

THE LAND RIGHTS QUESTION OF MUSLIMS IN THE NORTH EAST

M.I.M. Mohideen

A peculiar phenomenon in the North East is that a Muslim village is interspersed with a Tamil village and vice versa. Substantial share of lands owned by the Muslims are adjacent to the Tamil villages. Due to the increase of population, Muslims and Tamils are facing shortage of lands. As scarcity of lands become acute, tension between the two communities increase, mainly because of the fears of expansion.

There have been intermittent clashes over the years on comparatively trivial issues such as Muslim farmers being harassed by Tamils when they pass through Tamil areas, waylaying of vehicles, robbing of paddy and cattle belonging to the Muslims. After 1983 ethnic violence, it was found that the Tamils in the Northern and Eastern provinces have started to forcibly occupy the lands belonging to the Muslims in areas close to the Tamil villages. There are about 490 locations in the North East where the Tamils are forcibly occupying about 100,000 acres of agricultural lands belonging to more than 40,000 Muslim Families.

LTTE leader Velupillai Pirabakaran and Political Advisor Anton Balasingam said the following to questions on the Rights of the Muslims at the LTTE leaders Media Conference which was described as the largest media event in Sri Lanka organised by the Tamil Tigers on 10th April 2002:

Asked about the forcible expulsion in 1990 by the LTTE of tens of thousands of Muslim families from Tamil dominated areas in the north of the island and the massacre of Muslims inside mosques in the east. Mr Anton Balasingam said, "It is I who made an apology to the Muslim people in public for what has happened in the past and that we are willing to talk to them and resolve these issues.

Responding to the question on whether he has taken any concrete steps to allow the displaced Muslim people living in refugee camps for the last 12 years to come to North, Mr Velupillai Pirabakaran said that "proper objective conditions should be created for these people to come back. After these conditions are in place, I will make an appeal for the Muslims to come back."

Questioned about harassment of Muslims in the eastern province and the statement that the LTTE's Eastern commander, Karikalan, had reported to have made that the Muslims had no land rights in the eastern province, Mr. Anton Balasingam replied, "We want to tell you that we have called the senior commanders of the eastern province to discuss the alleged harassment of Muslim people. We believe that there is no dispute as far as the LTTE leader is concerned on the issue of the Muslim people owning land in the North-East."

On an invitation from the LTTE Leader V. Pirapaharan, the Leader of the SLMC and Cabinet Minister Rauff Hakeem flew to the North with five of his party colleagues for a meeting on the 13th April, 2002.

Agreement was reached on important practical problems faced by the Muslims in the North-East. LTTE Leader Pirapaharan invited the displaced Muslims from Jaffna and Wanni to come and resettle in their own places. It was decided to establish a joint committee of representatives from the LTTE and SLMC to facilitate the resettlement. Similarly it was decided to create favorable conditions for the resettlement of the Muslims who were displaced from Muslims villages in the Eastern Province.

It was decided to help the Muslims to recultivate the uncultivated agricultural lands belonged to the Muslims in the North-East.

It was agreed to appoint an SLMC representative from each district in the North East to discuss the problems faced by the Muslims with LTTE Senior Commanders and to strengthen Tamil Muslims relationship.

The Chairman of the Muslim Rights Organization, who represented the peace talks as an advisor to SLMC National Leader Minister Rauf Hakeem, had substantive discussions with the members of the LTTE team and came to a good understanding of the problems. The LTTE was prepared to seriously address the issue and requested that a register of claims be prepared which would then be subject to verification. Subsequently Hon. Rauf Hakeem the leader of the Sri Lanka Muslim Congress had requested the Muslim Rights Organization to prepare a register of Muslim Lands forcibly occupied by the Tamils. Dr. Kumar Rupesinghe the Chairman of the Foundation for

Co-Existence provided support and guidance and facilitated the programme. The Muslim Rights Organisation had undertaken the study with the following objectives.

- Systematically enumerate the land claims of the Muslims in the North-East by visiting each location in the 8 districts.
- Prepare a register based on field investigations on a professional basis.

The registration exercise involved the distribution of 40,000 forms and folders by nearly 50 Village Enumerators, 8 District Coordinators and 8 Assistant District Coordinators, who are the residents in the areas concerned. They have filled the comprehensive questionnaire with regard to individual claims, the actual date of the acquisition, the manner in which the land was taken over, the extent of the land, their deeds, permit or any other documents to the land. Details of buildings, machineries and livestock kept in the properties are some of the other informations which have been recorded. The Muslim Rights Organization had obtained the assistance of the North East Muslim Peace Assembly, the Ullemas – Muslim Theologians and the Trustees of the Mosques in predominant Muslim areas in Ampara, Batticaloa, Trincomalee, Jaffna, Kilinochi, Mannar, Vavunia and Mullaitheevu Districts of the Northern and Eastern Provinces. Forms and folders were collected, checked case by case and attested by Justices of Peace. The information collected were fed in to the computer and documented.

The project was funded by USAID – OTI and Cordaid and covered a period of 12 months.

There is no doubt that in many instances these land claims will be the subject of mediation. However, as a first step the register of land claims lays the basis for verification.

The resolution of the land question in the North-East would benefit more than 40,000 families – 125,000 men, women and children and will establish the basis for conflict resolution and help peaceful co-existence between the Tamils and Muslims. It would certainly go a long way to heal one of the worst wounds at the heart of the relations between the two communities.

MEDIATION

On a decision at the 5th session of the peace talks in Berlin on 7th & 8th of February 2003, LTTE – Muslim District Committees were established in all the three districts in the Eastern Province by the Government Peace Secretariat under the Prime Minister, to mediate lands and properties issues between the Tamils and Muslims.

With all what had happened in the North-East, the Muslim issues are becoming graver daily, Muslim youths are becoming more desperate and they are agitating to take up to arms to resolve their problems if there is no favorable response to their genuine grievances.

It was realised that the main reason for the present conflict between the Tamils and Muslims in the North East is the undue delay in implementing the agreements reached between the LTTE leader Pirabakaran and SLMC leader Rauff Hakeem on 13th April 2002 and the decision at the 5th Session of the peace talk held in Berlin during 7th and 8th February 2003 for the establishment of village level peace committees in the North East to mediate and resolve Tamil Muslim conflicts.

When LTTE expressed their desire to consult the North-East Muslim people about our concerns, 20 Muslim resource persons from all parts of the North-East were summoned on the initiative of Dr. Kumar Rupesinhe – Chairman of Foundation for Co-existence for consultation on 06th and 07th September 2003 in Colombo. At the end of the discussion it was decided unanimously to form a Muslim Civil Organisation – North-East Muslim Peace Assembly – NEMPA, to mediate with Liberation Tigers of Tamil Elam – LTTE

In a surprise move, LTTE senior leaders of the East met Muslim civil society representatives for discussions on 20th September 2003 and announced decisions very favorable to restoring normal life and communal amity among the two communities of the tension-prone region. Significant among the decisions was to immediately hand over to the Muslims their paddy lands in the LTTE controlled areas in the Batticaloa and Ampara Districts.

LTTE's Eastern Region Commander Col. Karuna Amman, Special Commander Ramesh, Political leader Kousalyan, Economic Advisor Nizam and Ampara Political leader Bawa and NEMPA representatives leader A.L.A. Jawath, Secretary General M.I.M. Mohideen, Y.M.A. Cader, U.L.M.N. Mubeen, M.H.M. Hakeem, I.M. Ibrahim, Dr. A.L. Farook, M.H.M. Munas participated in the discussion.

During the three hour meeting with representatives of the North-East Muslim Peace Assembly (NEMPA) at the LTTE guest-house "Thenagam" in Karadiyanaru, LTTE waived all hitherto-prevailing restrictions on paddy cultivation, fishing and movements in all LTTE-controlled areas in the East.

It was mutually agreed at the meeting to work in co-ordination at the village level to restore normal life, resettle displaced families in their original homes, strengthen the security of the Muslims and to work for their economic prosperity.

The LTTE also assured that it would do away with taxes on traders both Tamils and Muslims in the future when its various economic ventures in fishing and agriculture begin to yield profits.

LTTE Senior leaders of Trincomalee District met Muslim Civil Society - representatives from the North East Muslim Peace Assembly – NEMPA on 30th December 2003 and discussed various issues affecting Tamil Muslim relationship and decided to establish village level zonal committees in the following areas to resolve the issues:

Kinniya, Thambalakamam, Mutur, Thoppur, Trincomalee Town, Kutchaweli and Pulmuddai.

LTTE Trincomalee Military Commander Pathuman Amman, Political leader Thilak Amman and Senior Official of the LTTE - S. Devan, T. Sivakumar, T. Sathya, S. Darman, Miss. T. Karuniya, S. Udayan and NEMPA Secretary General M.I.M. Mohideen and Senior Officials - Assistant Secretary U.A. Wahab, M.M. Kareem Maulavi - Mutur, M.A.M. Anver - Kinniya, A. Jabeer - Kinniya, A.S.M. Abdeen - Mutur, M.M. Abdul Salam - Pulmoddai, M.A.G.M. Sabir - Thoppur, M.Y. Hidayathulla Maulavi - Kinniya, J.M. Yusoof – Trincomalee Town and K.A. Rahuman – Mutur, participated in the discussions together with Mr. Ali Zahir Maulana, at LTTE "Naduwappaniyakam" in Sampoor.

THE RESOLUTION OF THE MUSLIM LAND QUESTION IN THE NORTH EAST REGION

The resolution of the land question in the North East of Sri Lanka has become a dominant issue during the transition period between war to peace. The resolution of the land question will be a major contribution to the peace process in Sri Lanka, for it will create the basis for laying the foundation for co-existence between the Tamils and Muslims living in the North Eastern region.

The project intends to facilitate the transfer of agricultural lands and properties appropriated by the LTTE to Muslim owners in the Eastern region. It will help to create a framework, which can mediate and reconcile these claims through the use of alternative dispute resolution mechanisms. The Foundation for co-existence will collaborate with the Muslim Rights Organization with regards the Land Register and also collaborate with the Consortium of Humanitarian Agencies, the Mosque Federations, the LTTE, North East Muslim Peace Assembly and other relevant organizations.

Mediation and the Promotion of Co-existence

The transfer of the land will not be easy since Tamils have cultivated the land and some of it have been handed over to the families of Martyrs who had lost their lives or being injured in the civil war. Committee of the legal intricacies involved in such a transfer, alternative dispute resolution mechanisms and problem solving approaches will have to take place. It is therefore suggested that a proper framework be created which can help facilitate an orderly and structured process, which can ensure sustainable mediation and reconciliation.

Communications

Clear communications between all the stakeholders is essential for the success of the exercise. The communications strategy should keep all stakeholders fully informed and allay any fears and rumors, which could incite conflicts. The best way to do this would be to get the support of the Trustees of the Mosques the LTTE, NEMPA, SLMS and Members of Parliament in the region.

Alternative Dispute Resolution

Alternative dispute resolutions need to be setup in place for mediation and arbitration. Whilst the LTTE has promised to hand over the land to the Muslim owners, this is not easy since Tamils are already occupying or working on the land. Therefore alternative dispute resolution mechanisms, mediation and arbitrations may need to be put in place. Alternative dispute resolution means that measures should be found which would avoid a long and protracted cases in Court. In Sri Lanka it has been suggested that a **Mediation Commission** be appointed to deal with land disputes. Zonal special mediation boards could be appointed in each district composed of individuals from each community who can mediate on the issues. Currently the Ministry of Justice is framing legislative provisions to create such a Mediation Commission for the North Eastern region.

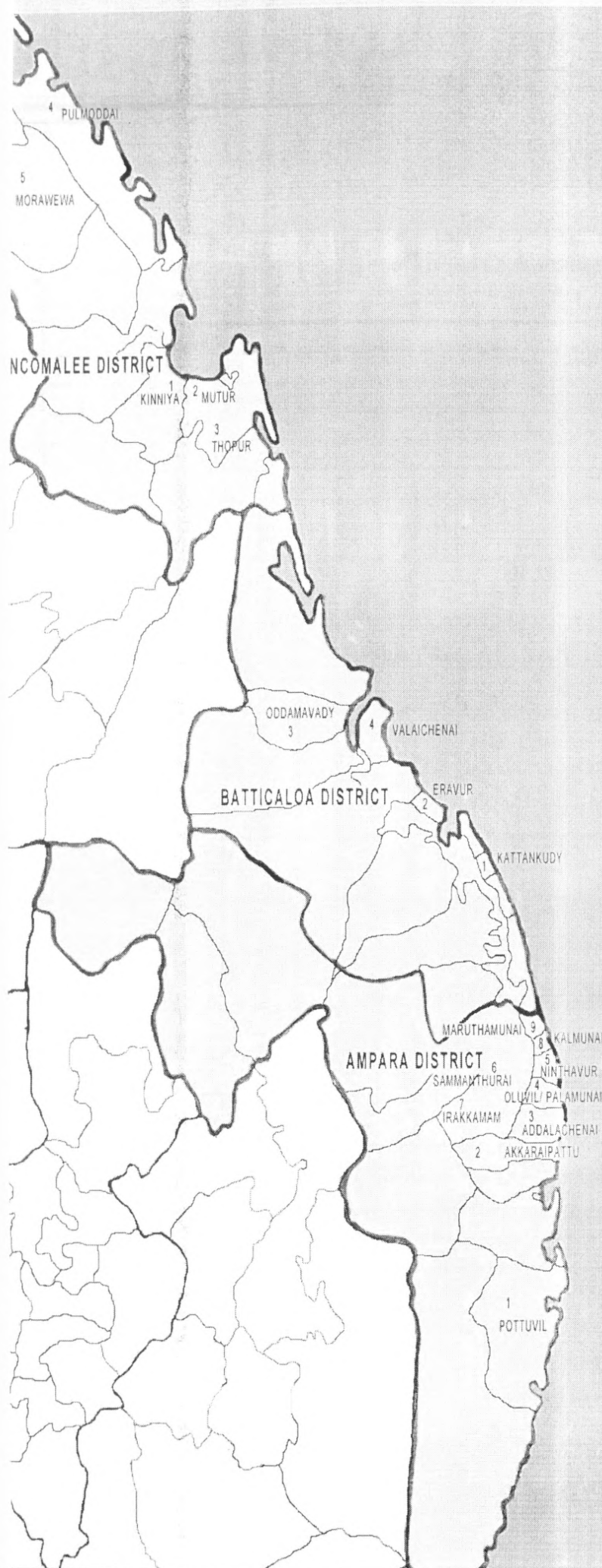
Mediation Centers.

Eventually mediation centers will have to be established in each district. The Foundation should explore the best possible way in which such mediation centers could be established in each district. The establishment of mediation centers of a permanent nature is essential since the region is composed of a multi-ethnic population.

M.I.M. Mohideen

03 February 2004

LOCATIONS OF MUSLIM VILLAGES IN THE EASTERN PROVINCE



AMPARA DISTRICT

1. Pottuvil
2. Akkaraipattu
3. Addalachenai
4. Oluvil/ Palamunai
5. Ninthavur
6. Sammanthurai
7. Irakkamam
8. Kalmunai
9. Maruthamunai

BATTICALOA DISTRICT

1. Kattankudy
2. Eravur
3. Oddamavady
4. Valaichenai

TRINCOMALEE DISTRICT

1. Kinniya
2. Mutur
3. Thopur
4. Pulmoddai
5. Morawewa

MUSLIM LANDS FORCIBLY OCCUPIED BY THE TAMILS IN THE EASTERN PROVINCE

AMPARA DISTRICT

	Predominant Muslim Areas	No. Cases	Extent		
			A	R	P
1	Pottuvil	730	2592	3	-
2	Akkaraipattu	660	1785	3	23
3	Addalachenai	329	1072	3	34
4	Oluvil/ Palamunai	176	559	1	30
5	Ninthavur	583	2349	-	10
6	Sammanthurai	529	2513	-	22
7	Irakkamam	428	2092	-	32
8	Kalmunai	280	1433	1	33
9	Maruthamunai	496	2365	1	30
		4211	16764	1	14

BATTICALOA DISTRICT

	Predominant Muslim Areas	No. Cases	Extent		
			A	R	P
1	Kattankudy	449	4231	1	12
2	Eravur	2263	12784	3	34
3	Oddamavady	1856	8710	1	37
4	Valaichenai	907	3086	1	30
		5475	28813	-	33

TRINCOMALEE DISTRICT

	Predominant Muslim Areas	No. Cases	Extent		
			A	R	P
1	Kinniya	2252	7209	2	6
2	Mutur	992	2577	-	36
3	Thopur	912	4617	2	17
4	Pulmoddai	566	1344	3	25
5	Morawewa	464	1343	1	22
		5186	17092	2	26

	No. of Cases	Acres	Extent Roods		Perches
TOTAL	14872	62670	-		33

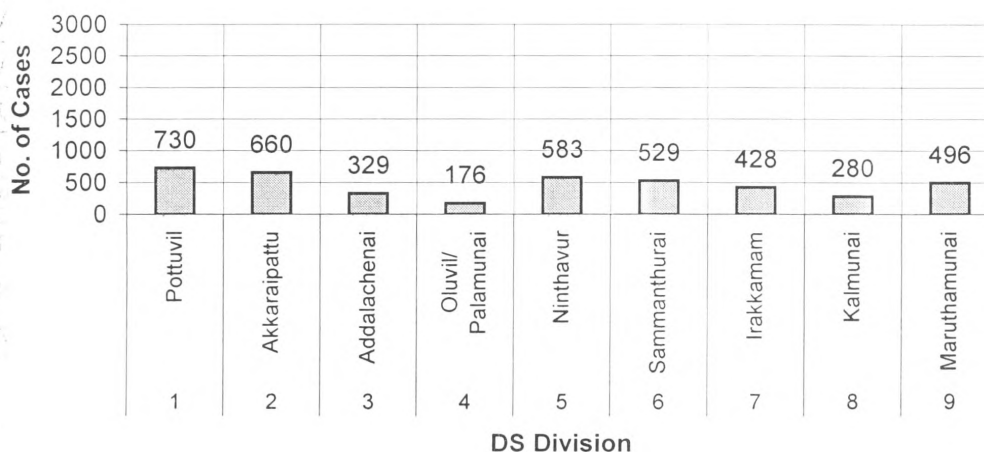
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AMPARA DISTRICT

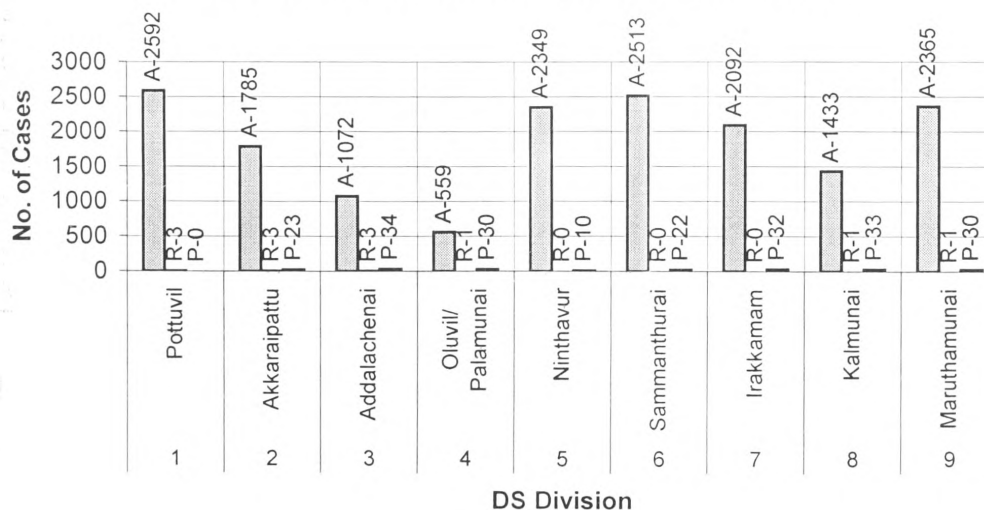
Muslim Lands forcibly occupied by Tamils

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Muslim Lands forcibly occupied by Tamils
AMPARA DISTRICT - NO. OF CASES: 4211



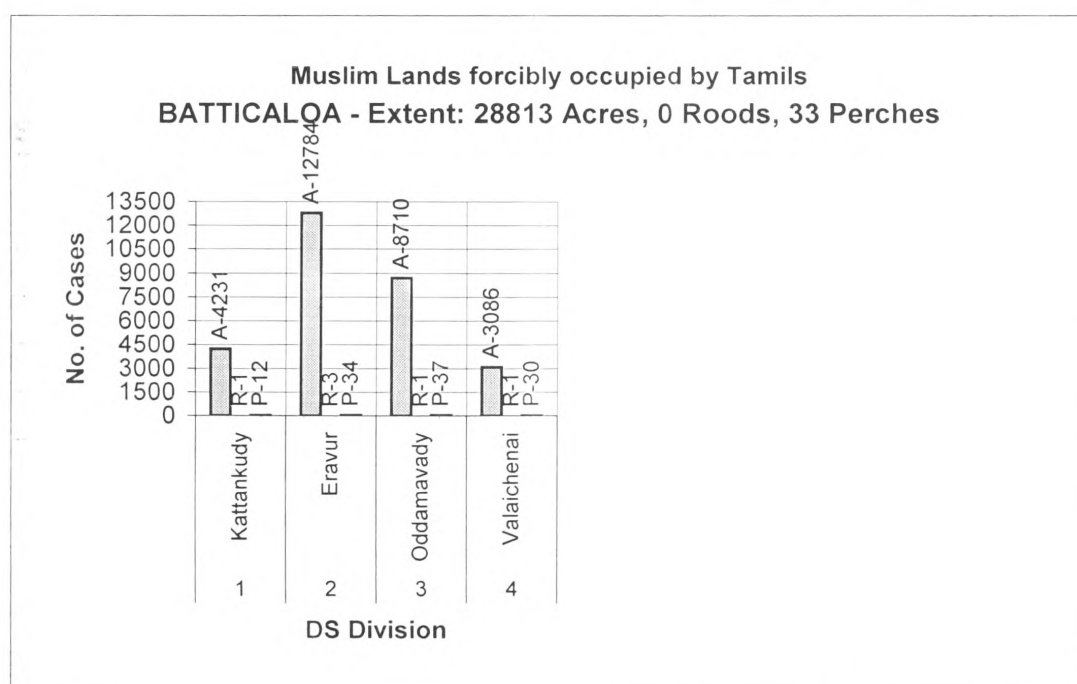
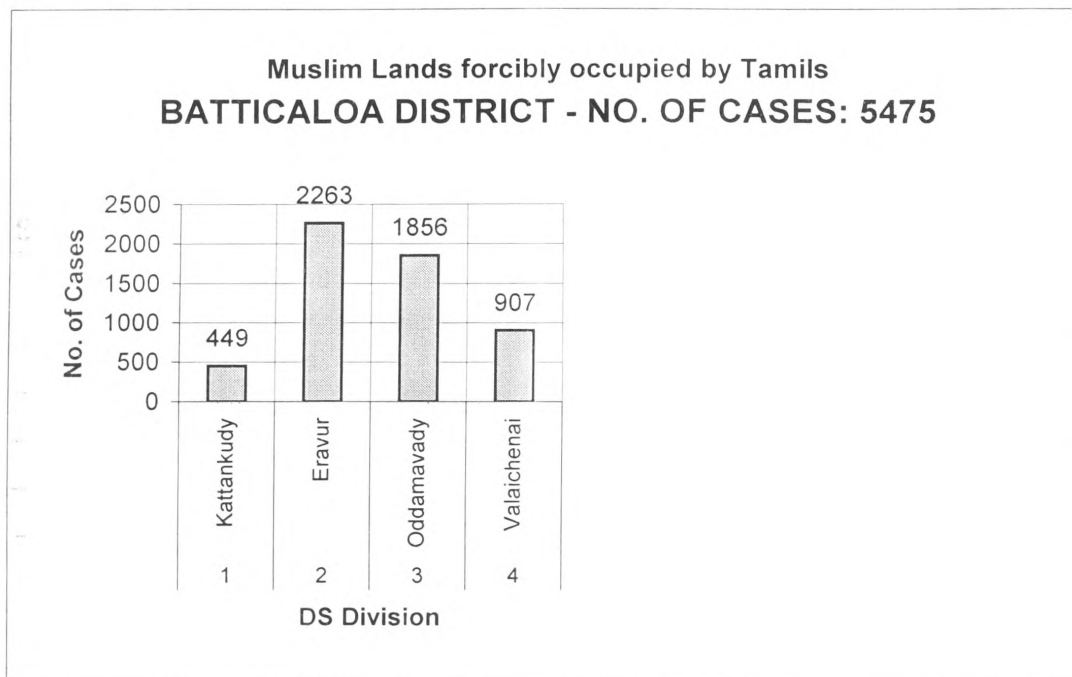
Muslim Lands forcibly occupied by Tamils
AMPARA - Extent: 16764 Acres, 1 Roods, 14 Perches



BATTICALOA DISTRICT

Muslim Lands forcibly occupied by Tamils

	Predominant Muslim Areas	No. Cases	Extent		
			A	R	P
1	Kattankudy	449	4231	1	12
2	Eravur	2263	12784	3	34
3	Oddamavady	1856	8710	1	37
4	Valaichenai	907	3086	1	30
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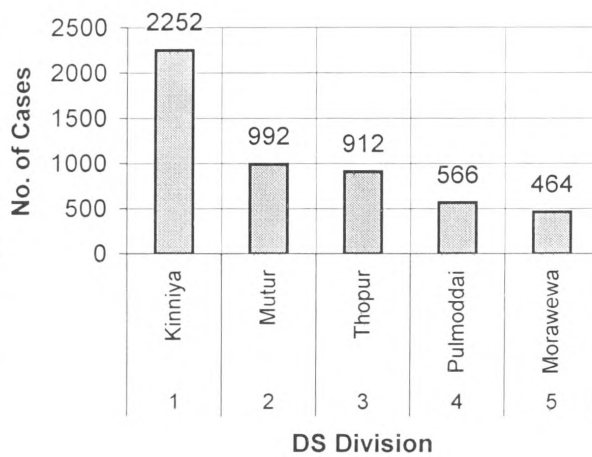


TRINCOMALEE DISTRICT

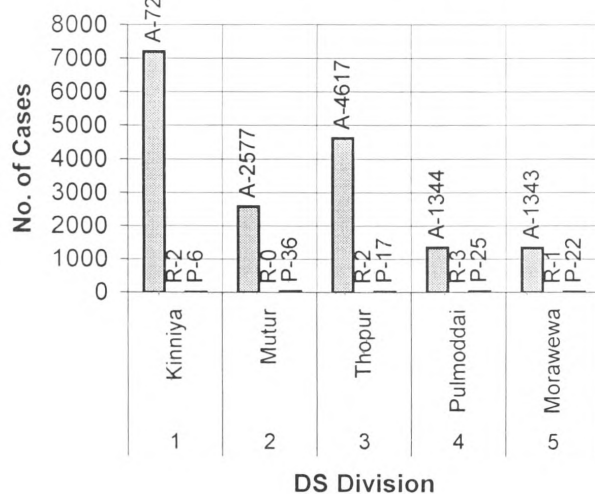
Muslim Lands forcibly occupied by Tamils

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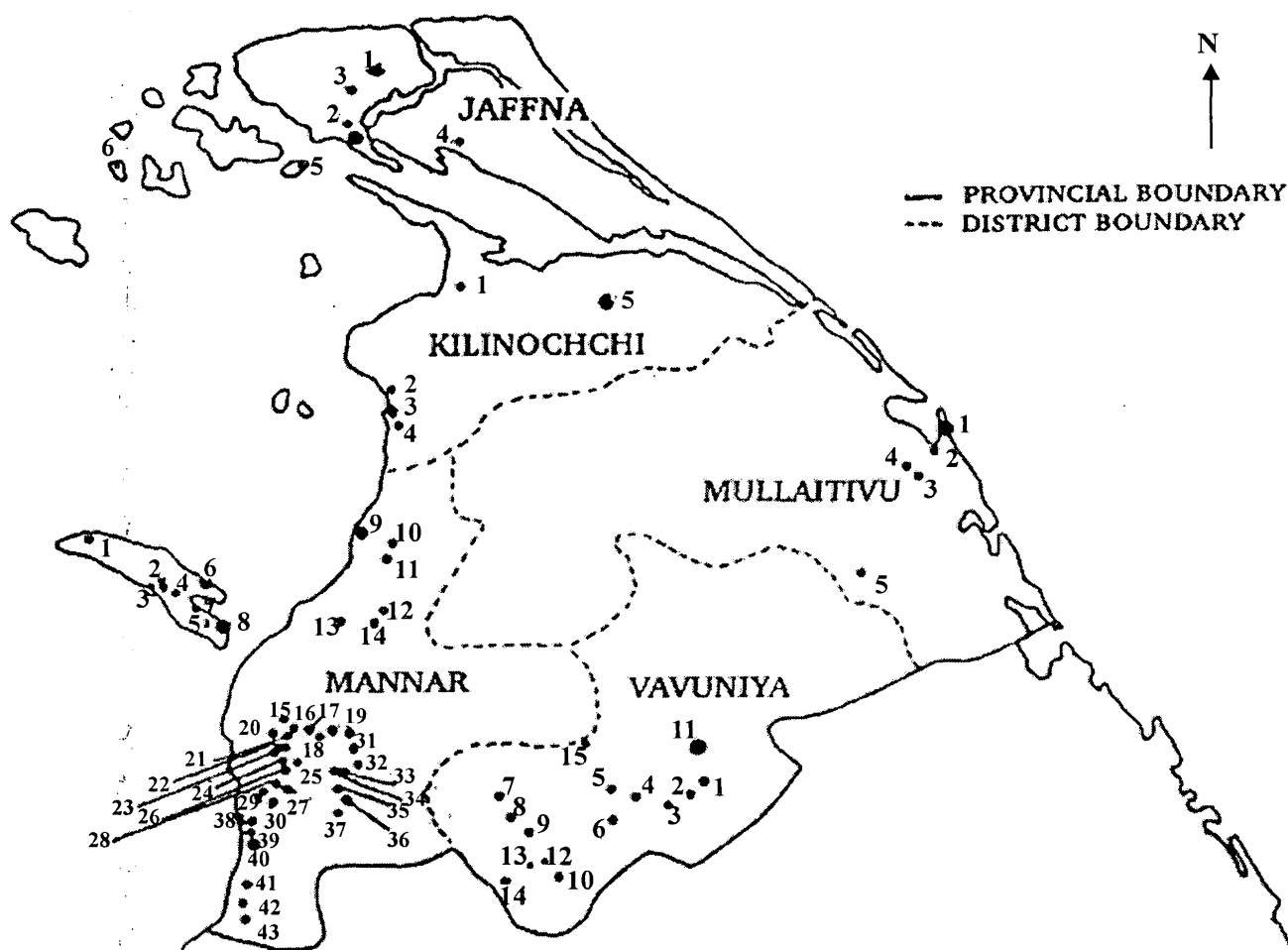
Muslim Lands forcibly occupied by Tamils
TRINCOMALEE DISTRICT- NO.OF CASES: 5186



Muslim Lands forcibly occupied by Tamils
TRINCOMALEE - Extent: 17092 Acres, 2 Roods, 26 Perches



LOCATIONS OF MUSLIM VILLAGES IN THE NORTHERN PROVINCE



Mannar District

1. Talaimannar
2. Karisal
3. Thullukudiyiruppu
4. Puthukkudiyiruppu
5. Keeri
6. Erukkalampiddy
7. Tharapuram
8. Mannar Town
9. Vidaltivu
10. Periyamadu
11. Minukkan
12. Andankulam
13. Vilankuli
14. Vaddakkandal
15. Rasoolputhuveli
16. Alawakkai
17. Puthuthirarkandan
18. Poovarasankulam
19. Murunkan
20. Ilanthaimodai
21. Nochchikkulam
22. Manatkulam
23. Ilanthaikkulam
24. Pandaraveli
25. Poonochchikkulam
26. Sirukkulam
27. Puthuveli

28. Musali
29. Variveli
30. Koolankulam
31. 4th Mile Post
32. Vellankulam
33. Pichchaivaniyan
34. Veppankulam
35. Potkerni
36. Vannakulam
37. Ahaththimurippu
38. Thampattamusali
39. Chilavaththurai
40. Kondachchi
41. Karadikkuli
42. Palaikkuli
43. Marichchukkaddy

Mullaitivu District

1. Mullaitivu Town
2. Hijrapuram
3. Thanneruttu
4. Neeravipity
5. Thannimurippu
6. Muththayankaddu

Jaffna District

1. Jaffna Town
2. Moor street

3. Chunnakam
4. Chavakacheri
5. Mankumpan
6. Nainathivu

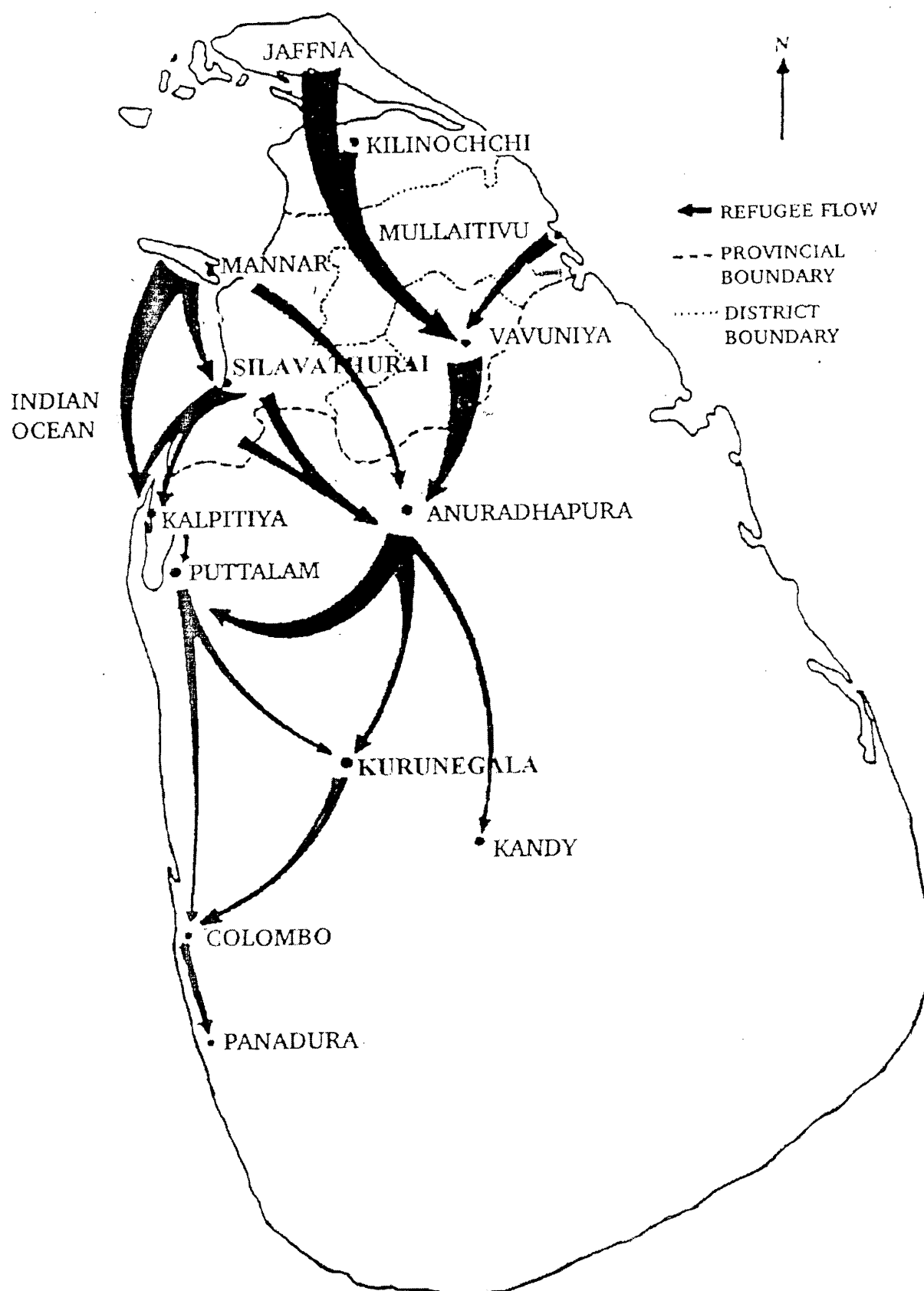
Vavuniya District

1. Poonthoddam
2. Paddanichchur
3. Puliyankulam
4. Sooduvenhapulvu
5. Salambaikulam
6. Pavatkulam
7. Neriyakulam
8. Chettikulam
9. Andiyapuliyankulam
10. Mankulam
11. Vavuniya Town
12. Sippikulam
13. Aanaivilunthan
14. Vadivalavu
15. Kakayankulam

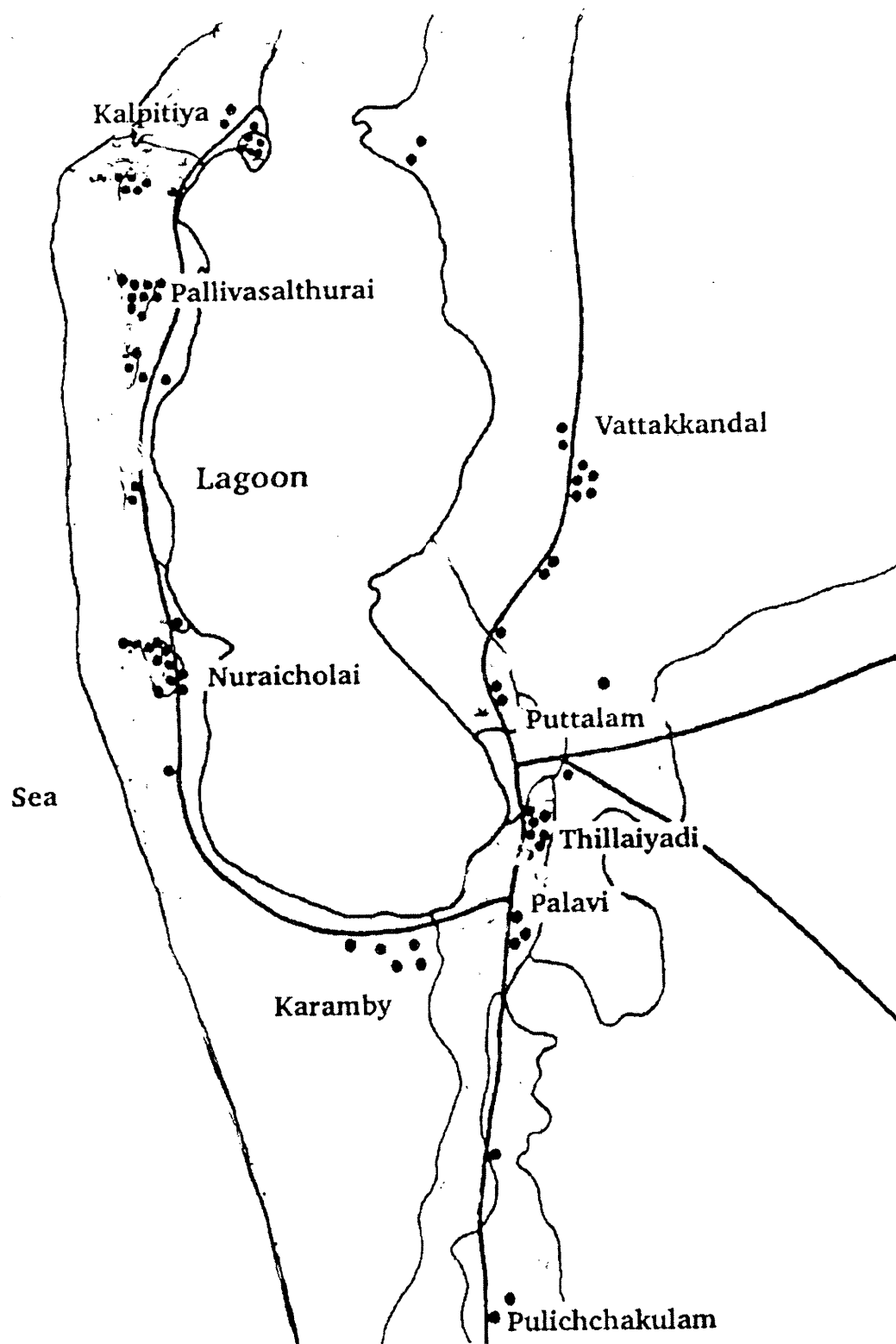
Kilinochchi District

1. Pooneryn
2. Moonampididi
3. Nachchikkuda
4. Kilinochchi Town

**ROUTES TAKEN BY FORCIBLY DISPLACED MUSLIMS
DURING ETHNIC CLENCHING BY LTTE - 26-30 OCTOBER 1990**



LOCATIONS OF REFUGEE CAMPS OF THE FORCIBLY DISPLACE NORTHERN MUSLIMS IN PUTTALAM



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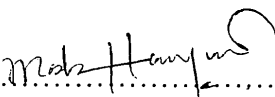
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