar practice of cultivated ignorance. These acts to delimit knowledge and evidence are familiar to Aboriginal activists who also accuse the Australian state of ongoing colonial violence and genocide and whose struggles for self-determination are of little interest to

majority politics (Howell 2013: 79). Such methods of selective ignorance that underpin the close cooperation of the Australian and Sri Lankan governments can be read as a means of co-legitimation, in which both states accused of oppression and neocolonialism are able to construct themselves, from nationalist perspectives, as ‘homelands under siege’ (Perera 2009: 656) by Tamils, indigenous people or other non-nationals.

On May Day 2010 a group of Aboriginal activists in Melbourne undertook a symbolic counter-action to these top-level collaborations by presenting ‘Aboriginal Passports’ to 254 Tamil refugees caught in a stand-off between Indonesian and Australian authorities in the Javanese port of Merak. These Aboriginal passports are ‘living breathing documents’ issued by the grassroots Indigenous Social Justice Alliance (ISJA) that question the legitimacy and challenge the authority of the ‘post-colonising’ Australian state. The shadow diplomacy that these Aboriginal passports enact subverts the state’s co-option of people-to-people links to curb the flow of migration, and instead extends welcome, forges connections, solidarities and acknowledges the common experiences of those marginalised by their respective states.

## No paradigm shift

In an email, Sivamohan Sumathy included a poem she composed after the election result was announced:

### *My election days, 2015*

*campaigning, exciting, tense, nervous, delirium-invested, holding training sessions on the verandah for the immediate neighbourhood, as nobody but appa had voted in any previous presidential election, strangely agreeing with appa on politics for once, passing on all the wild gossip about the mr family, nightmare riddled pre election nights, sleeplessness, inducing drinking, exhilarating, liberating, cautionary, educating vasuki’s children about the elections (they are keenly interested), near addiction to fb and quarrelling with totally unknown friends on it, while another plethora of unknown persons writing in to befriend me, baila sessions, holding candle lit vigils for assassinated journalists, being connected to the universe on election night, through thiru, who was on every tweet, every note, every social bleep, planning, writing, tasking for the future, doubts, setting off crackers, taking to singing, questions, pondering profound political questions on the nature of the state, reforms or revolution, gramsci’s historic bloc, not stopping at paradigm shift as most liberal commentators have done with this over used and abused term, not bothering with muslim bashing in europe over charlie whatever, in fact, just a wee bit short of visionary.*

*no paradigm shift,  
no revolution, it is toward ...*

*they cut the jak tree down in our backyard,  
the day after elections.  
the parrots displaced again.*

If, as Sumathy apprehends it, the election was ‘no paradigm shift’ and ‘no revolution’ then what is to be gained, particularly for Sri Lanka’s minorities? Better representation? The promise of a more democratic future? Or simply a President who is more palatable to India and the West to do business with? The controversial Norwegian peace broker Erik Solheim urges Tamil diasporas to keep pressuring their governments to ensure that justice is eventually seen in Sri Lanka (Solheim 2015); however the exiled journalist J. S. Tissainayagam questions whether

the international community would respond if the new president was found to be culpable for war crimes. Indeed, it is worth remembering that Australia opposed the UN resolution to mount an international investigation into allegations of these crimes. Tissainayagam surmises: 'The heart of the matter is whether national interests and international politics trump justice' (Tissainayagam 2015: para. 13).

In recent years organisations such as Amnesty International, Freedom From Torture, Bar Human Rights Committee and The International Crisis Group have published stinging reports about the abuse of rights in post-war Sri Lanka. The International Crimes Evidence Project (ICEP) in its 2014 report *Island of Impunity* finds reasonable evidence to accuse both Sri Lankan Forces and the LTTE of violations of international humanitarian law that amount to war crimes. These include intentional attacks against the civilian population, humanitarian aid and hospitals, rape and sexual violence, the taking of hostages, use of human shields and the conscription of children. ICEP also claims to have acquired testimonies about forensic evidence, such as mass graves, being covertly destroyed in the post-war period. The report proposes that if the crimes it has gathered evidence on were to be proven at trial it could lead to the convictions of senior military commanders, Sri Lankan Government officials and senior surviving members of the LTTE (ICEP 2014).

Since the end of the war forms of 'survival media' (Perera 2016) have emerged challenging steps taken by the Sri Lankan Government to minimise witnesses to possible war crimes. These include photographs of atrocities taken on cell phones by victims of violence and trophy videos shot by members of the Sri Lankan army. One notorious video of a soldier executing a bound naked man in a field, was dismissed as separatist propaganda by the Sri Lankan Government only to be later verified by independent experts (BBC 2010). Such media was rendered as forensic evidence by the investigative journalist Callum Macrae and his crew for the Channel 4 documentary *No Fire Zone* (2013), and has become central to an international campaign for justice.

In February 2015, the independent non-government organisation Human Rights Watch addressed a letter to President Sirisena shortly after his election victory that raised a number of concerns including police torture, minority rights and conflict-related accountability. The letter concludes with a list of recommendations that advised, amongst other things, that the new head of state establish a 'hybrid international-domestic court to prosecute those on both sides responsible for serious violations of international law' (Roth 2015: para. 25). Yet despite these numerous campaigns to bring justice to Sri Lankans, in the lead up to the election Sirisena affirmed that he would resist pressure to put the Rajapaksas or anyone in the security forces before an International War Crimes Court (cited in Tissainayagam 2015). Without an unbiased procedure there can be no accountability for war crimes, no justice and no paradigm shift.

## AusLanka

Suvendrini Perera suggests that we should dispense with the prefix 'Sri' in Sri Lanka. As a Sinhala character that translates as blessed or holy, it sparked waves of protests in the 1950s when introduced on license plates of cars and buses while the country was still known by its name under the British protectorate, Ceylon. Perera likens the use of Sri to the 'Great' in Great Britain, that is, as a misleading qualifier (Perera 2016). Rebecca Lim, a migrant agent and former Australian Department of Immigration and Citizenship employee, recently disclosed that the close cooperation between Australia and Sri Lanka on border protection, in which asylum seekers fleeing Sri Lanka are treated 'differently' by Australian authorities, is referred to by those in the know as 'AusLanka' (Lim 2015: para. 4). Thus, AusLanka names a

supranational condition that controls the movements and restricts the life options of those fleeing Sri Lanka for Australia.

In November 2014 near the Cocos Islands Australian security forces intercepted 38 asylum seekers, including six children, who had fled Sri Lanka by boat. The migrants were evaluated using enhanced screening techniques over a video link-up. One asylum seeker who was judged to potentially trigger Australia's refugee obligations was transferred to either Papua New Guinea or Nauru for further determination. The remainder were handed over, people-to-people, to the Sri Lankan Navy—one can imagine to the very Bay class boats gifted to them by the Australian Government. These 'Sri Lankan returns' were intended to face criminal prosecution in Sri Lanka for unlawfully leaving the country (Farrell 2014). In this incident, those seeking to flee Sri Lanka and enter Australia are ensnared in the net of AusLanka, by which they are incarcerated and criminalised. Cloaked in the secrecy of 'operational matters' under Operation Sovereign Borders the details and frequency of such incidents are hidden from the public or press.

In December 2014 Human Rights Watch released a statement criticising this incident and the techniques targeted at Sri Lankan asylum seekers. The organisation accused Australia of violating its obligations under international law, exposing a 'yawning gap between its practices and international legal principles' and warned authorities not to ignore the 'well-documented and politically motivated torture, rape, and ill-treatment of many men and women detained by Sri Lankan security forces' (Human Rights Watch 2014: para. 4). While the Australian Government maintains measures such as fast-tracked onboard assessments and tow-backs are undertaken to 'save lives at sea,' they overlook the conditions by which people are often forced to leave. Sri Lankans are unable to claim for protection at the office of the United Nations High Commissioner for Refugees (UNHCR) within their country. Therefore, for many fleeing persecution—for example those who are witness to war crimes—the only option is to leave without the requisite visas (Human Rights Law Centre 2014: 4). Australia may well exercise zero-tolerance towards boat arrivals in the interests of its own security and sovereignty, but it as yet does not provide alternative pathways for those seeking to flee persecution. Furthermore, as those returned are potentially criminalised under Sri Lankan law and at risk of persecution in detention, Australian authorities become susceptible for *refoulement*. It seems that AusLankans, as vulnerable, exploitable and easily manipulated subjects, are the human currency of our bilateral relations. Caught between persecution, detention and imprisonment, who is accountable for AusLankan lives?

## Pop polemics



Figure 3 MIAuniverse, 2 January 2015

The anthropologist and musicologist John Hutnyk describes MIA as a storyteller of our times, who in her own way speaks truth to power. He likens her to Scheherazade, the subject of *1001 Nights* who concocts gripping tales to postpone her death at the hands of the despotic King Shahryar. Following the work of Walter Benjamin and Theodor Adorno, Hutnyk claims that we need figures such as MIA to tell better stories so that despotism might be overcome. For Hutnyk, such narratives work in the ‘interval before the formation of a genuine revolutionary people’s army that can win’ (Hutnyk 2012: 2). They serve to foster the required subjectivities, or at least fend off forces that would subsume or annihilate such tendencies amongst the marginalised and disempowered. As a child fleeing Sri Lanka for the UK as a refugee of the war in the 1980s, MIA, or alternatively Arulpragasam, insists on the legitimacy of her voice as a witness to that violence. In a 2010 interview she asserted:

*People reckon that I need a political degree in order to go, “My school got bombed and I remember it cos I was ten-years-old.” I think if there is an issue of people who, having had first hand experiences, are not being able to recount that—because there is law or government restrictions or censorship or the removal of an individual story in a political situation—then that’s what I’ll keep saying and sticking up for, cos I think that’s the most dangerous thing. (cited in Hutnyk 2012: 12)*

Arulpragasam leveraged her family’s connection to the Tamil separatist movement to establish her pop persona and career. So, in a sense MIA, an acronym for ‘Missing In Action’ or ‘Missing In Acton’ the West London borough where her family relocated to a council estate, brings the war back home. While MIA’s Twitter commentary is unlikely to achieve a redistribution of power, as a contemporary entertainer and provocateur, she articulates and subverts forms of anti-migrant violence and structural racism in the circuits of power in which she is fetishised and from which she profits. Through performances and the production of pop cultural artifacts MIA, to use Hutnyk’s term, ‘trinketizes’ the experiences of the war and its flow on effects in the diaspora. Typically the ‘dessiccation’ of such experiences into pop commodities prompts much theory and critique; however Hutnyk complains that it is rare for these analyses to go further than a mere fascination with said commodities (Hutnyk 2008).

Hutnyk’s discussion centres around reactions to, and readings of, the promotional video for MIA’s song *Born Free* (2010), directed by Romain Gravas. The narrative of the nine minute short film follows US badged paramilitary forces as they raid buildings to round up young red-haired men. The so-called ‘ginger jihadists’ are bused out to the desert and forced to run into a mine field, where they are shot at, bludgeoned, bombed and killed. The tongue-in-cheek ultra-violence of the promotional video can in part be read as an allegory for the bombing and extra-judicial killing of Tamils in the sands of Mullivaikal in the final days of the war and by which the video becomes an act of negation. The violence that the international community refused to witness returns to that community as a compelling, spot-the-reference, agit-pop spectacle. Hutnyk appreciates MIA’s staging of the cultural war that accompanies the war on terror as a provocative pop parody, ‘before which passivity is more violent yet’ (2012: 11). For a moment the *Born Free* video was able to punch through the postmodern West’s de-sensitisation to the pervasiveness of ‘total war,’ sparking a wave of controversy and commentary that challenged the percepticide that shrouded Sri Lanka and other forms of state-sanctioned violence meted out under the guise of the war on terror.

It is important to note that the Sri Lanka’s final push into the north and east was backed by the international community’s stance on the war on terror (Perera 2016: 80), and my use of MIA’s Tweets acknowledges her contribution to making this visible. By MIA’s reckoning, for the international community to again be complicit with the Sri Lankan government, by

deporting Tamil witnesses to war atrocities back to the very forces who were responsible for them, effectively reinforces, extends and re-sanctions that violence. Thus, while the international community acknowledges its oversight in refusing to witness war atrocities by pushing for processes of accountability, it defers to the stubborn assurances from the very same state accused of war crimes, delimiting the possibility of justice.

## Transnational justice



Figure 4 MIAuniverse, 9 January 2015

What then, can be meant by justice seven years after the end of the war in Sri Lanka? From here, it would seem deeply flawed to recall, romanticise or attempt to revive the LTTE as a productive counterforce to the Sri Lankan state, especially considering how the leadership gambled the lives of the very people it claimed to be fighting for. It is also impossible to call for justice for Tamils without doing so for other victims of the decades-long conflict, such as Muslim communities in the north and east. Justice also implicates others complicit with the atrocities that occurred in the final stages of the war. Arguably, the international community has pursued the establishment of an independent probe retrospectively, to correct its abandoning of the civilian population as the conflict came to a close. Yet moves towards an international process draw accusations of neocolonialism in Sri Lanka, as fanned by Sinhala Buddhist nationalists, and recalling the averse reactions to international interference that surfaced when Norway became involved in the peace-brokering process (Thiruvarangan 2016, para 4). If political stability and trade are determined to be what is at stake in re-unified Sri Lanka, and are reasons used to stall the pursuit of justice and the devolution of powers, then the Sinhala nation will override minority concerns.

Injustices will become more pronounced if moves to install the former president's brother, Gotabaya Rajapaksa, into the leadership of the Sri Lankan Freedom Party are successful (Gunasekara 2016). The former Sri Lankan Defence Secretary oversaw the final stages of the war and is widely acknowledged to be responsible for numerous human rights abuses, such as white van disappearances and attacks on journalists. However, as journalist Ryan Goodman (2015) noted soon after the election, as a US citizen Gotabaya is liable to be prosecuted under the US War Crimes Act 1996. These circumstances open a potential legal pathway to hedge minority concerns and pursue justice.

Beyond the island, AusLankan asylum seekers, and not only Tamils, are met with the violence of Australian border politics. That violence describes the tacit agreement between both states whose exclusive sovereign legitimacies are being challenged by people-to-people links across migrant and Aboriginal networks. Refugee and Aboriginal struggles working together might be

considered as another movement of minorities, which seek to consolidate counterpower against interests that trump justice. It is worth noting that Perera, who was born in Sri Lanka, is amongst the founding members of Researchers Against Pacific Black Sites (n.d) who work to expose, discuss and critique the conditions, forms of violence and torture occurring in Australian funded immigration detention centres in Nauru and Manus Island, combating the enforced percepticide surrounding these 'extra-legal' spaces and the transnational relations that make them possible (Perera and Pugliese 2015). AusLankans, then, can be read not only as asylum seekers caught in regional border policies and controls; the term may extend to cover those working to undo this space, and may arguably signify a decolonial objective.

The question that hangs over much of my engagement with AusLanka is 'what is the diaspora to do?' Ongoing resistance, solidarity and (parodic) negation have appeared as strategies in the pursuit of transnational justice. As one who writes, I may well heed the demand extending through Hutnyk (2012) for better stories to overcome despotism and to bring 'hope and a confidence in our own strength to bring about change' (Sumathy 2014). Thus, while it is necessary to agitate and critique the conditions of the present, it is also necessary to articulate a future. As an alternative to negation, Marco Cuevis-Hewitt (2011) argues for writers working within movements to concern themselves with a 'futurology of the present,' that is to recognise the many and varied living futures already coming into being.

Following the war, I established a rapport with the Tamil refugee and controversial media figure, Sanjeev 'Alex' Kuhendrarajah, who was amongst those in Merak who received an Aboriginal passport (see Sivanesan 2016 and 2014). Although he has never set foot in Australia, the gesture encouraged Alex to learn more about indigenous struggles here and seek out commonalities. While I certainly do not agree with many of Alex's arguments, we both appreciate the continuing need to challenge neocolonial oppression and to align ourselves with histories of transnational anticolonialism.

Over the course of its development the backdrop of this writing task shifted from pre-election Jaffna to Sydney, where I was amongst a groundswell of protests opposing the forced closures of Aboriginal communities in Western Australia, 2015. At a rally in Belmore Park veteran activist Jenny Munro raised the idea of a 'Blak Parliament' made up of elected Aboriginal representatives who would convene in the Old Parliament House situated opposite the Federal Parliament in Canberra. According to Munro's vision, the governance of the country would be bi-partisan with decisions mediated by a Senate that sits between both parliaments. Unlike Sri Lanka, power sharing in Australia might seem like an improbable idea, but the proposition is nevertheless straightforward in its attempts to bring Aboriginal law, customs and history on a par with the dominant political system.

Later that evening thousands of people marched through the streets of Sydney, behind Aboriginal leaders. Disrupting traffic, they pursued a new paradigm in Australia in which the rights of Aboriginal people, including their right to self-determination, would be upheld. Protests such as this are a manifestation of people-to-people links and long evolving counterpowers. They prefigure alternative, decolonial futures to be built on respect, peaceful coexistence and equality in which the Australian state and Aboriginal nations would walk in step as mutual partners. They make visible and accessible an ongoing struggle to address injustice as equals.

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