

# **ANNUAL REPORT**

**1991**

**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 a non-profit making body under the provisions of the Companies Act of 1982.

1991

Three major events dominated the past year. The war in the North and the East continued unabated, displacing thousands of people; several members of the ruling United National Party in Parliament presented a motion of impeachment against the President; and the government appointed a Commission of Inquiry to look into the activities of Non Governmental Organisations.

The brutal violence in the Northern and Eastern parts of the country continued with no hope of settlement. A Parliamentary Select Committee, headed by a member of the opposition, has been appointed to look into proposals for a political resolution. Proposals from a Cabinet Minister S Thondaman late last year, for substantial devolution to the provinces, have drawn negative responses from sections of the population and the prospects of a wider public consensus on the issue appears to be slim. Meanwhile the number of displaced persons exceeded a million, a stupendous figure considering Sri Lanka's population of 17 million.

During the period there was an active public debate



on questions of governance and of democratic accountability. Although the impeachment crisis ended when the Speaker refused to proceed on the impeachment motion, it set in motion a process of reappraisal of all of the institutions of government.

The long anticipated scrutiny of the activities of non governmental organisations came last year in the form of a government appointed Commission of Inquiry. The Commission appointed under the Commissions of Inquiry Act, enjoys wide powers of investigation. NGOs are apprehensive that the state would seek to limit and restrict the activities of those NGOs who are active in documenting human rights abuses and those who advocate alternative developmental strategies. NGOs have so far functioned in Sri Lanka without any rigid legal regulation.

On the constitutional front, progress was slow. The expectations generated by the All Party Conference were not met. The 17th Amendment drafted by the government early in 1991, was not passed because of a lack of support from the Opposition. The legislation on the Human Rights Commission has yet to be presented to Parliament. There is also little prospect of important initiatives on the liberalization of the media, electoral reform, or in the reform of the instruments of democratic accountability.

On the global stage the changes were more dramatic. The Soviet Union finally collapsed and the United States emerged as the sole superpower in what some perceive to be an increasingly uni polar world. Several countries moved towards formal democracy with the recognition of political parties and the holding of elections. This included Bangladesh, which held a model election under a neutral regime



headed by the former Chief Justice. Dramatic constitutional and political changes have also taken place in Nepal.

With the collapse of the Soviet Union and the end of an ideology, political and social forces which advocated an alternate developmental strategy have been weakened. Many countries in South Asia are committed to structural adjustment policies which result in the dismantling of social welfare programmes.

The Trust continued its programmes in the areas of constitutionalism, human rights, alternative lawyering and the promotion of an alternative agenda for legal and social reform in 1991. There is clearly a need for the non governmental sector to participate more actively in the processes on constitutional reform. Given the problems encountered by the court system there is also perhaps a need for NGOs to get involved in the development of alternative approaches to conflict resolution. There was also a major expansion in the documentation capacity of the Trust with the acquisition of the Sam Kadirgamar Collection and the Canada Collection.

In the June of 1992 the Trust marks 10 years of its existence. Despite its small resources - both financial and human - it continues to make its contribution to social, legal and political reform.

## **ALTERNATIVE LAWYERING**

### **Paralegalism**

Access to justice and legal services has been one of the fundamental problems of our legal system.



In 1990 the Trust organised a workshop on legal aid. Participants at the workshop included several non governmental organisations working in the field of legal aid and alternative lawyering. Among the objectives of the workshop were to share experiences, explore new approaches in the field of alternative lawyering and to develop linkages between the different organisations.

One of the conclusions of the workshop was that there was a need to develop a network of paralegals in the country. These paralegals, who may be religious leaders, social workers or human rights activists will work with communities in the grassroots providing basic legal knowledge and skills.

The Trust's Paralegal Training Programme commenced in March 1991. A seven day residential workshop was held in association with the International Commission of Jurists at Piliyandala, a suburb of Colombo. The Trust seeks as a major objective of this programme the establishment of a network of paralegals across the country.

The initial workshop brought together 33 participants from both rural and urban NGOs. Among the participants were also four law students. The workshop sought to provide a basic paralegal training and to expose the participants to some of the basic ideas and concepts of paralegalism. It also sought to equip the trainees to conduct workshop in their own areas.

The programme was conducted by Shantha Pieris and Asita Obeyesekere. They were assisted by Daniel Ravindran and Hector Soliman. Ravindran has designed several of the ICJ programmes on paralegalism and authored one of its manuals.



Hector Soliman has extensive experience in the training of paralegals in the Philippines.

The initial workshop triggered off several requests from similar programmes from grassroots NGOs. As a result Shantha Pieris, together with Mohan Seneviratne (one of the trainees at the first workshop) have been conducting shorter workshops for several of the NGOs.

This included a workshop organised in collaboration with Asia Pacific Forum on Women, Law and Development (APWLD) specially for NGO workers working in the field of women's rights. Workshops were also organised for students at the Faculty of Law, University of Colombo, in collaboration with the Legal Aid Centre in the university. The objective of the workshops was to expose students to some ideas and perspectives on the law, not covered by the formal curriculum.

Further workshops were held at Kuliyaipitiya, Moratuwa (for Sarvodaya workers) and Kochikade.

The paralegalism programme has resulted in frequent requests being made from LST for legal assistance. LST's paralegal co-ordinator has received several request for legal help. Currently these requests are channelled to organisations giving direct legal assistance.

The following broad conclusions emerge out of the Trust's paralegal work. Paralegal workshops provide a framework for broadening the social base of human rights and legal awareness work in Sri Lanka. Hitherto most human rights organisations focussed primarily on questions of civil and political rights, and were staffed by urban based



professionals who engaged in a discourse which was not intelligible to large sections of the rural and urban poor. Sri Lanka however has several developmental organisations which were engaged in social welfare, poverty alleviation and rural development work which had a significant impact in rural and working areas. Most of these developmental organisations were however unwilling to explicitly address human rights issues, or view legal institutions or processes as a resource in the developmental process.

Paralegal workshops provide a link between human rights groups and developmental organisations. These workshops are grounded in the belief that human rights is integral to the developmental process. They therefore seek to expose such workers, community leaders, trade union and social activists to legal concepts and ideas, with a view to making them aware of the potential use of law as a means of securing human rights and promoting democratic development.

Secondly, in the structuring of paralegal workshops an attempt has been made to combine introductions to substantive areas of the law (e.g., human rights law, gender issues, agrarian law) with instilling skills in advocacy, group mobilization and organisation, conflict resolution and counselling. It has not always been possible to combine these approaches, as the exposure to substantive law tends to be rudimentary. It is necessary to develop socio-legal manuals and teaching aids which can supplement the instruction provided at these workshops.

Thirdly, paralegal trainees are eager to organise themselves to undertake follow up work at the community level, but often lack the resources or the institutional base to do so. The Law & Society



Trust can only play a catalytic role and lacks the capacity to provide continuing support to loosely formed groupings of paralegal workers. It would perhaps be more effective to work with existing social groups or non governmental organisations in the expectation that the paralegal workshops could provide a new thrust or add a new dimension to the work of these organisations.

Fourthly, paralegal workers often confront a legacy of cynicism with regard to legal processes and institutions. These attitudes are further compounded by a negative view of the legal profession and its lack of sensitivity and responsiveness to the moral and social issues which confront Sri lankan society. Paralegal trainees while adopting a positive and constructive approach to the potential use of law as an instrument of change, need also to be realistic about the limitations of the legal system.

#### **Asian Paralegal Workshop**

Shantha Pieris and Asita Obeyesekere attended a 7 day residential Asian workshop in Thailand in January 1991. The workshop was organised by the International Commission of Jurists and the Union for Civil Liberty and was a follow up to the earlier workshops at Tag Tay, Philippines and Puncak, Indonesia.

The objective of the workshop was to look at the training models used so far in the Asian region. The workshop was conducted by Daniel Ravindran and D Gnanapragasam.

The workshop was useful in helping the Trust design and conduct its own programmes in Sri Lanka.



## CONSTITUTIONALISM AND PUBLIC LAW

Sri Lanka is currently in the throes of constitutional change and debate. The Impeachment Motion against the President in 1991 activated a wide-ranging interest in questions of constitutional change. The All Party Conference has also been debating several changes to the constitutional and political structure of the country.

The Trust has recognized that there is a need for civil society to participate in this debate and make a contribution. The Trust has thus devised a series of activities in this regard.

### 17th Amendment

In the January of 1991 a symposium of the proposed 17th Amendment was held at the Trust premises.

The 17th Amendment materialised out of the discussions at the All Party Conference. The new amendment sought to rewrite Sri Lanka's constitutional chapter on fundamental rights. It sought the introduction of new rights and remedies, and the curtailment of existing limitations.

The symposium sought to analyse the new amendment in a symposium type setting against the previous 12 years experience and also against other changes taking place in the region. The Trust also brought out a special issue devoted to the 17th Amendment, which was used as a discussion paper for the symposium.

The amendment however failed to go through Parliament early in 1990, when the opposition Sri Lankan Freedom Party refused to give its support. A revised draft is now ready and the Trust hopes



that it would be presented to Parliament in 1992.

#### **Bill of Rights: Comparative Perspectives**

A symposium on the Bill of Rights was held on 4 July at the Sri Lanka Foundation. The symposium looked at Bill of Rights from the experiences of four countries - Sri Lanka, India, Canada and the United States.

Papers were delivered by former Indian Chief Justice P N Bhagwati, former U S Under Secretary of State William D Rogers, Professor Noel Lyon of Queen's University, Ontario, and Justice Mark Fernando of the Sri Lankan Supreme Court. The then Chief Justice of the Sri Lankan Supreme Court Parinda Ranasinghe delivered an introductory address.

The symposium was conducted as part of the activities of the first Law & Society Week (for which see below) and the papers were published as a special issues of the Law & Society Review.

#### **The Constitutional Crisis**

Two informal discussions on the motion introduced by some members of Parliament to impeach the President and related constitutional issues were conducted by the Trust last year.

The impeachment motion raised several questions of vital constitutional importance. This included questions relating to the 'suitability' of the current Presidential system, the role of the Speaker, the role of the Attorney General and the rights of individual members of Parliament.



Participants at these discussions included lawyers, academics and members of political parties.

#### **Human Rights Commission Law**

The Trust assisted in the preparation of the draft Human Rights Commission law. The draft is currently being debated at the All Parties Conference.

In December the Trust held an informal discussion on the provisions of the draft law. Participants included members of human rights NGOs in the country. Ms Maureen O'Neill - formerly with the Canadian Human Rights Commission - provided some useful Canadian perspectives.

#### **South Asian Casebooks on Fundamental Rights**

The Trust produced two years ago a Sri Lankan casebook on fundamental rights. This was the first casebook produced in the country.

LST has now initiated similar projects for Bangladesh and Pakistan. Sara Hossain for Bangladesh and Makhdoom Ali Khan and Asma Jahangir for Pakistan, are co-ordinating with LST in this exercise.

The Trust recognises that question of constitutional developments are central to its concerns with regard to the promotion of democratic values and the protection of fundamental rights. Although Sri Lanka's second Republican Constitution has been amended sixteen times within a period of 15 years, there are many areas of constitutional and institutional reform which require urgent attention. The Trust is an institution which often



endeavours to serve as a critical and independent forum for the articulation of diverse view points on questions constitutional change. The Trust also believes that the discourse on constitutionalism should not be the monopoly of lawyers, social scientists and representatives of political parties. Civil society is entitled to be fully informed and actively engaged in this discourse. The discourse on constitutionalism needs to be made intelligible to all elements within the Sri Lankan polity, as public apathy and indifferences can only accelerate the process of institutional decline.

The Trust's work on constitutional public law issues, also devoted to following important developments in other parts of South Asia. The Trust has made a contribution towards comparative legal studies by encouraging academics, social and legal activists to follow developments in other South Asian nations, and to reflect on the implications of these developments to their own societies. This has also resulted in greater awareness amongst non-governmental organizations that South Asia, needs to be conceptualized as a region.

## **RELIGION AND THE LAW**

### **Buddhist Ecclesiastical Law**

The Trust conducted in July 1991, the first of a series of symposia on the relationship between religion and the law. The first symposium was on Buddhist Ecclesiastical Law. Papers were presented by President's Counsel J W Subasinghe, Sarath Amunugama, H L Seneviratne and Rangita de Silva. Constitutional lawyer R K W Goonesekere presided. This symposium was also conducted as part of the activities of Law & Society Week.



The papers presented at the symposium, together with two additional papers on the subject authored by Dr Nissanka Wijeyeratne and Professor Lakshman Marasinghe were published as a special issue of the Law & Society Review.

The Trust is hoping to continue this series in 1992. A symposium on Ecclesiastical Law and Christianity will take place in 1992. Similar workshops on Hindu Temporalities and on Mosques and Wakfs will also be held.

## **HUMAN RIGHTS**

### **Human Rights Training**

In an effort at developing programmes of human rights education for public officers and others in Sri Lanka, Sharmini Mahadevan participated in an International Human Rights Training Programme conducted by the Canadian Human Rights Foundation in July 1991.

The programme provided an exposure to some of the principles and concepts in International Human Rights Law, including Humanitarian Law and Indigenous People's Rights. The programme also looked at the experiences of Canada and the United States in the development of their Bill of Rights.

### **RIGHTS OF NGOS**

Non governmental organisations have become one of the major vehicles of civil society formation and expression. They have emerged in an environment in which governments have failed consistently to meet basic social and economic needs of the peoples.



However state governments have begun to recently see the non governmental movement as a threat and have sought to control their activities.

The Trust has just initiated a programme on NGO Freedom and Accountability. The exercise will look at the legal regulation of non governmental organisation in a few South Asian countries. This exercise assumes added significance in view of the NGO commission currently inquiring into the activities of non governmental organisations in Sri Lanka.

The Trust has also been co-ordinating several local, regional and international networking and other exercises in relation to the functioning and operation of NGOs.

In July 1991 the Trust hosted an Asian Experts' Meeting for the International Commission of Jurists, an organisation based in Geneva. The meeting brought together a small group of human rights lawyers and activists to formulate an agenda for the ICJ in the nineties.

A follow up meeting was held in Manila in December where the Trust was represented by Deepika Udagama. One of the results of the meeting was the formation of an Asian Forum on Development and Human Rights to facilitate links and an exchange of information between the different groups in the region.

The Trust also co-hosted in August a major regional symposium on 'Women and Economic Rights' organised by the Asia Pacific Forum on Women, Law and Development. Participants included representatives from women's organisations across Asia and the Pacific. The Trust has also supported the Asian Coalition of Human Rights Organisations headed by Clarence J. Dias.



The Trust also hosted a regional meeting to review a report on 'Human Rights, Democracy and Development' prepared by NOVIB, the Dutch Organization.

### **LEGAL EDUCATION**

Legal education in Sri Lanka has been grounded on a very romanticized view of the Sri Lankan legal system. The legal curriculum and the teaching methods within law schools, have remained unchanged for years, with little attempt at reform or innovation.

LST produced a video documentary on legal education two years ago. In 1990 a workshop was held on Legal Services to the Poor which also addressed the question of legal education.

In 1991, in a continuation of its Legal Education Programme, the Trust organised a series of debates between the country's two premier institutions of legal education - the Sri Lanka Law College and the Faculty of Law, University of Colombo.

The objective of the debates was to create an awareness among the law student community on some urgent socio legal problems. Among the topics debated were the effectiveness of the writ of habeas corpus, new directions in divorce reform and the adoption of children. The debates were conducted in Sinhala, Tamil and English.

### **REFUGEE STUDIES**

The 1990s is going to be a decade of mass movements



of people. Current statistics indicate that there are as many as 40 million displaced people. In Sri Lanka alone out of a total population of 17 million, over one million have been displaced.

The Trust continued its programme in refugee and displacement studies in 1991. The work consisted primarily of empirical work in some of the refugee camps. This was a sequel to research done earlier.

The empirical work consisted mainly of visits to some of the camps in Colombo and the East and the gathering of data. Jennifer Thambayah and Shantha Pieris have been co-ordinating this programme for the Trust.

One of the objectives of the work has been to develop international standards for the protection of internally displaced persons with a view to protecting such persons, their institutions and places of worship from the consequences of civil conflict, and providing humanitarian relief and assistance to such persons.

## **PUBLICATIONS**

### **The Law & Society Trust Review**

One of the fundamental problems of Sri Lankan society has been public apathy. This has been compounded by a lack of fora in which to articulate ideas. The electronic media has been until recently the monopoly of the state and has functioned increasingly as an instrument of the



government. In an effort at developing an alternative media the Trust launched in 1990 a socio legal publication to comment on issues of current importance. In 1991 the Trust continued with the publication of the LST Fortnightly Review. The Review completed one year of publication in July 1991.

The Review was initially distributed free to a small readership. However with increasing demand for the Review the Trust has now been forced to charge a nominal sum. Libraries and some of our original readership though continue to receive it free. About one third of the Review's readership is foreign and it is distributed in about 40 countries. It is also distributed amongst 150 human right organisations.

The Review is perhaps the only publication of its kind in the country - devoted to covering socio legal issues and focusing on law as an instrument of peaceful change. It initially began as a review of legal trends and developments. But it has now begun to attract more serious writings on a wide range of contemporary issues.

The Review features articles by both local and regional academics on a variety of issues; constitutionalism, women's issues, ethnic and minority rights, environmental issues and reviews of important judgements. The Review also publishes regularly reviews of books and other recent publications.

The Review has attempted to give emphasis to areas where reform is badly needed. This includes areas such as human rights, legal education and constitutional law.

The Trust has also begun to release bound copies of



Volume I. This has 20 copies of the Review published from 1 August 1990 to 31 July 1991.

An editorial advisory board for the Review was established in 1991. The Board consists of former Justices J F A Soza and Siva Selliah, and former Press Council Chairman Mohamed Hussein. The Review continues to be edited by Angela Hussain, and is increasingly being viewed as the flagship of the Law and Society Trust.

#### **DOCUMENTATION AND LIBRARY DEVELOPMENT**

The Trust was able to make substantial additions to its library in the past year. This included the Sam Kadirgamar Collection, a selection of Canadian Law Reports and Journals, and other acquisitions in the area of human rights, constitutional law and business law.

The Trust employed from around the middle of the year, a full time librarian - Ms Thilaka Fernando. The library is in the process of being catalogued and will be opened on a reference only basis, to law students, academics, lawyers and other bona fide researchers.

The Trust joined the INNES Network (Information Network on Social Sciences) in August. This will help in accessing the resources of the other organisations in the network.

An effort is being made to get access to some of the major computer data bases in the new year.

#### **The Sam Kadirgamar Collection**

The Trust opened in 1991 the Sam Kadirgamar



Collection. The Collection consists of a substantial volume of legal texts. This includes text books on major areas of the law, including several books now out of print; a large collection of Indian, English, South African and Sri Lankan law reports, including some of the old reports; and a collection of major legal periodicals.

#### **The Canada Section**

In 1991 the Trust also opened the Canada Section of the library. The Section consists of an exhaustive collection of the Dominion Law Reports, perhaps the only collection of its kind in the country. This is part of a larger Commonwealth Collection the Trust is hoping to build. Negotiations are on with institutions in Australia and New Zealand for similar acquisitions from those countries.

The Canada Section also consists of a complete collection of the Osgoode Hall Law Journal. The Canada Section was set up with assistance from the Canadian International Development Agency.

#### **U S Section**

The LST library also consists of substantial volumes of US reports, journals and books.

#### **RIGHTS OF CHILDREN**

Children continue to be one of the most disadvantaged and oppressed groups in the country. The Trust continued with its programme on the rights of children in 1991. The Trust had previously produced two video documentaries which had explored this theme from different perspectives.



In 'Paradise Lost' the sexual abuse of children was looked at as part of the overall theme of prostitution. In 'Your Street My World' the predicament of street children was considered.

Jill Grime, a Visiting Fellow from the United Kingdom, was responsible in 1991, for developing this programme.

A major inter disciplinary workshop was held in the middle of the year which looked at a spectrum of issues. Participants at the workshop included child care workers, lawyers, academics and other state official dealing with children.

As a preliminary step to the workshop a questionnaire was sent out to professionals and authorities dealing with children to obtain an insight into the perceptions and incidence of child abuse in Sri Lanka.

The workshop discussed and made recommendations on the following issues:

- definition of child abuse;
- the perception of children's rights and needs in the relevant religious and cultural context;
- reasons for abuse;
- effect on child abuse on children;
- gender differentiation in the context of child abuse;
- looking at the requisite social and legal framework.

A draft report on the papers prepared for the workshop and a summary of the discussions, has been put together.



### **Children and Violence**

Shantha Pieris has been participating in several training sessions on the treatment of children traumatized by violence organised by the Family Rehabilitation Centre. The sessions looked at some common problems of children caused by violence and explored strategies of lessening the traumatic impact.

### **Tourism and the Child**

Ramani Muttetuwegama attended a Asian workshop on the rights of children in Hong Kong in November. The workshop was organised to work out legal strategies on ending child prostitution, especially prostitution generated by tourism. The need for developing further international standards was one of the major issues addressed by the workshop.

### **LAW, MEDICINE AND ETHICS**

In 1991 a programme was initiated to consider the links between law and medicine and the several ethical and philosophical issues it raises.

Shantha Pieris was a participant at a major Asian conference held in Islamabad, Pakistan on the 'Rehabilitation of Torture Victims'.

A consequence of the workshop was the establishment of a Regional Secretariat on Torture. The Secretariat will act as a distributing centre for information and will also help in networking NGOs in Asia.

An attempt to procure literature in this area is being made by the Trust and by the end of 1992 a small collection will be established within the Law & Society Trust library.



## **LEGAL PERSONALITIES OF SRI LANKA**

The Trust has been conducting a series of lecture on legal personalities of Sri Lanka. These biographical lectures explore the lives and times of lawyers of nineteenth and twentieth century Sri Lanka, who have made a distinct contribution to the intellectual, legal and political life of the country. In 1991, Radhika Coomaraswamy delivered a lecture on the life and times of Sir Muttu Coomaraswamy. A volume containing the thirteen lectures delivered so far, is being edited for publication.

## **THE LAW AND THE 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 Core group was also set up against the backdrop of major changes in the global order including the changes taking place in the Soviet Union and Eastern Europe. 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.

c) To contribute to the more effective structuring of contractual arrangements between Sri Lankan enterprises and foreign enterprises, and to minimize 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 liberalization of the Sri Lankan stock market and the reform of the investment regime, and the reform of public sector corporations..

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.



## Activities for 1991

### Public Lectures

This has always been an extremely successful part of the Core-Groups activities, and we have also had a series of lectures on a particular subject or issue. The most important of these was the series on "Privatization of Public Enterprises" which included lectures by Mr. Shelton Wanasinghe, Chairman of the Presidential Commission on Privatization. The Hon. Anil Moonesinghe who spoke on the Transport Industry & Privatization and Professor Kotelawela who spoke on the Privatization of the Tyre Corporation.

During the period under review the Core Group also invited Mr. Adrian Corera of John Keells Financial Services Ltd. to address the subject "Stockbroking Aspects of Privatization".

### Seminars and Workshops

Due to the growing interest in Privatization the Core Group organized a half-day workshop or seminar on "Privatization in the Development Process of Sri Lanka" was organized.

The workshop commenced with a presentation by Mr. Stanley Jayawardena, a member of the Presidential Commission on Privatization and the man behind the advertising and marketing campaign for privatization. Mr. Shelton Wanasinghe, the second speaker, was concerned with "Equity issues in Privatization". The final presentation was made by Dr. Saman Kelegama, Research Fellow of the

Institute of Policy Studies, Sri Lanka and a member of the Core Group. Dr. Kelegama's paper on "Privatization in Sri Lanka: Problems and Prospects" has been published by LST.

The interest in securities, the stock market, and in the buying and selling of shares prompted the Core Group into organizing a second seminar on "The Securities Industry and the Stock market".

Four speakers were invited to make presentations. Mr. L. Namasivayam, Director General of the Securities and Exchange Commission of Sri Lanka opened the proceedings with an introduction to the new Securities Council Act which established the Securities & Exchange Commission of Sri Lanka.

This was followed by a presentation by Dr. Clive Gray, Fellow of the Harvard Institute for International Development on "Financial Markets and Competition Policy". Mr. Ravi Peiris, General Manager of the Colombo Stock Exchange, then delivered a talk on "Modern Developments in the Stock Market". Finally Mr. Anura Wickremasinghe, a stockbroker attached to Forbes & Walker made a short presentation on "The Stock broker-Client Relationship".

#### **Internships**

The Trust was successful in placing three interns at three institutions. Anne-Marie Cadiramanpulle was placed at the National Development Bank and is working on two short papers on Factoring and on the Debt Recovery Laws. Manuela Motha was placed at the Securities & Exchange Commission and is working on a paper on Unit Trusts. Finally, Shanika Daluwatta was placed at the Merchant Bank of Sri Lanka and is working on a paper on Merchant Banking.



## **STAFF DEVELOPMENT**

The following papers were produced by members of the Trust in 1991:

**Rangita de Silva**

Buddhist Ecclesiastical law - LST Review

The Profile of a Jurist: J A L Cooray - LST Review

**Jennifer Thambayah**

Refugees and Displaced Persons: The Sri Lankan Experience

Ms Thambayah also conducted a training programme on Commercial Law for a group of lawyers in the Maldives. The objective was to help develop legal skills and expertise in that country in the area of commercial law.

**Shantha Pieris**

'Paralegalism in Sri Lanka' - LST Review

'Implications of Post Trauma Stress'

Paper presented at the Asian Conference on the rehabilitation of Torture Victims.

Mr Pieris participated in an Asian Paralegal Training programme held in Thailand in January 1991. He also participated in an Asian seminar on the Rehabilitation of Torture Victims held in

Islamabad, Pakistan.

**Nandini Samarasinghe**

Nandini Samarasinghe has been associated with the drafting of the Women's Charter in association with the Ministry of Womens Affairs, and has worked with the Human Rights Division of the Commonwealth Secretariat on questions relating to the sexual exploitation of women and children. She has also participated in many seminars organised by the Asia Pacific Women Law and Development Centre in Kualalumpur, Malaysia.

**Mario Gomez**

International Arbitration: A Case for  
Delocalisation

(1991) 3 Sri Lanka Journal of  
International Law: Faculty of Law,  
University of Colombo.

Compulsory Education and the Law: The Sri Lankan  
Experience

(1989) Sri Lanka Journal of Social  
Sciences: Naresa, Colombo.

Locus Standi and Access to Justice

Paper presented for the 1st SAARCLAW  
Conference: Colombo, November 1991.

Ethnic Quotas and Human Rights

In Human Rights in a Changing Sri  
Lankan Society: Sri Lanka Foundation  
(1992) Colombo.

Public Interest Litigation

In 'New Approaches to Environmental



Law': Environmental Foundation  
(1992) Colombo.

Mr Gomez was also a member of the SAARC Non Governmental Mission that visited Bangladesh to monitor the Parliamentary Elections of February 1991.

**Deepika Udagama**

Dr. Udagama is undertaking a study of the draft U.N. Declaration on Minority Protection, and will attend the sessions of Human Rights Commission in Geneva in February '92.

**LAW & SOCIETY TRUST**

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