

## **ISSUES CONFRONTING THE MUSLIMS IN THE LTTE ISGA PROPOSALS AND THE PEACE PROCESS**

**(M.I.M. Mohideen)**

Sri Lanka government excluded LTTE and participated in the donors conference held in Washington undermining their status as equal partners in the peace process. It was after that the LTTE decided to suspend the talks. However, LTTE's intention was not to terminate the talks and put an end to the peace process. During the period of suspension they urged the government of Mr. Ranil Wickremesinghe to formulate and submit a draft proposal for an interim administrative structure. LTTE emphasized that the interim administrative mechanism should be invested with adequate authority to deal with the rehabilitation of the war devastated North East region.

LTTE was not satisfied with the proposals for the interim set-up submitted by the UNF government of Mr. Ranil Wickramasinghe. The proposals lacked adequate administrative authority and they were unacceptable to the LTTE.

LTTE submitted their own proposals on behalf of the Tamil people for an Interim Self Government Authority – ISGA for covering all the eight districts in 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. LTTE submitted this proposal to Mr. Ranil Wickremesinghe's government on the 1 November 2003 and also released it to the media for public debate.

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 here to point out 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 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.

Nearly 700,000 Tamils were displaced due to the war in the North East. But the North East Muslims continued to live here until the ethnic clearing 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.

However, Muslims are not rejecting the LTTE proposals completely. We do not wish to throw the baby with the bath water. LTTE ISGA proposal says “Representatives of the Muslim Community have the right to participate in formulation of their role in the ISGA”.

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 it is not an expansive process that takes into account the aspirations of all the communities of the country. It is a highly restricted process. Therefore, the Muslim community as one of the communities directly affected in the North and East 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, at a political level, 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.

It is hoped that the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Ealam (LTTE) would not desire the betrayal of the Muslims at a crucial time and force the Muslim youths to become militants to fight another war in the future for Muslims rights in the North East.

**M.I.M. Mohideen,**

21<sup>st</sup> December 2004

011923

# National Digitization Project

## National Science Foundation

Institute : South Eastern University of Sri Lanka

1. Place of Scanning : Main Library, South Eastern University of Sri Lanka, Oluvil

2. Date Scanned : 2018.02.03 15

3. Name of Digitizing Company : Sanje (Private) Ltd, No 435/16, Kottawa Rd,  
Hokandara North, Arangala, Hokandara

### 4. Scanning Officer

Name : I. W. A. C. J. Chandrasena

Signature : 

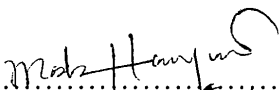
### Certification of Scanning

*I hereby certify that the scanning of this document was carried out under my supervision, according to the norms and standards of digital scanning accurately, also keeping with the originality of the original document to be accepted in a court of law.*

### Certifying Officer

Designation : Acting Librarian

Name : M. M. Mashroofa

Signature : 

Date : 2018.02.03 15

*"This document/publication was digitized under National Digitization Project of the National Science Foundation, Sri Lanka"*