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# Vijay Kumar Nagaraj—A Life in Human Rights*

## Abstract

Our friend and colleague Vijay Nagaraj, a member of the Editorial Board of the *Journal of Human Rights Practice*, died on 25 August 2017 in a road accident in Sri Lanka, where he worked with the Law and Society Trust. He was 44 years old. We asked a number of Vijay's colleagues from different stages in his working life to offer their reflections and memories of his contributions. For the many readers who crossed paths with Vijay, we hope that these will evoke his life and remind them of his friendship. For the many who never knew Vijay, the range of his interests and contributions is justification enough for taking this space to honour his memory. Man of ideas and tireless worker behind the scenes; relentless critic and relentless self-critic; human rights believer and human rights sceptic—these recollections offer a window on a life dedicated to human rights.

**Aruna Roy, Shankar Singh, and Nikhil Dey**
*Mazdoor Kisan Shakti Sangathan, India*

Vijay Nagaraj came to the Mazdoor Kisan Shakti Sangathan (MKSS) in 1994, as an activist student at the Tata Institute of Social Sciences (TISS), and soon afterwards to work. MKSS believed that local leadership would evolve only if middle-class presence did not dominate the organization. 'Middle-class' activists were not sought after or encouraged. Vijay persisted, and wrote many times asking if he could join the MKSS. He persuaded the community, small as it was, with his letters. They were full of ideas, charged with energy and with enchanting descriptions of nights sleeping under the canopy of stars. The small MKSS collective was persuaded by his enthusiasm and determination—it welcomed Vijay into its fold.

He was always eager to learn and reflect on the politics of development. Devdungri, where MKSS lived and worked, offered him a frame to understand the complex role of

* These reflections are written in each author's personal capacity and do not necessarily reflect the views of the organizations or institutions to which they are affiliated.

social interaction in rural 'democratic' India. Vijay's qualities, which enriched his life as an activist and an intellectual, informed all the collective activities, cooking, walking to meetings, chopping wood, and long discussions with workers who dropped in from time to time. He was enthusiastic, keen to experience and to live life with compulsive surrender. He celebrated the adventure in earthy experiences, and followed these with long discussions over endless cups of water (he did not drink tea or coffee at that time). He was acutely sensitive about the suffering of others. He never saw any contradiction between his sharp mind and his emotional involvements sometimes pulling him in opposite directions in his short life. Most people shy away from emotion; Vijay embraced it in his life, exceptional in a man. He looked at an idea, and people situated around it. Friends remember his conversations, and arguments—peeling issues to the core; and sometimes annoyingly peeling the core itself! He had a robust sense of justice.

His compassion, even as he criticized and condemned human failures and violations and oppression of all sorts, kept him free from the arrogance that afflicts so many activists. His humanity and concern endeared him to many of us. Vijay brought a sense of humour and fun to all our lives.

When Nikhil and Aruna met him in Mumbai, he was still a student at TISS and it would not have been possible to define a more earnest and persistent person. He was a constant companion on that trip, talking and gesticulating through meetings, looking for a cheap place to eat, and planning to meet again. When Shankar went to visit TISS at an informal meeting organized by Vijay, he was already very much the 'star' activist in the making, challenging other students to understand the limitations of academia, if not accompanied by committed work with society and politics.

Devdungri actually worked as a laboratory for Vijay, to test his academic knowledge. His constant interaction with rural India, and his friendship with many people, formed friendship and lasting connections. He was a great storyteller, and carried them spiced with his humour, far and wide. Much to our surprise, even friends in Geneva had heard details of our serious and funny tales—and we could see how the genesis of some of his thoughts went back to experiences and learning in the MKSS.

The MKSS sought to link small specific issues with the larger socioeconomic-political happenings. This led naturally to an understanding of the universal, making it easy for many middle-class activists, starting with Vijay (who was the first one to come to us) to the present to make the transition from local, to regional, to national and international concerns. He was an essential part of the right to information struggle. When it turned into a national campaign, with all the elements of a powerful people's movement, he was an important part of it.

He always saw the importance of collective effort, and the tremendous power and creativity of grassroots mobilization. He was a strong votary of self-funded political work by and with marginalized communities, and was suspicious of the controlling influence of foundations and large funding agencies. In his later work, he helped us understand how international organizations function, and the strength and limitations of their framework. For him, the political mobilization of communities at a grassroots level was the embryo of any meaningful effort at change. However, he would always challenge those in the MKSS who did not make the connections with larger processes at a national or even global level. He told us that his time in Devdungri had helped him understand the contradictory world within which global human rights activists worked, and that grounding would always lead him to make work choices that were in conjunction with his principles.

He was attracted to the simple living, and choices away from a consumption-driven life in the MKSS. A lifestyle he continued to support. Ultimately what forced him out of MKSS and Devdungri was his body, it betrayed his ideals. He reacted to the fluoride contaminated water, and his back gave in. He was in hospital for a prolonged period and yet he came back, first with Preeti; when they got married they lived and worked from Devdungri. He came back to meet friends and analyse, critique and appreciate the collective. His last visit was on the 25th anniversary of the MKSS on 1 May 2015, when he left with promises to come back more frequently, and for longer.

In an essential sense, Vijay never left the MKSS. His sense of belonging, ownership, and responsibility remained no matter where he was located. Vijay and his contributions are embedded in the thoughts and action of the MKSS—a legacy consciously acknowledged and remembered with affection.

**David Petrasek**
*Associate Professor, Public and International Affairs, University of Ottawa*

I first met Vijay in late 2002, in India, very shortly before I took up my role as Senior Policy Adviser at Amnesty International (AI). Vijay was representing Amnesty in India, and doing so by connecting AI to the various mass social movements that were increasingly adopting the language of rights, but that looked nothing like the more 'traditional' Indian human rights NGOs.

I wasn't sure what to expect, but as I recall it wasn't a particularly amicable discussion. There were no raised voices or heated arguments, but Vijay used the meeting to raise a number of difficult issues—about AI's governance, about its approach to joint campaigning, and about the open and hidden biases he perceived as inherent in an organization largely composed of and funded by Westerners.

I remember being particularly struck by his position on a debate then raging in the organization – should AI adopt a 'full spectrum' approach and work actively on *all* human rights, thereby ending its long neglect of economic and social rights advocacy? Within the organization it was largely taken for granted that AI's membership in the developing world strongly supported such a move, and indeed in the formal, AI decision-making structures, that was the position of the southern representatives. I knew Vijay had worked for many years with a mass movement organizing the poorest Indians, and I blithely assumed he would welcome the shift (indeed, I had taken up the AI job largely to see this change happen, and hoped Vijay would be an ally). But Vijay—in a style all who knew him will easily recall—took an entirely original and critical perspective on the matter.

'A terrible idea', he said. Why? Because AI's inherent conservatism and/or silence regarding broader questions of social justice, global inequalities, and redistribution would mean it would neuter the liberating potential of economic and social rights. Better to continue to ignore these rights (unless and until deeper reforms in AI's governance and thinking were undertaken), than to smother them in AI's legalistic and apolitical embrace. It was a position he would passionately (and frequently) put forward at the various international AI meetings he attended. I can still recall the shocked look on the faces of those from northern AI sections pushing for this change when Vijay articulated this position at an International Council Meeting (AI's biennial gathering) in Mexico in 2003.

AI did move to working on all human rights. I'll leave aside the question of whether it does so in ways that Vijay predicted or not. That's not the point of my recounting this story. Rather, the story is emblematic I think of Vijay's approach to human rights discourse and advocacy, well beyond the limited world of AI. For above all else, Vijay was passionately committed to human rights, but alongside this passion—and with equal vigour—he thought *critically* about the means and methods of human rights advocacy. It was never enough for Vijay to hear someone cite an international treaty, or to be told someone belonged to a human rights NGO. Nor was he particularly enamoured of appeals grounded in the supposed legitimacy of a global human rights 'movement'. Vijay thought critically about how abstract human rights rules operated in the real world, and about the power and financial relationships that are prevalent in this 'movement', though rarely exposed.

This is how I shall always remember Vijay—as embodying a form of critical engagement, including self-criticism, that made his advocacy all the more meaningful. It came naturally to Vijay, and he wouldn't mind me saying, I'm certain, that it didn't always make him popular at human rights gatherings. He wasn't interested in popularity; he was interested in getting to the truth of the matter—exposing issues of power, class, race and wealth that are both obstacles to realizing rights and too often features also of human rights advocacy.

In a world where the media and entertainment industries uncritically rush to embrace any who claim to defend rights, and where the powerful too have found occasion to wield the language of rights, it is precisely this form of critical engagement that is so desperately needed. We'll miss you, Vijay.

**Robert Archer**
*Director, Plain Sense, Geneva*

I first met Vijay when he interviewed to become a Research Director at the International Council for Human Rights Policy in Geneva, of which I was then the Director. Earnest, animatedly articulate, attentive and challenging, he looked both more boyish and slighter than his actual build and age. I felt at once that he was a fit.

He joined Magdalena Sepúlveda and Stephen Humphreys, who became Research Directors at the same or almost the same time. All three were passionate, clever, and intellectually hungry and for a while life for their colleagues in the Council's small secretariat became strenuous, as they pushed like cats in a sack at the boundaries of their own and the Council's administrative and intellectual capacity. But they were remarkably creative. As a result of their efforts, the Council produced in a short period innovative human rights studies on sexuality, corruption, climate change, privacy, social control and the collision of different forms of legal jurisdiction (among much else).

One of the most interesting features of the International Council was that all the subjects were decided by the Board. Research Directors therefore took on subjects that might be entirely new to them. Vijay accepted one of the trickiest subjects in human rights—the tensions and relationships between different sorts of law (religious laws, cultural practices, and so on) that coexist in one jurisdiction. As with everything he did, he threw himself into this and, in collaboration with a team of researchers and his co-author, Cassandra Balchin, produced a dense but very serious analysis of a problem that formal lawyers and human rights activists have frequently addressed by privileging one or another of its dimensions

and thereby evacuating its complexity. This achievement highlighted one of Vijay's great gifts. His experience—unusually mixed, even within India—was sharpened by his ability to see the world from several points of view. He took diversity of perception for granted, then dissected it very consciously with political tools. Although he worked hard to distil his writing style, the result often reflected the density of his thinking. Sometimes what he wrote was over-elaborate, thick: this was partly a reflection of Vijay's mind, but partly because he was walking new ground. His work had some of the characteristics of the most innovative forms of research: to progress, it struggled to renew language. In my view, 'When Legal Worlds Overlap: Human Rights, State and Non-State Law' broke the issue open: he and Cassandra reconceptualized it and made the subject possible to address in a balanced way.

Below his magmatic energy, Vijay was also deeply self-critical. If he challenged those around him, he challenged himself as much, and on many levels. Having pushed himself sometimes to the edge of exhaustion, he found nourishment in a wide range of other activities, and balance in his spirituality. In this, as in so much else, he was an eclectic mix of radical and classical. He spun himself from every source.

It was typical of the man that, after I left, when the Council's Board subsequently decided to close the International Council in 2011, Vijay accepted the long unromantic task of organizing its end—and he did so cleanly and thoroughly, taking care of the staff, safeguarding the Council's research, and making sure that its identity was not eroded by desperate attempts to fundraise.

His potential was enormous. Despite the number and variety of his writings, I believe he died before he could bring all these powers to fruition. But he left behind him a long train of people whom he influenced and inspired with his enthusiasm, encouragement, intolerance of lazy thinking, and empathy. If he was anywhere nearby, the world became exciting.

He inspired because he believed in ideas and their future, and held to principles, but refused to be contained by any one line of thought or any form of comfortable certainty. It was a privilege to try to manage someone who relentlessly pushed back intellectually and personally but who was equally delighted to be confronted by arguments that made him revise his position.

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After Vijay died so suddenly, some of his friends in Geneva met in one of his favourite cafés, the *Vouivre*, to remember him. I cannot find better words to end than what I said then.

> We knew Vijay in many guises—as a researcher, a human rights activist, a friend, a lover of classical Indian music, a wonderful cook … He was at once deeply thoughtful, passionate, principled, exuberant, curious to the point of greed, attentive to others, joyful, spiritual, and a great friend in need. He was many things to many people, and did so much that most of us are not aware of the diversity and range of all his affections and interests. Above all, he had a huge heart, enormous sympathy for friends and for other human beings, and an inexhaustible zest for life. For all those things we loved him.

**Stephen Humphreys**
*Associate Professor of Law, London School of Economics*

I first met Vijay Kumar Nagaraj in Bangkok in, I think, May 2007. It was a large room in which about 40–50 people were seated at tables laid end to end in a great square, a layout that resembled nothing so much as a medieval dining hall. The ceiling was high too, and I

believe there was a chandelier, but the colours and fabrics were strictly 21st century conference: hotel-beige, processed wood, bland tablecloths. I knew a handful of people in the room; many more were vaguely familiar. At least one was an international household name.

The chair had opened a discussion about 'climate change and human rights'. A young slender man across the room from me raised his hand. I noticed his age. At that time, I was used to being the youngest person in the room—but Vijay (for it was he) was younger than me. I had been asked to speak at this session, impromptu in the hall beforehand, since the topic was one I had raised in my job interview. But I declined, preferring time to prepare before addressing such an illustrious group.

No such concern worried the young man in front of me who, as it turned out, had just been employed by the people in the room in exactly the same capacity as me: we were both 'research directors' at the Council ('too many chiefs, not enough Indians', an IDRC[1] director would later mutter to me, an unfortunate turn-of-phrase, it seemed to me, from a Canadian). Vijay's intervention was a surprise. In a room full of human rights aficionados, he observed that human rights were hardly an ideal way to approach climate change, 'given the anthropocentric nature of human rights discourse, which is at a minimum aligned with, and indeed may even compound, the conditions of possibility of climate change'. I am paraphrasing, but I think this is close: I can hear his voice saying these words, and Vijay's diction was always precise.

I liked this person immediately and immensely. It wasn't just his readiness to rock the boat; it wasn't just the sophistication of his articulation; it was his unpretentious delivery, a kind of easy humility that invited his audience's agreement or disagreement with equal equanimity. A lightly worn but inarguable conviction. I was (and am) completely incapable of this kind of insouciant intelligence. It was irresistible.

Later that evening, Vijay and I found ourselves on a boat on a river near the hotel. I remember counting myself lucky that of all the people he could be spending time with that evening in Bangkok (actual VIPs!) he had chosen me. I was drinking Singha beer. He didn't drink, he said, though later in Geneva he would acquire a fondness for the occasional vodka (and there was one night we drank tequila slammers together—at *his* instigation).

We discussed our roles. We talked about how we got the jobs. I told him I'd said in interview that I was both a human rights believer and sceptic. He said 'I think it is very important that you said that'. It's a turn of phrase I would come to associate with him. He could make things sound 'very important' simply by saying they were 'very important' (another trick I could never pull off), even where, as in this case, we both knew they were not at all important. *Something* in this fact-scenario was important and he was signalling that fact. His brow furrowed slightly and he would perhaps raise a finger, his lips pursing with a mild headshake. Vijay had a way of lending his interlocutors a dose of his own righteous humility. (Or was it humble righteousness? Actually it was neither: 'righteous' is the wrong word for someone whose good humour was his most salient characteristic. Integrity is the word.)

Vijay combined the most extraordinary qualities of lightness and seriousness, of ease and directness. It was physical: the cocked eyebrows, the shy pursed-lip grin, the arms going out, often almost meeting at the elbows as he echoed agreement—'Dchah!' ('achha' I guess, but I took it for 'but yeh')—embellishing or perfecting whatever point had just been made.

1 International Development Research Centre, a body established by and reporting to the Canadian Parliament which funds research on development-related issues.

Vijay would transit from gentle indulgence to seriousness seamlessly; a slight change of voice and a slight wrinkle in the forehead. He would comfortably refute me—'my friend, you are quite wrong'—a look in his eye that said 'utterly wrong but I still respect you'. It would turn out Vijay was longer and better practised at being a human rights believer and sceptic than I myself. He had also been much closer to the radical heart of human rights than I could ever be.

The fact that Vijay and I were kindred spirits—two middle-class kids from Dublin and Bangalore on a worldwide adventure, idealist-realists trying to make the world a better place—made us slightly explosive in concert. We worked rapidly and well together, and we reinforced one another's gut instincts while refining our phrasing and sharpening our arguments. Although we never directly co-authored anything (that is yet to come, in my still-unresigned mind), all our projects were co-created in fact. In our two years in Geneva, our work became our life, but our lives also became our work. Our flats in Paquis were as close as our offices in Versoix. We talked daily about the projects we developed and ran—in the office, over coffee, over lunch, over dinner. We shared a suspicion that Geneva, with its bank wealth and untouchable stability, was narcotically distant from the real-world battles we believed we engaged. But we had both arrived in Geneva from faraway places in our own lives that constantly spilled into our relationship and our work. And we helped each other limp through the small fiascos and victories that infiltrated each of our lives at the time.

I was privileged to have Vijay as a friend—though he had very many. What was special to me was something he shared effortlessly it seemed. His dwelling in Geneva was a hub, a waypost for travellers from across the world and from across town. For long periods he and I relied unquestioningly on one another. Each of us knew the door was always open for the other. In March 2016, I once again turned up at his door in Colombo and stayed a recuperative week.

In the week before he left this world we had been emailing again. Vijay was, as ever, offering to help with some matters in my life, and he too was in need of help with matters in his. We had vague plans for autumn, he was coming to the UK. And then he was gone. I weep at his loss and at my inability to go back and fix it. Vijay should be here with us. We need him now. We will always need him.

**Magdalena Sepúlveda Carmona**
*Senior Research Associate, United Nations Research Institute for Social Development*

In recent years, an increasing number of academics and advocates are raising their voices against social control. They raise a variety of concerns, from the impact that big data or unregulated algorithms have on the poorest segments of the population to the use of new technology in the criminal justice system.

While these are considered emerging topics, in the early 2000s these were topics already identified by the International Council on Human Rights Policy (ICHRP) as issues that impeded the promotion and protection of human rights in policymaking across the globe. At that time, Vijay K. Nagaraj and I were both Research Directors at the ICHRP. We both felt that these issues were critical to rights of the most vulnerable groups in societies and required an interdisciplinary and international approach.

At that time Vijay was interested in exploring the human rights implications of contemporary patterns of social control: how laws and policies construct and respond to people defined as 'undesirable', 'dangerous', criminal or socially problematic. He wanted to address several questions such as how are changing ideas of crime, criminality and risk shaping social policy? Why does incarceration continue to be a preferred sanction? How are public health and urban governance being reshaped into regimes of discipline and punitiveness? How do contemporary policing and surveillance practices order and organize social relations?

In his tireless commitment to defending the most vulnerable groups and with his passion for challenging unjust social structures, in 2009 Vijay began leading a project on social control and human rights. At the time, I was also the UN Special Rapporteur on Extreme Poverty and Human Rights (2008–2014) and he persuaded me to work together with him to seek concrete public policy impact.

We wanted to provide a basis for a more robust human rights challenge to political and social forces that shape current modes of social control through a dialogue between human rights advocates, critical social science and social policy analysts, and policymakers. Vijay had noted that despite the significant amount of research conducted around some of these themes, a considerable gap existed between those engaged in research and theory and those engaged in human rights advocacy and policy. He aimed to bridge this gap, and his project successfully achieved the desired result.

Over two years, Vijay engaged with a great variety of experts, including academics, advocates, and representatives from intergovernmental institutions, working in different areas such as urban planning and governance; public health, drugs and harm reduction; and governance of welfare. With his superb abilities to generate trust, to think 'outside the box', and to convince others to work together, he was leading a research project that ended up provoking fresh thinking, addressing areas of contradiction and emerging issues from a human rights perspective.

In 2010, the main outcome of this project was published: 'Modes and Patterns of Social Control: Implications for Human Rights Policy'. This report explored how those living in poverty were penalized and controlled by a range of social policies. The key innovation was that for the first time, the human rights challenges of these policies were comprehensively explored. Moreover, it made evident how the 'social control perspective' was a critical tool for human rights work.

Overall, Vijay's project provided a strong research base and a large network of partners with relevant expertise on the topic who played a catalytic role disseminating the outcomes. The project was not only a critical input for the report submitted at the UN General Assembly on penalization of people living in poverty, but it was also the basis for the establishment of a 'Platform-Network' that continue working on the topic over the years. The Platform-Network was an open space for diverse actors to generate knowledge and policy advocacy to strengthen human rights-based responses to laws and practices that penalize people in poverty and to propose policy alternatives. A website forum, 'Governing Poverty—Risking Rights?', was also established, hosted on the openDemocracy website, to disseminate the human rights consequences and policy alternatives of control measures. Vijay himself contributed extensively to this forum. His progressive views are clearly reflected in his contributions.

Undoubtedly, this area of Vijay's work has contributed significantly to providing a better understanding about the human rights implications of several measures that

disproportionately target those living in poverty. It provides an assessment tool to examine how some measures that directly target or disproportionately impact people living in poverty end up increasing their stigmatization, segregation, surveillance and criminalization. Through his work we can assess how some legislation (such as vagrancy laws or regulations on eating or sleeping in public places) or policies in a wide variety of areas such as in urban planning or public health (for example, no-go areas or drug policy interventions) are controlling and penalizing the poor. Such measures were presented as both a grave denial of human dignity and a violation of a range of human rights.

While former colleagues and friends are mourning the death of Vijay, we know that the legacy of his work to quietly push for a more just society remains. He was a champion of under-served communities in India, Sri Lanka and the world. He leaves behind a vision for a just and equal society as reflected in a wide range of contributions. The one recalled here is only one of many examples.

**Claude Cahn**
*Human Rights Officer, UN Human Rights Office (OHCHR) and Doctor of Law, Radboud University, Nijmegen, Netherlands*

I first met Vijay in 2007. He had just started working for the International Council on Human Rights Policy (ICHRP), I had just started working for the Centre on Housing Rights and Evictions (COHRE). COHRE was a leading global human rights organization in the area of economic, social and cultural rights. ICHRP was a human rights think tank set up to advance thematic human rights in the wake of the 1993 international human rights conference in Vienna and the founding of the Office of the UN High Commissioner for Human Rights. Both organizations—COHRE and ICHRP—would later collapse, due I hope to no fault of our own, and in Vijay's case despite his very vigorous and excellent efforts to save the organization.

Vijay's interests and mind were free-ranging. He had been with Amnesty International India, one of Amnesty's very limited locations in the global South. They had worked on justice for the victims of the Bhopal disaster, with major implications for the human rights responsibilities of multinational corporations. He had struggled regularly over messaging and content and other matters with the Amnesty International Secretariat, and he therefore brought a cold and sceptical eye to the motives and actions of international human rights organizations. He had also been involved in labour rights organization in rural India. He was proud of the rough, socially conscious street theatre he had been involved with there. Vijay is still the only person I have ever met who spoke about Gandhi as if he had just left the room.

Afoot in Switzerland he probed the issues of his new home with the sharp eye of an outsider. He learned Roma rights issues, and felt them on his own skin during a trip to Prague with his cousins, as well as when he was threatened with death by a fellow passenger on an Aeroflot flight. We watched Switzerland's debate on a public referendum to ban minarets play out.

Vijay involved me in several research projects at ICHRP—it being an organization dedicated to researching current human rights themes. One concerned something that started out called 'legal pluralism' and which wound up termed 'human rights and non-state law'. At the time I was working on a Master's thesis looking at the human rights possibilities and implications of recognizing Romani community legal systems. The ICHRP-facilitated

discussion brought into open conflict tensions between the abusive aspects of community law—in particular as concerns gender-based harms—and the interesting elements of autonomy and communal power seen in non-state legal orders globally. The resulting report had difficulty squaring this circle.

A second project looked at social control and human rights. This work explored developing technologies and increased surveillance and its implications for human rights. These discussions explored some of the more pressing questions facing human rights in the age of social media, the 'war on terror', the securitization of public spaces, and a battery of related themes.

Geneva has a large Tamil community, and the end of Sri Lanka's civil war played out while we were there. Vijay formed and maintained relations with Tamil shopkeepers and small business owners in Geneva, listening carefully to their issues. There were very large demonstrations involving Tamils from all over Europe as the Sri Lankan government pushed to finish the decades-old conflict, apparently killing many thousands of fleeing civilians, and there was a self-immolation on Place des Nations.

We ultimately co-authored one article together, a piece called 'An Activist State for Diversity'. This grew out of a discussion of the European Court of Human Rights judgment in *Lautsi v. Italy*. The case concerned whether it was legal for public schools to have religious symbols prominently displayed. A Chamber of the European Court ruled for the complainants, holding that, in light of the duty of parents to send their children to school, public schools should be devoid of religious symbols. Italy appealed to the European Court's Grand Chamber, arguing that crucifixes and images of Christ were 'cultural' and not explicitly religious. A great number of Council of Europe member states—mostly from eastern Europe—took an active interest in the case. The Grand Chamber overturned the Chamber decision, in a highly charged—and arguably very politicized—ruling.

At the heart of the case—and our article—was the question of the duty of neutrality of the state—does neutrality mean being secular, devoid of religious content? Or does it mean finding some way to be fair and approximately equidistant from different views of the world, religious and non-religious? With the benefit of hindsight, I see now that we were writing two different articles: Vijay had just read Wendy Brown's *Regulating Aversion: Tolerance in the Age of Identity and Empire*, and was swayed by ideas of multicultural tolerance as colonializing the person. I was trying to articulate a legal standard whereby states have a positive legal obligation to foster diversity. If you read the article today, it is pretty clear who wrote which paragraphs.

Some of his default positions were *caviar gauche*. McDonalds was evil colonialism. After I left Geneva in 2009, I was based in a place where McDonalds was the only place to eat sanitary food, and the only business hiring minorities or persons with disabilities. He humoured my philistine defence of the indefensible.

A series of events led to the urgent appointment by the ICHRP Board of Vijay as director of ICHRP in early 2011, at a moment when its coffers were rapidly about to run dry and its staff morale in a deep trench. Vijay's job was to rescue the organization. He plunged into this task with vigour and creativity. Over the course of close to a year, he focused on that which he I think enjoyed most: organizing human creativity around solving a complex problem. A reawakened and reinvigorated ICHRP staff followed his leadership into the task of reconceiving the vision of the organization into a form which could both attract donors and make a mark on the increasingly diverse and expert-driven human rights movement. In the absence of immediate donor commitment, plans were drawn up to figure out

how to maintain a skeleton version of ICHRP involving an online blog, archives and personnel working from various locations not as costly as Geneva. To the work of galvanizing the ICHRP team, Vijay brought wisdom such as: 'There are only two rules: (1) never believe anyone's reputation—bad or good—including your own; and (2) never underestimate the ability of grown people to act as if they are in kindergarten.'

And then, in the last hours of 2011, against Vijay's advice, the ICHRP Board of Directors abruptly pulled the plug and decided to close the organization.

Even before this experience, in the background of Vijay's intellectual work in the thematic areas of human rights was a cold eye to the enterprise as a whole. This included some nibbling at the margins, such as interest in an internal debate at Amnesty in which several people in Central Asia had been named human rights defenders, without due attention to their extremist views on the oppression of women. More central however was a view that human rights generated 'competition to save the world', that it eroded solidarity, and was as such inferior to—as well as destructive of—other human liberation projects, such as the labour movement in which he had previously been involved in rural India. He was much taken with an essay by Shannon Speed on the Zapatista movement, which among other things documented the deep scepticism of some parts of the indigenous peoples' movement in Mexico towards human rights, and their sporadic and instrumental engagement with it.

I believe that to a great extent the ICHRP experience was final and formative in the negative sense, in that, after it, I believe that Vijay withdrew to a great extent from human rights. He endeavoured to leave human rights work for a time, and spoke openly of going to teach high school. He later returned to do consultancy work, and later indeed was active—if quietly—in human rights in Sri Lanka, where his personal life took him. But I rarely heard him speak with similar passion as previously about human rights work after that. He seemed (to me at least) instead to separate work from life, with an increasing focus on spiritual engagement.

That said, it is possible that I was simply not listening carefully enough. A video of him speaking at a land rights conference in Sri Lanka some months before his death shows him continuing to explore issues which had most engaged him earlier, such as gender- and caste-based exclusion. My wife claims that he had tried to talk to me about land rights, but that I had been apparently daydreaming and missed it. Sri Lanka, with its multiple series of recent episodes of mass violence; its open, giddy nationalism; and its layered sets of diverse oppression, possibly sobered him into a more muted form of communication.

Indeed, an op-ed piece he published on the openDemocracy website in March 2014—that is, after the events at ICHRP—continued to reveal his commitments and preoccupations in all of their engaged complexity. The occasion was a decision by Amnesty USA to host a concert in New York's Barclays Center on the eve of the Sochi Olympic Games, highlighting human rights concerns in Russia. Vijay was particularly focused on the locus of the concert, 'which followed a familiar urban renewal script, involving … the obliteration of vibrant communities through colossally-scaled and instant gentrification' on this occasion in Brooklyn, New York. The core question posed was pure Vijay:

> Amnesty USA's choice of venue, despite its complex but clearly discernible geography of intersecting human rights concerns, signals just how fragmented and partial global human rights advocacy has become. The irony of Amnesty holding a global human rights event at the Barclays Center/Atlantic Yards and claiming it 'grounds the universal struggle for dignity and freedom in the injustices we see every day in our own backyard in the United States', was

> certainly not lost on Brooklyn residents and activists fighting the redevelopment. Can actions that are so abstracted from their social and physical context pass for human rights activism?

The op-ed piece continues by moving on to cast a critical eye also on the efforts of Amnesty India in the campaigning of that organization vis-à-vis Sri Lanka, for reasons of political and messaging complexity. Quoting Arvind Narrain, Vijay urged, 'the challenge before us is to fuse thought and action and chart out ethical and principled ways to constantly broaden the moral imagination of human rights.'

We last saw him in January 2017. We went to visit him in Sri Lanka so that he might get to know his god-daughter—our daughter Johannah Shai—now eight, whom he had not met since a washing ceremony for her of my wife's family's tradition at the age of one. We are very grateful to have had the chance to see him before his death. During the visit, he left us several times to go and visit the child of friends of his, who had become suddenly very ill. His preoccupations seemed in this realm—in the service of people. He also seemed to believe that he played a role whether the child would recover or not. In Sri Lanka, he brought us to a multi-denominational temple, overwhelmingly Buddhist, but housing a Hindu shrine. In it he brought blessings to both of our daughters, tying a small white string around each wrist.

After Vijay's death, a small community meeting was convened in Geneva to honour his life, attended in particular by those who had been unable to make it to the rushed funeral in Bangalore. What I said there is more or less what is written above. One of the participants who had been involved in the 'social control' project mentioned above responded that she remembered the way in which Vijay had involved Stanley Cohen—at the time suffering from late-stage Parkinson's disease—in the consultations around the project. She recalled Vijay's patience with this major thinker, now struck by a debilitating disease. It was this quality which left an indelible impression—the quality to pause on the road of human rights work to listen to wisdom from those who might not otherwise be heard.

Apart from a profound sadness at never seeing him again, I suffer also his unfinished thoughts. He often left his sentences half-finished, with an open, speculative pause. It was as if you were supposed to fill in his silence for him. How were we to know that he would leave his life that way?

## Emma Playfair

*Human rights lawyer, London*

I am grateful for the opportunity to write about Vijay Nagaraj, whose early and sudden death was such a great loss to his family, friends and colleagues and to the protection and promotion of human rights internationally and especially in South Asia.

I first met Vijay in 2009 when I joined the International Council for Human Rights Policy in Geneva as a Board member. He was then one of the Council's Research Directors, part of a talented team working on issues ranging from social control, legal pluralism and penalizing poverty to evaluating human rights work. His keen intellect and deep commitment to human rights and social justice were very evident.

In 2011, the Council's Executive Director left only a short time into his tenure, leaving the Council in a precarious financial situation. Knowing this and with the strong support of his colleagues, Vijay volunteered to take over as Executive Director. This was a very courageous act as he knew the financial difficulties faced by the Council. At around the same

time, I became Chair of the Council and over the next year had the privilege of working closely with Vijay as he put all his efforts into developing and preserving the Council.

During this challenging time, Vijay provided extraordinary leadership to his colleagues and to the Council. With determination and commitment, he led the way in finalizing a new strategic plan, initiated new research and engaged in a series of outreach initiatives as well as publishing two important new reports.

Sadly, despite these efforts, the Board had to take the decision to close the Council in February 2012. In the time leading up to its closure, Vijay intensified his efforts to preserve the work of the Council, developing both a web archive and a physical archive at the library of the Graduate Institute of International and Development Studies in Geneva. His work ensured that these invaluable assets remain available to the public.

I was very happy to hear of Vijay's subsequent work in Sri Lanka and know how he brought his typical enthusiasm and commitment to this work. His warmth as a human being underlay all of his work as an activist and a researcher and made working with him such a rich experience. The death of such a remarkable, principled and courageous activist is a grievous loss to the human rights cause.

**Farzana Haniffa**
*Senior Lecturer in Sociology, University of Colombo*

I remember Vijay as someone who brought something extra into the Sri Lankan activist and academic communities that he became a part of. He was well informed about political struggles globally, attempted to keep up with the theoretical literature related to local struggles and had great clarity regarding his own political positions. In addition, his seemingly limitless energy, the intensity with which he committed to conversations, movements and relationships catalysed our own projects and energized our growth.

I remember Vijay best for his support of my politics, and the time we spent on joint projects.

An issue that has had both personal and professional resonance for me during the five plus years that I knew Vijay was Sri Lanka's anti-Muslim movement. The first significant incident leading up to the better-organized social media interventions and public meetings of the movement happened in Dambulla in April 2012. A mob led by a monk attacked the Jumma mosque in Dambulla. Vijay, writing in the aftermath of the attack, asked if Dambulla was Sri Lanka's Babri Masjid redux. He suggested that the event possibly augured the emergence of a movement that would ultimately justify widespread violence. He referenced Ayodhya in India and the carnage of Gujarat ten years later. At that time the main groups that spearheaded the movement were yet to emerge and the fear seemed somewhat misplaced. However, by early 2013, the movement had speedily gained an unprecedented following and seemed to have the tacit support of the state. By June 2014 anti-Muslim violence had taken place in several towns in the Southern Kalutara District and more seemed imminent. Today the movement remains alive and Vijay's prescient warning continues to haunt.

One of the first initiatives on which I worked with Vijay was on the publication of studies regarding four flashpoint areas where anti-Muslim sentiment seemed rife and violence seemed imminent. The project was run by the Secretariat for Muslims, of which I was then Chair of the Board. Vijay managed the project in terms of instructing and liaising with the lead researchers and also in fine tuning the writing and editing the final products. The main finding of these projects was that there was much more than anti-Muslim sentiment and

Sinhala Buddhist racism behind each of the flashpoint areas. In almost all of these areas the long-term aspirations of charismatic monks were a significant factor.

Before he passed away Vijay and I were also finalizing a joint writing project for which we had done the fieldwork together. It was an essay—we thought it was going to be the first of many—on Sinhala–Muslim tensions leading to anti-Muslim violence that predated the emergence of the post-war anti- Muslim movement in Sri Lanka. It was a piece that further reinforced the now established idea regarding how the 'riot' was a chosen strategy for doing politics in post-colonial Sri Lanka and it was one that was used against all minority communities, not just the Tamils. Thereby it broadened our understanding of the state as driven by an imperative to survive that was not reducible to racism against one community alone.

Vijay's politics demanded that we place critique at the centre of our political work. For me Vijay's ability to be loudly critical of long-standing ethical positions, such as the value placed on law reform or the unconditional acceptance of the human rights framework, was refreshing. It enabled a variety of critical conversations. Vijay was sympathetic to my call to broaden our discussions regarding Muslims in Sri Lanka beyond the frames of 'Islamic fundamentalism' or their self-identification as the 'model minority'. He was also a sounding board for critique regarding my institutional home at Colombo University.

There are endless and valid criticisms that are levelled at the Sri Lankan university system. It is riven with petty rivalries and cronyisms and the promotion system breeds a particular kind of docile academic. The university system is also routinely accused of producing 'unemployable graduates' and student politics and the culture of striking/protest is understood as wasting taxpayers' money. For the past decade or so we have also been subjected to a World Bank funded reform process. Countless seminars and quality assurance workshops have been run about the need for greater precision in our activities, and we are introduced to matrices (that change every six months) that are a requirement to ensure that we are in line with international university ranking systems. We are now busy rewriting course outline formats, changing attendance-taking methods and so on to be recognizable to such systems. Vijay was good company when talking about the importance of the university as an institution, and also in critiquing the direction in which our World Bank funded reform process—never named as such—was taking us. We were emulating the failing models of neoliberalized universities elsewhere in the world. Today organized critique is emerging from university academics and if Vijay was with us I have no doubt he would be at these meetings.

Another related issue that we had a shared conversation on was the publications system that those of us writing in Sri Lanka were being pressured to get onboard with. Our promotion criteria at the university are tied to publications in 'international' indexed journals in the English language without any critique of the exploitative nature of the academic publishing industry. The universities have some access to the journals but university libraries are not widely accessible to community activists and the intellectual community outside the universities. This material is therefore unavailable to and therefore completely irrelevant to ongoing political conversations in Sri Lanka. Additionally, the pressure to publish faced by academics in the Euro-American context is such that not reading or referencing material published by writers from the global South (unless they too publish in the most 'acclaimed' international journals) is becoming the norm. This conversation is one that I often had with Vijay. We talked about writing about this problem as well as committing to publishing locally as often as we could. Vijay was scheduled to be one of the authors in a collection of essays I am editing this year that will be published locally.

What I also remember about Vijay is that personal friendships were crucial to Vijay's politics. Sometimes manipulative, sometimes presumptuous, my experience was that Vijay constantly pushed the limits of his relationships. But he also always had time for chats on the phone, or to meet for coffee or lunch. I also saw Vijay engaging with, enabling and encouraging younger colleagues. He would often badger people into his way of thinking and terrorize the less confident with his erudition. But his commitment to energetic political conversations, his willingness to recognize and validate good work also impacted many. He was also openly and fearlessly judgmental in his critique—especially of those in authority. His critique was sometimes misplaced. But his intensity was always consistent. He had the energy to engage with a wide variety of political projects—sometimes at the same time—and was nourished by all of them. He in turn catalysed many of them.

You are missed, Vijay. Rest in peace friend.

**Ahilan Kadirgamar**

*Independent researcher working with the co-operative movement in northern Sri Lanka and a member of the Alliance for Economic Democracy*

I first met Vijay during the summer of 2012 in Colombo. He had then moved recently to Colombo, and some of us invited him to a weekly seminar on neoliberalism. The soft-spoken Vijay and I, we discovered, had many mutual friends in India. In the seminar, we immediately recognized a comrade in Vijay, and he eagerly volunteered to find readings and lead discussions. Urbanization and securitization, which he was very interested in probing, were themes that shaped the seminar as we explored ways of putting forward an analysis of the political economic problems in Sri Lanka drawing on the literature on neoliberalism. Sri Lanka was the first country in South Asia to liberalize its economy, but analysis of neoliberal processes in Sri Lanka remained scarce. The eight week long seminar with many younger activists was the beginning of many more conversations and forums that shaped our writings in the public sphere and social justice campaigns.

As we sought ways to keep the conversations of the seminar going, Vijay and a dozen of us formed the Collective for Economic Democratisation the following year. In the years ahead, we wrote editorials and articles in the press, seeking to create debates on various social and economic issues. Vijay, while a bit cautious about his residency and visa situation in Sri Lanka, with the repressive political dispensation until 2015, was happy to do much of the legwork and writing, without taking any public credit. Over the years, I found that to be a generous strength of Vijay's activism, his ability to work behind the scenes with his heart and soul, even when he could not control the outcome of his efforts, as he worked anonymously with activists, NGOs and in various other forums.

Vijay threw himself headlong into conferences and campaigns in Colombo. He first worked with the Centre for Poverty Analysis and then with the Law and Society Trust. At both institutions and in many other NGOs in Colombo, Batticaloa and the Hill Country, he mentored colleagues, and took painstaking time to support their work, had long conversations and meticulously edited their writings with constructive feedback. He loved to work with organizations in peripheral regions, particularly women's groups, such as the Suriya Women's Development Centre. He sought the support of his extensive international network of activists and scholars, particularly from India and Europe, drawing on close to two decades of work and campaigning, to strengthen forums in Sri Lanka. This capacity to work through an international lens but seeking to address local issues remained his passion.

In the Collective and in various forums, I had my share of disagreements with Vijay. We would debate the role of NGOs, the limits of international frameworks and the pitfalls of the human rights movement. Vijay never gave up on his faith in the ability to work within institutions and draw on any openings for progressive possibilities, regardless of the structural arguments that some of us would deploy. His belief in the capacity for institutional reform came out of his practice and the human relationships he built within such institutions. But those disagreements, at times hard, rarely affected his friendships, as his soft mannered charm and persuasion would extend the conversation to a future occasion.

During the course of his five years of work in Sri Lanka, Vijay was involved in many campaigns and research efforts. He became a powerful exponent of economic, social and cultural rights, at a time when many in the mainstream NGOs in Colombo took a liberal and right-wing opposition to broadening the rights framework in Sri Lanka's constitutional reform process. He was preoccupied with the rapid urban development of Colombo and the attendant slum demolitions, where he and his colleagues engaged policymakers even as they sought to highlight the injustice of evictions and displacement in the public domain.

Vijay was a leader in various forums, and many looked to him for advice. But he had that rare talent not to impose his leadership, rather be an anchor that would shoulder the work. I was part of such a forum, where Vijay brought together a wide team of experts and activists to work on a campaign to challenge a government project to provide 65,000 prefabricated steel houses to the war-affected population. As we delved into the environmental, social, rural economic and national financial implications of this disastrous project, he anchored the drafting of an extensive alternative proposal. Vijay was never content with critique, he was always in search of alternatives, and he would stay late into the night writing letters and press releases pushing the process and the team for a year and a half.

His capacity to bridge policy work, legal approaches, journalistic writings and broader campaigns across the local and international scales, showed considerable breadth in analysis and intellectual determination. Perhaps this desire for new connections, immersion in unfamiliar theoretical ground and unending work, and a refusal to accept human limitations was also his weakness, as his life increased speed every year, and some of us worried he would burn out.

When I first met Vijay, he was one of the few people who would come to different meetings in different parts of Colombo on his bicycle and a helmet that stood out. Always willing to learn and experiment, within a few years he started to speak Sinhala, and learned to drive a car. His networks widened as he sped across the country. Activism for many of us always comes with a sense of urgency and it always tests human capacity and limits. When the social forums don't keep pace, some individuals try hard to push the forums along by running faster. Even as he sped fast, he was always sensitive to his many friendships and consciously accountable to the various forums with a democratic sensibility. In the many moments when I think of Vijay now, I want to tell him, slow down Vijay, let's sit down again over a drink, and have that argument about human rights all over again.

**Nelson Camilo Sánchez-León**

*Associate professor at the National University of Colombia and researcher in the Center for the Study of Law, Justice, and Society (Dejusticia)*

I met Vijay at the time he was affiliated with the Law and Society Trust in Sri Lanka. From the first day I heard him speak, I was impressed with the sharp and incisive way in which

he posed debates, provoking his counterparts while also challenging himself. One meeting was enough for us to become friends. Here I will recount part of this story.

I landed in Sri Lanka after a long and tumultuous flight. Colleagues from social organizations in Colombo had concerns that seemed very urgent: after a somewhat unexpected juncture had suddenly arisen due to pressure from the Human Rights Council in Geneva, they needed to develop quick ideas to cope with the legacy of the armed conflict the country had experienced for more than three decades.

The meeting participants were very interested in concrete experiences designing mechanisms of transitional justice. For this reason, those of us from Colombia responded to many questions regarding the design and mandate of the truth commission, the unit for the search of persons deemed to be disappeared, and, especially, about the special jurisdiction responsible for prosecuting those who committed serious human rights violations during our internal armed conflict.

But the questions about institutional design were suddenly interrupted when Vijay took the floor:

—'But what type of "justice" are we talking about? These mechanisms seem adequate to respond to calls for retribution, but they seem ill equipped to respond to other forms of justice that many communities in Sri Lanka need. Is there an opportunity for social justice in this model of transition for Sri Lanka?' Vijay asked sharply.

I was ready to dwell on that subject, but it was evident that the question irritated some of those who believed that after a long consultation process, it was time to 'set aside the theory' to put these mechanisms into practice. But Vijay knew where he was going, not only because of his long reflection regarding social justice and development issues in conflict and post-conflict processes, but also because he had been following the Sri Lanka case and the development of local discussions on the issue.

When the room calmed down, Vijay continued his questioning:

—'Must we limit ourselves to the traditional mechanisms of the "tool box" of transitional justice? Sometimes I wonder if the government's interest in having us talk about this is not just a way of distracting us from other political processes, like the constitutional reform, which would lead to changes that affect the Tamil community, such as minority rights or a certain amount of autonomy to make decisions in areas with a majority Tamil population', Vijay mused.

He strategically posed his statement as something he was asking himself, even when it seemed clear that he had been thinking about the answer for quite some time.

His final shot came from the experience of a human rights world veteran, who understood very well what Stephen Hopgood refers to as 'Human Rights' (capitalized) and what others call 'the human rights industry':

—'Is the language of transitional justice merely a concern of experts from Geneva and the UN Human Rights Council? Or does it really make sense in the yearning for justice of the victims in Jaffna?'

Far from rejecting discussions regarding accountability and justice for the serious human rights violations that occurred in Sri Lanka, Vijay was genuinely concerned with complicating the idea of justice; considering the relationship between transitions, social justice, and economic development in post-conflict societies; and for improving conditions so that victimized and excluded communities could have a real voice in these processes. Additionally, his criticism of the political and international system, including the human rights

ecosystem, involved self-criticism and reflection. His provocations were invitations for reflection more than indifference or cynicism.

I corroborated this when, together with activists and academics from around the world, we joined the Justice, Conflict and Development Network to debate some of the issues that impassioned Vijay. In our discussions and field visits, without hesitation, he continued his provocative questions; the difficult but deep questions that made us rethink and reformulate some of our positions. He was also generous in sharing his candidness and affability, his energy for life, his immense fascination for the stories of common people and their struggles.

I enjoyed this humour, sarcasm, and sharp and accurate critique until our last meeting. I vividly recall our final conversation. It was about the Network, our differences, and how our origins and trajectories made personality differences between the participating colleagues.

The conversation and laughs were interrupted when we heard over the Entebbe airport announcer that my flight was leaving. He said goodbye with a hug that tells the receiver that he is loved, and told me that we would see each other again in Colombo. I did not see him when I returned, but the lessons from his difficult questions are still with me today.