

International Seminar: Envisioning New Trajectories for Peace in Sri Lanka

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The Muslim Perspective

Muslims of Sri Lanka are a victim of the global crusade against Islam by leading global players. In the recent past there have been regular attempts to taint the image of the community by those who find it difficult to tolerate the international community's sympathy towards a community which had refused to take up arms even in the face of extreme degree of adversity. Though Sri Lankan Muslims share a common religion with rest of the Muslims of the world, they do not necessarily share their political ideologies or beliefs.

International community has lately shown an interest in addressing the political and economic grievances of the Sri Lankan Muslims. This comes at a time it is almost impossible even to think of pushing forward the peace process without external involvement. There seems to be a gradual realization from the part of the international community that as much as LTTE is indispensable for a settlement of the conflict, Muslims in the North and East too are crucial for sustainable peace.

What is the Muslim Case?

The nature of the conflict over the past two decades has inevitably made Muslims the third major party with its own concerns and identity, and therefore the ultimate settlement must have their approval and support, particularly because a major issue for negotiation will be the territorial extent of "Tamil areas" especially in the East, where Muslims are the dominant community.

Now that serious efforts are being made to discuss substantive issues with the LTTE, it is appropriate that the Muslims are accommodated in order to confer legitimacy, completeness, sustainability and effectiveness to the process. Muslims are of the view that these could be achieved by the inclusion of major stakeholders who have an identity and a status of their own and on whom the negotiations and decisions have a direct impact.

In this context it is emphasized that given the range of issues discussed in the process *per se* and any decisions taken therein have a direct bearing on the Muslims in the Northeast.

Questions are raised as to the desirability of having separate representation for Muslims. It is urged to look at this from a broader point of view.

It is also emphasized that the inclusion of an independent Muslim delegation would enhance the quality and completeness of the process in terms of content and legitimacy. A separate Muslim Delegation is essential to-

1) Articulate of concerns and aspirations of Muslims

Aspirations of the Muslims are inextricably interwoven with those of the Tamil and Sinhala communities in the North and East. Muslims are equally concerned about their legitimate rights and whether those would be recognized and granted. Political and administrative structures, security and law and order, sharing/utilization of resources, livelihoods, plight of forcibly evicted and the displaced development and Rehabilitation and Reconstruction are of critical importance to the Muslim as much as for other communities.

Political currents within the Muslim community have undergone changes over the last three years. Radicalism and militancy are slowly creeping in to the political ideology. Oluvil Declaration, which was unveiled on the 29th January 2004, asserts nationalism, traditional homeland, self-determination and autonomy for Muslims. The youth who organized the event demanded among others a separate entity for Muslims at peace negotiations.

2) Convince that only Muslim themselves are best suited to argue on their behalf

Muslims do not believe that the Government or the LTTE are equipped to negotiate on their behalf. In fact they totally reject that notion. The Government as representing the State expected to take a broader view on all matters. The LTTE, as they have already shown, would argue for self-rule.

This leaves the Muslim dimension in abeyance. Muslims are possessed what is required to argue and substantiate their claims. They are capable of presenting the Muslim dimension ably and fully. Intellectuals and erudite scholars have contributed immensely shape the response with clarity

Apart from substantial political issues the Muslims are anxious about the preservation and recognition of the social, cultural and religious rights they enjoy at present. Some of these are unique and distinct in nature. The issues related are diverse and complicated and requires special knowledge and study. These include personal and religious laws and its application and its jurisdiction. Recourse persons too would be required for clarifications.

This is of profound importance to Muslims as the proposals of the LTTE for interim administration states that no special privileges would be conferred on any community living in the North and the East concerning culture and religion. The inclusion of this provision the Muslims perceive as a move aimed at restricting the religious and cultural freedom of Muslims. This provision impinges on the *Sharia* law that has survived long years in Sri Lanka.

3) Present the essential components of the case of the Muslims

- a. **The Muslim dimension** – inalienable Rights of the Muslims in the North and East to realize their legitimate aspirations
- b. **Form and content of future Politico/administrative Unit for Muslims** - establishment of structures that ensure security, fair access to resources and full participation in decision making concerning the Muslims.

- c. **Interim arrangements** – proposals for interim/transitional arrangements for Muslims pending final settlement
- d. **Safety and security of Muslims of the North and East** – Post CFA scenario
- e. **Importance of the Eastern Province** – The historical and political and other realities of the East including the Muslims being the dominant community in the province.
- f. **Socio-cultural imperatives** - Necessity to cohabit with Tamils and **Sinhalese** in the North and East and forge ethnic harmony
- g. **Good Governance, Respect for Human Rights and democracy** - Developing North and East as a model of pluralistic society, democracy, preservation of human rights, and for respect of economical social rights of peoples
- h. **Right of return of Muslims** – Inherent right of displaced Muslims of the Northeast to return to original places of dwelling with honour and dignity and integration to social life and re-build their lives.
- i. **Issues relating to settlement and agricultural land and land abandoned by forcibly evicted and displaced Muslims** – Government policy on land alienation and settlements. Re-demarcation of Divisional Secretariat boundaries etc.
- j. **Development and Rehabilitation** – right of Muslims to have their areas earmarked for development and reconstruction.

Background to the demand for an independent delegation for Muslims

Before the commencement of the peace negotiations with the LTTE an agreement was reached between Rauff Hakeem, Leader of the Sri Lanka Muslim Congress (SLMC) and Anton Balasingham, Chief Negotiator of the LTTE in London. This meeting was held under the auspices of the Norwegians. It was explicitly agreed that “Mr. Hakeem will take part in the **first round of talks** as a member of the government delegation, in his capacity as the Leader of Sri Lanka Muslim Congress..... Mr. Hakeem will participate in **future rounds of talks** as the leader of the Sri Lanka Muslim Congress as well as the head of a Muslim delegation representing the Muslim community. This is in accordance with the Memorandum of Understanding between the LTTE and the SLMC signed April 13th.” (Emphasis added)

Much to the disappointment of Muslims a different interpretation was placed on the phrase “future rounds of talks”. The argument was that according to the structure of the peace negotiations the talks are divided in to rounds and each round consists of secessions. They informed that first round of negotiation were continuing and therefore the question of a Muslim representation did not arise.

Plenary Sessions

At the inaugural secessions of the peace negotiations held in Thailand the Chief Negotiator of the Government Dr. G.L.Pieris stated-

“We note that it is envisaged that the Hon. Rauff Hakeem, who is present as a member of the Government delegation, will in due course participate in the talks in his capacity as the leader of the Sri Lanka Muslim Congress and the Head of a Muslim delegation. This arrangement would, no doubt, ensure the continuance of a constructive and meaningful dialogue.”

The Chief Negotiator of the Liberation Tigers of Tamil Ealam (LTTE) Dr. Anton Balasingham commented -

“Normalcy of civilian life is slowly and systematically returning to the **northeast of Sri Lanka, the homeland of the Tamils and Muslims**, the region that has faced the brunt of the armed conflict.” (Emphasis added)

First two sessions the parties sought to consolidate the CFA and the Confidence building measures that were in motion. At the third session held Oslo the LTTE showing a sharp shift in its ideology and strategy proposed that the parties’ explore a solution founded on the principles of federalism. The Government agreed to this proposal and a historical breakthrough was achieved as far as the final settlement was concerned.

Statement issued after the conclusion of the 3rd session of peace talks between the Government and the LTTE noted as follows-

“Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities.”

At the 4th session of negotiations held in Thailand it was decided that **“a separate Muslim delegation would be invited to the peace talks at an appropriate time for deliberations on substantive political issues.”** (emphasis added)

International Community

The closest the international community came to openly supporting the Muslims was at Donor Conference held in Tokyo in 2003 wherein they declared among other things-

“...With this in view, the international community intends to review and monitor the progress of the peace process closely, with particular reference to objectives and milestones including:

c. Participation of a Muslim delegation as agreed in the declaration of the fourth session of peace talks in Thailand”

Challenges faced by Muslims

- Muster official recognition as a party to the conflict and an equal stakeholder in the peace process
- Fortification of the Muslim dimension in the peace process

- Secure independent representation at all levels of peace negotiations
- Initiating a direct dialogue with the LTTE and Tamil political Leadership
- Enjoy equal status, fundamental rights and democratic freedoms with other communities in the North and East
- Obtaining safety and security guarantees
- Implementation of the vital decisions concerning Muslims taken during peace negotiations (2002-2003).

Muslims of the North and East have lived together with Tamils for centuries. There is a strong bond of brotherhood, cultural and social interaction between the two communities. Their lives are such they are dependent on each other for almost all aspects of social and economic activity.

Both Muslims and Tamils are convinced that their future is very much dependent on the degree of reconciliation and harmony exists between the two communities. Their lives are inseparably interwoven.