

INTRODUCTION

Thousands of Muslims – men, women and children have been killed and injured in the Eastern and Northern Provinces of Sri Lanka by the Tamil Ealam Separatist (TES). Since the signing of the Indo-Sri Lanka Accord on 29th of July 1987, more than 100,000 Muslims have been forced to leave their homes and Billions of Rupees worth of properties belonging to the Muslims have been robbed and destroyed by the Tamils.

Other communities in Sri Lanka – the Sinhalese and the 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. Armed 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 Tamil refugees voluntarily left the Northern and Eastern Provinces because of the Tamil Ealam War and went to India and other Western Countries. But the Muslims were chased out by the Tamils. The armed Tamil Militants gave only two hours for the Muslims in the North to vacate their homes and leave. Muslim refugees had no place to go. None of the Muslim or Arab countries have accepted any Muslim refugee from Northern and Eastern Provinces of Sri Lanka. They are undergoing untold hardships in the refugee camps in the neighbouring Provinces. Government Security Forces and the Rehabilitation Ministry are prepared to resettle the refugees but the armed Tamil Militants are obstructing the Muslim refugees returning to their homes which are only 20 to 30 miles away from the refugee camps, whereas hundreds of Tamil refugees are freely returning to the Northern and Eastern Provinces daily from India and other Western Countries and unlawfully occupying the properties of the Muslims.

The pattern of attacks that have been unleashed on the Muslims clearly demonstrates that there is a deliberate plan by the Tamils to weaken the economic, political and strength of the Muslims in the Eastern and Northern Provinces, chase the Muslims away and make the North-East a mono-ethnic Tamil region in order to create one day the Tamil Ealam.

The Indo-Sri Lanka Accord, the 13th Amendment to the Constitution and the provisions of the Provincial Council Act have failed to meet the legitimate and reasonable demands of the Muslims. They have failed to protect our lives and properties, they have failed to recognize the different ethnic and political aspirations of the Muslim. This total disregard shown to Muslim sentiments bring to surface one important political truth – that is the Government has little or no concern about the safety and security of the Muslim people in the Northern and Eastern Provinces.

Although patronizing remarks and promises are being made by the Sinhalese and Tamil political leaders, in the actual exercise of power, every effort appears to have been made to cripple and destroy the rights and privileges of the Muslims of the Eastern and Northern Provinces. Muslims in the Eastern and Northern Provinces should consider more seriously the present trend and take immediate steps to safeguard our legitimate rights in an appropriate manner. If proper safeguards are not secured now, it would amount to be the biggest betrayal of not only the present generation but also those yet to be born in the Eastern and Northern Provinces as Muslims in the future.

M.I.M. Mohideen

1. SRI LANKA MUSLIMS AN INDEPENDENT ETHNIC COMMUNITY

We, Muslims are proud of the fact that we are citizens of Sri Lanka, our mother land, where our racial ancestors, the Arabs originated the Sri Lanka (Muslims) Moor race, more than Two Thousand Five Hundred (2,500) years ago. As people professing the religion of Islam we have been here for over 1,400 years.

Our Arab ancestors were traders. The Malabars – Tamils, were all powerful in most of the commercial ports of the Island at the time our ancestors were settling here. The Arabs learnt the language of the Tamils and married their women with whom they had business relationship for many centuries.

Although Sri Lanka Muslims speak the Tamil Language, we are not ethnically Tamils. In Sri Lanka the Sinhalese call us “Yonaka” and the Tamils call us “Sonakar”. “Yon” and “Sonakam” means “Arabia” in Pali and Tamil languages respectively. We are the descendants of the people from Arabia – Arabs.

About a century ago, Sir Ponnampalam Ramanathan started the propaganda that the Sri Lanka Muslims are also Tamils, in order to prevent a separate Muslim representative in the Legislative Council for the Muslims, and for him to be the sole representative of the Tamil speaking People – the Tamils and Muslims. Muslims objected vehemently to a Tamil representing Muslim interest in the Legislature and the then government nominated Mr. M. C. Abdur Rahuman to represent the Muslims.

Muslims have always been loyal to the country and were in the forefront of the struggle – resisting the foreign invaders, winning back the lost freedom and consolidating the freedom won.

Muslims have fought in the armies of Mayadunne when Portuguese invaded Sri Lanka. Every resistant moment of Sinhalese, whether it was in Kotte or Kandy, had Muslims in their ranks. So much so that we became the target of persecution under all the colonial powers.

The Eastern province was part of the Sinhalese Kingdom until it was annexed by the Dutch in the 18th century. Robert Knox in his Memoirs of Ceylon described how he landed in Kottiar in Trincomalee and was taken prisoner by the Sinhalese King of Kandy.

Sinhalese King Senarath settled the Muslims in strategically important areas of the Eastern Province to resist the invaders. These Muslims have since merged with those of the original Arab Settlers in the Eastern Province whose ancient colony is

described as "ARABITHA CIVITAS" in the 15th century Vatican Manuscript of Ptolemy's Map.

The Dutch denied the Muslims even the freedom to practice our religion. For a period of roughly three centuries, between the arrival of the Portuguese in 1505 and the departure of the Dutch in 1795, the Muslims in the Maritime Provinces underwent untold hardships at the hands of the invaders. Muslims have made great sacrifice for our homelands in the Eastern and Northern provinces.

In the extended franchise election held in May – June 1931 for the first State Council, only the Eastern Province Muslims were able to elect a Muslim to represent the entire Muslim community in Sri Lanka. It is in the Eastern Province that the Muslim political right is preserved and protected.

In the first Parliamentary Election in 1947, on the eve of Independence, Muslim representatives were elected for 4 of the 7 electorates in the Eastern Province while the Tamils got only 3 seats. In the Parliamentary Election of 1977, 5 Muslims and 5 Tamils were elected. In the Election for the dissolved North-East Provincial Council, the Muslims also elected 17 members like the Tamils in the Eastern Province, which is a clear proof of the fact that the Muslims are on par with the Tamils, politically, in the Eastern Province.

What we have now in Sri Lanka is Ethnic problem and not language problem. Ethnic grievances are not confined to the Tamils alone, Muslims also have serious ethnic grievances in Sri Lanka. Various political solutions have been proposed for the settlement of ethnic grievances. The common features in all these proposals are the Unit of devolution and the Powers.

Sinhalese, Tamils and Muslims can live in united Sri Lanka peacefully provided one community does not dominate the other. The unit of devolution should be appropriate to the situation and protect the ethnic identity and traditional homelands of each community.

Northern and Eastern Provinces are the traditional homeland of the Tamil Speaking People. Historically Sri Lanka Tamils and Sri Lanka Muslims are the Tamil Speaking People living in the Northern and Eastern Provinces. Although Muslims speak Tamil Language in Sri Lanka, Muslims are a separate ethnic community with a different culture and religion.

As much as the Tamils the Muslims also have separate and identified traditional homeland in the Northern and Eastern Provinces and these areas should be protected. Muslims do not wish to be continuously terrorised by the Tamil Militants in

our homeland. Since Muslims are not a minority in the Eastern provinces, it is of paramount importance that the Muslims should be assured of a life free from fear, mistrust and inequality.

The British insisted on 75% majority support being given to the Dominion Status Bill to consider independence to Ceylon, an impossible task for the Sinhalese, unless the minorities gave their support. Unlike other minorities the Muslims preferred independence to Ceylon – Sri Lanka, rather than any safeguard and stood with the Sinhalese without putting a spoke in the wheel at the crucial time.

In the last fifty or sixty years, during which Sri Lanka mounted a constitutional struggle, you will not come across a single Muslim voice against the aspirations of the majority Sinhalese people. Muslim representatives did not go before Royal Commissions, nor have they gone before the International Community with accusation and sought to blacken the image of the Sinhalese people. In fact, if there is one community that could legitimately complain of being discriminated against in the field of Education, Land Alienation, Colonization security etc. which come under the purview of the State, it would be the Muslims of Sri Lanka.

Sri Lanka Muslim Community of today is composed of various cultural groups. The vast majority of them are the Sri Lanka Moors – descendants of the Arabs. The Malays who came during the Dutch period after 1640 from Indonesia and Malaya from the second largest group. Later, during the British period, after 1796, more Muslim Traders came from the Indian sub-continent, mostly from Malabar and Coromandal coasts. More recently came the Memons, Bohras and others from India, who have made their homes here and became a part of Sri Lanka Muslim Community.

The Sri Lanka population according to 1981 census, comprised Sinhalese 10,985,666, Sri Lanka Tamils 1,871,535, Sri Lanka Moors 1,056,972, Indian Tamils 825,235, Malays 43,378, Burghers 38,236, and others 28,981, Totaling 14,850,001. Of the total Muslim population of nearly 1,134,556 about 762,551 lived in the Sinhalese Speaking area and the balance 372,005 were living in the Tamil Speaking area – Eastern and Northern Provinces.

The 1991 population was estimated to be about 17,247,000. Sri Lanka Muslim population 7.6% is 1,311,000. Muslim Population in the Sinhalese Speaking area was about 874,000 and the balance 437,000 lived in Tamil Speaking area – Eastern and Northern Provinces.

2. BACKGROUND TO THE ETHNIC CONFLICT OF THE TAMILS AND MUSLIMS IN THE EASTERN AND NORTHERN PROVINCES

A peculiar phenomenon in the Eastern Province is that a Muslim Village is interspersed with Tamil Villages and vice versa. Substantial share of the private lands owned by the Muslims are adjacent to the Tamil Villages. Due to increase of population, Muslims and Tamils are facing acute shortage of lands for expansion. As scarcity of land become acute, tension between the two communities increased, mainly because of fears of expansion and absorption. As a result of this particular socio-economic factor, new rules and regulations evolved in both communities which forbade members of either ethnic group to sell to the other ethnic community. This is indicative of a desire by both ethnic communities to maintain their separate identities in a situation where they had co-existed for centuries. However, the Muslims were buying lands off the Tamils offering higher prices by virtue of their economic position, whereas the Tamils unlawfully occupied thousands of acres of private land belonging to the Muslims with the help of the Militants, for example the lands of Rasool Estates in Komari, Thirukkovil, Eravur, Thampalakamam, Trincomalee etc.

The occupation of the earlier generation of the Eastern and Northern Provinces Muslims were, related to cultivation, and to a lesser extent fishing and trading. However, after the introduction of Free Education and Guaranteed Price for Paddy, in Sri Lanka, the educational and economic status of the Muslims have risen considerably. A large numbers of doctors, engineers, accountants, lawyers, technicians and university graduates of the Muslim community have emerged from the Eastern Province, in short, the Muslim intelligentsia has already shifted to the Eastern Province.

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. Muslims 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 separatist policies, while the Tamils caught in the web of "Ealam" 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.

3. TAMIL-MUSLIM ETHNIC CONFLICT IN THE NORTHERN & EASTERN PROVINCES BEFORE THE INDO-SRI LANKA PEACE ACCORD OF JULY 1987

Owing to the geographical location and economic interdependence of the two communities – Tamils and Muslims in the Northern and the Eastern province, there have been intermittent clashes over the years over comparatively trivial issues such as Muslim farmers being harassed by Tamils when they pass through Tamil areas, waylaying of vehicles, and robbing of paddy and cattles belonging to the Muslims. These conflicts in general were minor and were quickly resolved before they could escalate into serious clashes.

However, after the 1983 ethnic violence in Sri Lanka, it was found that the Tamils in the Northern and the Eastern Provinces, have been openly giving expressions to their feelings of resentments and antipathy towards the Muslims by verbal insinuations, deprecations and even insults regarding the position of the Muslims as “Usurpers” of their lands, “Exploiters” of their chances for University and Technical Education and Employment. Tamil began to harass the Muslims, waylay and rob them when ever Muslims traversed the Tamil areas on their way and back home from their paddy fields.

Administrative denial of civic amenities of Muslim villages situated within the ambit of the Local Government of Tamils, extorting money, jewellery, motor vehicles and agricultural implements from Muslim and abducting Muslim youths in order to force them to collaborate with the separatist movements became the order of the day.

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 becoming a reality, are remote

With the increased activities of the separatists, in the early part of 1985, the animosity and resentment of the Tamils towards the Muslims took a more acrimonious turn. Consequent to it, numerous incidents of extortions of money, jewelry, motor-cycles and other valuables at gun point, threats for co-operations with the separatist movements took place. When such atrocities escalated, the Muslims tried to assuage the situation not by open warfare but by humane methods as prescribed by the Laws of Islam.

The breaking point of the Muslims came when the Tamil separatists tried, in the course of robbing a rich Muslim Trader, to take his daughter as hostage in

Akkaraipattu, a predominant Muslim Town, 14 miles down South of Kalmunai, in the Amapara District.

Angered by this, the Muslims registered their protest by peaceful hartal in Akkaraipattu, from 8th to 12th of April 1985. All the shops reopened for business on the 13th of April 1985. Simultaneously, the National Flag was hoisted in the bazaar, declaring the solidarity of the Muslims with the Government and its policy of Unitary State and also their rejection of the Division of the Country.

On the 14th of April 1985, at 9.00 a.m. thirteen Tamil Separatists sped into Akkaraipattu by a Jeep from Karaithievu, a Tamil village 10 miles North of Akkaraipattu. They were fully armed and were firing, the first shot being fired in the vicinity of the Town Mosque of Akkaraipattu. They then raced towards the junction in the main market place. Due to high speed, they were unable to negotiate the turn and the Jeep toppled. Most of them died on the spot and the rest were shot by the Police.

With this unfortunate incident, the Tamil-Muslims ethnic violence started and swiftly spread to Kalmunai, Eravur, Ottamawadi, Valaichenai, Muthur and Kinniya. Hundreds of Muslims were killed by the armed Tamil Separatists and many billions of Rupees worth of properties belonging to both the Tamils and Muslims were burnt and destroyed. It is during the April 1985 riots, that the Tamils and Muslims fought each other, as separate communities for the first time in the Eastern Province.

4. TAMIL-MUSLIM ETHNIC CONFLICT IN THE NORTHERN & EASTERN PROVINCES AFTER THE INDO-SRI LANKA PEACE ACCORD OF JULY 1987

During the massive anti-terrorist operation by the Sri Lanka Armed Forces, in Muthur in May 1985, only a month after the Tamil-Muslim clashes in the Eastern Province, Tamils suffered very badly. It was the Muslims who gave the Tamils a helping hand during those difficult days. Unfortunately, this did not in any way change the anti-Muslim attitude of the Tamil Separatists.

Tamil Separatists brutally murdered Mr. Habeeb Mohamed, the Assistant Government Agent of Muthur on the 3rd of September 1987, which led to widespread protest-demonstrations by the Muslims throughout the Eastern province. Annoyed by this the Tamil Separatists organized a counter demonstration on the 10th of September 1987 in Kalmunai, which resulted in the Tamils attacking and burning Muslims owned shops, rice mills and houses in the predominant Muslims Town of Kalmunai, in the presence of the IPKF. Properties belonging to the Muslims damaged by the Tamils is valued at approximately Rupees 67 Million.

Mr. A. L. Abdul Majeed, a former M.P., and Deputy Minister of Muthur was killed on the 13th November 1987. Mr. Abdul Majeed was actively involved in the relief operation to the thousands of Muslim Refugees who came from Muthur, consequent to Tamil Armed Separatists attack on the Muslims on the 12th of October 1987 in the presence of the IPKF.

About 26 Muslims were killed and another 200 were injured when the IPKF shelled Ottamawadi, a predominant Muslim Village in the Batticaloa District on 02nd December 1987. A Number of houses and shops belonging to Muslims were burned and destroyed. Some Muslim women were also reported to have been raped by the IPKF. About 14,000 Muslims became refugees and fled away from the Eastern province to the North Central Province, Polonnaruwa.

Kattankudi, the home of nearly 50,000 Muslims, situated 4 miles down South of Batticaloa, was attacked by the armed Tamil Separatists on the 30th of December 1987. In this fierce attack, nearly 60 Muslims were killed and more than 200 were injured. Properties worth 200 Millions belonging to the Muslims were burnt and destroyed by Armed Tamil Separatists. All these happened in the presence of the Indian Peace Keeping Forces-IPKF. Although the attack lasted for two days, Kattankudi was under siege until the 8th of January 1988. During this period, all movements, in and out of the area were blocked by the Armed Tamil Separatists while the IPKF was supposed to be in control of the area.

Because of the attacks launched by the IPKF and Armed Tamil Separatists, nearly 35,000 innocent Muslims who have lived for generations in Mannar, Jaffna, Mullaithievu and Vavunia have abandoned their homes and are now living as refugee camps outside their traditional home lands.

5. SECURITY FOR THE MUSLIMS IN THE NORTHERN AND EASTERN PROVINCES

Muslims have realized from the recent experiences in the North and East that there is a conspiracy to attack all Muslim economic bases in the Eastern Provinces and thereafter to carry out a systematic elimination of the Muslims intelligentsia and the active Muslim youths. The Police Stations were not functioning in the troubled areas. The Indo-Sri Lanka Accord compelled the Sri Lankan Armed Forces to remain in the barracks. The Indian Peace Keeping Force not only failed to protect the Muslims but also supported the Tamil Separatists to destroy the Muslim community in the Northern and Eastern Provinces. Under these circumstances the Muslims were facing a serious problem with regard to their safety and security.

Dr. Badiudin Mahmud, the President of Sri Lanka Muslim Council, Dr. M. C. M. Kaleel, the President of All Ceylon Muslim League, the five Eastern Province Muslim Members of Parliament and representatives of Muslim Organisations took up the question of security for the Muslims in the Northern and the Eastern Provinces, with the President J. R. Jayawardena on the 21st December 1987 and submitted the following memorandum for immediate action:

1. The Muslims of Sri Lanka are deeply perturbed and agitated over the present plight of the Muslims of the North and East, with particular reference to the lack of security for their lives and properties.
2. Over 100,000 innocent Muslims have been rendered homeless on account of the on-going war and violence in the North and East.
3. Hundreds of Muslim lives have been lost, millions of rupees worth of properties owned by Muslims have been damaged and/or destroyed and several Muslim women have been molested and raped.
4. The State security machinery available in these areas have failed to give any protection to the Muslims.
5. We are of the firm view that there is a deliberate attempt to involve and implicate the Muslims of the North and East in the prevailing conflict.
6. The pattern of attack that has been unleashed on the Muslims of the North and East demonstrates that there is a deliberate plan by vested interest to eradicate the political and economic strength of the Muslims in these areas.

7. The Muslims of Kalmunai, Muthur, Oddamawadi and Valaichenai in the East and Jaffna, Mullaithivu, Mannar and Vavuniya in the North have already been attacked mercilessly and are living in mortal fear. Furthermore, there is an apprehension of an impending attack on areas, such as Eravur, Kattankudi and other villages in the East, where the Muslims are in majority but helpless.
8. It is our duty to bring to Your Excellency's notice that unless immediate steps are taken by Your Excellency's Government to prevent any future attack on the Muslim majority areas in the East, the Muslims community of the Eastern Province will be exposed to the danger of total annihilation.
9. We are constrained to note that the Muslims majority areas have not been given the same protection by the Sri Lanka Government Armed Forces like what has been afforded to the Sinhalese majority areas like Kantalai in the Trincomalee District and Aranthalawa in the Ampara District.
10. We urge Your Excellency as the Head of the State to provide for and ensure immediately the safety and protection of Muslims living in the Eastern and Northern provinces.

Immediately after this interview with the President, the situation became much worse and Dr. Badiudin Mahmud had to send the following telegram to His Excellency J. R. Jayawardena on the 6th of January 1988.

"Pursuant to our delegation meeting Your Excellency I am directed to inform you regretfully the deteriorating condition of the Muslim community in the Eastern Province.

As we warned Your Excellency, Kattankudi has now become the target of attack. Mr. M. C. M. Buhari of Oddamawadi who was one of the spokesman of our delegation, has been kidnapped and shot dead by the Tamil Separatists.

According to kachcheri sources over 15,000 Muslims from Oddamawadi, Valaichenai, Meerovodai etc. from Kalkudah Electorate, have taken refuge in Polonnaruwa. Karbala Model Village in Kattankudi was attacked yesterday mid-night during curfew hours, 46 houses and a Mosque destroyed. Refugees coming from Kalkudah are being taken away by the forces at Punanai.

We reiterate our demand for firm action by the Government to provide security to protect lives and property of Muslims in the Northern and Eastern provinces. Appreciate immediate action and reply."

The Government, the Muslim Ministers and the five Eastern province Muslim Members of Parliament have failed to give protection for the Muslims and the 435,999 unarmed Muslims of the Northern and the Eastern Provinces were left in the lurch.

The Indian High Commissioner in Sri Lanka Mr. J. N. Dixit when interviewed by the Al-Islam reporter Mr. Abdul Aziz Haniffa during January 1988 has said: "When we were discussing the process of devolution of power there were at least five or six group of Muslims, claiming to represent Muslim interest, trying to negotiate with the President Jayawardene and with me. I was totally lost in determining which group really represent the Muslim masses on a given issue." He scoffed at the so called Colombo-based Muslim Leaders, pretending to represent the interests of the Muslims of the North and East.

Mr. Dixit acknowledged that there have been disturbances in the North-East, and that they were not always created by the LTTE and that he had reliable information that at times they were instigated by all sections and segments of Sri Lankan politicians who do not wish the Indo-Sri Lanka Agreement to succeed.

6. MUSLIM REFUGEES IN THE NORTHERN AND THE EASTERN PROVINCES IN DECEMBER 1987

| <u>EASTERN PROVINCE</u> | <u>MUSLIM POPULATION</u> <u>1987</u> | <u>MUSLIM REFUGEES</u> <u>1987</u> |
|------------------------------------|---|---------------------------------------|
| <u>Ampara District</u> | <u>201,585</u> | - |
| Kalmunai | 54,576 | - |
| Sammanthurai | 45,592 | - |
| Ninthavur | 24,860 | - |
| Addalachchenai | 24,168 | - |
| Akkaraipattu | 27,529 | - |
| Pottuvil | 24,860 | - |
| <u>Batticaloa District</u> | <u>94,137</u> | <u>10,225</u> |
| Batticaloa | 4,432 | - |
| Kattankudi | 31,546 | - |
| Eravur | 25,683 | - |
| Ottamawadi & Valaichenai | 32,476 | 10,225 |
| <u>Trincomalee District</u> | <u>80,884</u> | <u>49,280</u> |
| Trinco Town & Gravat | 9,176 | 5,000 |
| Mutur | 22,062 | 16,000 |
| Kinniya | 32,969 | 18,000 |
| Thampalakamam | 9,209 | 6,280 |
| Kuchchaveli | 2,401 | 2,000 |
| Kanthalai | 5,067 | 2,000 |

NORTHERN PROVINCE

| | | |
|--|-----------------------|----------------------|
| <u>Jaffna District</u> | <u>10,835</u> | <u>11,835</u> |
| Jaffna Town | 10,270 | 10,270 |
| Chavakachcheri | 565 | 565 |
| <u>Mannar District</u> | <u>37,899</u> | <u>13,650</u> |
| Mannar Town | 18,291 | 6,250 |
| Musali | 10,982 | 4,720 |
| Nanaddan | 2,187 | 1,212 |
| Manthai West | 6,439 | 1,468 |
| <u>Mullaithievu District</u> | <u>4,923</u> | <u>3,040</u> |
| Mariime Pattu | 3,964 | 2,560 |
| Mullaithievu | 959 | 480 |
| <u>Vavuniya District</u> | <u>8,683</u> | <u>4,845</u> |
| Vavuniya Town & Visit | 3,895 | 2,233 |
| Vengalachettikulum | 4,788 | 2,612 |
| <u>NORTHERN AND EASTERN PROVINCES</u> | <u>438,946</u> | <u>92,875</u> |

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7. NORTH-EAST MUSLIMS AND THE INDO-SRI LANKA PEACE ACCORD OF JULY 1987

The Indo-Sri Lanka Peace Agreement dated 19th of July, 1987, acknowledges that Sri Lanka is a multi-ethnic and multi-lingual plural society consisting inter alia of Sinhalese, Tamils, Muslims (Moors) and Burgers; and further recognizes that each ethnic group has distinct cultural and linguistic identity which has to be carefully nurtured.

The agreement emphasizes the need for preserving its character as a multi-ethnic, multi-lingual, multi-religious plural society in which all citizens can live in equality, safety and harmony and prosper and fulfill their aspirations.

Further it is mentioned in the agreement that during the interim period i.e. from the date of the election to the Provincial Council to the date of the referendum, the Northern and the Eastern provinces as now constituted will form one administrative unit, having one Governor, one Chief Minister and Board of Ministers. The President, may at his discretion, decide to postpone such referendum.

But in the creation of the unit of devolution of power for the settlement of ethnic grievances in Sri Lanka, the interests of the Muslim (Moor) ethnic group, have been completely disregarded and no opportunity was given to seek those safeguards under the principles enunciated above. Since Muslims (Moors) are not in the majority in any of the present provinces, they cannot share power like the Sinhalese or Tamils when powers are devolved to the Provinces created by the Colonial Rulers for their own convenience. The position becomes even worse when the Northern and the Eastern Provinces are combined and considered as a single unit for Political and Administrative purposes.

The concept of a unitary State under the Unitary Constitution where all citizens enjoy equal rights cannot be justified when the people in the seven (7) Sinhalese Speaking provinces are given the right to decide the merger after the formation of their councils and after a referendum, while the people in the other two (2) Tamil Speaking Provinces are denied such rights and dumped together before the election. Unitary State has no uniform arrangements for the merger of Provincial Councils. Two different arrangements, one for the Sinhalese Areas and another for the Tamil Areas confirms the two nation concept of the Separatists.

Without proper safeguards and power sharing arrangements during the interim period, in the merged North-Eastern Council, the 33% Muslims of the Eastern province would become virtually a community of Political and Social Slaves under

the 70% Tamil domination, when the referendum is postponed by the President for some reason or other as provided for in the Indo-Sri Lanka Peace Agreement.

The transfer of political power to the 70% majority Tamil ethnic group in the merged North-East Regional Council has not been accompanied by adequate safeguards for the separate Muslim ethnic group or effective power sharing arrangements. Tamils being much more advanced educationally and organizationally, would be in a position to use the newly acquired political powers to the best advantage of the Tamils and the 18% Muslims, without adequate power sharing arrangements would be reduced to the position of hewers of wood and drawers of water.

Since no separate power sharing political and administrative units are created, Muslims have to be extremely cautious – especially when extensive power is devolved to the Regional Councils with regard to Law and Order and Land Settlement. The merged North Eastern Regional Council will have a Police Force consisting mainly, if not solely of Tamils. The ASP's and the Inspectors in the Police Force will be the Tamil Militants in our areas of historical habitations. Muslims do not wish to be continuously terrorized by the Tamil Militants in their Villages.

All settlements in the merged region on State land other than those in the major Irrigation Schemes, will be under the control of the 70% Tamil majority Regional Council. Therefore, the areas of historical habitations of the Tamil speaking Muslims in the merged region should be identified and protected from further colonization by the Tamils.

Great injustice has been done to the Muslims in the Northern and Eastern Province when carving out local bodies under the provisions of the newly enacted Pradesiya Sabhas Act of 1987 and the allocation of lands and natural resources for development. Muslim majority Ampara District had been colonized by the Sinhalese under Gal Oya Scheme and Sugar Plantation. Ampara is no more a Muslim majority district. This has created much problem for the Muslims economically and politically.

8. DEVOLUTION PROPOSALS AND THE DEMAND FOR A SEPARATE POWER SHARING UNIT FOR THE MUSLIMS IN THE NORTH-EAST REGION

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 is 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 areas 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 Moonasinghe 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.

In the UNP's 1994 manifesto and the political package, with regard to devolution as a solution to ethnic conflict, Mr. Gamini Dissanayake said 'I have always believed that every ethnic and religious group living in Sri Lanka should have its identity respected and secured. It is also my firm conviction that the sharing of power between diverse political, ethnic and religious group is the true mark of a democratic society. Such belief and convictions prompted me to give my fullest support to the Indo-Sri Lanka Accord and also to the 13th Amendment to the Constitution which was the first serious attempt to share power with the minorities. Unfortunately, lack of political will and an inadequacy of the powers under the 13th Amendment have frustrated the people of the North-East Tamils, Muslims and Sinhalese who are now dissatisfied with the Provincial Council System.

In all these proposals the common factors are (a) to create separate power sharing units for every ethnic group (b) no merger of the Northern and Eastern Provinces (c) two or more units of devolution in the Eastern Province.

The LTTE is fighting the Tamil Ealam separation war with the Government of Sri Lanka which had tried to settle the dispute through negotiation. The Government had acted with much patience and restraint. It had tried all possibilities to bring the LTTE to the negotiating table even at the expense of earning the displeasure of others.

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. Emergency was not lifted. 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 Tamil region with adequate powers over the land and the repealing of the 6th Amendment to the Constitution which prohibits the establishment of a separate state within the territory of Sri Lanka 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. Historically 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

people of the North in the Eastern Province. This view had been supported by former members of parliament Mr. C. Rajathurai, 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 Kilinochchi 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.

The Tamils and the Muslims in the Eastern province have elected equal representatives to the Parliament and also to the dissolved North-East Provincial Council which proves the fact that the Muslims are politically on par with the Tamils in the Eastern Province. When the Eastern Province is merged with the Northern Province the Muslim ethnic percentage of 33% drops to an insignificant position of mere 18% and the Muslim political strength is diluted.

The former president Jayawardena circumvented the law passed by his own Government in the Provincial Council Act and effected the temporary merger under the emergency regulation and made the Muslims of the Eastern Province a community of political and social slaves under the Tamils. The temporary merger to make the Northern and Eastern Provinces as a single unit for political and administrative purpose has only helped the unilateral declaration of the separate state "Tamil Ealam" by the Tamils and made a mockery of the very concept of Unitary State and devolution of power.

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 regional council. 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 Eastern Province and murdered hundred of Muslims in cold blood.

LTTE shot the Muslims in the back while praying, burned our mosques, schools, paddy fields and committed robbery of our cattle. Finally they gave just two hours for the Muslims who had been living for centuries to vacate their homes and leave the Northern Province. Continuous outrages by the Tamil militants against the Muslim civilian population have made thousands leave their traditional areas of habitations in the North and East.

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.

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 for the Northern and Eastern Provinces. 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. It is very strange that they are now talking of a sub-national unit for the Muslims under the Tamil dominated North-East Regional Council. They have also taken up the position that the 18% Muslims of the Northern and Eastern Province should be contended with the constitutional safeguards only. If that is so, we cannot understand as to why the 10% Sri Lankan Tamils living in the Northern and Eastern Provinces 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.

The government should understand as to why the Muslims in the Northern and the Eastern Provinces are now yearning for a separate unit of devolution for themselves. It is the past conduct of the Sinhalese Governments and Tamil Militants and the bitter experience of the Muslims that have pushed the Muslims to this position. We look forward to the Muslim majority unit of devolution as the only means to safeguard our lives, religion, culture, identity and properties in the Northern and the Eastern Provinces.

While solving the Tamil problem the government should not create a community of political and social slaves out of the Muslims in the Northern and the Eastern Provinces. It is hoped that the government would not desire such a betrayal of the Muslims at a crucial time of our history.

It is nothing but fair that the Muslims should also have a Muslim majority regional council to share power like the Sinhalese and Tamils in Sri Lanka.

Under these circumstances the units of devolution in the Northern and Eastern Provinces should be appropriate to the situation and protect the separate ethnic rights and areas of historical habitation of the Muslims.

Any meaningful solution to settle the grievances of the Muslims must be based on the following cardinal principles:-

- (1) Recognition of Muslims of Sri Lanka as distinct nationality;
- (2) Recognition of the identified Muslim homeland in the North-East region and the guarantee of its territorial integrity;
- (3) Based on the above, recognition of the inalienable right of self determination of the Muslim nation.

Different nationalities have demanded different system of Government to ensure these principles. Muslims demand a separate power sharing unit in the North-East region to share power like the Sinhalese and Tamils in Sri Lanka.

It is for the first time in the history of independent Sri Lanka that steps are being taken to share power with minorities. Therefore, the Muslims do not wish to be ignored and our legitimate rights denied. A fair and just solution would be to establish 7 Councils for the 74% Sinhalese, 2 Councils for the 18% Tamils and 1 Council for the 10% Muslims.

Muslims never asked for anything more than what is legitimately due to them as citizens of Sri Lanka. They have not asked for separation nor have we restored to terrorism to settle our grievances.

9. A POWER SHARING UNIT FOR THE MUSLIMS IN THE NORTH-EAST REGION OF SRI LANKA

1. A separate Muslim majority administrative district should be created in the present Ampara district comprising the former four DRO's Divisions of Panamapattu, Akkaraipattu, Sammanthuraipattu, Karavahu-Ninthavurpattu and Wewegampattu South DS Division (South of Gal Oya River). Area 920 sq. miles.
2. Creation of ethnic oriented Pradeshiya Sabhas / DS Divisions including the agricultural lands and natural resources in proportion to the population of each community in the new administrative district mentioned in 1 above.
3. Creation of Muslim majority Pradeshiya Sabhas / DS Divisions in Kattankudi, Eravur, Ottamawadi / Valaichenai comprising the agricultural lands and natural resources in proportion to the 24% Muslim population in Batticaloa district. Area 346 sq. miles
4. Creation of Muslim majority Pradeshiya Sabhas / DS Divisions in Trincomalee district in Muthut, Kinniya, Thampalakamam, Thoppur and Kuchchaveli comprising the agricultural lands and natural resources in proportion to the Muslim population 29% in the Trincomalee district. Area 414 sq. miles.
5. Creation of Muslim majority Pradesiya Sabhas / DS Divisions in Mannar district in Muslali and Erikalampiti comprising the agricultural lands and natural resources in proportion to the Muslim population of 27% in the Mannar district. Area 278 sq. miles.
6. Urban Councils should be created in Kalmunai, Sammanthurai, Kattankudi and Kinniya without reducing the Muslim majority in the balance areas of the Pradeshiya Sabhas / DS Divisions.
7. Separate Muslim majority administrative districts should be created linking the Muslim majority DS Divisions in Batticaloa, Trincomalee and Mannar districts.
8. All Muslim majority administrative districts created in the North-East region should be considered as separate Electoral Districts.
9. All Muslim majority administrative / Electoral districts in the North-East region land area approximately 1,958 sq. miles or 5,071 sq. Kms and population approximately 480,000 shall be the Muslim majority power sharing unit for the Muslims in the North-East region.

10. The Problem of administering non-contiguous area is not as impossible as it is made out to be. For example the former French possession in India – Pondicherry, parts of it fall in three different States – Tamil Nadu, Kerala and Andhra Pradesh where three different languages are spoken and administered as a separate Union State. What we are asking here is a Regional Council on the administrative pattern of non-contiguous Union State in India – Pondicherry.

10. PONDICHERRI A NON CONTIGUOUS STATE IN INDIA

| | | | |
|---------|---------------|---------------------|--|
| Area | : 492 sq. Km | Population | : 8,07,785 |
| Capital | : Pondicherry | Principal Languages | : Tamil, Telugu, Malayalam, English and French |

GOVERNMENT

States and Union Territories

| | | | |
|----------------|--------------------|-----------------|----------------------------|
| Governor | : Dr. Rajani Rai | Chief Secretary | : T.T. Joseph |
| Chief Minister | : R.V. Janakiraman | Jurisdiction of | : Falls under jurisdiction |
| Speaker | : V.M.C. Sivakumar | High Court | : of Madras High Court |

AREA, POPULATION AND HEADQUARTERS OF DISTRICTS

| <u>S.No</u> | <u>District</u> | <u>Area (Sq. km)</u> | <u>Population</u> | <u>Headquarters</u> |
|-------------|-----------------|----------------------|-------------------|---------------------|
| 1. | Pondicherry | 293 | 6,08,338 | Pondicherry |
| 2. | Karaikal | 160 | 1,45,703 | Karaikal |
| 3. | Mahe | 9 | 33,447 | Mahe |
| 4. | Yanam | 30 | 20,297 | Yanam |

HISTORY AND GEOGRAPHY

The territory of Pondicherry comprises the former French establishment of Pondicherry, Karaikal, Mahe and Yanam which lie scattered in South India. Pondicherry, the capital of the territory was once the original headquarters of the French in India.

It is bounded on the east by the Bay of Bengal and on the other three sides by the South Arcot district of Tamil Nadu. About 150Km south of Pondicherry on the east coast lies Karaikal. Mahe is situated on the Malabar coast on the western ghats surrounded by Kerala. It can be reached from Calicut Airport which is 70 km from Mahe. Yanam is situated adjoining the East Godavari district of Andhra Pradesh and is about 200 km from Vishakapatnam Airport.

AGRICULTURE

Nearly 45 per cent of the population in the Union Territory is engaged in agriculture and allied pursuits. Ninety percent of the cultivated area is irrigated. Besides rice minor food crops, vis., ragi, bajra and pulses are grown in the Union Territory. The principal cash crops are sugarcane, groundnut and cotton.

In 1998-99, 27,028 hectares had been cultivated under rice. Food grain production is estimated to be 83,955 MT. Production of cotton and sugarcane will be in order of 4,244 bales of 180 kg and 2,59,760 MT.

INDUSTRY

The industrial sector in Pondicherry employed about 8,000 persons in the early fifties. With an investment of over Rs. 1,256 crore, industries are providing a livelihood to 71,955 people as on 31 March 1999. The industrial units are manufacturing items such as textiles, sugar, yarn, spirit, and beer, potassium chlorate, rice-bran oil, auto parts, disposable syringes, roofing sheets, nylon mono filaments, hard gelatin, capsules, washing machines, bio-polymers, injection, molded plastic components, steel tubes, LPG cylinders, oxygen and acetylene gas, computers, monitors and keyboards, electrical motors, etc.

IRRIGATION AND POWER

Irrigation Pondicherry is mainly through tanks and tube wells. There are 84 tanks with an ayacut of 6,456 ha of which two are comparatively bigger (Oustery and Bahour). The tube well irrigation system is almost in the private sector. There is a major proposal to rehabilitate all the tanks in the Pondicherry region at a cost of Rs. 34.73 crore with the aid of the European Economic Commission in order to improve ground water recharge and stabilize the existing ayacut.

There is no power generating station in the Union Territory of Pondicherry. The Power requirements are met by availing share from the Central Generating Stations and by purchasing power from neighbouring State Electricity Boards. However, to meet the growing demand of power, it has been contemplated to establish a combined cycle Gas Power Plant of 32.5 MW at Karaikal. For speedy implementation of the project, Pondicherry Power Corporation was formed. The T.R. Pattinam 110/11 KV Sub-station, associated with Gas Power Plant has been commissioned on July 1999. This Gas Power Plant is expected to be commissioned by July 1999. Rural Electrification was completed by 1972 itself. 230 KV/ 110 KV sub-station at Bahour is likely to be commissioned by March 2000.

TRANSPORT

Roads

The total length of roads as maintained by the Public Works Department is 576,637 km, of which national highways is 24.65, state highways 68.765 km, district and

other roads 225.36 kms and rural roads 257.666 km. ECR road of 16.435 km was completed and opened for traffic.

Roads

Pondicherry is connected to Chennai by metre-gauge and the nearest broad-gauge link is Villupuram junction at a distance of 40 km.

Aviation

The nearest airport Chennai is 160 km from Pondicherry.

TOURSIM

Pondicherry has rich French cultural heritage, having been the capital of the French Colonies in India since 17th Century. Pondicherry, Karaikal, Yanam and Mahe were transferred to the Indian Union in 1954. The French legacy is visible in the well-planned town, neatly laid roads, wide and vibrant beaches, beautiful promenade, architecturally imposing churches and public buildings and the statues of Joan of Arc and Joseph Francois Duplex. French Boulevard town, Sri Aurobindo Ashram, Auroville Museum, Chunnamber resort, botanical garden and some other places of tourist interest.



Muslims are conscious of the serious problems that are likely to arise when the Northern and the Eastern Provinces are permanently merged.

During the period of the dissolved Provincial Council for the temporarily merged North-East, the Tamil National Army – TNA of the EPRLF and ENDLF attacked several Police Stations in the predominant Muslim areas and murdered hundreds of Muslims in cold blood.



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M.I.M. MOHIDEEN

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