

PARLIAMENT DEBATE

Speaker Joseph Michael Perera presided
when Parliament met at 10 a.m. Tuesday the 21st October, 2003

After the presentation of papers and oral questions, Minister of Parliamentary Mairs A. H. M. Azwer made a statement.

In this statement, Minister Azwer said: Mr. Speaker, In today's 'Sudar Oli' daily newspaper a lead story appears purported to mean that I am opposed to the adjournment motion to be moved in the House today by my colleague, Hon. Rauff Hakeem, asking for separate representation for the Muslims in the peace talks.

Last morning when I was about to leave the residence in a hurry, my good friend, a senior editorial staff of 'Sudar Oli', asked my opinion about the Motions to be moved before the House during this week. I thought he asked me about the No-Confidence Motion that is supposed to be moved by the Opposition. I categorically stated that there is no basis to move such a motion against our Prime Minister by the Opposition and if they would bring it, we would vehemently oppose it. I also told him that this is a ploy adopted by the Opposition in order to get the support of the Muslims to strengthen their position vis-a-vis the Muslim community. This has been unfortunately misunderstood by my friend and he has misquoted me in today's lead story, as I have mentioned above.

Mr. Speaker, I would like, to categorically state my firm opinion is that separate representation for the Muslims should be ensured in the peace talks, so that their aspirations and rights would be recognised at these parleys.

Thereafter, the House took up the adjournment motion on Muslim representation at future negotiations for peace by a separate delegation.

Minister of Port Development and Shipping and Minister of Eastern Development and Muslim Religious Affairs, Rauff Hakeem presenting the motion said:

Whereas the leaders of the Sri Lanka Muslim Congress and the Liberation Tigers of Tmil Eelam in a joint statement dated 13th April 2001 agreed that Muslims should be represented at future negotiations for peace by a separate delegation;

Congress and included in the discussion paper sent to the Liberation Tigers of Tamil Eelam that a separate Muslim delegation should participate at the future rounds of peace talks;

And whereas the statements and decisions enumerated in the foregoing paragraphs unequivocally establishes that the Government of Sri Lanka, Liberation Tigers of Tamil Eelam and the international community agree that a separate Muslim delegation be accommodated at all future peace negotiations in order to represent and articulate the interests of the Muslim of Sri Lanka and particularly Muslims living in the Northern and Eastern Provinces.

I am trying to stress that Muslims should participate as a separate delegation at future negotiations. I think no member from both sides is against the proposal. It is the duty of the Government, LTTE and the international community to recognise this fact and act accordingly.

This very demand for a separate Muslim delegation was placed before the Government and LTTE much before the talks began. Both sides had accepted and endorsed it. The negotiations should continue to achieve a lasting peace. To see an end to the conflict, you must include all the stake holders in this. Therefore, there is much necessity to include a Muslim delegation, when the talks resume. Muslims never like war, We hated the war and in the future too, we will hate war. Separate identity of Muslims in North-East has been identified by the LITE way back in 1988. Muslims must be able to participate as a separate group to find a lasting solution to the problem. Let's build a peaceful country for our future generations.

Minister of Parliamentary Affairs, A.H.M. Azwer: I wish to second the motion proposed by Minister Rauff Hakeem. Every Muslim has to identify himself as a Muslim first. Rights of the Muslims should be safeguarded., Also, their properties should be protected. Muslims are living in every part of the country in the North as well as the South. They are living in the South with Sinhalese" in, harmony. A peaceful atmosphere should be further strengthened to enable all the communities to live in harmony. When we look back at history I must say that aspirations and rights of the Muslim were accepted by the Federal Party and Tamil leaders such as Chelvanayakam.

You must support and provide protection to Muslims. Muslims will not ask for a separate army. Our mother tongue is also Tamil. Even in the South, it is the same. Tamil languages nourished by Muslims Minister Hakeem made a very reasonable demand. You must endorse it. Tamil members should accept it to create harmony. This separate delegation should be comprised of members from all parties.

M. L. M. Hizbullah (PA): The country's prolonged war should be brought to a permanent end and peace should be established

Several rounds of peace talks have already been held between the Government and the LTTE. Muslims of the country never fought for a separate state or took to arms. Muslim people have suffered sever difficulties and hardships over the years due to the prolonged conflict.

The problems of Muslim community should be brought forward if they are to be given proper solutions. It is an unfortunate situation that Muslims are deprived of the chance of putting forward their problems at the peace talks. The other unfortunate situation I have to highlight is that not a single effort has been taken to resettle the Muslims who had been chased away from the North. Muslims have also been ignored when demining the areas in the North and East to facilitate resettlement of people. LTTE theoretician Anton Balasingham gave a pledge that a separate Muslim delegation will be allowed at the peace talks. Today, I have to ask Minister Hakeem what is the present situation of that pledge.

Although we have political differences I should emphasise the fact that we should shed those differences when we discuss the problems of Muslims as a whole. As Muslim, our stand is that we should demand for a separate Muslim delegation or we should walk out from peace talks in protest.

Noordeen Masoor Minister Assisting Wanni Rehabilitation: Today all the Muslim MPs unite to raise their voice to demand a separate Muslim delegation at the peace talks. There had been a large number of discriminations against minority Tamils and Muslims in the country. The Sinhalese government took steps to take over the lands of Muslim inhabitants in the East. Muslims turned into a minority population in those areas

due to their new settlements. So Muslims have to seek solutions to the injustices that happened to them. by asking for a separate Muslims delegation of peace talks.

LakshmanKadirgamar (PA): This is an important debate I am speaking today on behalf of the Sri Lanka Freedom Party. We wish to place before the House eleven considerations which we believe are relevant to the issue before us. The first consideration is that a durable peace can come only if the just aspirations of all communities in the country are met. Unless the Muslim interests are taken into account and accommodated there is no prospect whatsoever of a durable peace. We agree fully with the observation recently made in Colombo by the Indian Minister of External Affairs that the final solution to the ethnic problem must be "home-grown". Indeed it cannot truly be "home-grown" unless all the communities are involved in promoting the solution - and the Muslim community is most certainly one of them.

The second consideration is that at the signing of the MOU Muslim concerns were not looked into. The Muslim community in the East is very seriously affected by the consequences of the CFA particularly by the lawless behaviour that is going on, much of it directed against the Muslim community under cover of the ceasefire.

Thirdly, one of the many fundamental flaws in the CFA, and there are many, was that at the outset the Government of the day either did not consult the SLMC which is a part of the Government or the SLMC did not press their case for consultation at that time. In fact it was stated by an SLMC leader that the best thing that happened to the Muslim community was the CFA. Now it is clear that the picture is very different because events are showing that the CFA is not providing any kind of protective shield for the Muslim community in the Eastern Province. In fact the CFA has placed the Muslim community at a disadvantage - a position which they did not suffer before the CFA. In other words the CFA has been used not to protect the Muslim community but in fact to expose them further to the marauding ambitions of the LTTE.

The fourth consideration is that it is inadequate to approach this matter from the point of view of the so-called rights of the ethnic Tamil community alone. The Muslim dimension is something else, it is different, because there is a religious bond that holds the Muslim community cohesively together. The Muslims are not a linguistic community. Their

aspirations are different from those of the ethnic Tamil community. By catering to the linguistic aspirations of the ethnic Tamil community, we are not dealing with the concerns of the Muslim community. There is a misperception that this conflict merely involves two ethnic communities - the Tamil people and the Sinhala people. While it may be possible to look at the CFA in that light because the CFA involves a cessation of hostilities between an armed Tamil group and the Government of Sri Lanka, the CFA does nothing to solve the problem of the Muslim people. These problems can only be resolved by adopting a political approach that goes beyond the CFA and in that process it is very necessary indeed indispensable, that the voice of the Muslim people be heard.

The fifth consideration is that there are a number of events which are occurring in the East which directly affect the Muslim people. Muslim Villages are being threatened, the Muslims have a very clear sense of insecurity and this is leading to unrest among the Muslim youth in those areas who simply cannot understand and rightly cannot understand, why the Government is not taking their concerns seriously. They have the feeling that they are being left to the grace and favour of the mercy of the LTTE which as we all know is a heavily armed organisation with a record of atrocities against the Muslim community.

The sixth consideration is that if this state of affairs is allowed to continue unchecked we will have another looming problem of immense magnitude - that is, the possibility of Muslim youth taking to arms. I ask everybody to reflect for a moment seriously about the enormous and far-reaching ramifications of such a situation, both domestically and internationally. On the domestic side to have one community in a permanent state of insecurity is highly dangerous for the maintenance of law and order at the national level. It destabilises the entire Sri Lankan community. The possibility of disaffection here attracting the attention, as it undoubtedly will some day, if this state of affairs is allowed to continue of predominantly Muslim countries elsewhere who will surely not allow their brothers and sisters here to be left disregarded and even undefended, is extremely alarming. We will then have to face a situation where another dimension of our political problem will become internationalised. There is presently serious doubt as to the wisdom of the degree of internationalisation that we are already seeing in the negotiations themselves. But the emergence of this new dimension would create a series of consequences that could make the Eastern province a powder keg.

The seventh consideration is that it is common knowledge that when the Muslims who lived in the Northern Province or more than a century were summarily evicted from their traditional habitation by the LTIE, and were rendered displaced overnight, they lost their homes and their livelihoods. Up to date, 13 years later, those unfortunate people remain displaced with a very grim future ahead of them. This is another reason why it is imperative that the voice of the Muslim community should be heard on behalf of their displaced people at the negotiating table itself, so that a meaningful arrangement could be made, backed by political will on the part of the Government and the LTTE, to redress their grievances without delay. The emphasis that is being placed on the plight of the Tamil displaced persons, serious as their plight is, unfairly places the problems of the displaced Muslims in an inferior position. This kind of discrimination is grossly unfair. It should not be tolerated either at home or by the international community.

The eighth consideration is that on the 13th April 2002 after a meeting between the SLMC leader and the LTIE leader there appears to have been an understanding that the SLMC would lead a Muslim delegation to the talks. As of today nothing has come of that understanding and this is perhaps due to the ambivalence of the situation of the SLMC as to whether it can viably be a part of the Government delegation and at the same time represent Muslim interests. As far as the Muslim community is concerned it appears that the community is not satisfied with the SLMC leader seeking to represent Muslim interests in any other capacity. They wish to be represented clearly and solely on the basis of their own interests whether or not those interests converge with the interests of the Government and the LTTE, and that is what they are asking for. They are asking for an independent place at the negotiations. That request is eminently reasonable and justified. At the moment the negotiations are scheduled: between the Government and the LTTE. This itself is a flawed situation because the process is exclusive; it is not an expansive process that takes into account the aspirations of all the communities of the country. It is a highly restricted process. Therefore, the Muslim community as one of the communities directly affected in the North and East by a final political outcome seeks to be represented independently as a third party to the negotiations which are supposed to lead to an overall political solution. There cannot be a viable final and durable political solution to the problem unless the Muslim community is heard and accommodated in its own right and not by proxy.

The ninth consideration is that the Muslim community who are most directly affected by the ongoing situation must be able to choose the composition of their delegation and the line of representations that they wish to advance. That is a matter for the Muslim community to decide among themselves. There should not be dictation or manipulation by other parties with regard to the composition of the delegation and the position that they might wish to take.

The tenth consideration is this. It seems that the leader of the SLMC has found that it has not been possible for him to make his case within the Government delegation. He has not been able to carry the Government with him in presenting the case of the Muslim community and therefore it appears that he now seeks a wider mandate from the most appropriate forum of all - that is Parliament. The North East Muslim Parliamentarian Forum has discussed this matter and this motion has been motivated by them and they stand united on this question. Therefore, this debate is to be welcomed because that is the way national issues of this kind should be dealt with, not secretly as a result of an arrangement between two parties. This is the way major national issues should be taken up in the highest public forum of the land where the representatives of the people could speak freely and openly.

Therefore this debate is to be welcomed and it was wise of the North East Muslim Parliamentarians to ask for this debate.

Finally, I wish to refer to the position taken by the international community on the question of Muslim representation at the talks. In the Tokyo Declaration of 10th June, 2003 it was stated that "the conference emphasizes the importance of taking full account of the delicate ethnic and geographical balance in the North and East". It was further stated that the international community remains committed to human rights protection. The conference also urged the parties to move "expeditiously to a lasting and equitable political settlement based upon respect for human rights, democracy and the rule of law". It also looked forward to an early agreement being reached on the human rights declaration. In paragraph 18 it was emphasized that assistance by the donor community must be closely linked to substantial and parallel progress in the peace process subject to compliance with certain clearly stated guidelines. Those included full compliance with the ceasefire agreement by both parties, participation of a Muslim delegation as agreed

in the declaration of the fourth session of peace talks in Thailand, parallel progress towards a final political settlement solutions for those displaced due to the armed conflict, effective promotion and protection of the human rights of all people, the cessation of underage recruitment and agreement by the parties on a phased, balanced and verifiable de-escalation, demilitarization and normalization process at an appropriate time in the context of arriving at a political settlement. Thus it is very clear that the 51 States and 22 international organisations represented at Tokyo firmly endorsed the participation of a Muslim delegation at the talks in the context of preserving the delicate and ethnic geographical balance, in the name of promoting and protecting human rights for all the people and the concerns of all persons displaced due to the armed conflict. Thus, the intrinsic merits, at a political level, of the Muslim case for participation in the talks have been considerably reinforced by a large segment of global opinion. The Government must now clearly indicate without any hesitation whatsoever that it is prepared to stand by the Tokyo Declaration, and it must indicate without any ambivalence that it has the political will to support that Declaration. The Sri Lanka Freedom Party has no hesitation whatsoever in endorsing what we consider to be the just claim of the Muslims to be separately represented at the ongoing talks in order to place their case fully with a view to achieving a final political solution which is to their satisfaction. This is their right. They cannot be denied that right.

N. Mathanaraja (EPDP): Today I am happy to contribute to this debate, when all Muslim MPs united to ask for a separate Muslim delegation at the peace talks. In 1985 Muslims were chased away from Jaffna by the LTTE. At that time Tamils in Jaffna protected the Muslims. That was a sign that they like to live together. But with the atrocities continued in Kattankudi and other areas a mistrust grew between the two communities. The LTTE should take the responsibility for this situation. Today I saw in a newspaper that Minister Rauff Hakeem has expressed views that Tamils and Muslims should unite to have a separate governing body for the North East. Some Tamil political parties were disturbed over this. My opinion is that all the Tamil parties should be given representation at peace talks if we are to achieve durable peace.

M. M. Musthapa (UNP): I am pleased to join this adjournment debate when all Muslim

MPs united in this House to demand a separate Muslim delegation at the peace talks. The proposal came to a momentum point when all Muslim MPs from the North East met at A. H.M. Fowzie's House.

We are united with the idea that there should be a separate Muslim delegation at the peace talks. What we disagree on is that the separate Muslim delegation should be from the Muslim Congress. The Muslim representation should be decided by the Muslim MPs Forum. They should not be confined to the MPs from the North East. My humble request is that Muslim in the country should not be divided on this issue and they should be given equal recognition whether they are from the North East or from the South.

R. Sampanthan (TULF) : The Tamil Language has been as much the mother tongue of the Muslim people as it has been of the Tamil people. This has been particularly so in the North East. In the North East in so far as the Tamil and Muslim people are concerned Tamil is the medium of instruction in education. Tamil is the language that the Tamil and Muslim people desire to use for administrative and judicial purposes and though the Law stipulates that it should be so, the Administrative Machinery and the Law and order enforcement machinery are not willing to give the Tamil Language its due place, or they are not geared to do so, or perhaps it is a combination of both these elements that has not given Tamil its rightful place. This would be one of the immediate tasks of the proposed Interim Administration. The Tamil and Muslim people in the North-East interact with each other in the Tamil Language, the Tamil Language is a strong common factor that binds them together, and by virtue of this common linguistic bond they are very much at home with each other. That is how the Tamils and Muslims, have lived together in the North-East, for generations and centuries in perfect peace and harmony. That is why the Northern and Eastern provinces are together regarded as the areas of historical habitation of the Tamil speaking peoples. The Tamil and Muslim peoples.

Conflict between the Tamils and Muslims has been a recent phenomenon. It certainly is a post 1983 phenomenon. It is a by-product of the armed struggle waged by Tamil Youth particularly the LTTE against the Sri Lankan Armed Forces. The armed struggle was looked upon by Tamil Youth as the only means to overcome the oppression of the Insensitive Sri Lankan state.

The Sri Lankan State which had no interest in fostering amity between the Sinhala people and the Tamil people had no interest whatever in fostering amity between the Tamil and Muslim peoples. The Sinhala state subverted the linguistic affinity between the Tamil and Muslim people to its advantage. The Sinhala State promoted disharmony between Tamil and Muslim Youths by using Muslim youth, to promote its own military objectives. Muslim youth who were proficient in the Tamil Language were used for intelligence gathering; Muslim youth amongst whom as with Sinhalese and Tamil youth, unemployment was rife, were recruited to the paramilitary arm of the Sri Lankan State. The Sri Lankan State brought about a situation, where a fair number of Muslim youth were seen to be engaged in military combat against Tamil youth. The fact that substantial numbers of them were in the paramilitary arm of the Sri Lankan State, blurred, the distinction between what was civilian and what was military. This served the purposes of the Sri Lankan State, which was primarily interested in a Military solution. It however, for the first time in centuries made Tamil - Muslim relationship quite complex. Elderly Tamils and Muslims were deeply disturbed by this aberration, but they were helpless. What we sometime witness even after the ceasefire is the hang over of this situation. The realisation and acceptance by the Sri Lanka State that there can no military solution to the Tamil question, and the Memorandum of Understanding bringing about the ceasefire, and the sustenance of the ceasefire for more than 20 months has brought about a significant change in mind attitude and approach.

We see substantial progress being made on the ground as a result of discussions between the LTTE and Muslim Civil Society.

It has however been noted that discussions with the Civil Society does not exclude political discussions between Muslim Political representatives and the LTTE.

In order to save time, may I table an agreement arrived at and reduced to writing at a meeting between the LTTE and the North-East Muslim Peace Assembly on 20th September, 2003. The objective of the Meeting was reconciliation and peaceful co-existence. This meeting pertained to some problems in Batticaloa - Amparai. Similar meetings are being held in Trincomalee. In Fact over the last weekend, a meeting took place between the LTTE and Muslim Civil Society at Trincomalee, in regard to cultivation by Muslims in the area of the controversial Kurankupanchan Camp. Amicable decisions

were arrived at in such a manner as to ensure that Muslim rights are in no way jeopardised.

These are clear positive indications of the improving ground situation. There can be no question however that discussions with Muslim representatives will have to take place, both in regard to the Interim Administrative arrangements and in regard to the final solution. There cannot be a decision in regard to either the Interim Administrative Arrangements or the Final solution, without the fullest discussion with Muslim representatives. We are fully supportive of that position.

This is essentially a matter which has got to be worked out between the parties to the conflict and the main negotiating sides - the Sri Lanka Government and the LTTE. It is essentially a question of timing and would substantially depend upon the subject matter under discussion. We reiterate however that any decision in regard to the interim administration arrangements or in regard to the final solution can only be after the fullest discussions with the Muslim representatives. We say this because we realise, though the Muslim people may not have been a part of the struggle to radically alter the structure of governance in this country, or to bring about a paradigm shift in the structure of the Sri Lankan state, that the North-East has been, and we want it to always, be, as much the Home of the Muslims as of the Tamils and others who live with us. So that I do not think there is any need for the Muslims to view this whole question with a great degree of scepticism.

Let us all come together and move into a new era. Before concluding, without detracting in any way from what I have said, there is one factual observation which I would like to make.

I shall confine myself to the period after the country attained independence. The Tamil people and the Tamil political Leadership, have been in the vanguard for political change and the Sinhala State and Sinhala political leadership have by and large dealt with Tamil political Leadership.

The Bandaranaike-Chelvanayakam Pact in 1957 dealt with political changes in the whole

of the North-East, the negotiations were between the Sri Lanka Government the Prime Minister, S. W. R. D. Bandaranaike - The Tamil Leader, S. J. V. Chelvanayakam and the Federal Party. The Dudley Senanayake-Chelvanayakam Pact in 1965 inter-alia dealt specifically with certain specific rights of the Tamil speaking people - the Tamils and the Muslims of the North-East the negotiations were between the Sri Lanka Government, Prime Minister Dudley Senanayake -the Tamil Leader, S. J. V. Chelvanayakam and the Federal Party.

The genesis of the 13th Amendment to the Constitution and the Provincial Councils Act were the extensive discussions that took place between the Government of President, J. R. Jayewardene his Cabinet and the T.U.L.F., almost throughout the months of July and August, 1986 - What was eventually enacted was a diluted version of what was agreed upon - there was a convenient excuse that the new enactments had to be within the framework of a Unitary State - the point I make however is that the negotiations were between the J.R.J. Government and the T.U.L.F., the prime Tamil Political Party of the day under India's good offices. The current Prime Minister Hon. Ranil Wickremesinghe was present at every one of those discussions. Many who participated are no more.

That was very much the position, even during the discussions on Constitutional Reform during the 1994-2000 period of the Chandrika Bandaranaike Kumaratunga Government - The task of getting the maximum for the North East would be entrusted to the T.U.L.F. The Sri Lanka Muslim Congress for instance had certain areas of specific concern.

In the overall context however, we do agree that there should be effective participation by Muslim representatives before final decisions are arrived at.

Leaders of the Sri Lanka Muslim Congress, the North East Muslim Front and the leaders of the, Alliance of Tamil parties have discussed this matter. We shall work together to ensure that the views of Muslim representatives as expressed by them at negotiations and the concerns of the Muslim people receive the earnest consideration of both the government and the LTTE and are adequately addressed.

I also like to refer to the position taken by Hon. Lakshman Kadirgamar on behalf of the

Sri Lanka Freedom Party. As mentioned by Minister Rauff Hakeem today in this House, President Chandrika Bandaranaike Kumarathnga rejected their request to have a separate Muslim delegation at peace talks. This is a contradictory, situation.

Lakshman Kadirgamar: President Chandrika Bandaranaike Kumarathnga took that position as substantial talks had not commenced. Today we have a different context where we are about to commence substantial talks.

R. Sampanthan: We welcome the corrected position taken by the SLFP. However we see this situation as a political use of its position in order to destabilise the current situation.

Rauff Hakeem: Since there is an exchange of ideas over the position taken by the President, I wish to clarify the situation. We find the position taken by Mr. Kadirgamar as a step to stabilise the peace process. Nevertheless Mr. Sampanthan I don't see this as a situation to score politically.

Every party has a right to have a different position in different contexts.

Dr. Thowfeeque (UNP): First of all I wish to thank Mr. A. H. M. Fowzie by gathering Muslim MPs, to ask for a separate Muslim delegation in this House. The Tamil and Muslim people had to search for their goodwill we had earlier. So it is important to ensure the rights of Muslims. No one can deny the Muslims' right to have, a separate delegation at peace talks.

Nimal Siripala de Silva (PA): I am happy to contribute to the debate on the motion which has been moved with the signature of Minister Rauff Hakeem. As Mr. Kadirgamar mentioned in this House the Sri Lanka Freedom Party fully endorses a separate Muslim delegation at peace talks. Today Minister, Hakeem has to move this motion as the LTTE is not keeping the promise which they have given to them.

So what we are emphasising is that our party is not against peace. We are staging our

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