CHAPTER - VII
THE SLMC AND THE ETHNIC CONFLICT

INTRODUCTION

The constitution of Sri Lanka provides for the concentration of power in the hands of the majority. This basic discrimination between the majority and the minorities started with the Donoughmore Constitution itself, drafted in 1931. The chapter briefly sets out the history of discrimination against Muslims throughout the history of Sri Lanka. The growth of Muslim political activity may be seen in three phases. In the first phase this activity was mostly influenced by Indian movements. In the second phase, the activities of the Islamic Socialist Front and Muslim United Liberation Front were confined within the Sinhalese parties. In the third phase, independent political activity and coalition politics are in evidence.

The Tamil-Sinhalese ethnic conflict witnessed attempts to further degenerate the status of the Muslim community. The LTTE attempted to control the economic activity of the Muslim community, attempting to treat them as a subordinate group of the Tamils. The escalating Tamil-Muslim tension, especially in the North Eastern Province, made the Muslims assert the demand for a separate unit for themselves in the North and East Provinces.

When peace negotiations to resolve the ethnic problem commenced, the Muslims were not involved in them as a concerned, distinct community. The mechanism offered through the India-Sri Lanka Accord in 1987 also did not meet the aspirations of the Muslims. The chapter analyses the Muslim stand on the environment before the India-Sri Lanka accord and reviews the accommodation of Muslim aspirations in it. The chapter also discusses the Tamil-Muslim cooperation in the scenario after the
Indo-Lanka accord, the LTTE’s reaction to the Muslim demand for a South Eastern Provincial Council, the MoU of 2002 between the government and the LTTE and the SLMC response against violence. An attempt has also been made to analyse the impact of the ethnic conflict on the SLMC.

History of Discrimination against Muslims

Since independence, there has been serious lack of communication between the major communities in Sri Lanka, leading to deep-seated mutual suspicion. The distrust has militated against the sense of oneness that was characteristic of Sri Lankan society that survived the ruthless divide and rule polity of the colonialists.¹

The Muslims’ problem of discrimination emerges from the Constitution itself. The Constitution provides for a unitary form of a highly centralized government with concentration of power in the hands of the majority Sinhalese politicians. Their who mishandling the sensitive ethnic issue and flagrant vastly discrimination against the Tamils and Muslims has been discussed in Chapter Two. Section 29 of the Soulbury constitution had been designed to give some protection to minorities against legislation that the majority might be tempted to enact to the disadvantage of the minorities. The new Constitution, drafted in 1972, by removing the provisions of this section, weakened the position of the minorities. It did not guarantee absolute security for the life and property of the minorities. Although the minorities had been

identifying themselves as belonging to the Sri Lankan nationality, the ruling majority pointed to their foreign origin and made every effort to make them feel unwanted. The various land settlement policies were nothing but plans to evacuate the minorities from their properties and disperse them demographically. This resulted in Sinhala colonization of the traditional lands belonging to the Tamils and the Muslims and the dispersal of the latter from their traditional settlements. Discrimination in providing employment opportunities and educational facilities was also practised without inhibition.

Muslims and Tamils, though both are minorities subject to discrimination by the majority Sinhalese, have serious differences between themselves. The Tamils, being placed in powerful bureaucratic positions and with their educational attainments, tended to ignore their constitutional subjection to minority status but voiced their grievances politically. But the Tamils resented the Muslims' prosperity and also the fact that the Muslims were favoured in government and private sector employment because the Muslim leaders made it clear that they were opposed to the Tamils' separatist activities. The Tamils felt that the Muslims were benefiting at the cost of the Tamils' struggle.

**Early Muslim Political Activities**

The root of the ethnic problem stems from basing the concept of 'minority' on language. Before independence, there was a scramble for the special benefits offered to the minorities. But those who wanted to benefit the Muslim community by taking

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them under the minority blanket lacked an effective political voice. They were largely
minor academics, such as Siddi Lebbe and Azeez. In the post-independence era, the
governments failed to understand the need for peacefully accommodating the various
communities. Since language had been made the criterion for determining minority
status, differences pertaining to language became a major point of contention. In this
atmosphere, the political leaders of the Muslims chose their careers in one of the two
major national parties, both of them Sinhalese.3

The Muslims' political activities in independent Sri Lanka may be divided into three
distinct phases: Phase One—Isolationist Politics of parties like the All Ceylon
Muslim League. Phase Two—Activities confined within the Sinhala parties like the
Islamic Socialist Front and the Muslim United Liberation Front. Phase Three—Period
of independent activity and coalition politics introduced by the SLMC.

Phase One

In this phase, the Muslim activists took their inspiration and guidance from
happenings in India. Thus, in introducing his educational package Siddi Lebbe was
inspired by the Aligarh Movement of India. Similarly, the All Ceylon Muslim League
was formed as a parallel to the All India Muslim League. The early leaders did not
seek to establish their base among the masses but they foresaw the problems that
would emerge in the body politic once their country attained freedom. The Muslim
leaders' association with Indian leaders and their drawing parallels with the Indian
situation made the Sinhalese leadership uneasy.

3 S.H. Hasbullah, Muslims and the Ethnic Conflict: Dynamics of Muslim Politics with special
Phase Two

In the second phase, the national identity, which earlier revolved around Buddhism, was redefined. The Muslim leaders sought to work for a unified Sri Lanka in which all citizens would live as equal citizens but the language issue became an irksome and divisive issue. J.R. Jayewardene said that since two-thirds of the people spoke Sinhala, Sinhala should become the official language. In case of Tamil being treated at par with Sinhala language, he said, Sinhala might lose international importance. The Muslim leaders, concerned only about their short-term interests, supported this policy. This distanced them from the Tamils, who were more important to the Muslims culturally and geographically.

The first republican constitution, which came into force in 1972, introduced in which certain steps, which appeared like beneficial ones, were introduced. Multi-ethnic constituencies enabled Parliament to have adequate representation of minorities. In addition, there were to be six nominated members. The Constitution also incorporated fundamental rights of all citizens of Sri Lanka. All these changes were, however, undone when Jayewardene introduced his next Constitution in 1978 with its racial overtones. The proportional representation system introduced in the new constitution not only gave the upper hand to the majorities but also gave enormous power for the ruling party to overwhelm Parliament. The system was compounded with certain emergency acts introduced in 1978, which in put doubt the basis of fundamental rights. The Muslims' political weakness prevented them from taking a measured standpoint on the conflict. Nor were they called to participate in the peace process.
Around this time Badiuddin Mahmud, a conventional Muslim politician, founded the Muslim Socialist Front, in an effort to curry favour with the Sinhala politicians. Badiuddin Mahmud did make an invaluable contribution in the field of education for Muslims, but his tilt towards Sinhalese national parties was unwarranted.

Phase Three

Meanwhile, the SLMC, claiming to represent Muslim interests, also came into being. With the SLMC's ascendancy, the Muslims have been encouraged to seek constitutional safeguards and effective power sharing arrangements. They want de-escalation of violence along with the protection of the distinct identity of the Muslims, with Muslim homelands established by statute. In the Provincial Council they require adequate representation. They also demand employment opportunities reflecting the proportion of Muslim population in the general population.

The Muslim demand is for two or more Provincial Councils for the East, with provisions for the merger of adjoining councils beyond provincial boundaries after a referendum. The creation of one Provincial Council for the Northern province has been suggested. These provinces would enable to Tamils the have their share of power in the North where they are a majority. Three Provincial Councils are envisaged in the East, namely Eastern Provincial Council, South Eastern Provincial Council and Ampara Provincial Council, with greater Muslim representation. The Eastern Provincial Council would comprise Batticaloa and Trincomalee districts,

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which have around 18 per cent Muslim population. The South Eastern Council would encompass Kalmunai, Pottuvil and Sammanthurai electorates, where again Muslims predominate. Ampara Provincial Council would be a dream of a Muslim homeland come true.

In practical terms, the SLMC envisages an interim council to be formed in the North East for a duration of two years, after which a referendum should be held among the Muslim electors of the districts concerned whether Ampara, Batticaloa, Tricomalee, Jaffna, Kilinochchi, Vavuniya, Mannar and Mullaithievu should be combined to form an administrative regional, to be called the North-Eastern Region. If the answer is affirmative, a Regional Council should be established for the North East. If the answer is negative two separate Regional Councils should be established—a North East Regional Council comprising the combined Northern and Eastern provinces but excluding the areas covered by the traditional Muslim homelands; and a South Eastern Regional Council comprising the traditional Muslim homelands in Ampara, Batticaloa, Trincomalee and Mannar District. 5

**Muslim Perspective on Peace Negotiations**

In a centralist form of government, Tamil political aspirations have not been fulfilled. This has been at the core of the ethnic problem in Sri Lanka. In the North and the East, there is a concentration of Tamil people and there is a widespread view that giving power of self-government to Tamils can fulfil the political aspirations of the

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5 Mohideen, n.2, n.p.
people in these regions. One view is that there should be devolution on the basis that the North and the East should be separate units.

Several attempts were made by the Government to resolve the ethnic conflict politically. One of them was the Political Parties Conference (PPC) summoned by President Jayawardene in 1986, which included Tamil political parties. The PPC recommended Provincial Councils (PC) as a means of devolution of power from the centre to the regions. The TULF agreed to the proposal but the Tamil militants rejected it. As early as 1986, there emerged the concept that the unit of the devolution of power should be on the basis of province rather than district, with the persistent demand by the Tamil militants for the merger of the Northern and Eastern Provinces becoming the main disputed issue between the Tamil-speaking minorities and the Government of Sri Lanka.

While the Government was proposing to set up Provincial Councils as a basic unit of devolution of power, the SLMC, which was in its infancy, was unable to raise its voice against it. However, the Muslim leaders of other groups made their stance clear. The East Sri Lanka Muslim Front (ESLMF) sent a memorandum to President Jayewardene on 9 August 1986 signed by its President M.I.M. Mohideen and its General Secretary M.H. Issadeen, demanding the formation of a ‘Muslim-majority Provincial Council. The memorandum emphasized that the Muslim community is an integral part of Sri Lanka’s ethnic mosaic and the Government had not promoted its interests. It stressed that devolution of power to local units could alone re-establish

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6 Hasbullah, n. 3, p. 20.
7 A Proposal for a Muslim Majority Provincial Council in Sri Lanka, Memorandum sent to the President J.R. Jayewardene by the ESLMF (Colombo: 9 August 1986), nn. 1-3.
peace in the island. But this should not be confined to the Tamil or Sinhalese majority areas. Instead, the Muslim areas too should be given due attention. It proposed that a Muslim-majority Provincial Council would have Ampara as its headquarters. In the event of the merger of the Tamil-dominated areas of the Eastern Province with the Northern Province the areas of Muslim concentration in Mannar District should also be amalgamated with the Muslim Provincial Council. The non-contiguous Muslim areas should be made community-oriented Pradeshya Sabhas. The memorandum ended with the hope that such measures would help foster unity and integrity among the Sinhalese, the Tamils and the Muslims of Sri Lanka.\textsuperscript{8}

The All Ceylon Muslim League in its proposals submitted on 26 August 1986 suggested a scheme for the creation of a Muslim Council. The area of authority of the proposed council would include the three predominant Muslim electorates—Kalmunai, Sammanthurai and Pottuvil, including the remaining part of Wewagampatthu South Eastern, approximately 900 sq. miles, in the present Amparai District as basic unit and the non-contiguous Muslim areas of Kattankudy, Eravur, Valaichenai, Ottamavadi, Mutur, Kinniya, and Thampalagamam.\textsuperscript{9} In December 1986, M.H.M. Ashraff, the leader of the SLMC, went on record saying, “We are very keen to preserve the territorial integrity and unity of our country. We do not want separation. We want equality of treatment, justice and fair play; do not discriminate against us please in the determination of national affairs.”

\textsuperscript{8} Ibid, pp. 6-9.
\textsuperscript{9} Memorandum sent to President J.R. Jayawardene by the All Ceylon Muslim League (Colombo: 26 August 1986).
Muslims and the Indo-Sri Lanka Accord of 1987

The Indo-Sri Lanka Agreement, signed on 29 July 1987, contained three core elements. First, it acknowledged that Sri Lanka is a multi-ethnic and multilingual state, in which all citizens born in Sri Lanka are equal and there would be no discrimination on the basis of ethnicity and language. Commending this stance, Ashraff said that the “only way to solve the problem of the North-East is to find a solution which will recognize the rights of the minorities of the region, the minority Muslim community, the minority Sinhala community and also the aspirations and fears of the Tamil majority community”.

The second core issue agreed in the India-Sri Lanka accord was that the Northern and Eastern Provinces were the historical habitation sites of the Tamil-speaking people. Disagreeing on this broad categorization, the Muslims thought it necessary to specify communities residing in the region. Ashraff said, “The Indo-Lanka Accord has conveniently forgotten the presence of the Muslim community in the North and east regions. … [T]he Muslim element of the Eastern Province is very important not only to the Muslims of the Eastern Province but to all the Muslims of this country because it is only in the Eastern province that you find that 33 per cent of the population are Muslims.”

The third point of agreement in the India-Sri Lanka accord was on deciding the merger of Northern and Eastern Provinces through a referendum. Muslims of all walks of life opposed this point. After the merger the percentage of the Muslim

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population would decline from 33 per cent in the Eastern Province to 17 per cent in the combined North-East. Ashraff said:

The Eastern Province where the Muslims were 33 per cent, were brought down to 17 per cent and they were made political slaves. That was reflected within twenty-four hours of the signing of the Indo-Lanka Accord when the Tamil terrorists armed with weapons played hell right across the length and breadth of the Northern and Eastern provinces where the Muslims could not do anything.\(^\text{13}\)

Reflecting a similar viewpoint, the Council of Muslims of Sri Lanka stated, “In the creation of the unit of devolution of power, the interest of the Muslims ethnic community has been completely disregarded and no opportunity has been given to enable this community to work out and ensure its own safeguards in terms for the principles enunciated above.”\(^\text{14}\) Even before the conclusion of the Agreement Ashraff stressed that the Indian Government should realize that only a proposal approved by the Muslim community would provide a lasting solution to the ethnic conflict in the island. He asked the Indian Government, the Sri Lankan Government and the Tamil leaders to make the Muslims of the Eastern Province a party to negotiations,\(^\text{15}\) but Ashraff was not even allowed to meet J.N. Dixit, then representing the Indian Government in Sri Lanka.

The 13th Amendment to the Constitution and the Provincial Council Act, putting forward the Provincial Council framework, have failed to meet the legitimate and reasonable demands of the Muslims and to recognize their political and ethnic aspirations. They failed to promote the socio-economic interest and to guarantee the

\(^{13}\) Parliamentary Debate, 20 June 1991, p. 1829.


security of the Muslims in the Northern and Eastern Provinces. Ashraff stated that "In the politics of the proposed North-East regions (the Muslims) have been made an insignificant minority or political orphans." In an interview published in 1990, he said that the Indo-Sri Lanka accord "was imposed on us, because we failed to solve our internal problems". The Agreement represented a "region oriented" devolution of power.

The leadership of the SLMC was vociferous about the SLMC's stand before the Indo-Lanka accord was signed. Ashraff stated that the Muslims were an impartial community, which was in favour of having friendly relations with the Sinhalese as well as the Tamils. They would like to serve as 'ambassadors of peace' between the two communities. The national ethnic crisis had gravely affected the future of the Muslim community, he said, and reiterated the need for the formation of a separate Muslim Provincial Council.

Ashraff maintained that the problems of the Eastern Province Muslims concerned the Muslims all over the island. They are scattered throughout the country, two-thirds of the Muslim population in Sri Lanka was scattered throughout the country outside the Eastern Province. Therefore, the political strength of the Eastern Province would be the political strength of the entire Muslim community of Sri Lanka. He, therefore,

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20 Ibid
stressed the need for a "community-oriented devolution of power" instead of a regional devolution.21

Under the Provincial Council Act, there was to be a referendum at the end of one year to decide whether the temporary merger with the Eastern Province should be continued or not. This referendum has not been held for last seventeen years. The 13th Amendment was imposed without any consultation with the Muslim political associations. The temporary merger was effected undemocratically by a regulation under the Public Security Ordinance during the Emergency.22

On the issue of the merger, Ashraff felt that the government was trying to create a conflict between the Tamils and the Muslims by turning the referendum into political issues. There has been frequent outbreak of violence in the region and the Muslims were evacuated from the North. The Government exploited the rift between the two Tamil and Muslim community to a creation of a separate North and east. He even pointed out that on many occasions, it was the Government (the UNP or the SLFP), which instigated violence between the Tamils and the Muslims.23

The Muslims understand the aspirations of the Tamils for autonomy, since the result of the referendum is a forgone conclusion. The Tamils would never forgive the Muslims for not supporting a referendum. If the problems are solved on a regional basis, Ashraff suggested for a solution on a "humanitarian and democratic basis"- means re-demarcation of existing boundaries to create new regions.

21 Economic Review, n.18.
The Peace Process in the Aftermath of the 1987 Accord

One of the major steps in the direction of solving the ethnic crisis in the country in the 1990s was the setting up of the Parliamentary Select Committee (PSC) under the chairmanship of Mangala Moonesinghe on 9 August 1991. Almost all the political parties including SLMC were its members. In June 1990, the CWC leader S. Thondaman submitted a ‘Minimum Programme’ for the consultation of the PSC. Its salient features were: unconditional permanent merger of the North-East; greater devolution of power to the Provincial Councils and institutional units and constitutional safeguards to protect the interest of the Sinhalese and the Muslims living in the North and the East. The strategy was to forge an alliance with the Muslims. The SLMC agreed to the merger subject to an ‘Institutional Mechanism’ that provided for a separate unit for the Muslims in the Eastern Province.

However, differences developed between the Tamils and the Muslims over the nature and structure of the mechanism and Ashraff withdrew his support to the agreement, describing it as non-comprehensive, and took initiative for prepared a package of proposals to be considered by the PSC.24 In the mean time the General Secretary of the SLMC, M.J.A Shaeed, stated, “Creation of a separate Provincial Council for the Tamil predominant Pradeshiya Sabhas in the East shall further enhance better understanding as the Tamils and the Muslims in the East are inter-dependent on each other.”25 Ashraff stated,

Permanent peace will be possible between the Tamils and Muslims only if the Tamil community wholeheartedly recognizes the political individuality and independence of the Muslim community. Tamils must realize that the Muslims are a separate entity although both communities speak the same language. As much as there

24 Ibid, pp.18-20.
25 General Secretary, Sri Lanka Muslim Congress (Colombo: 14 September 1990).
should be devolution of power from the centre to the Tamil community, it is equally important that power should be directly devolved to the Muslim community as well. The equilibrium could be maintained if political power could be vested in both communities.\textsuperscript{26}

After Chandrika Kumaratunga became President being elected on a peace platform, on 8 January 1995 the Government and the LTTE reached an agreement on “cessation of hostilities”. But after four months of ceasefire, the peace negotiations collapsed when the LTTE blew up two Sri Lankan naval craft and, within a week, downed two Sri Lankan air force planes.\textsuperscript{27} President Kumaratunga, while reining in the warmongers in her government, set out to formulate a constitutional framework to offer the minority communities their rightful place, calling on the representatives of the three communities to attempt a consensual solution. As a partner of the coalition government, the SLMC sent a proposal on establishing a predominantly Muslim unit in the Tamil-speaking area of the Northern and Eastern Provinces. The proposal reads:

1. A separate Muslim majority administrative district should be created in the present Ampara district comprising the former four DRO’s Division of Panamapattu, Akkaripattu, Wewegampattu South AGA division (South Gel Oya River). Area 920 sq. miles.

2. Creation of ethnic oriented Pradeshiya Sabhas/AGA Division including the agriculture lands and natural resources in proportion to the population of each community in the administrative district mentioned 1 above.

\textsuperscript{26} Hasbullah, n.3, p. 26.
3. Creation of Muslim majority Pradeshiya Sabhas in Kathankudi, Eravur, Ottawadi/Vallichena comprising the agricultural lands and natural resources in proportion to the 24% Muslim population in Batticaloa district.

4. Creation of Muslim majority Pradeshiya Sabhas/AGA division in Trincomalee district in Muthur, Kinniya, Thampalakamam, Thoppur and Kuchchaveli comprising the agricultural lands and natural resources in proportion to the Muslim population of 29% in the Trincomalee district. Area 414 sq. miles.

5. Creation of Muslim majority Pradeshiya Sabhas/AGA Division in Mannar district in Musali and Eralampiti comprising the agricultural lands and natural resources in proportion to the Muslim population of 27% in Mannar district. Area 278 sq. miles.

6. Urban Council should be created in Kalmunai, Sammanthuri, Kathankudi and Kinniya without reducing the Muslim majority in the balance areas of the Pradeshiya Sabhas/AGA Divisions.

7. Separate Muslim majority administrative districts should be created linking the Muslim majority Pradeshiya Sabhas/AGA 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. km and population approximately 480,000, shall be the Muslim majority power sharing unit in the North-East region.\textsuperscript{28}

On 16 January 1996 President Kumaratunga offered a package of proposals, which envisaged establishing councils with exclusive legislative and executive powers. On 3 August 1995, its draft proposal was submitted to the Parliament Select Committee. The draft proposed that the existing provincial boundaries in the North-East would be re-demarcated with a view to reconciling the Sinhala, Tamil, and Muslim interest\textsuperscript{29} but the final proposal did not say anything on this count.

In his response to President Kumaratunga’s peace package Ashraff stated:

If the government decides to merge the North and the East into one region, we ask that Muslims of this country be given a unit for themselves, carved out of Muthur, Sammanthurai and Ampara. We go a step further and say whether the North and the East are merged or not, the Muslims of this country need a separate unit for themselves.\textsuperscript{30}

After 1994, Ashraff was able to convince President Kumaratunga and the SLFP of the need to offer adequate recognition and protection to the Eastern Muslims by appropriate constitutional provisions. These were contained in the draft proposals presented to Parliament in 2002.\textsuperscript{31}

\textsuperscript{28} A Summary of the Submission made to the Parliamentary Select Committee on Constitutional Reforms by Sri Lanka Muslim Congress, 26 May 1995, p. v.
\textsuperscript{29} For a text of the Devolution Proposal, see Sri Lanka: The Devolution Debate (ICES: Colombo, 1996).
\textsuperscript{30} The Sunday Observer, 25 February 1996.
Tamil-Muslim Relations after the Indo-Lanka Accord

To begin with, there had been serious differences between the Tamils and the Muslims in their expectations from the Government, which differences widened in course of time. The Muslims, however, did not have a precise agenda to safeguard and promote their community’s interests. They hoped that their interest would be taken care of by the ruling Sinhala party by offering adequate representation, which included two ministers and five Eastern Province Muslim members of Parliament. At the most, the Muslims expected a system of power sharing where the Tamils and the Muslims would be treated on an equal footing.

The Indo-Sri Lanka Accord, however, came as a thunderbolt to the Muslims, reducing their political strength. Ashraff said that the Accord totally ignored the existence of the Muslim community. He believed that without adequate sharing of power by the Muslim community of the North-Eastern Province this problem could not be resolved.32 The proposed merger of the provinces also aggravated the political problems of the Muslims.

Even before the arrival of the IPKF the Sri Lankan Government was contemplating schemes to devolve power. The Colombo-based UNP Muslim politicians were also extending unconditional support to the devolution of power. But several mosque committees opposed these plans, and that paved the way for the birth of the SLMC. In other words, the SLMC’s raison d’être was to prevent devolution of power that would be unfavourable to the Muslims. For this reason, it began to be seen as a fitting spokesman of the Muslims.

32 Parliamentary Debate, 8 June 1993, p. 228.
Around this time an armed group also evolved from among the Muslims. Earlier, the Muslim armed group had given birth to minor leaders. The IPKF banned the Muslim armed groups while the EPRLF physically eliminated the political and militant leaders of the Muslim community. These clashes were believed to have been instigated by the Tamil groups with the support of the IPKF. The Government on its part was adopting a carrot and stick policy. Until the arrival of the IPKF the Government openly supported the Muslim armed group but after the IPKF arrived, the militant Muslims became untouchable.

The UNP, which wanted to take the presidential post for Premadasa, vehemently opposed the Indo-Lanka Accord, which the SLFP had favoured. The SLMC did not appear to want to do away with the Indo-Lanka Accord; rather, it negotiated about reducing the cut-off point from 12.5 per cent to 5 per cent. In fact, as said earlier, the SLMC was oscillating between the SLFP and the UNP. Even after putting Premadasa in the Presidential chair the SLMC neither pressurized the UNP nor took a bold stand against it during parliamentary debates.

Political power at this time was shared by a triangular formation, involving the Government headed by Premadasa, the SLMC and the LTTE. Premadasa and the LTTE wanted to oust the IPKF from Sri Lanka whereas the SLMC was flexibly adjusting to whatever action it thought would bring peace. SLMC again failed to understand that its political allies were only fair-weather friends and that it was not seen as an equal partner.

Hasbullah, n.3, p. 30.
While coming to negotiate with the government, the LTTE had entrenched itself in the whole of the North and the East and was virtually ruling it. The IPKF while fighting to contain the LTTE, equipped and supported the EPRLF, both of whom targeted all those who they thought were Muslim militants. The LTTE banned the SLMC and even passed the death sentence on Ashraff but later adopted a conciliatory policy.

Against such a backdrop came the “Sudhumalai Declaration”, by which the LTTE for the first time recognized the ethnic identity of the Muslims. The declaration promised to safeguard the political interest of the Muslims once Eelam was established. It also gave expression to its understanding of the need of cooperation of the Muslims of the North and the East to achieve the Tamils’ political goals. Several confidence-building measures were also introduced. The convention of meeting mosque committees was reintroduced. Also, various political meetings were held in the Muslim settlements of the North and the East, in which prominent leaders such as Yogi, Mahattaya and Balasingham participated.

The Muslims looked askance at the Eelam idea of the LTTE. They wanted to remain within Sri Lanka and their largest demand did not extend beyond peaceful coexistence, mutual harmony and equality of status. However, while not supporting the Eelam cause they did not openly profess their indifference to it. The LTTE on its part became vindictive towards the Muslims, emboldened by the departure of the IPKF and the Government’s kid glove treatment of the armed groups.

34 After the 1987 Accord, Prabhakaran made the historical speech related to the Tamil Separate State.
Before the IPKF left and the JVP was tamed, the Premadasa government passively engaged the LTTE in negotiations. The LTTE preferred stage-by-stage negotiations. It was an opportunity that the SLMC missed. In the first stage of the negotiations A.C.S. Hameed\textsuperscript{35} spearheaded the talks. The SLMC could have earned a political bonus by identifying itself with Hameed. Nor did it utilize whatever political strength it had to negotiate with all the parties on equal terms. In the next ‘All Party Conference’ held in 12 August 1989, Premadasa gave primacy to the LTTE.

The high point of the Premadasa-LTTE negotiations was reached when the latter demanded the repeal of the sixth amendment of the Constitution, dissolution of the North East Provincial Council and holding of elections in which the LTTE/PFLT would be enabled to contest. The sixth amendment had been introduced by Jayewardene. It read, “No person shall, directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate state within the territory of Sri Lanka.”\textsuperscript{36} It prescribed extreme disabilities such as loss of civic rights, forfeiture of property, loss of membership of parliament, etc. The LTTE’s first demand would not have undermined the SLMC’s strength in any way, because its activities centre around the Eastern Province. Moreover, it was possible that the democratic path would have curbed the LTTE’s extremist inclinations. But Premadasa lacked the required majority in Parliament to approve the LTTE’s demands. He also faced severe opposition from Sinhalese people and politicians who abhorred even the thought of to negotiating with the LTTE.

\textsuperscript{35} He was an eminent conventional Muslim leader from the UNP and was Foreign Minister under President Jayawardene.

The LTTE’s demand for dissolution of the North Eastern Provincial Council, however, directly clashed with the interest of the SLMC. The party in its maiden participation in the battle of the ballot had won 17 seats and was looking forward to carving its political identity. Snuffing out the Provincial Council would have finished the political future of the SLMC. The council had been elected by the people, and dissolving it without sufficient reason would have been constitutionally unsound.

In any event, the aftermath of the Premadasa-LTTE negotiations was that the LTTE’s anger turned towards both the Government and the SLMC. The LTTE massacred hundreds of Muslims in the East. In the North, the LTTE passed an ultimatum demanding the evacuation of Muslims within 48 hours as a precursor to attaining its desire of having a separate Tamil land. 37 Ashraff reacted sharply to the mayhem and stated:

If the LTTE is killing us, if the LTTE is leaving us out of our homes, simply because we happen to be Muslims, simply because we say “La ilaha illallahu, Mammmdur-Rasoolullah” because of our belief in Allah and Prophet Muhammed (peace be upon him) ... if that is the only reason, it is the commandment of the Holy Quran that we should declare Jihad against them and kill every LTTEr. We shall now intend to slaughter every LTTEr including Mr. Prabhakaran. In a personal note, I will be the happiest if I can die in battle at the time of slitting the neck of this bloody Prabhakaran. These are my feelings. 38

Compared to the negotiations between the Government and the LTTE in 1989-1990, the talks in 1994 and 1995 appeared more military oriented than diplomatic, with the LTTE clearly taking an aggressive stance, talking only of a Tamil homeland. The

37 Interview with S.L.M. Hanifa, Former Member of Northeastern Provincial Council, Sri Lanka Muslim Congress, during the fieldwork in Oddamavadi in April, 2004
exploits of armed groups like the EPRLF after the departure of the IPKF seemed to have emboldened the LTTE.

Part of the failure in creating this uncongenial atmosphere must be attributed to the SLMC’s failure to utilize the opportunity to do constructive work. When the SLFP government of Chandrika Kumaratunga came to power, Ashraff had established his political strength and was a coalition partner in the government. He enjoyed Kumaratunga’s confidence to the extent of being recognized as Presidential Councillor. But despite the Muslims’ problems of refugees and the like, he did not promote a well-thought-out agenda explaining the Muslim standpoint, their expectations and aspirations. Such a step would have brought the Muslims of the North into effective control of the SLMC also.

In the 1989-1990 talks, the mediation by A.C.S. Hameed at least gave symbolic importance for the Muslim community. But despite Ashraff’s presence the Government relied on mediation by foreign governments such as by France. Ashraff being high on the hit list of the LTTE may have been one reason. When the LTTE renewed its attacks upon the Muslims in the North and the East, the Muslims took protection from the Government. Therefore, any mediation by the Muslims might have appeared to be favouring the government.

The government agenda revolved around (a) reconstruction, rehabilitation and development (b) political issues, and (c) strengthening the cessation of hostilities. Ashraff was the minister in charge of reconstruction and rehabilitation. This portfolio assumed particular importance in the context of mass exodus and creation of many of
refugees. Even so, Ashraff did not escape the blame of being a biased administrator who favouring the Muslims community in his official decisions.

The LTTE in its turn demanded the removal of embargo on all items. The Muslims, being a community predominantly oriented towards trade and commerce, mercantile activities and retailing, would have also benefited from this demand. The Government lifted the embargo on many items except eight items. The ban remained, however, on items of military nature such as arms and ammunition, explosives and pyrotechnics, remote control devices, binoculars, telescopes, compasses, fabric resembling Army uniform and penlight batteries.

The LTTE wanted the prohibition on fishing activities lifted. The Government agreed to relax the ban on fishing except that (1) from Devils Point to Thalaimannar fishing would be permitted only up to 5 natural miles from the shore, and (2) fishing would not be permitted within an area of one mile either side along the coast and 2 nautical miles seawards from all security camps on the coast. Further concessions would be possible if the LTTE’s militancy declined. Muslim fishermen would also have benefited from liberalized fishing.

The LTTE demanded the removal of Pooneryn Army camp and the right to free movement of LTTE cadres in the East. The Government agreed to leave 600 metres of land belonging to the camp area and promised good behaviour while it came forward to negotiating the extent of influence the LTTE sought. The agreement about

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free movement would have facilitated movement of the people of the two regions and would not have adversely affected the Muslims. But entrenching the LTTE in the North and East would have adversely affected the SLMC and all freedom-loving parties and undermined their security. However, ultimately the talks failed.

It became clear from the early stages of negotiations that the parties were on different wavelengths and each had divergent approaches and expectations. The government was proposing a multi-track approach to the talks. The LTTE on the other hand suggested that the talks should be on a stage-by-stage approach. Within this dialectical process, the SLMC wanted to create an identity for itself through which it planned to establish a harmonious place for its community in Sri Lanka's body politic. However, none of the parties to the negotiation could evolve a proper agenda. Mutual trust was lacking and therefore the parties to the negotiations failed to create a common agenda although the participants favouring a non-military solution.

**Demands for the South Eastern Provincial Council**

In order to safeguard the Muslims' interest in the resolution of the ethnic conflict the Muslim United Front demanded unification of the Muslim-majority areas of the North and the East to form a Muslim-majority territory. After the formation of the SLMC, Ashraff repeated the demand. In mid-1986 he appealed to the Muslims to unanimously agree to a separate Provincial Council. In this connection, he questioned the Government's rationale in that creating only one Provincial Council for the

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Muslims in the Eastern Province as against eight Provincial Councils for the Sinhalese and two councils for Tamils.\(^{42}\)

The Muslim demand was urged during the elections of 1988 and 1999. In the eighth conference of the SLMC before the Presidential election of 1988 Ashraff pointed out the plight of the Muslims and in order to attain their rights pleaded for a separate Provincial Council.\(^{43}\) Ashraff could rightly be credited for popularizing the demand for a separate Provincial Council for Muslims with the unified North East and it ultimately consolidated his base in the North and the East.\(^{44}\) But the intensity of the demand waned after the SLMC became a partner in the government.

When the Government suggested a power sharing scheme as the solution for the ethnic conflict Ashraff put forward a demand to create a South-Eastern Unit, containing only three constituencies of Ampara district, namely Pothuvil, Kalmunai and Sammanthurai. It accounted for only 58 per cent of the Muslims.\(^{45}\) When Ashraff was accused of favouring small percentages of Muslims ignoring others, he said that it was the Government that suggested this solution. Many said that the South-Eastern unit was the result of a secret understanding between Ashraff and Tamil United Liberation Front (TULF) led by Chelvanayagam. All Tamil organizations opposed the solution except the TULF. In the Bandaranaike-Chelvanayagam agreement the articles favouring Muslims suggested a division of the Eastern Province into two or


\(^{43}\) Ibid, pp34-35


more zones: “Granting of regional autonomy for the Northern and Eastern Provinces by the creation of one regional body for the northern province and one or more regional bodies for the eastern Province with the right of these bodies to amalgamate.” The imperative need to providing substantial autonomy for the Muslims was resisted on the basis of non-contiguity at different times. By the same rationale, the Tamils also are non-contiguous as far as the Eastern Province is concerned.

In the last phase of his political life, Ashraff indirectly supported the creation of at least a Muslim-majority administrative district, putting the issue of the South Eastern unit on the back burner. He would have wished to achieve at least some of his political objectives at the end of his political tenure, as the complexity of the ethnic problem did not permit him to achieve his objectives to the fully. In spite of the weak, unclear and unstable demands of the Muslim-majority Provincial Council to strengthen the Muslim identity, he tirelessly made efforts to strengthen the rights of Muslims. The Muslim community responded to all these developments through democratic means. The increasing support that the SLMC has received from the Muslims at successive elections since 1988 and the significant number of seats it has secured in the parliamentary elections demonstrate that it is a political force to reckon with in any negotiation for the settlement of the problems affecting Muslims of the North and the East.

47 The Daily Mirror, 26 October 2002.
2002 MoU and the SLMC Response against Muslims Violence

When the United National Front (UNF) government came to power in 2001, it made a ceasefire agreement with the LTTE through international support, especially with the help of the Norwegian Government. The peace process, involving the Northern and the Eastern province of the country was set to move towards direct negotiations aimed at securing a final settlement to the conflict. The ceasefire agreement, signed by the Government of Sri Lanka and the LTTE on 22 February 2002, made a reference to the Muslims, who extended overwhelming support and provided a mandate for the government to ensure the objective of peace, as a group of people not directly a party to the North-East conflict. The ongoing peace process is trying to set up an interim administrative structure that seeks to enable the LTTE to run the North-East for the benefit of the Tamils. The Muslims are concerned about their future in the North-East under an LTTE dispensation. Since most of the North-East Muslims have supported the SLMC, it is the responsibility of the SLMC leader Rauff Hakeem to quickly negotiate with the government and the LTTE for constitutional safeguards and effective power sharing arrangements for the Muslims in the administrative setup in the North-East.

LTTE chief negotiator Anton Balasingham in a statement apologized for the LTTE’s past mistakes. “Let us forget and forgive the mistakes made in the past. Tamil Eelam (nation) is also the homeland of the Muslims and we have to live in harmony,” Balasingham said. “We do recognize the unique cultural identity of the Muslim community.” It was announced that he and the LTTE leader Vellupillai Prabhakaran

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48 See the Original Agreement made between the Government of Sri Lanka and the LTTE on 22 February 2002.
49 *The Sunday Times*, 5 May 2002
planned to meet Muslim leaders soon. “Linguistically, economically and territorially the Muslims and Tamils are inextricably inter-related and therefore they have to co-exist as brothers in the North-East. There are a lot of misapprehensions amongst the Islamic community with regard to the LTTE’s political strategy,” Balasingham said. On an invitation from the LTTE leader V. Pirapaharan, the leader of the SLMC and Cabinet Minister Hakeem flew to the North with five of his party colleagues and with a mutual understanding of both parties. They signed the agreement between the LTTE and the SLMC.

LTTE-SLMC Joint statement

Politics of expediency have been the hallmark of the LTTE’s dealings with the Muslim community. In 1988, it professed its realization about recognizing the Muslim community as an integral part of Sri Lanka. Later, it resorted to massacre of Muslims, which created waves of Muslim refugees. Developments since the issuing of the LTTE-SLMC joint statement on 13 April 2002 (See Annexure 2) have followed a similar pattern. Prabhakaran called back the displaced Muslims to their historical habitation and it was also decided to create favourable conditions for the resettlement of the Muslims who had been displaced from small Muslim villages in the Eastern Province. The LTTE expressed its intention to help the Muslims to re-cultivate the uncultivated agricultural lands historically belonging to them.

The LTTE also went a step ahead and intended to form a new triangular relationship with the government along with SLMC. Since the SLMC had obtained the majority

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51 Ibid, 13 April 2002.  
52 The Sunday Observer, 9 June 2002.

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support of the Muslims, it was decided to talk to the SLMC on matters pertaining to
the Muslims in the North East, giving it an equal partner status. It was decided that the
SLMC representatives would participate as a group on behalf of the Muslims at the
negotiations to be commenced between the Government and the LTTE. The LTTE-
SLMC joint statement also spoke about approaching the political issues of the
Muslims in the North East on a policy basis and continuing discussions to foster their
unique political and cultural rights.53

But there was a sharp wedge between the LTTE’s declarations and its actions. It may
be that the leadership behaves lethargically or its control over the cadres is very loose.
From the recent incidents such as the schism caused by Karuna of the Eastern
Province it appears that the hold of the central leadership is weak.

Even though the LTTE and the SLMC issued a joint statement for making a
breakthrough in their relations on 13 April 2002, neither party followed up with action
on the ground. Fresh disturbances arose between Tamils and Muslims in the third
week of June 2002. The immediate provocation was the beating up of a Muslim three-
wheeler driver by the LTTE cadres on Muthur–Thoppur Road in Trincomalee District
on 20 June 2002 without any provocation by the victim. The victim’s family and
relatives then went to the LTTE local office, and in the ensuing confrontation the
LTTE office was damaged. The following day, some LTTE members gathered on
Muthur–Thoppur Road and started harassing Muslims.

53 Ibid.
The LTTE-SLMC joint statement envisaged the formation of a joint committee of representatives from both sides to facilitate the restoration of amicable relations between the two communities. It was decided to appoint an SLMC representative from each district in the North East to discuss the problems faced by the Muslims with LTTE Senior Commanders and to strengthen Tamil-Muslim relationship. There was also an effective scope for frequent meetings at the top level. Immediately after the Muthur incident the SLMC parliamentarian, Thowfeek, sought to meet the LTTE top cadre to prevent the escalation of the violence and to conduct an inquiry. But the LTTE merely escalated the situation.

At this juncture, the SLMC leader and Minister Hakeem visited Muthur and Thoppur—two of the most trouble-stricken Muslim areas—to brief Muslim leaders in the area on the agreements reached at the SLMC-LTTE talks.\(^\text{54}\) He said that the LTTE had failed to provide security for Muslims in the East despite guaranteeing it in the MoU. Hakeem said, "Much more responsibility was expected from the LTTE who call themselves sole representatives of the Tamil people. The LTTE must maintain their credibility in terms of the agreement signed with the SLMC and must now help restore confidence among Muslims. If they call themselves the sole representatives of the Tamils, they need to also be in a position to restore law and order."\(^\text{55}\) Despite Hakeem’s efforts at protecting the interests of Muslims a section of the Muslim activists does not believe his sincerity. They perceive that the SLMC leadership has shifted from the East to elsewhere in the country where there is not much Muslim concentration. They are of the view that the present SLMC leadership is not taking

\(^{54}\) *The Daily Mirror*, 16 April 2002

\(^{55}\) *The Island*, 30 June 2002.
taken for burial according to Muslim rites. But the LTTE cadres objected to the removal of the bodies and insisted on burning them. An Army Major on the spot, when he saw trouble brewing, contacted the headquarters and then advised the Muslims to leave the bodies and avoid any confrontation with the LTTE. The LTTE cadres then put the bodies on a heap of tyres and burnt them in full view of the Army and Police officials, destroying all evidence of their crime.\textsuperscript{61}

After the incident, the leader of the SLMC, Hakeem, visited the families of the victims and listened to the woes of his people at meetings held inside mosques. He called for restraint and appealed to them to have confidence in the state. He assured the affected people that he would submit a cabinet paper to get compensation. Hakeem said that this was a conspiracy to grab the business from the Muslims, the fishing trade and so on. He said, “It is a sinister design to target the Muslim economy.”\textsuperscript{62} Hakeem said that the violation of certain aspects of the statement of conciliation issued jointly by him and the LTTE leader had put the LTTE’s credibility into question among Muslims.\textsuperscript{63}

The Muslims consider that the crisis faced by them is a national one and hence should not be confined to a regional dispute, as the Hakeem-Prabhakaran accord seeks to make out. The need to offer adequate recognition to the Muslims is a must, without which a lasting solution cannot be reached. In any event, Muslim grievances must be addressed and their political aspirations fulfilled in a manner in which all communities will be treated equally.\textsuperscript{64} The State law enforcement authorities could

\textsuperscript{61} Mohideen, n.57
\textsuperscript{62} The Island, 1 July 2002.
\textsuperscript{63} Ibid, 7 July, 2002
\textsuperscript{64} The Daily Mirror, 5 September 2002.
adequate measures and putting pressure on the government to take appropriate steps
to protect the Muslim community in the East.56

The hostilities in Muthur and Thoppur spread to Batticaloa District when a peaceful
hartal was organized by the North-East Muslim Brotherhood Movement and Muslim
Students Union to protest the LTTE attack on Muthur Muslims and unlawful extortion
and abduction by the LTTE in the Eastern Province.57 When in spite of the hartial the
Tamils continued the bus service from the Tamil areas through Muslim villages, the
buses were stoned at Ottamawadi, a predominantly Muslim area. Violence then
erupted between the Tamils and the Muslims at Valaichchenai. The LTTE abducted
and killed 12 Muslims, more than 100 were injured, and 238 Muslim shops were
burnt and destroyed.58 Damage of more than one million rupees was caused due to the
attack on Muslims in Muthur and the loss caused as a result of the Valaichchenai
attack amounted to 96 million rupees.59 “The incidents at Valaichchenai and Muthur
happened after the MoU. There’s no way we can feel that the Tigers or other militant
groups are going to look after us,” said NUA leader Ferial Ashraff in an interview.60

Even after the Government authorities took steps to calm matters, the LTTE
continued to aggravate the situation. When two Muslim cooks went to the house of a
Tamil in Valaichchenai to prepare a wedding meal, the LTTE cadres abducted, killed
and buried them in a paddy field. After the family members of the victims identified
the bodies, the police after the post-mortem loaded the bodies in a tractor-trailer to be

58 Ibid.
60 Ibid, 26 October 2002.
not do much to stop the escalating violence for about a week when LTTE cadres attacked the helpless Muslims. The Muslim leadership blamed the government for its failure to bring the situation under control and protect the Muslims while Hakeem came under severe criticism from his own party men.

SLMC’s Eastern Province parliamentarian A.L.M. Athaullah also came out strongly against the government inaction. He called on the party leadership to seriously review their support to the government, which had failed in its duty by the people of the East, “especially Muslims who voted overwhelmingly for the UNF-SLMC alliance.”65 Other Muslim politicians, including Deputy Minister Mohideen Abdul Cader, also expressed similar sentiments. They held crisis talks on what they should do next and even went to the extent of emphasizing the need for a new leadership from the East to lead the party.66 Differences arose between Athaullah and Hakeem regarding the situation in the Eastern Province, when the people of the East asked Hakeem to snap all links with the LTTE in view of its continuous harassment of the Muslims.67 Nothing less than a separate Unit for Muslims would safeguard their security, was the common Muslim view.

Athaullah wanted to form a pressure group comprising SLMC members from the North and the East. Sensing that such a move could split the party, Hakeem said that not only members of the North and the East but also the entire SLMC should act as a pressure group to safeguard the interests of the Muslims. A majority of the Muslims believe that they would be worse off if the LTTE forms the interim administration for

65 The Sunday Times, 8 December 2002.
67 Frontline, 10 October 2003, p. 55.
the North and the East. Following the LTTE-Government MoU the Government had started withdrawing the Army from the East. The withdrawal of the Army from public buildings in the East had made Muslims vulnerable to LTTE attacks. At the same time, the Government instructed all police and army units in the Eastern Province not to entertain any complaints regarding crimes by the LTTE cadres. Police stations have not even written down complaints from Muslims, let alone act on them. This anxiety of the government to bend over backwards to the criminal demands of the LTTE led directly to the betrayal of the Muslim community. Meanwhile, the LTTE declared that Muslims are forbidden to enter areas under their control in the Eastern Province, following the riots between Muslims and LTTE.\textsuperscript{68} There is also evidence that the LTTE is resorting to new ways and means to charge taxes from the Muslims in the East. The Muslims therefore called on the SLMC leadership to demand a stronger military presence in the East. The Muslims also feared that in the forthcoming peace process and the interim council the security of the Muslims might not be guaranteed.

**Peace Process**

In the ongoing peace process, the Government has been trying various methods to give due representation to minorities at all levels. First, the Sub-committee for Immediate Humanitarian and Rehabilitation Needs [SIHRAN] was formed at the second round of talks.\textsuperscript{69} Now proposals for the Provincial Administrative structure in the North-East are under consideration by all the three parties. The primary object of all these arrangements is to transfer the power vested with the Centre to North-East or

\textsuperscript{68} *The Island*, 14 July 2002.

\textsuperscript{69} *The Hindu*, 17 June 2003.
rather to the LTTE with international recognition. By this process, the LTTE is trying to get legitimacy and international support for its role as the sole representative in the historical area of habitation of the Tamils and Muslims in the North-East.

As more than 80 per cent of the Muslims cast their votes in favour of the ruling political formation called the United national Front (UNF), the Government had a large responsibility to secure the fundamental interests of Muslims. Since the Government does not seem able or willing to do it, the Eastern Muslims have come to the conclusion that the representation of the Muslim viewpoint by the SLMC has become imperative. Meanwhile, the National Unity Alliance (NUA) leader Ferial Ashraff said that if the SLMC could give the minorities in the East what the People’s Alliance government gave them, the NUA would extend its support to the SLMC. Mrs. Ashraff said that an important factor for the UNF government to consider was the creation of a separate council for Muslims in the East so that “Muslims will not be given on a platter to the LTTE.” She said further, “We are also asking the SLMC leader if he is participating in the peace talks representing Muslim interests or the interest of the government. We want him to answer this and what we would like is our proposals to be taken as a part of the Government’s proposals in the talks. That is how the PA government took Muslims’ proposals into consideration.” She declared, “We do not want to act in a manner that will be detrimental to the community’s aspirations and if they can get something better than what already exists, then we will support the SLMC.” Mrs. Ashraff also noted that the Sinhalese and Muslims in the East had been grossly neglected in the peace process and through the SLMC she was urging the Government to look into these issues which were of critical importance.70

70 The Daily Mirror, 27 August 2002.
NUA parliamentarian M.L.A.M. Hisbullah meanwhile said that the LTTE was now in a strong position and unless the Muslim community came together as one force, it would never be possible to achieve the people’s aspirations. “We have realized that our fighting will only make the LTTE stronger, and if we are to address the grievances and get back the rights of the Eastern Muslims, then we have no other way to get them than to make the SLMC stronger.”

All the SLMC MPs unanimously agreed on Rauf Hakeem’s participation in the Thailand peace talks held on 16-18 September 2002 in the capacity of the SLMC leader and not as a government representative. Hakeem during his discussion with LTTE chief negotiator Anton Balasingham on 3 September 2002 at London managed to clinch a deal whereby Muslim interest would be represented at the peace talks. According to the deal, Hakeem would participate in the first round of the talks as a member of the government delegation but at subsequent talks, he would participate as the leader of the SLMC, thus representing the Muslim voice, making the peace talks a tripartite exercise. He said that the LTTE understood the context in which the SLMC participation would take place at the initial stage of the talks. “Any settlement reached will not be seen as legitimate if the Muslims are not involved in the negotiations. It is essential that the Muslims are represented even at the initial stage of the talks though it may be seen as though the talks are confined to the main protagonists—the Government and the LTTE.” The LTTE agreed that the SLMC leadership could lead a separate delegation to the talks on subsequent rounds where more contentious issues

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71 Ibid.
72 The Sunday Observer, 8 September 2002.
such as the interim council and final resolution of the conflict would be discussed.\textsuperscript{73}

The LTTE also agreed that a Muslim delegation would be invited to the peace talks at an appropriate time for deliberations on relevant substantive political issues.\textsuperscript{74} When the first round of peace talks were held in Thailand Hakeem participated as government representative with other seniormost Ministers. Soon after returning from the peace talks an announcement was made that in the future rounds of peace talks Hakeem would not be pressing the demand for a separate Muslim unit in the North-East. He said, “This is not the time to demand a separate unit for the Muslims.”\textsuperscript{75}

\textbf{Impact of the Ethnic Conflict on SLMC}

Regarding the demand for a separate unit for Muslims, there is a split within the SLMC.\textsuperscript{76} The prime cause for the split is the call for the establishment of a separate Muslim unit of administration for South East Lanka in the event of a North East Provincial Council under an interim administration of the LTTE. The LTTE has rejected the Muslim unit proposal. The LTTE seems to be having its way and the UNF leadership appears to have persuaded Hakeem to softpedal the idea. The radical elements of the SLMC also are opposed to the idea.\textsuperscript{77}

The delay in including a separate Muslim delegation caused the first political ripple during the negotiations process. As early as the December round of talks the SLMC saw a rebel group emerging, and Hakeem, who was also a member of the negotiating team, returned to Sri Lanka without attending the Oslo meeting, where the

\textsuperscript{73} The Island, 8 September 2002.
\textsuperscript{74} Frontline, 31 January 2003, p. 25.
\textsuperscript{75} The Daily Mirror, 7 October 2002.
\textsuperscript{76} For details see “Where is SLMC heading for”, The Sunday Times, 8 December 2002.
\textsuperscript{77} The Island, 4 December 2002.
government and the rebels agreed “to explore federal options”. The SLMC subsequently split and the dissident group led by A.L.M. Athaulla charged Hakeem with being more concerned over being a minister than serving the Muslim community. He said, “Hakeem has failed to address the issue of Muslims living in the North Eastern province. He only acted as a puppet of some local and foreign agents like the LTTE. He had the tendency of threatening anybody within the party who raised the grievances of North Eastern Muslims and their future in the peace process.”

Regarding the SLMC parliamentarians’ boycott of Parliament he said, “SLMC parliamentarians boycotted the Parliament for certain demands because Mr. Hakeem cannot win the aspirations of the Muslims. He betrayed the Muslims in the peace process. If he was not sacked from the party he would have signed on behalf of Muslims the Oslo document for the establishment of a federal system agreed to by the LTTE.”

The dissident group in the SLMC organized the 18th party convention in the last week of December 2002. The resolutions of the convention included: Welcoming the Government’s peace process by giving Tamils and Muslims of the North and East equal rights. The participants supported all efforts taken by the Government to restore peace and harmony. They demanded that an independent Muslim body consisting of intellectuals and educationists representing the Muslim community should be included in the peace talks between the Government and the LTTE. Another demand was that a separate Administrative Unit for Muslims in the North and East equivalent

78 Frontline, 10 October 2003, p. 56.
80 Ibid.
to the Tamils should be given if the North and East are merged. "The Government must give assurance and the LTTE to make efforts to rehabilitate displaced Muslims of the North and East to their respective places. A full compensation should also be given." 81

In June 2003, the Prime Minister called upon the LTTE to hold discussions on an 'interim administrative council' since the LTTE unilaterally pulled out of the peace talks on 21 April 2003. But the LTTE subsequently demanded a 'politicoadministrative' interim structure outside the island's unitary constitution, as proposed by its leader. 82 There was no provision in this demand for the cohabitation of all the communities in the North and the East Provinces. The Muslim community wanted that their grievances also should be included in the interim administrative council.

After months of uneasy clam, tension gripped eastern Sri Lanka in August 2003 with a general closure to protest the killing of two Muslims by "unidentified gunmen", which affected normal life in the Muslim-majority Ampara district. 83 Four Muslims had been killed in the previous week in two separate incidents by "unidentified gunmen", which caused a hartal in Muslim-majority areas. The SLMC blamed the LTTE for the killings. 84 The leader of the political wing of the LTTE, S.P. Tamilchelvan, visited the sensitive Eastern districts for a "first-hand appraisal of the ground situation". 85 Even though both the LTTE and the SLMC worked to bring unity between the two communities, violence against the Muslims is continuing by the LTTE cadres.

83 Ibid.
Though attempts have been made to address the issues of power sharing for a permanent and just solution to the problems of all the ethnic communities in Sri Lanka, the attempts have been based on shifting sands, since the LTTE does not recognize the historical legitimacy of the Muslim community. The Muslims in the North and the East are trying through the SLMC to get their distinct nationality recognized and they demand that when the settlement comes to give separate autonomy for the Tamils, there should be a homeland for the Muslims to guarantee their territorial integrity, based on the recognition of the historical legitimacy of the Muslim community. They wish to have self-determination to preserve and protect their interests.

Conclusion

Ethnic conflict is a prominent issue in Sri Lanka politics since 1915. The conflicts were mostly short and snappy in the beginning, and communal harmony used to be restored. The competition mainly between the Sinhalese and Tamils for attaining beneficial positions in the political institutions as well as in the bureaucracy was fully manifested in the conflicts that arose since the 1950s. Leaders who were loyal to their class than community made use of the tools of conflict and created political space for themselves. The festering problems militarized the communities, which hitherto had struggled along democratic patterns or at least without arms. Even the SLMC in its infancy found it difficult to prevent the tendency towards violence.

Due to the ongoing ethnic violence against them by the LTTE, it is important for the Muslims to ensure their physical safety and economic security. The Muslims are
trying to achieve this through the political process. It is imperative to have peace talks to bring lasting peace in Sri Lanka. Unless the peace process is accompanied by a political settlement that can be accepted by all minority communities, it would not be a lasting one.

The Sri Lankan polity had many opportunities to effectively check the growing power of the militants by taking them into democratic politics. But the government abandoned these opportunities during the Premadasa-LTTE negotiations, when both sides came to the negotiating table with uncompromising agendas, the LTTE's prime objective being to carve a safe political future for itself first. The Kumaratunga-LTTE negotiations remained mainly military oriented, with both sides speaking about lifting the economic embargo and removal of the military camp at Pooneryn and such like. The issues that should have been of prime concern, pertaining to the plight of people of various ethnic textures, did not occupy the centre stage. The LTTE, which adopted a stage-by-stage approach took the stand that those issues could occupy centre stage only in the final phase. But until such issues of significance were brought to negotiation the destiny of the Muslim people also could not be discussed.

The Muslim participation in the peace negotiations is also hamstrung. There is opposition from the Government as well as from the militant groups whenever the SLMC has tried to carve its space in the peace process. In the recent phase of peace negotiations, SLMC representation has been objected to with the palliative that in subsequent time they will be included. While the peace talks are continuing between the two parties, the SLMC is making an effort to ensure acquire to accommodation of
the aspirations of the Muslims of the North and the East. On certain occasions, various steps taken by the SLMC have also attempted to resolve the conflict.

It will be a particular challenge to the SLMC to ensure a way to represent its voice fully at the talks. It will also be essential for the SLMC to have a firm commitment on governance in an interim administrative structure under discussion even if it is only aiming at interim arrangements. The Muslims feel that they are not asking anything more than what is legitimately due to them. They do not like the way the governments are trying to woo the LTTE at the expense of the interests of the Muslim community. The Government has an obligation to protect the interest of the Muslims. By solving the Tamils’ problems, the Government should not create a Muslim community as political and social slaves in the merged North and Eastern province. The continuing violence against the Muslims in the East, which forebodes ill for the Muslims in an LTTE-ruled dispensation, is the biggest challenge ahead to the ongoing peace process.