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ANNUAL REPORT

1990

Law & Society Trust

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LAW & SOCIETY TRUST

The Law & Society Trust is a non-profit making institution committed to improving public awareness on civil and political rights and cultural and socio-economic rights, and equal access to justice.

The Law and Society Trust was set up in June 1982 to initiate studies and activities on law and social change. It was created to fill a vacuum in our study of the law, its processes and institutions. Legal research, especially in the third world has traditionally been concerned with textual developments and caselaw evolution. There has been very little research conducted into the nature of the legal process and its possible contribution to national development. It was to fill this gap that the Trust was established.

The Trust has endeavoured to design activities and programmes, and commission studies and publications, which have attempted to make the law play a more meaningful role in the lives of the poor and the disadvantaged. These activities have taken the form of community education of the poor, on their rights and the functioning of legal processes, the production of films aimed at stimulating reform in crucial areas, and the designing of alternative forms of dispute resolution to meet the special needs of the rural and urban poor. The Trust has attempted to use law as a resource in the battle against underdevelopment and poverty.

The Trust has also conducted a series of programmes and projects aimed at members of the legal community. These have included publications, workshops, seminars and symposia. The Trust is also developing its documentation centre with the objective of establishing sometime in the future, a regional centre for advanced legal studies and socio-legal research.

In 1990, the Law & Society Trust was incorporated as an association under the provisions of the Companies Act of 1982.

1990

1990 was a more stable year compared to the previous one - at least in the Southern part of the country. We entered the nineties with a sense of optimism, after the traumas and conflicts of 1989.

An uneasy calm prevailed in the north of the country, but we still began the year with a sense of hope and optimism. The optimism and the hope unfortunately lasted no more than six months. Violence flared up once again in the North in the June of 1990.

1990 was also a year where major constitutional changes were initiated. Changes which were partly inspired by the previous year's violence.

The All Party Conference has been and is continuing to debate, issues which have the potential to make significant changes in the nature of the Sri Lankan polity. The APC's first major product - the seventeenth amendment to the Sri Lankan constitution - has been gazetted and will be taken up for debate early in 1991. The amendment seeks to make major changes in the fundamental rights chapter of the constitution. New rights, less restrictions and new procedures for enforcement, are part of the seventeenth amendment. Legislation to set up a Media Commission and a Nominations Commission, to promote a free press and to de-politicize public sector appointments respectively, are in the process of being drafted.

1990 also saw the Supreme Court of Sri Lanka striking off on a slightly more liberal trail in the area of fundamental rights violations. Interpretations of the rights have broadened and new procedures are in the process of crystallizing. The application by several hundred prisoners held in the Boosa detention camp, is an example of the changes sweeping the Court.

Globally, 1990 was a year when several nations shed the shackles of authoritarianism and one party rule and moved towards legitimizing multi party democracy and pluralism. The revolutions triggered off in the Soviet Union and Eastern Europe continued. The Germanies united and several of the Eastern European countries have now in power, popularly elected regimes.

Closer home, Nepal moved from an absolute monarchy to a constitutional monarchy and proclaimed a new constitution in November. The new constitution draws heavily from the post colonial experiences of the rest of

South Asia and is probably the most liberal in the region. In Bangladesh in a popular revolt, inspired partly by the success of the Nepalis, President Ershad was removed, paving the way for multi party elections in the February of 1991.

In Africa too, several of the countries hitherto under one party rule, passed legislation, legalising political parties and scheduling elections in the new year.

For the Law & Society Trust, 1990 was a year in which the Trust took a major leap into the activities of the region. Two big regional projects were organised by the Trust last year. The first was the initial meeting of the South Asian Task Force on the Judiciary. The Task Force was established to look at issues like judicial effectiveness, judicial accountability and judicial independence.

The second major regional activity was a meeting of a representative sample from the human rights and donors communities of the region. The purpose of this meeting was to explore the new forms of human rights activism taking place in South Asia and to prioritize the issues and frame an agenda for the nineties.

In 1990 we also established our core group on the Law & Economy. The core group was set up with the objective of developing the skills and expertise in key areas relating to the law and economy. The activities of the core group have consisted largely of lectures and a workshops so far. A publication of some of these lectures is scheduled to be released in 1991.

1990 also saw the Trust move. An expansion in the activities and programmes of the Trust necessitated a shift. The Trust is now located at No 3 Kynsey Terrace.

LEGAL AID

The Trust organised in March 1990 a Workshop on Legal Aid. The workshop was organised with the following objectives in mind:

1. To examine the philosophy underlying the delivery of legal services to the poor and to consider its goals and objectives.

2. To examine the current model of legal assistance to the poor and to evaluate the need to revamp the system in order to more effectively represent their interests.
3. To set up a Legal Aid Coalition (LAC) – an umbrella organisation that will seek to network the several organisations working in this area.
4. To draw up a list of recommendations and strategies which the LAC will seek to implement.

The perception to legal aid in this country has been a very narrow one. Legal aid has been seen primarily as a method by which those who lack the financial capacity are given that capacity, to initiate and conduct legal proceedings.

However legal aid in other parts of the world has come to be viewed in a broader perspective. There has been a move away from traditional programmes of legal aid to what has come to be termed developmental legal aid.

Developmental legal aid has come to encompass a series of efforts and programmes aimed at empowering the rural and urban poor. These efforts include legal aid lawyers identifying legal problems and engaging in the representation of low income persons, with special emphasis on law reform activities; the training of paralegals, who will live and work with the rural poor and help meet some of their demands for legal services; community education programmes designed to educate the public on their rights and the channels through which these rights could be secured; and the drafting of and lobbying for, legislation aimed at protecting the interests of the rural and urban poor. It is not suggested that we in Sri Lanka blindly follow these efforts, but it may be useful to examine these programmes in evolving a model of legal assistance unique to our social, political and cultural environment.

Legal aid programmes have also suffered from a very low public image. They have often been equated with appointed counsel, as a stepping stone to more lucrative work or as employment of last resort. If a legal aid programme is to be successful in this country there is a need to attract highly qualified and committed lawyers and paralegals, working full time.

At a broader level, the credibility of the entire legal system is under threat.

There is now a growing disillusionment with its processes and structures. To the majority of the population the law is seen as an instrument of oppression and a process one should avoid at all costs. If the law and its processes are to regain credibility with the community, then there is a need for considerable overhauling of the legal system. The legal system needs to address itself to the problems of the community and to devise ways in which it could help solve some of these problems.

It was to consider some of these issues that the workshop was organised.

Out of the workshop emerged several recommendations. Two of them – the recognition of legal aid as a fundamental right, and the institutionalization of Public Interest Litigation, are partly embodied in the Seventeenth Amendment to the Constitution, to be taken up in Parliament early in 1991.

Among the other recommendations were the setting up of a People's Law Reform Commission – for more effective and people's oriented law reform; the development of alternative law schools – to provide legal skills and knowledge to different groups in society; to attract lawyers to a full time career in legal aid; revamp the current system of legal education; and the wider deployment of paralegals.

The Trust is now attempting to work on two of these proposals. It has scheduled for March this year the first of its Paralegal Workshops – the first in a series of five to be held over a period of two years.

The Trust is also attempting to develop a series of alternative law schools to be developed in conjunction with the Faculty of Law, University of Colombo and to be held at the law school in the University.

Bangalore 1990

The Dean of the Faculty of Law, University of Colombo, Sharya de Soysa, together with one of the Trust's officers, Mario Gomez, attended a seminar on the 'Role of Law Schools in the Delivery of Legal Services to the Rural Poor'. The seminar was organised by the National Law School in Bangalore and the International Commission of Jurists.

The Trust is planning to initiate in 1991, a non governmental commission on legal education. This commission will meet over a period of a year, and come

up with set of proposals which will attempt to rationalise and give greater relevance to our system and content of legal education.

RIGHTS AND SOUTH ASIA

Ahungalla Workshop 26 - 28 October 1990

In country after country in South Asia, there has been an increasing concern for human rights issues. New concepts, new strategies, new human rights and new human rights NGOs are taking shape. Human rights activism in South Asia has begun to take on a complexion of its own.

This activism is a response to the widespread human rights violations - most of which cut across national boundaries. The activism is taking place in South Asia, in a context in which the pace and intensity of human rights violations are in danger of overtaking and overwhelming the human rights communities in the region.

It was against this backdrop of developments that South Asian human rights activists, lawyers, academics and representatives from several of the donor agencies funding human rights work in the region, met together at Ahungalla, Sri Lanka to discuss a Human Rights Agenda for the 1990s. The broad objectives of the meeting were:

To re-evaluate South Asian experiences in the field of civil and political rights, economic and social rights and group and gender rights;

To articulate an agenda of activities which should gain priority during the next decade;

To set up networks throughout South Asia which will foster and protect human rights in the region.

The meeting also brought together a representative sample from the donor agencies - especially those funding non-governmental human rights activity in the region. Donors are key actors in the efforts at strengthening human rights in the region. However there has hitherto been very little communication between the donor community and the NGO human rights

community. This meeting sought to achieve a more solid conduit of communication.

The 'state of human rights' in the South Asian Region was discussed with great concern during the course of the conference. There was a belief that the human rights movement in South Asia was vibrant and dynamic, but was being faced with overwhelming developments which required new approaches and new strategies. Among the developments that were outlined by the participants were:

1. The growth of violence as an important aspect of state and non-state action;
2. Internal armed conflicts often ethnic in character;
3. New forms of state repression, which attempt to by pass the accountability of human rights standards;
4. Northern hungers for third world resources, which remain unabated and which manifests itself in a growing variety of 'off-shore' production and disguised extraction processes. The hungers are not just for traditional third world mineral resources but increasingly for third world land, labour both skilled and unskilled, and even for markets.
5. Developmental interventions (such as the 'new and improved' and more devastating] version of the Green Revolution with its biotechnological miracles; the Tropical Rainforest Action Program (alias timber felling as planned; accelerated industrialization etc.) often accompanied by technological interventions (promising communications revolutions alias cultural destruction and replacement by a homogenized global culture of consumerism).

The report of this workshop - embodying the discussions and the recommendations - is being prepared by the Trust.

SOUTH ASIAN TASK FORCE ON THE JUDICIARY

8 and 9 September 1990

The Law & Society Trust, together with the International Centre for Law in Development in New York, hosted the first meeting of the South Asian Task Force on the Judiciary in September.

This Task Force has been established as a further step in the efforts of the International Commission of Jurists. The ICJ has been in the forefront of promoting and safeguarding the independence of the judiciary. One of the objectives of the ICJ efforts has been to obtain an international consensus with regard to the norms and principles necessary to safeguard the independence of the judiciary

The South Asian Task Force has been constituted with the objective of now seeking enforcement of these norms and principles in the South Asian region. The Task Force is part of a larger exercise which also seeks the establishment of a similar group with regard to the legal profession.

The Task Force is being chaired by former Indian Chief Justice P N Bhagwati and comprises several eminent jurists and lawyers from South Asia.

The following are some of the issues the Task Force will address over a period of two years:

1. Identifying factors leading to the erosion of the independence of the judiciary, in the countries under study, and the formulation of strategies to arrest such erosion and to strengthen the independence of the judiciary.
2. Identifying specific legislation and policies, in the participating countries, which either violate, or help promote the international norms and principles articulated for the protection and safeguarding of the independence of the judiciary.
3. The issues of judicial accountability and judicial effectiveness.

The deliberations of the Task Force will be embodied in a report which will be presented (for adoption and implementation) to meetings of international legal professional bodies such as the International Bar Association and the

International Commission of Jurists.

The report of the Task Force would comprise practical measures and strategies (reflective of the specific experiences in each member's country) to help implement and enforce the international norms, including measures at trying to ensure judicial accountability and effectiveness. It would focus especially on measures and strategies which the legal profession, as an organized body, could take to safeguard the independence of the judiciary and to promote its effectiveness.

Some of the activities that will be pursued over the next two years by the Task Force are:

1. Studies: of forces, trends; of laws and policies affecting the judiciary.
2. Lobbying for Policy and Law reform: for adoption of international human rights norms, principles and standards.
3. Monitoring: judicial performance, behaviour.
4. Critique: of the judiciary and/or of its foes.
5. Support for judicial innovation.

At a National and Regional level.

GENDER EQUALITY

The Trust has designed a programme of activities which will focus on gender equality and the exploitation of women. It is intended to improve public awareness on the predicament of vulnerable women, and to strengthen the laws and policies which are directed towards their upliftment. This programme will have several components and in 1990 the Trust embarked on two of them:

Kantha Melas

In an attempt at empowering rural and disadvantaged women, the Trust launched last year a project to conduct a series of Kantha Melas or Festivals of Justice in several areas of the country. These Kantha Melas aim specifically at dealing with women's problems.

The Trust chose as its first venue the Free Trade Zone or Export Processing Zone located in Katunayake, a little north of Colombo. The Zone has a high concentration of women working in the garment factories and the first two Kantha Melas looked at some problems of this huge workforce.

The Kantha Melas aim at using law as a resource in the battle against poverty and seek to make the woman self-reliant. It involves the organization of a festival of justice where the legal needs of the rural and urban poor can be addressed in an atmosphere free of formality.

The Kantha Melas attempt to provide free legal advice, a conciliation service to those who agree to submit their disputes for mediation and settlement, and a series of lectures on issues which have bearing on the women's lives. The Trust also used theatre in an effort to communicate. A theatre group using the concept of 'street theatre' to deal with social issues, helped the Trust in this regard.

These Kantha Melas also seek to mobilize and organise the rural and urban poor through the formation of people's organisations and other associations. They will be conducted with the help of retired judges, lawyers, law students and grassroots workers. These Kantha Melas aim primarily at helping the poor identify the causes of their plight and seek to play a catalytic role in helping them overcome these causes.

At these two Melas, the Trust found that the problems of the women garment workers were many faceted - requiring not merely legal skills, but also medical and psychological aid. The Trust is now exploring the possibility of setting up a 'Poly Clinic' in the Katunayake area - which will aim to provide a whole range of skills and assistance to the workers.

Equal opportunity for women in Sri Lanka

As part of this larger Gender Equality programme the Trust has also initiated a project that will focus on the Convention on the Elimination of All Forms of Discrimination against Women and consider its applicability in Sri Lanka. This project aims to examine our legal and administrative fabric and see to what extent our legal and administrative structures incorporate elements of the convention. Our customary laws will also be examined to see in what areas they conflict with universally accepted notions of women's rights. Social attitudes to women will be looked at and an endeavour will be made to explore ways in which the international convention could be given greater currency in our country.

LST REVIEW

The Trust was able to get its Fortnightly Review off the ground beginning 1st August 1990. The project of a LST Review had been in the air for some time, but failed to materialise, mainly because of a lack of resources within the Trust.

A source of information to the wider Law and Society community about our activities and interests, the Review contains material relevant to the Trust and its interaction with modern society. It surveys legal developments and trends within Sri Lanka, in the region, and beyond. Its socio-legal articles deal with issues of growing urgency in third world countries, such as the liberalisation of abortion law or the overhaul of outdated systems of legal education to meet modern needs. It examines and publishes the work done by International NGO's with objectives similar to LST. Regular features are the review of new publications on topics of socio-legal interest, and the review of current amendments to law, with reviewers' comments on the implementations of such amendments. Initially the Review relied entirely on in-house talent, but now we have been able to attract contributions from outside. We hope to feature more articles from regional experts on the changes taking place and the challenges arising in their own areas.

The Review is at present distributed to members of the Appellate Judiciary, the Bar, University Libraries, NGO's and academics throughout the world.

AUDIO-VISUAL PROGRAMME

As part of its audio visual programme, the Trust produced last year two 25 minute documentaries - on mental health and child abuse. The Trust has attempted to use the film medium to focus on areas where reform is needed most and to stimulate discussion in these areas.

'Corridors of Silence' (Documentary on Mental Health)

The Trust produced a film on the state of mental health in Sri Lanka. This film looks at the current state of psychiatric and psychological care in the country and argues for a more effective and comprehensive system.

Psychiatric and psychological treatment in Sri Lanka has tended to remain at an archaic stage. Recent advances in this field have not been incorporated into the treatment of the mentally ill in this country. Resources, - human and financial - in this field are woefully inadequate. The state of our institutions of mental health have remained in a state of gross disrepair.

This film looks at some of these issues with a view to initiating public debate and stimulating reform. The film also looks at indigenous forms of treating mental disorders and compares '*western*' methods of treatment with '*eastern*' ones. The attitudes of the villager to the issue of psychological and psychiatric illness is also be looked at.

'Your Street: My World' (Documentary on Street Children)

This film takes a fresh look at the problem of children whose home is the street, and who survive on their own skills, without formal education or parental care.

It is critical of the present system of 'caring' (sic) for these children, designed, it claims to set the conscience of more pampered citizens at rest.

Avoiding conventional and easy-to-film sequences of miserable homeless children, it focuses on scenes which show how life on the street, with all its hardships, has a varnish and vitality that institutions lack. Street children are free of the regulations that govern children in institutions, and they have the self respect that comes with independence from handouts.

By contrast the children rounded up like criminals and confined to Detention Homes and Certified Schools simply for being poor, are starved of personal warmth, denied the development of initiative and given the sense of being an inferior kind of humanity. The film pleads that in addition to the provision of food, shelter, clothing and training in minimal skills, street childrens' human aspirations and emotional needs should be catered for. An alternative that the film explores is the non-formal day care/nutrition/literacy centres run by NGOs, involving voluntary or minimally paid social workers and activists.

Saturday Morning TV Shows

In November 1989 the Trust commenced a series of legal literacy programmes over national television every Saturday morning. A fifteen minute slot was allotted to the Trust during the television station's usual *Saturday Morning Show*. In these programmes simple legal issues were dealt with by a panel of some of the country's best legal expertise.

The objective of these programmes was to communicate legal issues to a large 'non-legal' audience. Frequent problems encountered by the population like tenancy and land problems, marital conflict, access to credit etc. are dealt with by the panel. Other legal issues like laws delays and access to the legal system were also looked at. This programme has now been suspended and is scheduled to resume again in 1991.

TRAINING OF PARALEGALS

The Trust's Paralegal Training Programme will begin in March 1991. In an endeavour at developing an alternative approach to legal aid, the Law & Society Trust has designed a programme, which aims at establishing a network of paralegals around the country. As part of this programme, the

Trust has scheduled a series of five training workshops for paralegals, over a period of two years.

The first workshop is scheduled for early March 1991. Daniel J Ravindran – former Legal Officer with the International Commission of Jurists – who was actively involved in the ICJ's efforts at propagating this concept, will design and conduct a two week workshop for the Trust.

This workshop will attempt to provide a basic paralegal training to the participants and to create a training model for paralegal trainers, which may then be replicated in different areas of the country. It is hoped that through training programmes of this nature, a large network of paralegals could be established in the rural areas of the country.

Paralegal Training Programmes can be broadly divided into two categories:

1. Basic paralegal training programmes
2. Training programmes to prepare the paralegal to work with a particular group, community or sector.

This workshop will aim at providing a basic training to paralegals. It will seek to provide essential knowledge and skills required for all paralegals irrespective of their area of work.

It is vital that paralegals be equipped to conduct a basic training programme. Once they are so equipped they could develop training programmes to prepare a paralegal worker to work with a particular community, group or sector.

The workshop will therefore aim to equip the participants to plan, organise and implement a basic paralegal training programme.

Puncak 1990

Two of LST's officers, Shantha Pieris and Mario Gomez, attended a Paralegal Workshop held in Puncak, Indonesia in early January 1990. It was organised by the International Commission of Jurists and Kalyanamitra – a women's organisation based in Jakarta. This workshop was sequel to the earlier one held in Tag Tay, Philippines in the December of 1988. A third workshop –

to be held in Thailand in January 1991 - over a period of 10 days, will also have LST representation.

DOCUMENTATION

LST continued in its efforts at building up a documentation centre. In 1990 we were fortunate to receive support from the Australian and Canadian Missions in Sri Lanka and the Canada International Development Agency (CIDA) in our endeavours at building up a sizable collection on the Commonwealth.

The Trust is also in negotiating with the executors of the estate of the late Mr Sam Kadirgamar Q.C, for the purchase of the his substantial collection on several areas of the law.

PUBLICATIONS

In the 1990, the Trust did not bring out any new publications. Instead the focus was on distributing and disseminating, to as wide a public as possible, the publications brought out the previous year.

Despite approval by the Ministry of Education, our efforts at introducing the Chitra Kathas into schools have been stalled by administrative red tape. We hope that 1991 will see both the Chitra Kathas and the two manuals - on Civil and Political Rights, and Economic, Social and Cultural Rights - in all school libraries in the island.

Research Papers

The following is a list of research papers compiled under the auspices of the Trust in 1990:

Human Rights

- | | |
|---|---------------------------|
| Civil and Political Rights | by Radhika Coomaraswamy |
| Group Rights by | by Scott Newton |
| Human Rights and the Provision
of Development Assistance | by Gillian Kettaneh |
| Gender Issues – An Empirical
Survey | by Nandini Samarasinghe |
| Gender – Some Conceptual Issues | by Sumathi Sivapalasingam |

Other Papers

- | | |
|--|-------------------------------------|
| Privatisation – Marketing the Concept of
a Share Owning Democracy | by Bernadine Chanuki
Karunaratne |
| Looking Towards Privatisation –
the Sri Lanka Case | by Malathy Knight |
| Eradication of Child Labour
in Sri Lanka | by Sabina Kelaart |
| An Assessment of the Sri Lankan
Experience as to Refugees and Displaced
Persons in relation to International
Humanitarian Law | by Jennifer Thambayah |
| Delivery of Legal Services to the Poor | by Mario Gomez |

INTERNSHIP PROGRAMME

The Law & Society Trust, together with the International Centre for Ethnic Studies, has begun to act as a major resource and research centre for visiting fellows and interns from different parts of the world.

These interns and fellows – both Sri Lankan and other – either studying or teaching in universities or research institutes abroad, have been visiting Sri Lanka as part of their research or other programmes.

The Trust provides the visiting intern or fellow with institutional and other support for their research, and the intern or fellow in turn makes a contribution to the activities and programmes of the Trust.

In 1990 the visiting fellows and interns were primarily from North America:

Assistant Professor Brenda Cossman – Osgoode Hall Law School, York University

Scott Newton – Graduate student, Harvard University

Peter Halewood – LL.M student, Columbia University

Donna Young – Law student, Osgoode Hall Law School, York University

Sabena Kelaart – Student, London School of Economics

Abigale Brown – Student, Swarthmore College, Pennsylvania

Bernadine Chanuki Karunaratne – Student, American University, Washington, D.C.

Malathi Knight – Student, Swarthmore College, Pennsylvania

Shehana Gomez – Student, University of Cardiff, Wales

DIVORCE LAW REFORM

One of the Trust's officers, Nandini Samarasinghe, has been participating in a Ministry of Justice initiated exercise, to revamp the divorce laws of the country. The Ministry of Justice has constituted a small group, that is now reviewing the law relating to divorce, including its property and custody consequences, with a view to introducing new legislation.

The law relating to divorce in this country is an amalgam of the Roman Dutch law, a few English principles and some statute law. In the seventies the legislature made a timid attempt to reform the law through an amendment to the Civil Procedure Code. However subsequent judicial decisions have gone against the grain of these reforms. This new exercise is an attempt to come up with a more relevant and rational body of principles, taking into account the changing complexion of Sri Lankan society.

INTERNATIONAL HUMANITARIAN LAW

Sri Lanka has been caught up in violent conflict for over 15 years now. One of the consequences of this violence has been the displacement – both externally and within the country – of thousands of people. The problem of displaced persons or refugees however, is not peculiar to Sri Lanka. Conflict in other parts of the world has spawned several thousands more people – displaced from their countries and places of origin.

The Office of the United Nations High Commissioner for Refugees, is involved in a major exercise to review some of the applicable principles of international law in this area. As part of this exercise is a workshop of Asian NGOs and governments, to be held in Manila in 1991. The Trust is making a contribution to this UNHCR exercise. One of the Trust's officers – Jennifer Thambayah – is in the process of producing a document that will reflect Sri Lanka's experiences with displaced persons – an area that is bound to figure prominently in the nineties.

ALTERNATIVE DISPUTE RESOLUTION

The Trust was fortunate to be able to participate in an Alternative Dispute Resolution Programme, organised by Rutgers University, in the United States.

The Centre for Negotiation and Conflict Resolution at Rutgers University, New Jersey, hosted a South Asian delegation to study the advances in the field of alternative dispute resolution in the United States. Projects in New York, New Jersey, Washington D C, Boston, Cambridge, Minneapolis, and St Paul in Minnesota, were visited as part of this programme.

A Sri Lankan contingent comprising Justice A R B Amarasinghe (Judge of the Supreme Court) Dhara Wijetilleke (Secretary, Ministry of Legal Reform) and Damaris Wickremesekera (Secretary, Law & Society Trust) were part of the larger South Asian delegation.

The centres visited were established as a response to the demands for efficacious decision making and dispute resolution, and in an effort to relieve the economic and administrative burdens which have fallen on the current judicial system.

People in many areas of social and financial life have begun to look for affordable justice - more flexible and efficient ways to prevent and resolve a wide range of disputes. An interesting feature is that a number of public and private alternatives to litigation are being developed, refined and integrated into existing administrative and judicial systems. Methods of involving communities in governmental decisions are being explored and negotiated rule making practices are being used as part of these trends.

CORE GROUP ON THE LAW AND ECONOMY

1990 saw the formation of the Core Group on the Law and Economy. The Core Group was established in an endeavour to upgrade indigenous legal skills on matters relating to commercial law, negotiation of international business and financial transactions, regulation of investment and multi-national corporations and other such matters related to the law and the economy.

The following are the broad objectives of the Core Group:

- a) To develop and strengthen the capacity of the Sri Lankan professional to assist in the restructuring of the Sri Lankan economy and in the developmental process in general.
- b) To develop a core of legal expertise and experience to which state corporations, regulatory bodies and even private enterprises could have access in structuring their organisational structure.
- c) To contribute to the more effective structuring of contractual arrangements between Sri Lankan enterprises and foreign enterprises, and to minimise the need for costly litigation and arbitration arising out of disputes which were not effectively anticipated in such arrangements.
- d) To develop teaching materials, manuals, case books which would be of benefit to legal and professional education in Sri Lanka, and to programs of continuing education.

The economic landscape of the country has undergone a period of rapid transformation and is poised for more far reaching changes. These changes include the proposed privatisation of state enterprises, the liberalisation of the Sri Lankan stock market and the reform of the investment regime, and the scheme of public sector retirement.

There is now an increasing need, within Sri Lanka, for the development of an indigenous body of legal skills and expertise in these fields; that will advise on the drafting of appropriate legislation and negotiation of contracts, consider the implications of the proposed changes and be involved in the formulation of new programmes and policies.

The Core Group - consisting of a body of young legal professionals - was formed with this in mind. Members of the group will be provided with opportunities of participating in specific legislative and negotiating exercises and be provided with training and instructions on different aspects of international business law.

The Core Group will work closely with the Ministry of Industries and Technology, the Sri Lankan financial institutions and the Sri Lankan

Securities Council. The Trust is also seeking the assistance of the Commonwealth Secretariat and the United Nations Centre for Transnational Corporations in the development of the Group's programmes.

The Trust is also seeking to develop a core collection of material such as case books, text books, periodicals, model contracts and model legislation; which will be made available to the Core Group and other professionals both in the state and the private sectors.

Lectures

The activities of the Core Group for 1990 consisted primarily of the organisation of periodic lectures and the organisation of a workshop on the role of off shore banking in Sri Lanka.

The following is a list of lectures so far given.

H Dharmavi - Consultant, World Bank.

The Role of the World Bank in the Programme of Economic Reconstruction and reform proposed by the Sri Lankan Government.

Ms Beverley Mirando - Legal Consultant, Nestles Lanka Ltd. and former Legal Consultant GCEC.

The Incentive Structure that would emerge from the Merger of the GCEC and the FLAC.

S L Namasivayam - Director-General, Securities Council.

The Development of the Capital Market in Sri Lanka.

Lakshman Kadirgamar - Former Director, World Intellectual Property Organisation and Attorney-at-law

Intellectual Property Law

Tennyson Rodrigo - Director/ General Manager, Capital Development and Investment Company

Equity related Financial Instrument and Investment Vehicles

Nalin Kulatilleke – Associate Professor/ Finance and Economics – University of Boston U.S.A

Recent Developments in the International Financial Market

Ranjit Fernando – General Manager. National Development Bank

Joint Venture Agreements

A Kathiravelupillai – Deputy General Manager – International

Salient Features and Criticisms of the Banking Act.

C F Amerasinghe – Executive Secretary, The Secretariat – World Bank Tribunal

Arbitration and Foreign Investment

Shelton Wanasinghe – Chairman, Public Investment Management Board

The Public Investment Management Board and Privatisation

Arjuna Mahendran – Senior Economist, Central bank of Sri Lanka

Why guedda projects have failed in Sri Lanka

Stanley Jayawardena – Former Chairman, Lever Brothers and Marketing Consultant, Shaw Wallace & Hedges

The Marketing of Privatisation in Sri Lanka

Anil Moonesinghe – Minister of Parliament and former Chairman, CTB

Transport Industry and the New Economic Policy

Professor D A Kotelawela – Chairman, Sri Lanka Tyre Corporation

The Tyre Corporation and Privatisation

Workshop

The Role of Offshore Banking in the Developmental Process of Sri Lanka

LAW & SOCIETY TRUST

Directors

Dr Nissanka Wijeyerátne

Raja K W Goonesekere

Dr Neelan Tiruchelvam

Secretary

Damaris Wickremesekera

Administration

Indra Nilaweera

Programme Staff

Nandini Samarasinghe

Jennifer Thambayah

Sharmini Mahadevan (currently on leave)

Shantha Pieris

Asita Obeyesekera

Angela Hussain

Mario Gomez

