

THE NEED FOR POWER SHARING ARRANGEMENTS FOR THE MUSLIMS IN THE NORTH EAST

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 Muslims refugee returning home which is only 20 to 30 miles away from the refugees 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 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 have 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 merded 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.

At the LTTE leader's 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 could not 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 LTTE leader Pirapaharan also acknowledged that the problems of the Muslims have to be resolved along with the problems of the Tamils.

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 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, Mullaithivu, 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 in 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 villages are as noncontiguous as the Muslim villages. Today the Muslims are 40% 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 for all.

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. 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 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 Tamils 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.

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