

The Displaced Northern Muslims of Sri Lanka: Special Problems and the Future

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Abstract

It has been widely established as fact that ethno-political conflict and civil war between the Tamils and the Sinhalese in Sri Lanka have generated immense sufferings among the Tamil and Sinhalese ethnic groups at the level of the masses. However, very little has been discussed about the plights of the Muslims of the North and East, particularly the former who became victims of the Sri Lanka's long running ethnic conflict. In October 1990, the entire Muslim population of Jaffna, Vavuniya, Mullaitivu, Mannar and Kilinochchi districts in the northern region were evicted from their homes at gun point and turned into Internally Displaced Persons overnight by the Tamil Tigers (Liberation Tigers of Tamil Eelam). Muslims of the North claim that they have some basic and important problems to be solved. This study attempts to identify some of the special problems of the expelled Northern Muslims who are languishing in the state supported refugee camps in Puttalam district. A questionnaire on the special problems of the Northern Muslims was circulated to the North Eastern youth, students, unemployed Muslims, and farmers. The population of the target group was selected randomly. More than 250 questionnaires were issued. Ninety percent of them responded to the questionnaire. Interviews were also conducted over the phone with an educated section of the Northern Muslims. Finally, solutions are suggested to the protracted ethno-political conflict based on power-sharing and easing the special problems of the Northern Muslims.

Keywords

Divided societies, ethnic conflict, IDPs, modernization, power-sharing, refugees

Introduction

On 18 May 2009 the Sri Lanka's Sinhala-dominated military announced that Velupillai Prabhakaran, the founder and leader of the Liberation Tigers of Tamil Eelam (LTTE), was dead.¹ This development

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on the war front effectively signalled the end of an ethnic war which has killed over 100,000 people, mostly minority Tamils, forcibly displaced hundreds of thousands more internally, and forced nearly a million Tamils to flee the country. The news of Prabhakaran's death gave immense relief to the Muslims of Sri Lanka, particularly the Muslims of the North and East. On 19 May 2009, sections of the Muslims of Colombo and their organizations organized a procession 'to commemorate the war victory and end of the bloody war'.²

Sri Lanka's ethnic conflict between the Tamils and the Sinhalese victimized the Muslims of Sri Lanka, particularly the Northern and Eastern Muslims: thousands of Muslims were expelled forcefully from Jaffna in October 1990; 300 Eastern Muslims were killed at prayer time inside their mosque in 1991 and Muslim wealth was confiscated in the Jaffna, Baticolaoa, and Amparai districts of the North-Eastern Province (Imtiyaz, 2009).

This paper will review some special problems of the Northern displaced Muslims of Sri Lanka who comprise only 4 percent of the Tamil dominated Northern Province. To understand the problems of the Northern Muslims, this study will address the following questions: What are the special problems of the Muslims of the Northern Province? Could an arrangement of settlement in their original land be arrived at the present political context?

General Remarks on the Sri Lanka Muslims or Moors

The Muslims, who practice Islam and speak Tamil, are a significant section of the minorities in Sri Lanka. They constituted 7.9 percent of the island's total population in 2001.³ The term Moors was used by the Portuguese in the 16th century to refer to people they regarded as Arab Muslims and their descendants. The term was applied based on religion and had no role in identifying their origin (Vasundra Mohan, 1987: 9).

Muslims were scattered along the coastal areas of Sri Lanka but some of them had moved into the interior. The majority of the Muslims (62%) live outside the North and East of Sri Lanka in the South region, amidst the Sinhalese. Thirty-eight percent of them, however, have long established themselves in the Tamil dominated North and East, the region the Tamils claim as their traditional homeland.⁴ The Muslims from the Northern region constituted only about 4 percent of the Northern Province. They were engaged in trade, agriculture, fisheries, teaching and skilled trades like tailoring to earn their living. The Muslim destiny of the North was intertwined with that of the Tamils.

In the East, the Muslims claim to be a majority in Amparai district of the Eastern Province which is part of this region.⁵ The demographic complexity of the Eastern Province – once predominantly Tamil speaking – is today a volatile mix of Sinhalese, Tamil and Muslim populations. This makes it a veritable ethnic tinderbox. Since approximately 38 percent of the country's Muslims live in the East, it makes them a significant opposition group to the Tamil Tigers' homeland campaign.

The Muslim identity in contemporary Sri Lanka developed a non-Tamil identity based on Islam (McGilvray, 1997). The radically shifting political development and 'political fortunes throughout the course of Sri Lankan history have made them realize that their identity lies in holding fast to the religion of Islam and not to any ethnic category' (Ali, 2006: 375).

Muslims of the North and East blame the Tamils for their being compelled to seek a distinct identity based on the Islamic religion. The demographic anxiety and competition to control economic and land resources as well as elite oriented power politics were cited as major factors in the ethnic disharmony and violence between the Tamils and the Muslims of the North and East (Imtiyaz, 2009). This was a key factor in the formation of the Sri Lanka Muslim Congress (SLMC) in the mid 1980s at a time when the Muslims had established informal and formal contacts with the Sri Lanka state forces to fight against the Tamil Tigers.

However, the Muslims living in the South and West regions, have not shown any such inclination to support an exclusive Muslim party, despite being increasingly marginalized by the majority Sinhalese. There are two major reasons for this: (1) the Muslims outside the North and East believe that the Sinhalese-dominated United National Party (UNP) and the Sri Lanka Freedom Party (SLFP) accommodate the needs of Muslims and its political elites by offering some significant and not-so-significant ministerial portfolios and positions, in addition to substantial business benefits enjoyed by the elites; and (2) unlike their brethren in the North and East, these Muslims are not being confronted with organized violence by the Sinhala-Buddhist extremist groups, targeting their identity and existence.

However, several Sinhala-Buddhist extremists have claimed that Muslims outside the North and East express sympathies to the ideology of violent Muslim groups which are strategically and ideologically linked to global *Jihadi* movements. These groups, according to the Jathika Hele Urumaya (JHU), are the 'Malik Group, Osama Group, Deen Malik Group and Mujahideen Group', and 'are some of the Muslim terrorist groups operating in Maligawatte'.⁶

Special Problems of the Displaced Muslims of the Northern Province

Northern Muslim Expulsion

The Muslim community of the Northern Province was expelled en masse by the LTTE in October 1990. The mass expulsion of the Muslims from the North was carried out in the following manner. On 22 October 1990, quite unexpectedly, the LTTE announced over loudspeakers in the streets of the Muslim settlements in the Northern Province that the Muslims must leave their homes, villages and towns, leaving all their valuables behind, or face death. The ultimatum was that Muslims should leave this region within 48 hours from the 22 of October 1990. In Jaffna town the time given was only two hours.⁷ 'On 27 October 1990, I was working in the fields. LTTE cadres came and asked us to leave the place within two hours. We took a few clothes in plastic carrier bags and walked a long way', said an elderly man now living in a Puttalam camp.⁸

There is no official estimation of the numbers of expelled Muslims from all of the Districts in the Northern Province. Some say it could be around 60,000.⁹ But some Muslim opinions give different numbers and put the number of Muslims from the North affected by the Tamil Tigers' action as high as 100,000. However, according to a report published by Department of Census and Statistics, Census on Population and Housing, Colombo, 1981, the entire Muslim population of the Northern Province in 1981 was 50,831 (Jaffna District – 12,958; Mannar District – 27,717; Vavuniya District – 6,505; and Mullativu District – 3,651).¹⁰

If the figure of 100,000 displaced Muslims, as the Tamil opinion points to, is to be believed,

one of two demographic miracles must have happened in Jaffna between 1980 and 1990. First, there should have been a large scale immigration of Muslim population into Jaffna region between 1980 and 1990. Or second, an unprecedented birth of Muslim babies should have occurred for 10 years due to some kind of divine blessing.¹¹

Any reasonable-thinking Sri Lankans, including Muslims, were aware that neither of the two miracles had happened; therefore, it is misleading to put the expelled Northern Muslim number as high as 100,000.

The LTTE did not officially release any logical reasons for the Muslim expulsion. However, one reason, according to LTTE watcher DBS Jeyaraj, was suspicion of a possible conspiracy by the

Northern Muslims against the LTTE.¹² 'It was suspected that the security-intelligence apparatus could be using Muslim businessmen traveling frequently to Colombo as agents to engage in sabotage or act as spies. Preemptive action was required it was felt'.¹³

Muslim–Tamil Relations in the North before the Ceasefire Agreement

Muslims of Sri Lanka live in almost every part of Sri Lanka with a concentration of them in the Eastern Province. Though many of the Muslims in the South can also speak Sinhala in addition to Tamil, those in the North and the East speak mainly Tamil. In the North they lived mainly in the Districts of Jaffna, Mannar, Vavuniya, Mullaitivu and Kilinochchi, generally as close-knit groups. In a report of the University Teachers for Human Rights it was stated that:

... in every way Muslims and Tamils in the North had been traditionally totally integrated into local life as interdependent communities. There were Muslim traders, tailors, iron mongers, labourers and scholars. More recently, several of them took to farming in the Killinochchi area. As part of the arena of culture and scholarship, Muslims formed an important component of the University of Jaffna. There was no conflict at all.¹⁴

In the late 1950s the Mayor of Jaffna was a Muslim (the late MM Sultan, Proctor and Notary Public), though there were only two members representing the Muslims living within the Jaffna Municipal Council limits, while the Municipalities of Kurunegala and Galle, in spite of being areas with a majority of Sinhala people, had Muslim Mayors in the late 1950s and early 1960.¹⁵ Such was the amity with which the Muslims were regarded among the Sinhalese and the Tamils amongst whom they lived.

Until the Osmaniya College was established in Jaffna in the 1960s, Muslim students of Jaffna had no option but to attend the Hindu or Christian Schools in the District for their secondary education. The first Muslim member of the then Ceylon Civil Service was a product of the Jaffna Hindu College which is one of the leading schools in the country.¹⁶ Subsequently this school produced two other Muslim Sri Lanka Administrative Service Officers. Another Muslim member of this service was a product of the Vaideswara Vidyalayam, a Ramakrishna Mission school in Jaffna. The Jaffna Central College, a leading Christian school in Jaffna produced a Sri Lanka Education Administrative Service Officer and an advocate of the Supreme Court, among others, who are Muslims. These Muslim students had no problems attending these schools where they were quite comfortable in the company of Tamil students and teachers.

It was the same in Mannar, Mullaitivu and Vavuniya, as far as the education of the Muslims are concerned. There were many seafaring Muslims from places like Erukkulampity, Musali and Pesalai and a few others engaged in cultivation in areas such as Musali and Veppankulam in the Mannar District, Thanneeruttru in Mullaitivu and Vaddakachchi in Kilinochchi. The leading traders in Jaffna, Mannar and Mullaitivu were Muslims. In all these areas there was absolute amity between the Tamils and the Muslims until the ethnic conflict gained ground and fouled the relationship among the three major communities in Sri Lanka.

With the passing of the Act of Parliament in 1956 making the Sinhalese language, the official language of the country replacing English, the seeds of discord between the various communities, particularly the between the Tamils and the Sinhalese, in Sri Lanka were sown.¹⁷ The events that led to the infamous ethnic riots of 1958, 1977 and 1983 were all the consequences of this discord. The various efforts taken subsequently to bring about amity between the Sinhala and Tamil communities did not bring the desired results. The Muslims, especially of the North and the East were

also affected equally by the language policy of the successive governments. This led to some of them joining hands with the Tamil political parties in their fight against discrimination. After the general election of 1960, the Federal Party, which was also known as the Tamil Arasu Kadchi, became the principal representatives of the Tamils and had two Muslim Members of Parliament elected by the Muslims of the Eastern Province.

In January 1960 the Federal Party called for a civil disobedience campaign and started a picket in front of Government offices and asked the Tamils not to co-operate with Government officers working in Sinhala. Subsequently, in February, they began the second phase of this non-violent agitation and called upon the entire population of the North and East, including the Muslims, to join in the campaign. The campaign spread to Mullaitivu, Mannar and the Eastern Province. It is reported that a large number of Muslims led by lawyers and businessman joined the satyagrahis in Jaffna (Sivanayagam, 2005: 85). In Batticaloa, Mr MC Ahamed, MP for Kalmunai 'exhorted the Muslims to join the civil disobedience movement and thousands of them led by the 2nd M.P. for Batticaloa Mr. Macan Markar participated in the campaign' (Sivanayagam, 2005: 86).

Such was the amity that existed between the Muslims and the Tamils at that time when turbulence started to brew between the Tamils and the Sinhalese, that it was no surprise that the then government viewed this amity with envy. It has been alleged that this prompted the government to scheme to divide these two communities to weaken the Tamils fighting against discrimination. Many attempts were made to entice the Muslim population to support the party in power. Consequently, Kalmunai which is a Muslim stronghold, returned a UNP candidate to Parliament at the subsequent general election. By this time Tamil youth had become restive and militancy had germinated. They saw that it was the only way in which they could win their rights. Some Muslim youth from the North and the East joined these militants.

In March 1990 the LTTE encircled the Jaffna Fort and in September 1990 they succeeded in taking control of the Jaffna Peninsula. This was followed in October 1990 by the expulsion of the Muslims from all the Districts in the North, although the Muslims of the Northern Province by and large had cordial relations with the Tamils of the Northern Province. A section of the Northern Muslims had a tactical understanding with the LTTE as well, despite their strict reservations about the LTTE's wider separatist agenda.

Nesiah has this to say about the expulsion:

The details of the constraints imposed on the victims varied from location to location depending on the brutality of the local leadership of the LTTE but nowhere were those who were evicted able to sell, transfer or otherwise secure or dispose of their property or to take with them cash or other movable possessions. The operation was carried out quickly and with such ruthless efficiency that there was little or no resistance.¹⁸

When the expulsion took place the Muslims leaders of Sri Lanka at that time were mute observers to events. They could not make the Government intervene and stop this outrage on the Muslims who lived in their midst. About 72,000 persons had to flee for their lives and take up residence in hurriedly established refugee camps in the Puttalam District. Other camps were established in Medawachiya, Anuradhapura, Kurunegala, Colombo, Negombo, Panadura, and a few other places. Despite the outrage that had been perpetrated on these Muslims, a majority of them do not harbour any animosity towards the Tamils. Instead they blame the LTTE for their plight.

Table 1 gives a breakdown of the number of Muslims who were expelled in 1990.

Table 1. Muslim families and persons forcibly evicted from the Northern Province by the LTTE in October 1990

Districts	Families	Persons
Mannar	7,600	38,000
Jaffna & Kilinochchi	4,000	20,000
Vavuniya	1,800	9,000
Mullaitivu	1,000	5,000
Total	14,400	72,000

Source: <http://www.jaffnamuslims.lk/static.htm>.

Post Displacement Period

Some of the Muslims who were expelled from the Northern Districts were transported up to a certain point in Lorries. Others had to walk long distances. Those from Mannar had to wait for their turn to get into the boats of local fisherman to get to Kalpitiya in the Puttalam District. When the expelled Muslims reached areas where there were concentrations of local Muslims who were sympathetic to them, they decided to take up residence in such areas. Sheds were put up in some places. In other places abandoned buildings were made available for them to occupy, as in the case of the oil mill camp on the Kurunegala Road in Puttalam. Vast stretches of the coconut estates of the local Muslims were made available for occupation by the displaced Muslims. In Colombo they were accommodated at the community centre in Punchi Borella and at a government building in Crow Island, Mattakuliya. The Government Agent of the respective districts took a count of those who came to reside in their respective areas as internally displaced persons and made the statistics available to the Commissioner General of Essential Services, who in turn arranged for the supply of dry rations to them.

Initially in the Puttalam District alone there were 113 refugee camps extending from Kalpitiya to Puthukudiyiruppu along the Puttalam Colombo Road. At the outset most of the families were provided with cadjan thatched huts to live in. The cadjans were replaced on a regular basis by the Red Cross Society while several other INGOs such as FORUT, Save the Children's Fund, OXFAM, UNICEF, UNHCR, and local NGOs such as the Rural Development Foundation, the Community Development Fund, the Integrated Voluntary Service Organization, the Consortium of Humanitarian Agencies, Sarvodaya, Service Civil International, Italian Health Corporation, Muslimart and such other organizations provided other services. Among the services provided to them were the supply of cooking utensils, the provision of sanitary facilities and clothing, conducting medical clinics, supplying water, pre-schools etc. The Government continues to provide dry rations with the help of the World Food Programme.

Most of the welfare centres were hardly adequate for a family to live in. The cadjan roofs often leaked. The inmates had to sleep on the floor on the mats provided by NGOs. During the rainy season the floors became soggy and there was no choice but to lie on them. In places where the welfare centres that were housed in existing buildings, as for instance, in the centres in Colombo and the oil mill camp on the Kurunegala Road in Puttalam, the rooms were partitioned using gunny bags, affording hardly any privacy. In Puttalam, all the huts in a welfare centre near the saltern were gutted by fire and the inmates only escaped death due to providence. Health, water and sanitation problems became endemic. The dry rations which the government provided weekly were often erratic in quantity and of a poor quality.

The inmates in each camp had to choose a camp leader whose duty it was to keep track of the services reaching the inmates of his camp. They had to display at a prominent location near the entrance to the camp information such as the name of the camp, the number of inmates in it, classified according to gender, and also stating how many children were in it. Some camps also had women's groups who had organized themselves into thrift societies and had even arranged for pre-schools in their camps. Each camp also had a place allocated to be used for prayers.

Initially there was an influx of organizations stepping in to assist the displaced Muslims. Several organizations attempted to raise their standard of living by conducting systematic awareness training programmes in matters such as thrift, hygiene, health care and sanitation. Some organizations even provided funds to encourage some of them to indulge in self-employment activities. In spite of so many institutions going to the aid of the displaced Muslims, the inmates of these camps were not satisfied with the assistance provided either by the state or the NGOs.¹⁹

Eventually it was found that most of the displaced Muslims became dependant on the relief provided in kind by the State and the NGOs rather than in engaging in activities that could make them self-reliant. There was a time when any visitor arriving in a vehicle to have a look at the welfare centre or even to meet someone there, would be besieged by anxious inmates and their children expecting the visitor to have brought something to be handed to them. Our informants visited a welfare centre with a vehicle load of used clothing collected from residents in Colombo for distribution to the inmates of a welfare centre and found it almost impossible to distribute them as the inmates all surrounded the vehicle in large numbers making it impossible even to get out of the vehicle.

Some of the inmates of these welfare centres were subsequently able to leave the camps and live either with friends or with known persons in the local areas, while some others were able to live either in rented houses or in houses which they were able to acquire from their earnings during the past several years.

As time went on their relationship with the local Muslims of Puttalam who had never expected these displaced Muslims to continue to live in their areas for such a long time, became strained. They began to looking at the displaced Muslims with rancour. Petty disputes between them became common.

In many areas in the district the displaced Muslims out-numbered the local Muslims. This was especially so in Kalpitiya, Nuraicholai, Palavi, Madurankuli, Aalamkuda and the villages around the saltern. Even in Puttalam town the numbers were almost equal to those of the local Muslims. This resulted in the locals having to share the available infrastructure in Puttalam with the displaced Muslims.

The local Muslims had to compete with the labour force among the displaced Muslims who were prepared to work for a lower wage. They could survive on this low wage because the State was providing them with dry rations every month free of charge. Since they were living in welfare centres and getting other assistance from NGOs they were better off than the local wage earners of that category because engaging them was less expensive. Consequently local workers could not find employers to use their services and pay them a higher wage.

Even the transport services became clogged and often the locals had to compete for seats in the infrequent and dilapidated buses that travel through their villages.

The schools in the area became inundated with the children of displaced persons. The Education Department came up with a solution and started having two sessions in most schools in the area. In some instances, extensions were constructed to the existing schools buildings, mostly with NGO assistance, to increase the space in them to accommodate more students. A few of the educated among the displaced were enrolled as volunteer teachers in these schools. Some of these teachers

were paid a stipend by some NGOs. The local Muslims thought the education of their children had been affected by this influx.

It was found that the children of the displaced were more studious than the local children. Consequently they fared well in the examinations. Some local parents were unhappy to see their children not performing well in studies and started blaming the displaced Muslims for letting their children outsmart the local children.

Be that as it may, it is a fact that successive governments did not develop the infrastructure in the Puttalam District to accommodate the influx of the displaced without straining the existing facilities of the people of Puttalam.

One reason why the Government did not show much interest in the concerns of the displaced was that they did not have any political power. The displaced did not have a right to vote in the districts where they lived as displaced persons. After much agitation they were told that those who are registered voters in the districts from which they were displaced could vote at the Parliamentary elections from the districts in which they live, but for candidates contesting in their electorates back in the North in the areas where they originally lived. A large number of young boys and girls who had reached the age to be eligible to cast their votes could not get themselves registered as voters. Yet they were able to elect one member to represent them using the advantages of the proportional representation scheme.²⁰ This chance to elect a member to represent them was lost during the subsequent elections due to too many of them falling prey to other political parties from the North who enticed them and enrolled them as candidates of their parties. The consequences were disastrous. They were left with no one to represent them in Parliament.

It was then left to the SLMC, led initially by the late Mr MHM Ashroff and later by Mr Rauf Hakeem, to speak in Parliament on behalf of the displaced Muslims. But the major aim was to attract Muslim votes for the SLMC during the elections. However, the SLMC could not achieve anything substantial for them, not even a commitment from the Government to compensate the Muslims of the North for the losses they suffered due to the expulsion, or even to get an assurance that all the displaced Muslims would be re-settled in their own areas as soon as possible with all the benefits that should go with such a move.

In the circumstances it could be said that the displaced Muslims have now been orphaned with no one sincerely taking an interest in their welfare. They therefore became disillusioned and did not know who to trust to get their needs attended to. The Minister of Rehabilitation under the last Government was himself a Muslim from Vavuniya; yet he could not do anything meaningful for the rehabilitation of these unfortunate people. The few who were educated amongst them were able to get employment in the State and private sectors while the more enterprising amongst them took to their traditional vocation as traders. The others continue to languish in the welfare centres.

After the Ceasefire Agreement

Political Issues. After the riots of 1915 between the Muslims and the Sinhalese caused by a minor incident of a Sinhala funeral procession going noisily past a mosque during a prayer time, there had been hardly any problems of that scale between the Muslims and the Sinhalese. All political parties that came to power after independence had a crop of Muslims among the top echelons of the party and Muslims have had very cordial relations with the members of the Sinhala and Tamil political parties. As Nuhman notes:

The development of the Tamil militancy in the North and East and their hostile attitudes towards Muslims since 1985 created a strong insecure feeling among Muslims, and intensified their ethnic sentiments. The

SLMC under the charismatic leadership of M.H.M. Ashraff sparked off this sentiment by its verbal militancy with some spiritual coloring and became a major political force in the East especially in the Ampara District. After the first provincial council election held in 1987 the SLMC almost monopolized Muslim politics in the East and also emerged as one of the major forces in Sri Lankan national politics too. Thus, the last decade marks the highest stage in the development of Muslim consciousness in Sri Lanka.²¹

When the conflict between the Tamils and the Sinhalese led to agreements being signed between the respective parties, Muslim political leaders were not involved. However when President Premadasa came to terms with the LTTE and invited them for an All Party Conference, the then Foreign Minister, the late Mr ACS Hameed, acted as an intermediary. Later when the ceasefire agreement was signed between the two parties in 2002 the Muslim leaders were not involved at all. They were not even allowed to send a delegation to present their issues of concern to the relevant parties. Even though Mr Rauf Hakeem, who was the leader of the Sri Lanka Muslim Congress at that time, had initially been a member of the government delegation to the preliminary talks, there was no room for an independent Muslim delegation.

Consequently in April 2002 Mr Hakeem had a round of meetings with Prabakaran and his team and signed an agreement promising that the displaced Muslims would be allowed to return to their homes in the LTTE held Northern districts (Imtiyaz, 2009). Following this, when the government had its second meeting with the LTTE in November 2002 in Thailand, the LTTE announced that the property of the displaced Muslims would be restored to them and that they would be allowed to return. However, these promises of the LTTE were not honoured. Yet the North and Eastern Muslims thought the Ceasefire Agreement provided an opportunity to develop their trading activities and to get exemption from the LTTE taxes which were a menace to Muslim traders (Imtiyaz, 2009).

It is believed that the LTTE was cautious in its dealings with the Muslims because they were afraid that there could be informants of the Sri Lankan forces amongst them.²² Besides, they were not happy to see the SLMC calling for a Muslim autonomous region in the East and parts of the North. This led to many attacks on Muslims especially in the East. However, in 2002 Anton Balasingham the political stalwart of the LTTE at that time called the expulsion of the Muslims in 1990 'a political blunder', while many of the supporters of the LTTE continued to justify the expulsion as an unfortunate by-product of the Tamil struggle.

All attempts to get the Government to include a Muslim delegation to the peace talks with the LTTE failed. Meanwhile violence against the Muslims, especially against those in the East, continued. This led to serious consideration, not only among the Muslim politicians of the East but also in the Muslims youth in the North and the East, of the need for a national identity for the Muslims of Sri Lanka. This culminated in the famous Oluvil Declaration of January 2003 by Muslim activist groups in the East calling for the recognition of the Muslims of Sri Lanka as a separate entity and emphasizing the need for a separate autonomous unit for the Muslims. The Colombo-based Muslim leaders, however, chose to ignore this declaration.²³

The existence of several factions among the Muslim political leaders was a grave setback to solving the problems of the Northern Muslims. Several unsuccessful attempts were made to unite the different factions of the Muslims. The Muslim Council of Sri Lanka played a key role in these efforts. The Muslim Peace Secretariat, which was established during the period of the ceasefire, failed to cement the different Muslim factions, perhaps because it was supposed to be more aligned towards the SLMC and NUA. The latter party has now become virtually defunct.

Be that as it may, neither the Muslims of the North or the East favour the merger of the Northern and the Eastern Provinces which is one of the main demands of the Tamil National Alliance, which

has emerged as the third biggest party in the country today after the general elections of April 2010. This election failed to bring forth any new members to represent the Muslims of the North because the numbers of those resettled in the Northern Districts is hardly adequate. Besides, the political consciousness of the displaced Muslims is not strong enough for them to be taken as a force to be reckoned with, as is the case with the Muslims of the East.

In the circumstances there is hardly any chance of the Northern Muslims becoming a political force to be reckoned with. This has become more so with the Sri Lanka Muslim Congress aligning itself with the People's Alliance and extending support to the President to get through the controversial 18th Amendment to the Constitution.

Re-settlement Issues. Though the country was comparatively peaceful during the ceasefire, the displaced Muslims of the North, especially those from Jaffna and Mannar were cautious in going back and re-settling in their areas of origin. This is partly because the government did not show adequate interest in reconstructing the infrastructure of the Muslims that had been vandalized soon after the Muslims had been evicted and further damaged due to the war that followed. The damage was so extensive that almost all the houses had been ransacked and even the masonry in most of them had been stripped. The roofs, doors, windows and fittings had all been removed. Thickets have obliterated the roads in which these dwellings were situated. Boundaries have been obliterated. In some houses there were Tamils who had been permitted by then LTTE to occupy them.

The Muslim villages in the Mannar district are almost non-existent. Some who have gone back to these villages have found the jungle has encroached into their villages. The government is now providing some assistance to these persons to clear the jungle.

The government has recently opened a direct road from Puttalam to Mannar. This has been a boon to those displaced from Mannar and living in Puttalam. However, in view of this road going through the Wilpattu Wild Life Sanctuary, it is available for limited use only. Free use of this road between Mannar and Puttalam is yet to come. Since some of the Mannar residents had toiled and made some money during their time as refugees in the Puttalam District they had been able to put up small houses for themselves in Puttalam. Now that the option to go back is available, they have hardly any savings to construct new houses or repair their damaged ones in their original villages in Mannar.

Those who are displaced and living in Puttalam are obliged to discontinue the practice they have been enjoying of getting free rations before they are resettled in their original habitats in the North. This has inhibited many from opting to go back as they are not sure if they would be provided with these rations once they get back to their own villages.

In the circumstances the reluctance of all the displaced Muslims to go back to their original homes while the ceasefire agreement was in force, could be understood. Besides, the LTTE did not show much interest in welcoming them back. Now that the LTTE is militarily defeated, the resettlement of the displaced from the Wanni has taken precedence over the cause of the Muslims who were displaced in 1990. Though more than two years has passed since the defeat of the LTTE, only about 10 per cent of the displaced Muslims have gone back to live in the North, especially in Jaffna full time. The majority of them are merchants running dual homes. They travel between Jaffna and the South every week.²⁴ A large percentage of them are still languishing in the welfare centres in Puttalam with no hope of returning to their homes in the near future for various reasons.

In 2007 the World Bank approved a project worth US\$32 million to provide permanent houses for many of the displaced and to provide education facilities and reconstruct the infrastructure.²⁵ Only a few availed themselves of this facility and returned to their homes. Our interviews with the displaced Muslims record anxiety and unwillingness to go back, particularly among younger

family members who do not wish to leave the Puttalam District where they were born after the displacement.²⁶

Those remaining in Puttalam have been placed in a dilemma. The Government continues to consider these people as displaced from the Northern Province and continues to deny them the same facilities as the local Muslims enjoy. This is specially so with regard to the right to vote in the district where they live now. As already stated, the Government is busy with the welfare or rehabilitation centres that were established for those displaced by the war in 2009 and has promised to resettle these persons as soon as the war ravaged areas are cleared of mines.

Land Issues. Some of those displaced from the North do not want to return as they fear that they would not be able to claim their lands back from those occupying them now. Because they have been away from their lands for more than 10 years they fear that the provisions of the Prescription Ordinance would become operative, rendering those who are occupying them now to claim ownership of such lands. However there are some owners who have come to some understanding with the present occupants and allowed them to continue to live there on agreed terms.²⁷

There are other issues that those who have been displaced are bound to face when they are eventually resettled. It would be necessary to identify the lands that are currently occupied by other Internally Displaced People (IDPs) which originally belonged to the Muslims. According to a survey carried out, secondary occupation of houses is as high as 12 percent in the Jaffna district.²⁸ The true extent of the secondary occupation would come to light only when all those who had been displaced return. Some of these properties under secondary occupation are occupied by State institutions such as the military. It is likely that eventually, the State may pay a rent to the legal owner of such property or pay compensation. However, such properties occupied by other IDPs could cause other problems.

Some of the Muslims are not in a position to know the status of their properties because still they cannot access their properties due to other reasons, such as a hostile environment or a fear that there could be mines.²⁹ There have also been instances of current occupants refusing to vacate the premises they occupy claiming ownership under the Prescription Ordinance No. 22 of 1871.³⁰ Section 66 of the Primary Courts Procedure Act No.44 of 1979 provides for relief in instances of secondary occupation of the land where the occupant claims ownership under the said Prescription Ordinance. The Government has from time to time issued regulations on this matter but aggrieved parties seeking legal relief and availing themselves of these provisions and regulations will have to face innumerable problems as these regulations are not easily accessible. Besides, where State institutions have taken over such lands, the Emergency Regulations negate all such laws and make obtaining relief almost impossible. However, international humanitarian law provides for the right of persons displaced during internal armed conflicts to return to their homes and natural habitations soon after the conflict is concluded.

Conclusion

Muslims of the Northern Districts who were forcibly displaced by the LTTE are economically and socially vulnerable and politically powerless. The problems of these people pertaining to their displacements are severe and thus deserve special attention and solutions. To this point, the government has not taken any meaningful steps in creating conditions of security and peace to resettle the Northern Muslims who are willing to go back to their ancestral land, nor has it taken any steps to pay compensation for land or property taken over by the State during the conflict that was concluded in 2009.

The Sri Lanka Government has been consolidating its military victory by establishing military camps and Sinhala settlements in the North. It is feared that lands belonging to Muslims will be taken over, especially in Mullaitivu and the Kilinochchi districts, to help advance military camps and facilities in these areas. The Muslims in the Mullaitivu District who owned large stretches of agricultural land have these anxieties and if the government continues to stick to this plan, they fear further marginalization in the North.³¹

There was another category of displaced Muslims who had land on LDO permits,³² especially in Mannar, Vavuniya and the Mullaitivu Districts. These are lands alienated by the State on grants with the land described with reference to a Plan registered in the office of the Divisional Secretary of the area. There were many cultivators among the Muslims of Mannar, Vavuniya and Mullaitivu Districts. Many of them cultivated lands they had obtained from the Land Development Officer on a permit issued by that officer. That is what is called an LDO permit land. In many instances the permit holders have lost their permits in the process of displacement and even the records in the Divisional Secretary's offices are non-existent. In such instances the relevant IDPs are unable to claim or establish the right to get back such lands. It may be desirable for the State to establish a mechanism by which IDPs who claim to have held an LDO permit to a piece of land, to get it back without too much hassle so that they could restart their lives once more on their traditional lands.

Besides, there are also instances of persons to whom LDO permits had been given but are either dead or have disappeared. In such instances the ownership of the land concerned reverts back to State and not to the heirs of the holder. This has caused a lot of problems to the families of such persons who were expecting to continue to use those lands not knowing that their entitlement to the land concerned has ceased. In the areas where the houses of the Muslims were located in Mannar and Jaffna those IDPs who returned found that the boundaries of their lands no longer existed. They had either been destroyed, the fences had perished or the land is overgrown with thickets so that the boundaries had been obliterated. Many of these people either do not have their deeds with them or those who have the deeds do not have the means to get the services of surveyors to measure and re-demarcate the boundaries. Where the boundaries are disputed they would have to go to court to get a ruling.

Many of the IDPs who have resettled and the others, who are still to go, do not have documents such as birth certificates, deeds of ownership of lands, death certificates and other such documents. They are undergoing considerable difficulties in getting copies of them from the respective Kachcheris. There have been about 25 complaints of Muslims from the Jaffna District having gone missing during the early 1990s. These disappearances have been confirmed by the Commissions of Inquiry set up for this purpose and the National Human Rights Commission which had also appointed a special Committee to inquire into such complaints. The complainants in these cases are still waiting to receive the compensation ordered for want of a certificate of death in respect of the disappearance concerned, which had been confirmed as the Registration of Deaths (Temporary Provisions) Act No; 17 of 2005 had lapsed and the alternative procedures available are not readily accessible to the IDPs. It is reported that efforts are underway to overcome this problem and enable the IDPs to get death certificates as was done following the tsunami of 2004.

It is reported that about 80 percent of the IDPs are landless. This includes the displaced Muslims of the North. In 2008 a circular was issued by the Registrar General of Lands seeking to survey the landless persons in the country with a view to providing the landless with State land. However, this has encountered several problems as the Divisional Secretaries of the relevant districts are unable to check if applicants have lands in other parts of the country. Some of the IDPs who were in the Puttalam district had purchased small plots of land while they were living there. So there is a need to create a suitable mechanism to enable IDPs who are in fact landless.

When and whether all those displaced from the North can get back to their original places of habitation cannot be predicted. Much depends on the infrastructure facilities they enjoyed prior to their displacement being made available. Some of them are even hoping that they would be compensated for the loss of their belongings through no fault of their own. The Government does not seem to be in any hurry to do any of this. Many of those born after the displacement in 1990 are now adults. Their parents are now old and feeble. Whether they would want to go back with their grown-up children and start life afresh cannot be predicted. Yet the wish to live in the environment in which their parents were born persists in the minds of many of the displaced from the North.

There should be viable solutions for the problems of the displaced Muslims. The government of Sri Lanka and its Muslim allies need to formulate rational solutions to seek a political solution to their crisis. But such an arrangement cannot be arrived at the current political condition in Colombo, where the ruling Sinhala political regime and its political partners, including the Tamil and Muslim, demonstrate no willingness to search for a political solution to the Tamil national question that led to the violent Tamil nationalism and the formation of the LTTE. The island of Sri Lanka should embrace a political solution. Such a political solution should be based on a power-sharing formula where representatives of Tamils and the Muslims of the North and East exercise greater power to formulate and execute policies without any obstruction from the centre. But the question is, will the Sinhala regime deliver peace?

In this context, one should not simply disregard any possible future connections between the economically weak but religiously rich (Northern) Sri Lanka Muslims who construct their ethnic identity on Islamic faith and global Islamic forces and who desperately need recruiters beyond the borders for their campaign to build an Islamic state. Our recent communications with a few frustrated displaced Northern Muslim youth suggests such possible future collaborations with the Middle-East-based Islamic transnationalists.³³ The rapid Islamization of the local Muslim community and the desire to uphold Islamic values suggest some form of transformations among the Muslims of Sri Lanka in general and the affected North and East Muslims in particular. One way to rationally prevent radicalization is to address the problems of the displaced Muslims. Sri Lanka should not be a new recruiting base for global Islamic forces. Such an eventuality will further complicate the path to Sri Lanka's needed peace.

Notes

1. Sri Lankan leader's victory declaration: <http://news.bbc.co.uk/2/hi/asia-pacific/8056791.stm> (accessed 5 August 2009).
2. Muslims marched to salute the war heroes, muslimwatch@yahoo.com (Tuesday, May 19, 2009 1:10 PM)
3. Department of Census and Statistics – Sri Lanka, Statistical Abstract of the Democratic Socialist Republic of Sri Lanka: <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf?> (accessed 3 May 2011).
4. Ibid.
5. Ibid.
6. We want Muslim terrorism probed – JHU Front: http://www.muslimguardian.com/pls/portal/mpnews.mp_gl_sum.set_newsId?p_news_id=10995 (accessed 9 December 2008).
7. An internal paper entitled 'The return of Muslims displaced in the Northern Province of Sri Lanka', submitted and presented to a Special Meeting of the Sub-Committee on Immediate Humanitarian Needs of the North and East (appointed by Sri Lanka Peace Talks) in Killinochchi, Sri Lanka on 29 February 2003.
8. Swaminathan Natarajan, Sri Lanka's forgotten displaced Muslims: <http://news.bbc.co.uk/1/hi/8113242.stm> (accessed 12 November 2010).

9. Interview with Mohamed Nasrullah (58) from Northern Province. He currently lives in Canada. The interview was held on 18 August 2010.
10. Sri Lanka population by ethnic group and district, Census 1981, 2001: <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf> (accessed 3 May 2011).
11. Sachi Sri Kantha, Expulsion of Jaffna Muslims; Part 1 the numbers: <http://www.tamilcanadian.com/article/3566> (accessed 24 March 2005).
12. Many Muslim anti-social elements were inducted as homeguards. These sections collaborated with the security forces in promoting anti-Tamil violence. In some cases Muslim homeguards were responsible for Tamil civilian massacres. Some Tamil hamlets and villages were destroyed by Muslim homeguard-led mobs. They were given covert support by sections of the security forces.
13. DBS Jeyaraj, Ethnic cleansing in the Northern Province: http://www.tamilweek.com/EthnicCleansing_NorthernProvince_1030.html (accessed 2 May 2011).
14. The expulsion and expropriation of Muslims in the North, Report 6, Chapter 3: <http://www.uthr.org/Reports/Report6/chapter3.htm> (accessed 23 November 2010).
15. They were the late MM Sheriff (Dorai) and the late Mr ARM Thassim.
16. That was the late AMA Azeez who later became the Principal of the Zahira College and was appointed a Senator.
17. MCM Iqbal, The beginning of the ethnic problem in Sri Lanka – violation of language rights: <http://www.ruleoflawsrilanka.org/resources/writings-of-m-c-m-iqbal/the-beginning-of-the-ethnic-problem-in-sri-lanka> (accessed 15 October 2010).
18. Devenesan Nesiah, Citizen's Commission: Expulsion of the Northern Muslims by the LTTE in October 1990: <http://www.groundviews.org/2010/citizens-commission> (accessed 13 October 2010).
19. The use of the word 'camp' was later replaced by the words 'welfare centres'.
20. Dr IM Illyas was the first Member of Parliament elected to represent the displaced Muslims of the North.
21. MA Nuhman, Ethnic identity, religious fundamentalism and Muslim women in Sri Lanka: <http://www.wluml.org/node/322> (accessed 14 March 2010).
22. Nadesan Satyendra, Muslims and Tamil Eelam: Forced evacuation of Muslims in 1989: Some Reflections: www.tamilnation.org/tamilleelammuslimsevacuation.htm (accessed 21 March 2010).
23. DBS Jeyaraj, Oluvil declaration proclaims advent of Muslim thesam: <http://www.thesundayleader.lk/archive/20030209/issues.htm> (accessed 24 April 2010).
24. Expelled Muslims happy to be back in Jaffna: <http://www.siasat.com/english/news/expelled-muslims-happy-be-back-jaffna> (accessed 25 May 2011).
25. Sri Lanka's Muslims: Caught in the crossfire, International Crisis Group, Report No. 134, 29 May 2007, p. 8. Available at: <http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/134-sri-lankas-muslims-caught-in-the-crossfire.aspx> (accessed 30 May 2007).
26. In interviews with a group of displaced Northern Muslims aged between 20 and 35 currently living in the Puttalam district. Interviews were conducted during January 23–29, 2009.
27. Interview with displaced Jaffna Muslim youth over the phone, 12 November 2010.
28. MHM Salman, Abandonment and the secondary occupation of property in the North: http://www.peace-muslims.org/Abandonment_and_the_Secondary_Occupation_of_Property_in_the_North-22-51.html (accessed 23 June 2010).
29. Interviews conducted during January 23–29, 2009
30. MHM Salman, Abandonment and the secondary occupation of property in the North: http://www.peace-muslims.org/Abandonment_and_the_Secondary_Occupation_of_Property_in_the_North-22-51.html (accessed 23 June 2010).
31. Interviews, 23–29 January 2009.
32. LDO stands for Land Development Officer in the office of the District Secretary (also known as the

Government Agent) whose duty is to deal with State land in the District concerned. He usually gives land on long lease to persons from the district who seek government land to do cultivation. Such lands are given to persons on a permit issued by the LDO, so the land concerned is identified as LDO permit land.

33. Interview, 25 November 2010.

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