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# P-TOMS AND MUSLIM POLITICS

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Many progressive forces welcomed the Post Tsunami Operational Management Structure as a step forward in the peace and tsunami recovery processes. They felt that the implementation of the agreement would help some measure of development and economic stability to the country. Those opposed to P-TOMS were considered to be little more than the spoiler elements from ultra nationalist camps. An unanticipated response has been the extensive Muslim agitation against their marginalization in the process that produced the P-TOMS agreement between the government and the LTTE.

There are many fora today that are conducting discussions on the issue of Muslims and the P-Toms and some effort is being made to address their concerns or at least to appear to be doing so. However there has been little concrete progress to date.

The Muslim dissatisfaction can be summed up as stemming from two main grievances. First is the Muslim participation in the peace process. The manner in which the agreement was entered into, with Muslim members of the government and the Muslim Peace Secretariat consulted rather late in the process and allowed only very minimal input, with no place in the discussions and no possibility of having signatory status, has been seen as a betrayal of the Muslims by the government. The precedent that it sets for future Muslim exclusion with regards to the peace process is troubling.

However on this same issue the agreement is a significant step forward that must also be acknowledged. For instance, the symbolic inclusion of Muslims within the apex body-regardless of the fact that it is toothless-is a step forward in the recognition of Muslims as an independent party and must be acknowledged as such. However it is only a very small step forward and the very paternalism of the manner in which it was mooted is troubling.

The message from the government and the LTTE is that they will take care of Muslim interests and therefore there is no need for the Muslim community to be a party to the negotiations. This contravenes all principles of inclusiveness and consultation and should constitute an exemplary critique of the conflict transformation mode that privileges conversations between two equals even to the detriment of a third stakeholder. Further, regardless of the inclusion of Muslims as a distinct party to the mechanism as an equal member in the apex body, all other symbolism speaks to a continuation of the two party logic on which the negotiations were based. The all-powerful regional committee controls the approval of projects and the disbursement of funds. At this level there are two groups of five with the LTTE constituting one group and the government constituting the other. And in the government group Muslim representation is three with the promise of one more position by the government as an appeasement to the Muslims. This does not change the fact that the Muslims

continue to be subsumed within the government party at the critical decision making level.

Secondly a mechanism framed as Tsunami relief is seen to pay little heed to the losses suffered by the Muslim areas that it seeks to address. The people of these areas lost large numbers of their populations and are currently undergoing a transformation of their way of life. The neglect that the region has traditionally suffered, compound by the dissatisfaction that is apparent with the tsunami recovery process throughout the country has been further exacerbated by the lack of consideration shown by the government in drawing up a Tsunami relief agreement favoring the LTTE. There haven't been many fora outside the East where such a disaffection could be voiced. The Muslims feel that there has been little acknowledgement of the loss suffered by them as a community. They feel that the memory of their dead and the suffering of the living is not sufficiently given prominence by the state. Unfortunately, stridently insisting that they were the "most affected," with an overuse of the rhetoric of victimization has been the principle way in which their dissatisfaction has thus far been articulated. In a highly ethnicised post-conflict context where each ethnic group has long claimed a monopoly on suffering, such victimhood claims do not sit well and does little to gain sympathy for Muslims in the country. However there is a real sense in which Muslims of the East feel that the devastation that their communities experienced, their many dead, and the destruction of their way of life and community was not taken into account by the state. And it is necessary that the state make an attempt to address such a feeling of disaffection. It is the misunderstanding and underestimation of such deeply felt concerns that lead to future conflicts.

Muslims also have ground level concerns that stem from their everyday interactions with the LTTE. The possibility of intimidation by armed LTTE cadre, the LTTE's history of recalcitrance in keeping to its agreements with Muslim communities at the local level are concerns that are not within the purview of the mechanism's text. They will be tested only in the process of implementation. The ongoing day-to-day difficulties of highly ethnicised community interactions in the context where administrative divisions have long been drawn on ethnic lines and where ethnic tension has been simmering for sometime are also not within the purview of this mechanism. There is a need for some progressive discussion on the ethnicised land allocation in these areas. For instance, the expanding Muslim populations have by and large had to accommodate themselves in many areas of the eastern province where the availability of land is restricted and the population density is extreme. Even for resettlement after the Tsunami there is little hope of land for Muslims since there is no precedent of Muslims being allocated state land in DS divisions decided to be either Tamil or Sinhala. Further, the much celebrated district committee of the P-Toms, the bottom of this "bottom up" mechanism is taken to be beyond criticism. It is not established

that such committees as they function today are adequate to their task. There is no clarity either about mechanisms put in place to ensure that there will be no marginalizing of concerned stakeholders. Will the highly ethnicised administrative apparatus function in a manner that is fair by all parties concerned? These local concerns should have informed the P-TOMS mechanism at its inception.

Certainly, the LTTE's giving Muslims a place in any administrative structure must be acknowledged as an important development. However, within the logic that is currently operational the LTTE is not allowing Muslim participation as a third political entity to their negotiations with the government. And the by-passing of Muslim political representation while granting Muslims due recognition is a troubling indication of a position that has been long held by the LTTE. They have been reluctant to acknowledge a Muslim political identity. They have grudgingly conceded that a separate Muslim cultural identity must be recognized, and the need for coexistence with Muslims is also acknowledged; but they are not so clear about a Muslim political identity. Even at a point when Muslim political representation is acknowledged there is no space for the inclusion of Muslim representatives as a third political entity to the peace talks. Muslims must understand clearly the position articulated by the LTTE and strategize accordingly.

There has been little or no concerted effort at lobbying based on a properly conceptualized Muslim position. There is an assumption, on the part specifically of Muslim political party representatives that the Muslim position is obvious. Although Muslim political parties claim that they have long agitated for parity of status, what this might mean concretely has not been argued in any systematic way. The government too maintains consistently that the Muslims have not developed a clear position on the issue. And it is not an argument unfortunately, unlike the claim that there is no unity amongst Muslims, which can be dismissed as irrelevant. Posturing and overly legalistic argumentation in the available public fora has not helped the Muslim case.

It is essential that the Muslims find multiple ways of articulating their demands. Lobbying the LTTE should be one of the chief ways of doing so. For instance, if Muslim parties want to be a third party to the talks they must lay out the grounds on which they justify their position. Do Muslim parties consider themselves a political entity similar to the LTTE that is demanding a certain level of self determination for the region? What would such a demand entail? How do they see themselves in relation to the Government and the LTTE? Have they then thought about a solution to the problems of the Muslims of the other parts of the country who fear that any fall out from such an arrangement will be faced by them? Recent rhetoric by Rauf Hakeem indicates that such a demand for autonomy is indeed in the offing, at least for the East. If so there has to be clearer articulation of what that might mean. If keeping the parameters of any such "parity

of status" or "autonomy" claim blurred is seen to be advantageous then it should be a decision that is taken not by default and the lack of ability to do the work, but through conscious consideration. Further at the 4th session of the peace talks, in Thailand, the LTTE and the government agreed to include Muslims "at the appropriate time" when considering "relevant and substantive political issues." Why the P-TOMS which is a governance mechanism was not seen to be part of such relevant and substantive political issues must be raised and discussed. Muslims should further lobby the LTTE to expand its definition of such "relevant and substantive political issues." Another useful intervention might be to argue for inclusion of Muslims in all future peace talks on the basis of prevention of future conflict, and further that not just administrative mechanisms but normalization issues too have far reaching consequences for Muslims' security and livelihoods that merit their inclusion. Calling for inclusion asserting that it is their right only reflects an inability on the part of Muslim leaders to engage with the process at the level that is being demanded.

Muslim parties as well as Muslim civil society organizations need to improve their documentation and lobbying skills. There needs to be a clear articulation of the fears of the community. The disturbances in the East in 2002-2003 prior to the emergence of the Karuna faction created several fears in the minds of the Muslims. First there was the fear that the Muslim villages close to Trincomalee (Mudur, Kinyia) would be subject to ethnic cleansing in the LTTE bid to take over the harbour and its surroundings. There was discussion in public fora regarding the appointment of a Muslim to administrative mechanisms in the East that was scuttled on the request of Tamil politicians. Then there was reportage that the LTTE was systematically undermining Muslims livelihood in the East. These fears need to be documented as lobbying initiatives and must not remain at the level of anecdotes that are told to donors and other dignitaries on their visits to the Muslim parliamentarians. Even the very powerful and vociferous peace lobby has not been effectively used by Muslim interests. Muslims legitimate aspirations have no press within the peace lobby and their resistance to the P-Toms is understood only in terms of an uninformed, emotional, spoiler position. This opportunity that demands much of the Muslim leadership must not be lost through a too close scrutiny of the P-Toms mechanism. The government claimed that only a very small portion of the aid money will be disbursed through this mechanism and this has been confirmed by the United States, Japan and Australia stating that their moneys will be disbursed directly to the government and through government channels. Further, the Supreme Court's stay order on several crucial sections of the P-Toms, the pending fundamental rights petitions by Muslim interests etc. augurs delays beyond the date of the next hearing. Therefore the current opportunity should be one that triggers more rigorous consideration of the larger questions outlined above. The leadership must develop a means by which the emotional outpourings of the Muslim community are properly channeled towards rigorously argued, useable statements on their disaffection. ■

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