

MUSLIMS AND LTTE PROPOSAL FOR AND INTERIM SELF GOVERNMENT AUTHORITY – ISGA, IN THE NORTH EAST

Part – I: Muslim Dimension in North East Ethnic Conflict

Quite contrary to popular claims from various quarters of peace, amity and sense of co-existence among the Muslims and Tamils of the Eastern and Northern provinces, resentment and antipathy among the Tamils have been growing towards the Muslims for the last half a century, particularly after the independence to Sri Lanka in 1948. In fact they feel that the Muslims were better placed economically than the Tamils. Muslim youths were advancing in education and out-pacing the Tamils in higher education at the universities and technical institutions. Muslims were able to obtain more government and private sector jobs thus pushing the Tamil youths into the cadre of unemployment. Muslims were more favourably placed with the Government in power on the strength of their leaders disclaiming terrorist and separatist policies, while the Tamils caught in the web of “Eelam” activities, were left in the lurch and thus alienated from the government with the onset of struggle for a separate state for the Tamils. Muslims were unsympathetic towards their separate state demand and therefore constituted a danger in their midst.

The LTTE shot the Muslims in the back while praying, burned our mosques, schools, paddy fields and committed robbery of our cattles and fishing boats. They gave just two days notice 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 Muslims civilian population have made thousands leave their homes in the North and East. None of the Muslim or Arab countries have accepted any Muslim refugees from the Northern and Eastern provinces. They are undergoing untold hardships in the refugees’ camps in the neighboring provinces. The Tamils are objecting the Muslim refugees returning home which is only 20 to 30 miles away from the refugee camps whereas thousands of Tamils who left the North East voluntarily due to Eelam War are freely returning to the North East from India and other Western countries and unlawfully occupying the agricultural lands and properties of the Muslims with the help of the LTTE.

Other communities in Sri Lanka – the Sinhalese, and Tamils have also suffered. But the case of the Muslims is quite different. The Government and its armed forces are providing all possible protection and relief for the Sinhalese. Tamil Militants, the Indian Government and the International Tamil Community are fully backing the Sri Lanka Tamils. But the

unarmed Sri Lanka Muslims are helpless and caught napping in the unfortunate ethnic conflict.

The Indo-Sri Lanka Accord, the 13th Amendment to the constitution and the provisions of the Provincial councils Act has failed to meet the legitimate demands of the Muslims. They have failed to protect our lives and properties. They have failed to promote socio-economic interests of our people. They have failed to recognize the different ethnic and political aspirations of the Muslims. This total disregard shown to Muslims sentiments brings to surface one important truth – that the Government has little or no concern about the safety and security of the Muslims people in the Northern and Eastern provinces.

Muslims are conscious of the serious problems that are likely to arise when the Northern and Eastern provinces are merged to form an Interim Self Government Authority. After the formation of the Provincial Council in the temporarily merged North-East, the Tamil National Army – TNA of the EPRLF, TELO and ENDLF attacked several Police Stations in the predominant Muslim areas in the East and murdered hundreds of Muslims in cold blood.

This volatile atmosphere gave rise to suspicion and made the Muslims in the Northern and Eastern Provinces realize that the prospect of sharing political and economic powers with the Tamils in the event of a separate state or merged North East Regional Council becoming a reality, are remote.

In the Bandaranaike – Chelvanayakam pact of 1957. Hon. S.W.R.D. Bandaranaike proposed Provincial Councils – one for the Northern Province, and the Eastern Province to have two or more. Two or more Councils could also amalgamate even beyond Provincial boundaries.

The Democratic people's Alliance (DPA) in its manifesto for the Presidential Election in 1988 – Part II – The Resolution of Ethnic Problem – Unit of Devolution (a) the concept of devolution is accepted for Sri Lanka. (b) There shall be a predominant Tamil unit comprising of what are the combined Northern and Eastern provinces but excluding the areas covered by the predominant Muslim unit. (c) There shall be a predominant Muslim unit comprising the predominant Muslim electorates of Kalmunai, Pottuvil and Sammanthurai in the Ampara District as the base and identified predominantly Muslim areas in the Batticaloa and Trincomalee Districts. (d) the rights of Sinhalese and all other persons in each unit shall be on the basis of absolute equality.

In the Mangala Moonesinghe Parliament Select Committee of 11th December 1992, members representing the United National Party, Sri Lanka Freedom Party, Sri Lanka Muslim Congress, the Communist Party, Lanka Sama Samaja Party as well as the independent members Mr. K. Srinivasan, Member for Jaffna District and Mr. Basheer Segudawood, Member of Batticaloa District reached agreement: (a) on the establishment of two separate units of administration for the Northern and the Eastern provinces. (b) to adopt a scheme of devolution on lines similar to those provided in the Indian Constitution and (c) to devolve more subjects that are in List III (Concurrent List) or to dispense with the List.

Although the Government of India guaranteed and cooperated in many ways with the Government of Sri Lanka, none of the proposals of the Indo-Sri Lanka Accord of July 29, 1987, was implemented because of the unsettled situation still prevailing in the Northern and Eastern provinces. Cessation of hostilities did not come into effect. Arms and ammunitions were not surrendered by the Tamil Militants. The IPKF was unable to enforce the cessation of hostilities and ensure physical security and safety of all communities inhabiting the Eastern and Northern Provinces. The Provincial Council established for the temporarily merged North-East province had been dissolved. In short the Indo-Sri Lanka Accord is a total failure.

The geographical merger of the Northern and Eastern provinces to form a single region with adequate powers over the land have been the main demands of the LTTE. They hold the view that the Tamil Speaking Area is one and indivisible and that the geographical contiguity and territorial unity of the Tamil Speaking area should be given unconditional recognition for any meaningful solution to the Tamil problem.

The expression "Tamil Speaking People" refers not to one community but to the Jaffna Tamils, Batticaloa Tamils, Sri Lanka Muslims and Indian Tamils. The expression "Tamil Speaking Area" refers to the geographical area covering the Northern and Eastern provinces. Eastern province is the area of historical habitation of Batticaloa Tamils and Muslims. Traditionally the Jaffna Tamils and the Indian Tamils never lived in the Eastern province and it is not their homeland.

Mr. K.W. Devanayagam, former Minister of Home affairs and one time the Minister of Justice who had been a member of parliament from the Eastern province for a very long time had stated that the Tamils of Batticaloa regard themselves as a distinct group of

people different from the Tamils of Jaffna and that they followed a different system of law. He has said that there is proof that the Tamils of Batticaloa are a different community and hence there was no question of a homeland for the Tamils of the North in the Eastern province. This view had been supported by former members of parliament Mr. C. Rajathurai, Mr. Thangathurai, Mr. Prince Cassinathar, Mr. Thivyanathan and many others. The Northern and Eastern provinces extend from Point Pedro to Kumana and covers approximately one third of the land area and two-third of the sea coast of Sri Lanka.

The Northern province comprises 3,429 sq. miles and the population according to 1981 census is 1,111,468. Tamils 92%, Muslims 5%, and Sinhalese 3%. The Jaffna peninsula is approximately 440 sq. miles and it is in this 12.8% of land area that the 67%-738,788 of the Northern Province people live. All the Tamil militant groups and political parties have their base in the Jaffna peninsula and operate from there. All other districts in the Northern province-Mannar, Vavunia, Mullaithievu, and Kilinochi has a land area of 2,989 sq. miles – 82% of the land area of the Northern province but the population is only 370,616 which is 33% of the population of the Northern province.

The Eastern province has a land area of 3,839 sq. miles and the population according to 1981 census is 993,435 – Tamils 42% Muslims 33%, and Sinhalese 24%. Tamils are the majority only in the Batticaloa district which has a land area of 1,016 sq. miles – Tamils 73%, Muslims 24% and Sinhalese 3%. Tamils are the minorities in the rest of the Eastern province – both Trincomalee and Ampara districts – land area 2,823 sq. miles, 72% of the land area of the Eastern province Tamils 26%, Muslims 37% and Sinhalese 37%. In the Eastern province the Tamil and Sinhalese village are as noncontiguous as the Muslim villages. Today the Muslims are 41% and the first majority community in the Eastern Province.

However, it is because of our desire that the Tamils and Muslims should live in amity in the North and East as in the past, a Muslim delegation visited Madras on two occasions, in September 1987 and April 1988 and had wide ranging discussions with the Tamil moderates as well as the militant groups for peaceful coexistence in the North East.

After the Indo-Sri Lanka Agreement in July 1987 and the 13th Amendment to the constitution, the Sri Lanka Muslim Congress took one step further by contesting the election in the Eastern province and helped the formation of the Provincial Council for the temporarily merged North-East province.

In September, 1990, it was agreed between the Tamil parties and the Muslim parties that there shall be one provincial council and two ethnic councils of devolution with equal powers. It was categorically decided that the Muslim ethnic council should in no way be inferior to the Tamil ethnic council. It was also agreed that the Provincial Council should be a bicameral legislature with the second chamber having balanced representation for the minorities in the region.

But the Tamil parties have now taken up the position of not agreeing to create a separate unit of devolution for the Muslims in the Northern and Eastern provinces. They have also taken up the position that the 18% Muslims of the Northern and Eastern province should be contented with the constitutional safeguards only. If that is so, we cannot understand as to why the 10% Sri Lankan Tamils cannot be satisfied with similar constitutional safeguards only, without demanding any share of political power through the devolution process.

From the recent experience the Muslims have realized that there is a well planned conspiracy by the Tamils to chase the Muslims away and make the Northern and Eastern provinces a mono ethnic Tamil region in order to create one day the Tamil Ealam. Although patronizing 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 has therefore become an absolute necessity for the Muslims in the Northern and the Eastern provinces to take independent safeguards to protect our lives and properties.

Part - II: LTTE Proposals - for the Interim Self Government Authority in the North East

LTTE submitted their ISGA proposals to Mr. Ranil Wickremesinghe's government on the 01 November 2003, on behalf of the Tamil people for an Interim Self Government Authority covering all the eight districts of the North-East. The proposals demand substantial authority to effectively and expeditiously undertake all tasks of resettlement, rehabilitation, reconstruction and development in the North East.

Mr. Anton Balasingham, the Chief Negotiator of the LTTE when addressing an event on 27 November 2004 in London said. "We have already established a state. We have a government of our own. We have an army which is equivalent to the Sinhala army and a navy, police administration, justice system and all the infra structure of a state and we are

conducting a government there. We have already a permanent state. We are asking an interim administration for a permanent state to be recognized internationally”.

It is very important to point out here that the predominant Muslim areas in the Eastern and Northern Provinces do not come under the control of the LTTE. Muslim areas continue to remain as part of Sri Lanka State. In these areas the Muslims have Sri Lanka Army, Navy, Police administration, Justice System and all the infrastructures.

In the Ceasefire Agreement, the Government and the LTTE, had agreed not to lay claim to the right or seek to control, administer or rule any part of the territory of the Northern and Eastern Provinces that was under the control of the other party as at the date of the signing of the Ceasefire Agreement for the duration of that Agreement. The demand for an ISGA is undeniably a demand by the LTTE to have and exercise absolute powers of governance over the entirety of the Northern and Eastern Provinces including all those areas of the North East Provinces which they failed to subdue by force of arms and remain under the control of the Government. Hence the demand is a patent violation of the Ceasefire Agreement.

The principal purpose of making the proposals for an ISGA according to the LTTE is to serve the needs and secure the rights of the Tamils who, have been oppressed, victimized, brutalized and discriminated against by all Governments of Sri Lanka and continue to be so oppressed, victimized, brutalized and discriminated by the present Government too.

But the proposal is silent regarding the needs, rights and security of the Muslim people who have been forcibly displaced, victimized, brutalized and discriminated by the Tamil militants and continue to be oppressed, victimized, brutalized and discriminated by the LTTE too.

The Tamils were displaced due to the war in the North East but the Muslims continued to live here until the ethnic cleansing by the LTTE in October 1990. Nearly 100,000 Muslims were forcibly displaced 12,000 residential houses have been destroyed, more than 100,000 Acres of agricultural lands have been unlawfully occupied, movable and immovable properties worth Rs. 10,000 millions have been robbed by the LTTE.

At the LTTE leaders' international media conference on 10th April, 2002, Dr. Anton Balasingham repeated his previous apology made at a public meeting on behalf of the LTTE for the forcible expulsion in 1990 of thousands of Muslims by the LTTE as a “political

blunder that cannot be justified". Mr. Balasingham said: "Let us forget and forgive the mistakes made in the past. Tamil Elam is also the homeland of the Muslims and we have to live in harmony and amity to promote peace and prosperity in the region." In the said media conference to a question, whether the LTTE would allow Muslim participation in the peace process, Mr. Velupillai Pirabakaran replied, "certainly we will allow Muslim participation in the peace process. It is very important that the questions of the Muslim people are resolved along with the question of the Tamil people."

However, after the ceasefire agreement, the incident at Valachenai during June 2002 where the LTTE had abducted 13 Muslims and the dead bodies of two Muslim youths killed by the LTTE were burned in front of their parents and government security forces thus denying them the burial according to Muslims rites, which clearly demonstrate the scant respect the LTTE has for the religion and the culture of the Muslims. LTTE has even put up a military camp in our Mosque in the Government controlled area at Kurangupanchan in Kinniya which is a gross violation of the MoU signed after the cease fire.

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 youths taking to arms. This would have enormous and far-reaching consequences, both domestically and internationally. On the domestic side it would destabilise the entire Sri Lankan community. The possibility of Muslim armed struggle here attracting the attention of predominantly Muslim countries elsewhere who will surely not allow their brothers and sisters in Sri Lanka 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.

The meaning and effect of Article 9. Jurisdiction of the ISGA, Article 11. Separation of Powers, Article 14. District Committees and Article 15. Administration are crystal clear.

Firstly, the jurisdiction of all our Courts from the Supreme Court downwards in respect of every inch of the territory of the Northern and Eastern Provinces will be effectively abolished from the date of the establishment of the ISGA:

Secondly, that jurisdiction will be vested entirely in a 'judiciary' to be established by the ISGA which will necessarily be the Courts of the LTTE now functioning in those areas under their control and others like them to be set up in those parts of the Northern and Eastern Provinces which are presently ruled by the Government.

The provisions of Article 16 pertaining to a Special Commission to be appointed by the ISGA (i.e. by the LTTE) to report upon the rights of the “dispossessed people” is clearly a device to enable the LTTE to complete the process of ‘ethnic cleansing’ of the Northern and Eastern Provinces. The LTTE was able to drive out all the Muslims from the Northern Provinces, it could not achieve a repeat performance in the Eastern Province though they tried hard by committing mass murders of Muslims even while they were praying in our Mosques and sleeping in our villages.

It is pertinent in this connection to observe that among the lands that were forcibly occupied by the LTTE were all the lands of the Muslims in both the uncleared and cleared areas of the Northern and Eastern Provinces. This demand contains no provision whatsoever, for the LTTE to restore possession of any land and properties in the occupation of the LTTE to its rightful owners, or to pay compensation to any civilian for the forcible occupation of their lands and properties by the LTTE and the denial to their rightful owners, of “unfettered access” to such lands.

The ISGA wants executive power to control all administrative structures and personal in all the eight districts of the Northern and Eastern Provinces. This means the undermining of its elected members of Parliament, the dismantling of the North East Provincial Council, District Secretaries, Divisional secretaries and the Local authorities – Municipal Councils, Urban Councils and Pradeshiya Sabhas and control the statutory authorities, State Banks etc., for a short term goal of an Interim administration.

The ISGA will have plenary powers. As everyone knows ‘plenary’ means ‘entire, absolute and unqualified’. The absolute majority of the members of the ISGA which will be appointed at the sole discretion of LTTE to rule not only the Tamils living in areas presently under the control of the LTTE, but also to rule all Sinhalese, Muslims and Tamils who live in those parts of the Northern and Eastern Provinces which are under the lawful and democratic rule of the Government.

The plain and simple meaning of these provisions is that the Government of the Sovereign Republic of Sri Lanka elected by all its people including those voters living in the Northern and Eastern Provinces will neither own nor have any rights and/ or powers in respect of a single square inch of any part of the land, the territorial waters abutting the Northern and

Eastern Provinces or any of the minerals or resources that lie beneath the surface of that land and sea.

The JVP has out rightly rejected the LTTE proposals and warned that it would break away from the ruling coalition if the Government resumes peace talks on the basis of LTTE ISGA proposals.

The temporary merger of the Eastern Province with the Northern Province as a result of the Indo-Sri Lanka Accord of 29 July 1987 for an interim period up to 31st December 1988 still continuing. Many General and Presidential elections have taken place during the last 17 years but not the referendum in the Eastern Province. Hence, the Eastern Province people - 41% Muslims, 33% Tamils and 26% Sinhalese do not believe in any interim arrangements.

LTTE ISGA proposal says "Representatives of the Muslim Community have the right to participate in formulation of their role in the ISGA". But LTTE objecting the participation of the Muslims in the peace talk. How it is possible without Muslim participation in the Peace Talks?

LTTE Leader Pirabakaran also says "If some elements of our proposals are problematic or controversial, those issues can be resolved through discussions at the negotiating table. Once the interim administrative authority is institutionalized and becomes functional we are prepared to engage in negotiations for a permanent settlement to the ethnic problem". To resolve the issues affecting the Muslims in the ISGA proposals and the permanent solution through discussion at the negotiating Table, Muslim participation in the peace talk is absolutely necessary.

Muslims wish to be represented clearly and solely in the discussion on the basis of our own interests whether or not those interests converge with the interests of the Government and the LTTE. We are asking for an independent place at the negotiations. At the moment the negotiations are scheduled between the Government and the LTTE. This itself is a flawed situation because the process is exclusive and, 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 as one of the ethnic communities directly affected in the North and East, conflict 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

permanent and durable solution to the ethnic conflict unless the Muslim community is heard and accommodated in its own right and not by proxy.

51 States and 22 international organisations represented at Tokyo firmly endorsed the participation of an independent Muslim delegation at the peace 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 of the Muslim case for participation in the talks have been strongly 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 has the political will to support that declaration.

M.I.M. Mohideen

27th December 2004

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