

# **REVIVING THE PEACE PROCESS**

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The LTTE's 'temporary' withdrawal in May 2003, from the peace negotiations and from the donors meeting in Tokyo on June 9, created the first major setback in Sri Lanka's peace process. Attempts made by the government of Sri Lanka, the Norwegian mediators and the international custodians of peace in Sri Lanka to persuade the LTTE leadership to end its boycott have not yet been successful.

The two parties agreed to address the Immediate Humanitarian and Reconstruction needs and established a Sub-Committee (SIHRN) and created a special fund for the purpose. A Secretariat with a LTTE nominee as Director was also established. Over 600 items of work were identified in the Northern and Eastern Provinces and just as work was about to commence the LTTE pulled out on the 21<sup>st</sup> of April 2003, claiming that the Tamil people had received no benefit whatsoever after the Ceasefire Agreement. This was the first step by the LTTE to scuttle the peace process.

The GOSL responded with a proposal to improve the mechanisms for reconstruction and development but the LTTE rejected the proposal and in a letter to the Norwegians Dr. Balasingham stated that Prabhakaran had suggested to them "a new innovative structure for the North-East with adequate authority and legal status for the rapid implementation of humanitarian and development activities".

On 4<sup>th</sup> June 2003, the LTTE demanded a politico-administrative structure and subsequently on 31 October 2003 came up with the proposal for an Interim Self Government Authority – ISGA.

The situation is totally different in the South. There is no united and consistent stand on the issues in dispute with the LTTE - ISGA. The two major political parties in the country in particular, who together have the support of a minimum of 70% to 80% of the population, are not in agreement, even on the question of constitutional amendment to create an Interim Council in the North East.

They continuously keep criticizing each other bitterly, sarcastically and, quite often, viciously, adopting differing positions, splitting hairs, at times, even on minor issues.

Whilst in power, every attempt is made to take the peace process forward. But, once in the opposition it is a question of disagreeing and opposing every move.

LTTE has publicly and unequivocally declared, that the biggest obstacle in settling the problems with the GOSL is, there are conflicting and divergent views, and no single answer on any issue, from the South.

However, the LTTE's boycott did not deter the international community from pledging US\$ 4.5 billion worth of assistance. The most important condition placed on the disbursement of their funds by the international community was that the Sri Lanka government and LTTE should cooperate with one another in the peace process. Other important proposals at the Tokyo declaration of 10 June 2003:

- a. Full compliance with the cease-fire agreement by both parties.
- b. Effective delivery mechanisms relating to development activities in the North and East.
- c. Participation of a Muslim delegation as agreed in the declaration of the fourth session of peace talks in Thailand.
- d. Parallel progress towards a final political settlement based on the principles of the Oslo Declaration.
- e. Solutions for those displaced due to the armed conflict.
- f. Effective promotion and protection of the human rights of all people.

When the UNF government and the LTTE began the peace initiative in December 2001, the two sides represented two militarily undefeated entities – one the Government of Sri Lanka and the other was the LTTE. There were subsequent developments that seem to have altered this state of power symmetry.

A drastic change in the attitude of the LTTE was visible with regard to the Peace Process and Security situation in the North-East after the former Prime Minister Ranil Wickremasinghe's government concluded a military co-ordination deal with India.

The situation further deteriorated when Minister G.L. Peris said when he addressed the Royal Commonwealth Society in London recently "India is coming to Trincomalee area. There is a substantial and physical presence because the Oil Tank Farm is being leased to an Indian Oil Company and this means that there is going to be very visible Indian presence in the Trincomalee region which is important for strategic and other reasons. Also the United States had recently entered in to an agreement with Sri Lanka – modest in scope but it is the starting point and it is symptomatic of a much closer relationship in the future between the two countries".

On the other side the LTTE had acquired 11 shiploads of arms during the "peace process." 'Colonel' Karuna, the leader of the breakaway faction of the LTTE, in a recent revelation to the media, has said that he had personally handed over an arms procurement list to Kumaran Padmanadhan ('KP'), the well-known arms procurer of the Tigers, when he went to Bangkok as a member of the LTTE negotiating team.

Although the ceasefire had been in existence for two years, the situation in the seas surrounding the North and the East continues to be volatile. Even as the Norway facilitated talks continued the two sides built up their military strength. The matter came to a crisis when the Sri Lanka Navy sank a Tiger ship, allegedly carrying arms, on March 10, 2003. The Norwegian monitors played it safe and did not issue a conclusive statement of facts.

On the cease fire violations – The LTTE had recruited 1,424 children during the last 28 Months truce period ending August 31. They have also abducted 359 adults during the same period. From February 2002 to end August 2004, 1,760 complaint recorded from all districts in the North East of which 1424 has been ruled as cease fire violations – there had been 10 cases of torture, 28 intimidation, 33 extortion, 16 forced recruitment of adults, 4 assassinations ruled as violation by the LTTE. Of the 10 cases on the construction of new camps by the LTTE, one is in the Muslim place of worship – Mosque, at Kurangupanchan - Kinniya in Trincomalee District, 11 on movement of Military equipment. 10 instances where the LTTE has restricted the movement of the Sri Lanka Monitoring Mission.

Because of the recent military maneuvers of both the Sri Lanka government and LTTE, suspicions and uncertainty have set in. Further, Trincomalee is very important to the LTTE. It is well known that who ever control the Trincomalee harbor controls the Indian Ocean. But the LTTE knows that who ever controls the borderland areas – Muthur, Kinniya and Trinco Town & Gravatt controls the Trincomalee harbor. However, the present ethnic composition in these three strategic land areas is not favorable to the LTTE agenda unless the present Muslim concentration in Muthur 60%, Kinniya 95% and Trinco Town & Gravatt 25% is changed. That is why the Muslims here suspect a repetition of 1990 ethnic cleansing of Muslims. But it is not going to be that easy for the LTTE in the East.

It will be recalled that the LTTE withdrew from the talks in April last year because they were unhappy with the slow progress of relief and rehabilitation works in the North and East. But 19 months have passed and the affected people are still suffering with little improvements being effected. But the LTTE's priority is on institutionalizing of the ISGA proposal. This creates doubts among those interested in the humanitarian efforts whether the LTTE is more concerned about the base for their separate state "Tamil Eelam" rather than alleviating the living conditions of the thousands of people affected by the conflict.

President Kumaranatunga, Velupillai Prabhakaran, Ranil Wickremasinghe, religious dignitaries and the foreign powers involved are all for "Peace" and resumption of talks. But the killings and ceasefire violations go on and negotiations are not commencing. With all this declared commitment and demonstrations for Peace and commencement of discussion why there is no Peace and negotiations?

All the key players may be for "Peace" but their own agendas get priority. President Chandrika Kumaranatunga's priority is to remain in power even after the end of her second term as Executive President. Opposition leader Wickremasinghe's priority is his political ambition to be the next Executive President. Velupillai Prabhakaran wants to be the King of Tamil Eelam. JVP is working towards political supremacy at any cost. SLMC and CWC are waiting for the crumbs to fall from the tables of those in power, the 'international community' is playing their own games which we know little about while the NGOs are awaiting for more and more funds in the name of peace.

LTTE had made three fundamental concessions which the government has not yet adequately reciprocated. Firstly, they signed a cease-fire agreement at a time when the government had no resources to fight the war, due to economic bankruptcy. Secondly, they unilaterally announced, at the second round of negotiations, that they were seeking a settlement on the principle of internal self determination within united Sri Lanka. Thirdly they entered into the 'Oslo Consensus' with the UNF government committing themselves to explore a federal framework within which to find a political settlement.

But when the issue of funds for reconstruction emerged, the UNF government of Mr. Ranil Wickremasinghe too proved itself to be not only ineffective, but also taking refuge in administrative and procedural obstacles.

The ethnic conflict in Sri Lanka is directly related to the constitution. Despite the introduction of the 13<sup>th</sup> amendment which gave limited powers to the Provincial Councils, Sri Lanka remains by and large a unitary state.

Tamils now realize that power sharing in a unitary state is not going to solve their problems, so they are demanding devolution under federal setup. When the devolution was denied in the 1972 constitution, the Tamils formed the separatist movement.

On constitutional reform our experience is that from 1994-97 the Parliamentary Select Committee sat for three years having 77 meetings. Things dragged on and the PA government of President Chandrika Kumarathunge was forced to present its own proposals in 1997 and nothing came out of it. Then came 2000 where there were talks for six months between the UNP and the PA. The UNP delegation came to talks on August 1, 2000, led by Deputy Leader Karu Jayasuriya MP and said that they now think that the constitutional amendment should be placed before the Maha Sangha and walked out. Today there is another reason for the UNP not to support any constitutional change, because the UNP is dreaming of the presidential election which will bring Mr. Ranil Wickremesinghe to the presidency and then he will dissolve Parliament. With fresh election take over powers in Parliament as well, and then they expect everybody will live happily there after.

Under these uncompromising situations the LTTE could justify the resumption of war on the basis of the incapacity of Sri Lankan state to resolve the Tamil National question.

The conditions for the LTTE to resume talks would be the following.

- The recognition of the LTTE as the sole representative of the Tamils in the North and East.
- That the undivided Northeast constitute a contiguous homeland of the Tamils.
- That a power sharing arrangement is made which provides maximum autonomy for the region through the provision of a regional council. i.e. exploration of a framework for a confederation.
- The existence of a stable and strong government in the South which would implement the agreements during the talks and has the necessary political will and stability to stand by those decisions.

The peoples Alliance - PA manifesto and subsequent statements by JVP made it clear that they will not accept the LTTE as the sole representative of the Tamil people. They would argue that while bilateral talks would be with the LTTE they would have simultaneous talks with other Tamil and Muslim parties in the North East. Further a parallel track of consultations with other Tamil parties will be perceived by the LTTE as a challenge to its hegemony and an attempt to reduce the symmetry between the parties. Any relations with the Karuna faction will also be considered as an act of hostility and would result in serious consequences for the peace process.

The PA government of President Chandrika kumarathungha is firm in its commitment to substantial devolution of power as a means of resolving the North East conflict. It is equally firm in its desire to ensure that the country remains undivided.

Recent actions of the LTTE demonstrate a clear trend towards the consolidation of its authority in the Northern and Eastern Provinces which creates a grave risk of a separate state being established. The LTTE has spoken publicly of already having in place a permanent administration, a standing Army, a standing Navy, Law courts, Police stations, Banks and other institutions. The UPFA government views with great concern the continued abduction of children for compulsory military service, the

continued extortion of money in the form of compulsory taxation, the smuggling of arms and the rapid expansion of the armed forces of the LTTE, ethnic cleansing of the Muslim in the North in October 1990 and the forcible occupation of Muslims Lands and Properties and the destruction of More than 150 Muslim place of worship - Mosques in the North East, reflect the LTTE's intention to create and dominate some kind of a parallel government in the North and the East not responsible to the central government, which would lead, inevitably, to the establishment of a separate State.

Indo – Sri Lanka Accord did not recognize the Northern and Eastern provinces as a heterogeneous one. The fundamental mistake was to treat the Northern and the Eastern provinces as areas of historical habitation of the “Tamil speaking peoples”.

The fact is that although the Muslims speak Tamil language, they have been acknowledged politically and ethnically as a separate and distinct community. This important reality was not taken into account by the Indo – Sri Lanka Accord.

The Northern and the Eastern provinces should have been recognized as areas of historical habitation of Tamils and the Muslims instead of the general description “Tamil speaking peoples”. Because North and East is not the area of historical habitation of the upcountry Tamils who also speak Tamil.

Although the Accord mentions that the amalgamation was only for an interim period of one year and the proposed Referendum after one year never took place although 17 years have passed now.

- At the discussions between the Tamil parties and the Muslim parties – the Tamil parties have taken up the position that although the Referendum was provided for in the Accord it was never intended to be held or implemented.
- Muslims does not agree because President Jayawardena promised to canvass openly for the demerger at the referendum in the Eastern province after one year.
- Any future settlement should avoid vagueness, uncertainties and contingencies.

Although Article 2.16 (e) of the Accord states that the Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern provinces, the Muslim Community was subjected to untold harassments, genocide and ethnic cleansing. Both Governments – India and Sri Lanka could not help us when we were at the receiving end at the hands of the IPKF and Tamil militants.

The Indo – Sri Lanka Accord was signed subject to the acceptance of the proposals negotiated from 4-5-1986 to 19-12-1986. The Muslim M.P's of the Eastern Province were to be invited to India and to discuss matters of mutual concern with the Tamils under the auspices of the Government of India was never implemented.

The political future of the Muslims is one of the residual matters that should have been sorted out within a period of six weeks of signing the Indo – Sri Lanka Accord (Article 2:15)

However, the North East Muslims and their destiny were forgotten once the accord was signed and after the election for the North East provincial council.

Indo – Sri Lanka Accord failed to take into consideration the fact that the Muslim community became the sole victim as a result of the amalgamation of the two provinces. The only province where the Muslims are living in substantial numbers is the Eastern provinces. The amalgamation renders them insecure and politically insignificant.

Muslims are conscious of the serious problems that are likely to arise when the Northern and Eastern provinces are permanently merged to form a single Interim Administrative Unit or a Regional Council dominated by the LTTE. However, the SLMC leader Mr. Rauff Hackeem wrote an open letter to the LTTE leader Mr. V. Pirabakaran on the "Thai Pongal" day-13<sup>th</sup> January, 2002 informing him the harassments of the Muslims by the LTTE, and requested a dialogue for the peaceful settlement of the issues. There was no response from the LTTE leader on Mr. Hackeem's request until such time the Muslim members of parliament belonging to all political parties formed a joint front – Muslim Parliament Peace Committee, to

address the issues faced by the Muslims in the North-East, and immediately met the Ambassadors of Muslim countries and apprised them of the LTTE harassments faced by the Muslims. The Eastern province Muslims under the leadership of SLMC Chairman and Deputy Minister A.L.M. Adhaulla organized a successful "Pada Yathra" in Muslim areas in protest of LTTE harassment.

At the LTTE leaders' international media conference on 10<sup>th</sup> April, 2002 Mr. Anton Balasingham repeated his previous apology at a public meeting in the North, on behalf of the LTTE for the forcible expulsion of more than 72,000 Muslims from the North in October 1990 by the LTTE as "a political blunder that could not be justified". Mr. Balasingham also appealed to the Muslims "let us forget and forgive the mistakes made in the past. Tamil Eelam is also the homeland of the Muslims and we have to live in harmony and amity to promote peace and prosperity in the region".

To a question on whether the LTTE would allow Muslim representation in the peace process Mr. Pirabakaran replied "Certainly we will allow Muslim representation in the process. It is important that the questions of the Muslim people are resolved along with the Tamil people"

On an invitation from the LTTE leader Mr. Pirabakaran, the SLMC leader and Minister Mr. Rauff Hackeem flew to Wanni with five of his party colleagues for a meeting on the 13<sup>th</sup> April 2002. Agreement was reached on important problems faced by the Muslims in the North-East and at the end of the discussions Mr. Pirabakaran and Mr. Rauff Hackeem issued a joint statement.

The LTTE has admitted that they have made serious mistakes in their relationship with the Muslims in the North East and has shown a desire to rectify the mistakes and seek a new relationship with the Muslim community. The change of attitude is clearly manifested in the LTTE agreeing to return to the Muslim their lands and properties forcibly taken over by the Tamils in the North East.

The peace process involving the Northern and Eastern provinces of the country is set to move beyond the cessation of hostilities to direct negotiations aimed at evolving a final settlement to the conflict.

The Muslims have been demanding separate representation at the talks and have called for an independent power sharing arrangements clustering the predominant Muslim areas in the North East. The crisis in the SLMC was precipitated by the violence erupted in Muttur and Valachchenai during the ceasefire period in June 2002 killing 12 Muslims and serious loss of property. The Muslims feel that the government is unable to provide security for the Muslim people in the North East.

However, the issue in hand is the establishment of an appropriate interim administration for the North East, which the LTTE has demanded as a precondition for restarting the peace process.

The Indo-Sri Lanka Accord acknowledged an interim administration in the temporally merged North East.

Even before the Tokyo donor conference, in a statement issued by Dr. Balasingham mentioned the interim administration that had been proposed in 1987, in the aftermath of the Indo Lanka Accord was never set up, but it did provide for an LTTE majority, and envisaged the running of the interim North East Provincial Council.

The PA Government has already submitted a proposal for an Interim Council for Northern and Eastern provinces in August 2000. The UNF in its election manifesto promised to set up an interim administration for the North East and the LTTE has not rejected their third proposal of July 2003 to set up a provisional structure in the North East. On behalf of the Muslims the North East Muslim Peace Assembly had put forward a proposal for the North East Interim Council. PA, UNP and the Muslims have agreed on principle the establishment of an Interim Council for the North East. The position of the 225 members in the present Parliament after April 2004 General Election - UNP – 82, PA – 65, SLMC – 5, EPDP – 1, UPF – 1 Total – 154. JVP – 40, ITAK – 22, JHU – 9 Total – 71. The two-third majority of 150 in the parliament of 225 is not an impossible task to amend the constitution to establish the North East Interim Council.

We have blundered, not once, but many times, over the years. When one party attempts to solve a National problem, the other party obstructs. We have seen this process repeatedly. Yet, we do not seem to have learnt any lessons from the colossal, costly blunders of the past which have hampered the Nation's progress.

The situation in the United Kingdom in 1939 when World War II commenced was a good example. Sir Winston Churchill the conservative leader and the Labour leader Clement Atlee, bitter political foes, join hands to overcome the crisis situation created by the Nazi dictator Adolph Hitler. Surely, our situation is no better. In fact, it is getting worse every day.

Therefore, the Government and the opposition should get together now, immediately, before it is too late, in a spirit of sacrifice and compromise in the grater interests of the Nation.

Since the LTTE had already agreed with the GOSL at Oslo to a formula acceptable to India, namely a Federal structure within a united Sri Lanka, let us firmly hold them to it and provide the necessary support for the constitutional amendment to accommodate the Interim Council for the North East. India should play a decisive and more active role immediately in harnessing the support of the US and the members of the donor group to put pressure on the LTTE to revise its ISGA proposals within the framework agreed upon at Oslo, in order to formulate a solution acceptable not only to LTTE but also to all others, in order to revive the peace process immediately. India and the Donor Group could guarantee to the Tamils, Muslims and all other communities that inhabit the North East – peace with justice.

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