

PEACEFUL RESOLUTION OF SRI LANKA NATIONAL QUESTION A MUSLIM PERSPECTIVE

The ethnic crisis in the Sri Lanka has arisen because the numerically smaller ethnic groups have not had their due share of state power. This has resulted in the minorities being sidelined and becoming alienated from the Sri Lankan State.

In formulating a political and constitutional framework for the resolution of the national question the APRC has been guided by the address made by the President on 11th July 2006.

1. People in their own localities must take charge of their destiny and control their politic-economic environment.
2. Devolution also needs to address issues relating to identity as well as security and socio-economic advancement, without over-reliance on the centre.
3. To address the question of regional minorities.
4. A solution to the national problem must ensure the unity of the country.

The objectives of the President as given in the guidelines could be realized only through constitutional amendments for the maximum devolution of powers to the people.

The Bandaranayake Chelvanayakam Pact, the Dudley Senanayake – Chelvanayakam pact, Annexure “C” DPA Presidential Election Manifesto of 1988, PA Government’s proposal of 1997 are the well-known solutions that have been seriously proposed for implementation. The common feature in all these proposals is the substantial devolution of power. All leading personalities and political parties in Sri Lanka at one time or other, have accepted the principle of devolution of power to settle ethnic grievances.

As a compromise between the highly centralized unitary system and a separate State, powers should be properly shared by all ethnic groups-Sinhalese, Tamils and Muslims. Patchwork and halfway measures will only make settlement difficult. There should be genuine sharing of power and the division of powers between the Center and the peripheral units should be incorporated in the Constitution which would ensure the unity, integrity and sovereignty of the country. The powers transferred should enable the ethnic minorities, Tamils and Muslims assume responsibilities and participate fully in decision-making process in those areas of historical habitation of Tamils and Muslims.

Muslim Perspective

Muslims are a distinct ethnic community with a different culture and religion. About a century ago, Sri Ponnampalam Ramanathan started the Propaganda that the Sri Lanka Muslims are also Tamils, in order to prevent a separate Muslim representation in the Legislative Council for the Muslims and for him to be the sole representative of the Tamil Speaking peoples the Tamils and Muslims. Muslim objected vehemently to a Tamil representing Muslim interest and the then government nominated Mr. M.C. Abdur-rahman to represent the Muslims.

The former president Jayawardana circumvented the laws passed by his own Government in the Provincial Council Act and effected the temporary merger under the emergency regulation and made the Muslims of the Eastern province a community of political and social slaves under the Tamils.

After the formation of the Provincial Council in the temporarily merged North East, the Tamil National Army of the EPRLF, TELO and ENDLF attacked several police stations in the predominant Muslim areas in the Eastern province and murdered hundreds of Muslims in cold blood.

LTTE shot the Muslims in the back while praying in the mosque, burned our mosques, schools, paddy fields and committed robbery of our cattles. Finally they gave just two days for the Muslims who have

been living for centuries to vacate our homes and leave the Northern Province. Continuous outrages by the Tamil militants against the unarmed Muslim civilian population have made thousands leave their traditional homes in the North and East. The Government of Sri Lanka and the International Organisations for the protection of Human rights did nothing about the ethnic cleansing of Muslim in the North and East.

Although patronising remarks and promises have been made by the Tamil leaders, in actual practice every effort is being made to cripple and destroy the legitimate rights of the Muslims. It is therefore become an absolute necessity for the Muslims in the Northern and Eastern provinces to take independent safeguards to protect our lives and properties.

Muslims do not wish to be continuously terrorized by the Tamils in the Northern and Eastern provinces. Therefore the Law and Order in the predominant Muslim areas should be in the hands of the Muslims to ensure safety and security for the Muslims in the Northern and Eastern provinces.

In the extended franchise election held in May-June 1931 for the first State Council, only the Eastern province Muslims were able to elect a Muslim to represent the entire Muslim community in Sri Lanka. To-day the Muslims are the number one majority - 41% in the Eastern Province. When deciding on minority representation to the House of Representatives – the Parliament, from the Eastern Province, the Delimitation Commission of 1976, had demarcated five (5) electorates for the Tamils and five (5) electorates for the Muslims. In the Provincial Council Election held on 19 November 1988 Muslims and Tamils elected equal representative 17 members each from the Eastern Province. In the parliamentary election of December 2001, 8 Muslims and 5 Tamils were elected. In 2004 Parliamentary Election, 6 Muslims, 7 Tamils and 2 Sinhalese were elected. In the Eastern Provincial Council Election held on May 2008, out of the 35 elected members, Muslims 17, Tamils 11 and Sinhalese 7.

SLMC – the elected representatives of Muslims

The Sri Lanka Muslim Congress was founded to safeguard the interest of the Muslims, against the atrocities heaped on it by the warring factions. The United National Party Government ignoring the aspirations of the Muslims, merged the Northern and Eastern Provinces to appease the Tamils, while promising a referendum after one year to decide its permanent status. The promised referendum never took place. With the collapse of the North East Provincial Council, and resumption of hostilities, the Muslim community's democratic attempts to win its legitimate rights, continued to be ignored by the Sinhalese, while the Muslims in the North and East earned the wrath of the Tamil militants as traitors to their struggle for a separate Tamil Eelam State.

The Sri Lanka Muslim Congress (SLMC) has repeatedly received the mandate of the Muslims of the North and East as their accredited representative. Successive Governments in their power sharing efforts have acknowledged that the SLMC is the elected representative of the Muslims of the North and East. The Electoral Agreement signed between the United National Party and the SLMC at the Parliamentary Elections of 2001 affirms this position.

The Sri Lanka Muslim Congress in its attempts to bringing about a solution to the conflict came to an electoral agreement with the People's Alliance, which campaigned on a platform of ushering peace to the country. The Peoples Alliance did not succeed in its attempts and could not fulfill the aspiration of its constituent partner - the SLMC. The Parliamentary Election of 2001 saw the SLMC join the United National Front which directly negotiated peace with the LTTE. The SLMC with its 12 Members of Parliament helped the UNF to form the Government.

Land Entitlement of North East Muslims

In an agreement with Muslim United Liberation Front - MULF in September 1987, the TULF agreed that the entitlement of state land for Muslim in future land alienation shall not be less than 35% in the Eastern Province, 30% in the Mannar District and 10% in the rest of the Northern Province.

Power Sharing Unit for Muslims

On 26th July, 1957 in a Joint Statement issued by the Prime Minister S.W.R.D. Bandaranaike and representatives of the Federal Party on Regional Councils, it was declared that while the Northern Province is to form a regional area, the Eastern Province is to be divided into two or more regional areas. (The Bandaranaike – Chelvanayagam Pact)

In 1959 a resolution was passed at the Federal Party Convention, declaring that a Special Power Sharing unit should be created for the Muslims of the North East.

In September 1987 the Tamil United Liberation Front (TULF) has recognized the separate identity of the Muslims in the North and East.

In 1989, the Presidential Election manifesto of the Democratic Peoples Alliance has also acknowledged the creation of a separate power sharing unit for the Muslims of the North East.

Arguments which have been put forward that the Muslims are not a party to the conflict or cannot be given the status of one of the protagonists to the conflict, cannot hold water, as the gun pointed at the Government forces was also turned on the Muslims, as has been witnessed right through the conflict. The fact that Muslims though being at the receiving end of the war, continued to pursue democratic means to win their legitimate rights, cannot in anyway relegate their position, as a party to the conflict. Therefore any resolution to the conflict should evolve from the discussions between the stake holders, the TNA elected representative of the Tamils and the SLMC elected representative of the Muslims.

Any meaningful devolution to resolve the ethnic grievances of Muslims in Sri Lanka should be based on the following cardinal principals:

- (i) Recognition of the Muslims of Sri Lanka as a distinct nationality.
- (ii) Recognition of the identified Muslim areas of historical habitation and the guarantee of its territorial integrity.
- (iii) Recognition of the right of the Muslims for a separate power sharing unit like the Tamils and Sinhalese
- (iv) Based on the above, recognition of the inalienable right of self determination of the Muslim Nation.

An Independent Power Sharing Council for the Muslim

The area of authority of this council would include the electorates of Kalmunai, Sammanthurai and Pottuvil covering the former DRO's Divisions of Panamapattu, Akkaraipattu, Ninthavur & Karavahupattu and Sammanthuraipattu together with Wewagampattu South AGA Division in the present Amparai District as the base and the non – contiguous Muslim areas of Katankudi, Eravur, Valaichenai and Ottamavadi in the Batticaloa District, and Mutur, Kinniya, Thampalagamam and Kucheveli in the Trincomalee District, These Muslim majority areas should be first made community oriented Pradesheeya Sabhas and considered as parts of the Muslim Provincial or Regional Council.

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