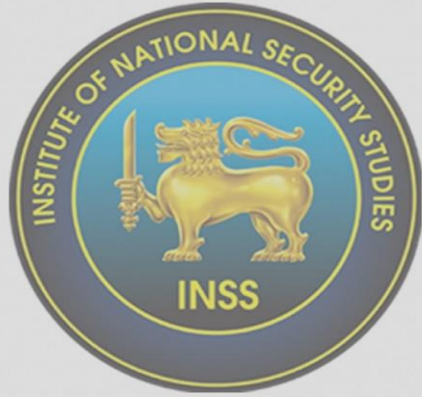


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ABOUT THE JOURNAL

Institute of National Security Studies (INSS) explores and researches on an array of issues pertaining to the National Security of Sri Lanka. This journal is a compilation of such valuable academic work produced by the staff of INSS doing their tenure of employment over the past few years. The aim of this publication is to build awareness on pressing National Security issues and threats, challenging Sri Lanka and proposes analysis and recommendations to decision makers and public leaders for addressing those challenges as viewed by authors of each paper. The journal of National Security papers will no doubt meet research needs and as such are compiled with authentic materials with quality content on various facets of National security. All papers included in this publication have already been published elsewhere either online or in printed form in Newspapers or Publications of other academic organizations and have been reproduced by obtaining the final draft sent for its initial printing by each author.



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Preface



The threats confronting Sri Lanka constantly evolve. Unless the security and Intelligence services detect and government responds appropriately and in a timely manner, security will be compromised. Designed and developed to formulate policy options and strategies to mitigate threats, the Institute of National Security Studies (INSS), Sri Lanka covers a range of security issues.

INSS staff and affiliates research and delineate threats and propose options for mitigation. The issues range from economic sovereignty to water and sustainable agriculture. The national security papers highlight a few commentaries by reproducing them. Writing on a topical issue, INSS staff have researched how history is distorted by LTTE front, cover and sympathetic organizations especially those located in Canada, US, UK, Europe and Australia. The papers highlight how LTTE remnants masquerading as human rights activists provide votes and funds to western politicians to advance LTTE's separatist agendas in their legislatures from Ontario to New South Wales parliaments. Another INSS staffer highlights how the Sri Lankan security forces demonstrated magnanimity when it rehabilitated 12,000 terrorist surrendees rather than prosecuted them for conducting massacres, bombings, and assassinations. The international network of the LTTE that provided arms, ammunition and explosive has transformed into lobbying, litigation and law making. Having suffered military defeat in Sri Lanka, its terrorist support network active in Toronto, New York, London and Sydney falsely promote the idea that in Sri Lanka there was a genocide, war crimes and crimes against humanity.

An INSS staff member documents the post-war role of the Sri Lankan security forces. With the surge of COVID-19, the Sri Lankan security forces especially the military rose to the challenge and played a frontline role. Although infectious disease is not an area INSS has developed neither experience nor expertise, its staff has documented the contribution of the Sri Lankan military in confronting an apex challenge. In the backdrop of growing dependence on cyber, another staffer examines the risk of an infrastructure attack during the pandemic. As protecting the next generation from narcotics and other threats are vital, INSS staff examine both the surge of drugs and child abuse from a national security perspective. Another issue that is a challenge to the government is deforestation, often an issue taken out of context, exaggerated and exploited for political gain. With money laundering becoming an issue, another staffer examined the legal and policy framework.



Since May 2021, INSS has revised its focus from coverage of a spectrum of threats to identify gaps, loopholes and weaknesses in national security. National Security threat monitoring by INSS and its partners has strengthened government understanding of threats. National security threats are constantly ranked and government is advised to allocate resources to mitigate the threats. National security daily threat updates are shared within the national security community that includes trusted partners in the private sector. In addition to enhancing the specialist understanding of the threats, INSS presentations and publications seek to raise public awareness. Furthermore, INSS is developing deep expertise on two critical areas – first, the ongoing Muslim radicalization and second, LTTE’s revised strategy of lobbying, litigation and law making. These two neglected areas if not addressed swiftly will affect harmonious living and erode the image and reputation of the security forces. By releasing Zahran’s farewell video, INSS successfully debunked the political conspiracy theory by radical Muslims and unscrupulous politicians falsely accusingly military to have staged the Easter Sunday attack. In the video, Zahran said that he will stage the Easter attack to please “Allah’ and his “religion”. Likewise, to counter the online falsehoods and manipulations, INSS is working closely with government on a bill to deter and counter fake news. Working with the Ministry of Foreign Affairs, INSS is investing in capability development in the strategic communication. In the next phase, INSS plans to develop and deliver a milestone national security training course for law enforcement, military and intelligence personnel.

The INSS research has strengthened its capacity to teach, network and engage in outreach. I think the contributors and the editors as their research and writing will influence and shape our future.

Professor Rohan Gunaratna

**Director General
Institute of National Security Studies
December 31, 2021**



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Child Abuses: A National Security Issue next in Line?

By K. A. Waruni Madhubhashini

Published on Colombo Telegraph 02nd October 2020

Children are the world's most valuable resource and the best hope for the future because they are the blooming opportunities and strength of the country. In today's world affairs children have plenty of abilities to address the significant issues by intermediating and debating on various avenues which helps to create a new dimension of strategic solutions. Children are the most vulnerable group of this current society by being violated and abused in many ways. The government has failed to protect the safety and security although when there are many rules and regulations available. When you think of child abuse, your first thought may be of a child with bruises or other marks that raise red flags. But the signs aren't always so clear. Abuse can be physical, sexual, or emotional such as Violence, abuse, neglect, exploitation and discrimination. Therefore, Child abuse is not just physical violence directed at a child. It is any form of maltreatment by an adult, which is violent or threatening to a child.

During the lockdown period due to the outbreak of the deadly Coronavirus many schools were closed, children were stuck at home all day and many parents were unable to go to work. Stress, isolation and economic hardship factored for the increasing risk of domestic violence, child cruelty and abuses in all over the world. In Sri Lanka, just over 140 incidents of rape, 42 cases of serious sexual abuse and 54 cases of child abuse have been reported from various police divisions in the country within the first 15 days of 2020. According to the statistics it shows that child abuses are varying in a broad array of types. From the 01st of January till 31st December 2019, "1929" child helpline reported 8558 complaints in which children have been abused in various forms (National Child Protection Authority, 2019). Child abuses has increased dramatically even when there were many rules and regulations to protect children from abuses. This is controversial question which will be coming up as a serious human security issue next inline in the national security.

Crimes against children in Sri Lanka are rising at an alarming speed within short time period of time each incident more shocking than the previous one. Cruelty on child, sexual harassment, grave sexual abuses and neglect on child are the most reported crimes against children. There are many unreported crimes in rural areas because of the lack of knowledge, fear of reporting the incidents and unawareness of the procedures to file a complaint. Perpetrators have the opportunity to continuously practice same when they are aware of the loopholes in the law and order. The inability of the State and non-state actors to protect and secure children has allowed the perpetrators to scot free is even more disgraceful.



From Law enforcement to protect children in practically

The Sri Lankan Government has identified the protection and promotion of the rights of children as a strategic policy goal and the Ministry of Women and Child Affairs has been assigned as a lead agency to implement this policy through strategic plan on prevention of child abuse based on Cabinet Decision of 24 May 2016. The National Child Protection Authority (NCPA) is also been established by the parliament of Sri Lanka under the Act No.50 of 1998 to protect the children from these misbehaving and abusing, although these rules and laws have been implemented and regulating all around the country still children are directly targeting to the abuses (National Child Protection Authority, 2019). The failures of Judiciary System, Human Rights Commission of Sri Lanka (HRCSL), Police, National Child Protection Authority (NCPA) and other respective organization in protecting children and promoting their rights have resulted in frustrating inadequacies, lengthy and painful progression of inquiries. For the moment, Sri Lanka needs more advanced law implementation which is practically applicable than the theoretical arguments.

The lack of consensus on how a child is defined, creates gaps in how the substantive law is applied. The Penal Code on Sexual Exploitation of children has many shortfalls. The current legislation in Sri Lanka on child pornography or Child Sexual Abuse Material (CSAM) does not adequately cover Online Child Sexual Exploitation (OCSE) and because of the loopholes of CSAM, Sivaloganathan Vidya was brutally murdered and still these kinds of incidents are happening. Furthermore, the legal framework in Sri Lanka fails to codify grooming as a crime. The OCSE does not have a section in penal code on cyber-crimes (United Nations, 2002) and it is problematic. Male victims of OCSE are not recognized as victims of OCSE in Sri Lanka. The current substantive law in Sri Lanka uses gendered pronouns within the definition of the crimes thus creating a vacuum for male child victims. This is especially a challenging situation for prevention of child sex tourism industry in Sri Lanka (Nazim, 2018).

People with intellectual disabilities are sexually assaulted at a rate seven times higher than those without disabilities and physical abnormalities in every part of the world. Especially there are no laws to punish the predators target people with intellectual disabilities in Sri Lanka because they know they are easily manipulated and will have difficulty of testifying later. These crimes go mostly unaccountable, unrecognized, unprosecuted and unpunished thus the abuser is free to abuse again. Police and prosecutors are often reluctant to take these cases because they are difficult to win in trail. In Sri Lanka, we do not have strong legal background to sentence these criminals who are destroying the future of our nation.

According to penal code the death penalty is mandatory for murder. But in Sri Lanka the last known execution occurred in 1976 (Death Penalty Database, 2011). No execution has been recorded after that period. Those who are sentence to execute by death, ended up being prisoned in lifetime. It may increase the non-fear of being a predator and abusers are encouraged to do the offences without guilt. These are some

shortfalls in Sri Lankan law and order which motivate predators to do the crimes.

From Cultural diversification into Child insecurity

Child abuses could be identified as the ethical collapse of human ideologies. For the second time, according to the researched carried out by the “Google Trends” has revealed that Sri Lanka ranked second-highest on the dubious list of countries that most searched for the term 'Sex' on Google Search for 2019 (Senaratna, 2020). The North Central Province in Sri Lanka has been ranked the greatest number of searches for the term, followed by Uva, Northern, Sabaragamuwa and Eastern Provinces. Sri Lanka is a country where the sexual literacy rate is very low. Adolescents are learning the sex and reproduction from the internet. If this term could be defined as the general term in vocabulary and by providing a comprehensive knowledge starting from family and school, the risk of being abused could be minimized. Unfortunately, 2500 years cultural diversification would not allow us to improve the sexual literacy rate but continuously people will experience child abuses and other crimes related sexual and reproductive health (SRH).

Recently it was reported that 100 under-aged couples were engaged in inappropriate behaviour had been taken into custody in Anuradhapura (Ada Derana, 2020). If the adolescents do not have a place to meet and talk, they would be looking for alternative options such as rooms and private lodges. Sri Lanka needs to reconsider these points and secure the adolescents' security but also to keep in mind to not limit their freedom.

Curiosity always leads to explore the unknown perspectives. Therefore, we should promote the adolescents' freedom to learn, gather, discuss, debate on their issues under the proper supervision by the family, school and other relevant parties. According to the point of law in Sri Lanka, the prostitution, LGBT are offences and it is not legalized. Although it is not legalized to have female sex workers (FSX), transgender women (TGW), men who have sex with men (MSM), many have been located in all over the country. Recently according to the reports there is a serious issue of increasing the HIV affected male population between 19-25 ages. This could be identifying as the worst result of illiteracy of SRH. If Sri Lanka is able to legalize prostitution and secure transgender rights, would able to minimize the threat of transmitting social diseases because of proper monitoring system, rules and regulations and increasing awareness. Since legislation of rules and regulation related to the legalizing prostitution and LGBT rights are directly engaged with cultural diversification of Sri Lanka, there will be more debates arising from the religious perspective which will delay the road to justice but as a nation who really needs to protect children from abuses, it is high time to think outside of the box to get more solutions.

Key takeaways and recommendation

Child abuses are not just a crime and it is a crime which directly engages and affects

the overall national security of the country. Law enforcement officers need to be trained at national, district and divisional level to identify the strategies of child abusers. In addition, a victim-friendly complaint mechanism is needs to be implemented to report the cases of exploitation. Professionals should be trained on criminal justice related to the child protection. Children need to be educated on how to recognize trusted persons and to identify physical, sexual, and emotional abuse, neglect, family violence, and bullying. Sectors of education and health should be improved with accessible services for care and rehabilitation for children who are vulnerable and suffering from child protection problems. Intrusion of sexual and reproductive health should be started form the root level which is from family and school.

Youth organization and other relevant parties should engage with adolescent health by formulating a platform where everyone could able to talk, debate and express their views on different issues. Reporting and complaints mechanisms need to be improved in more prominent way such as, raising awareness programme among children, communities and public about available helplines and complains reporting services. Awareness programme for parents, caregivers and teachers about the negative impact in the use of physical and humiliating punishment should be enhanced and monitored under the supervision of proper guidelines. Child abuses are directly associating with psychological issues and ideological differences. Traditionally most Sri Lankan people are reluctant of accepting changes but it is necessary to rethink about this issue from unconventional perspective to secure the future our nation. The Government should cooperate and coordinate with the relevant authoritarian parties to implement new rules and regulations. Judiciary system should be independent and preventing from political involvement. Furthermore, it is important to formulate rehabilitation centres for the child prisoners and child soldiers because they need guidance to move out of and away from the gruesome pasts and become a valuable citizen. Government should formulate proper policy formulation to monitor foster care centres, Orphanages and abandoned children. Especially child marriages should be stopped and eradicated forever.

Conclusion

Day by day child abuses are increasing by formulating controversial impact on society. Each passing day recorded in the news highlights Sri Lanka as becoming a country where it is usually experiencing child abuse cases. Everyone has responsibilities to protect the future of the nation. If we are unable to protect children being abused by various methods, future youth generation and workforce would not be capable enough to maintain the controversial issues of national security. Therefore, preventing child abuse is not simply a matter of parents doing a better job, but rather it is about creating a context in which “doing better” is easier. Enlightened public policy and the replication of high-quality publicly supported interventions are only part of what is needed to successfully combat child abuse.

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K.A. Waruni Madhubhashini was a Research Assistant of the Institute of National Security Studies (INSS), National Security Think Tank under the Ministry of Defence. The opinion expressed in this article are her own and not necessarily reflective of the INSSSL.

Countering the Economic Crippler; Analysis on Prevention of Money Laundering Law in Sri Lanka

By *C. L. C. M. Patabendige*

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ABSTRACT

As per the Financial Action Task Force (FATF), money laundering is the 'processing of criminal proceeds to disguise their illegal origin to legitimize the ill-gotten gains of crime'. Money Laundering is a transnational crime and due to that fact, ascertaining the perpetrators is an arduous task. Consequently, convicting the perpetrators is hindered due to drawbacks in implementation of laws, scantiness in laws and ambiguities in the law. Money laundering is adverse to the economy as it promotes illegal trade such as drug smuggling and illegal firearms, it creates rapid economic growth but in the long run, the economy is distressed. Furthermore, the liberty and sovereignty of financial institutions are endangered and lead to tax evasion impinging government revenue. The research has attempted to identify money laundering as detrimental to the economy and the need for effective implementation of laws to counter money laundering. The objectives of the research are, to identify the impact of money laundering on the economy, to assess the legal framework relating to money laundering, to discuss the lacunae in the law relating to money laundering and to provide recommendations to rectify the lacunae relating to money laundering. The research seeks to answer the questions on what is the impact of money laundering on the economy, what the legal framework is relating to money laundering, what are the lacunae in the law relating to money laundering and what are the recommendations to rectify the lacunae relating to money laundering. The research is doctrinal research which is also qualitative in nature. Research has given prominence to statutes and judicial precedents to arrive at results. Research has also been aided by secondary sources such as scholarly publications. In addition, research has shed light on the international legal context to enrich the research. In the end, research has proved that money laundering as detrimental to the economy and the need for effective implementation of laws to combat money laundering.

Key Words: Economy, Lacunae in law, Money Laundering

1. Introduction

As per Financial Intelligence Unit, 'Sri Lanka Prevention of Money Laundering Act (PMLA) was enacted on 6th March 2006. It sets out the laws necessary to combat money laundering such as freezing, property tracking and forfeiture of assets related to money laundering. The PMLA was further amended in 2011'. The objective of



money laundering is to generate revenue in a short time in large quantities. Here the source of money is illegal. The objective behind the laundering of money is to conceal the illegal origin of the cash. Money laundering happens in various ways such as illegal firearms, narcotics, bribery, human smuggling, extortion, theft, credit card fraud, insider trading and more.

There are three stages of money laundering. The first stage of money laundering is known as 'placement', at this stage launderer places money into the financial system such as by way of bank deposit. The large cash amounts are broken into smaller amounts making it less suspicious. Consequently, the stage of 'layering' comes into action. At this stage, the launderer transmits the cash into different channels. The complexity in the channels makes it hard to notice the guilty act. At this stage, the launderer transmits the funds through different banks from different accounts and the transactions can be extraterritorial in nature. The third stage is the 'integration' stage; at this stage, money is integrated into legitimate financial institutions. In this context, money is whitewashed and laundered money is used to purchase assets or invest in profitable markets.

There are various laws to combat and minimize money laundering. They are,

- Conventions on the Suppression of Terrorist Financing Act No 25 of 2005
Conventions on the Suppression of Terrorist Financing (Amendment) Act No 41 of 2011. Conventions on the Suppression of Terrorist Financing (Amendment) Act No 03 of 2013
- Prevention of Money Laundering Act No 05 of 2006 o Prevention of Money Laundering (Amendment) Act No 40 of 2011
- Financial Transactions Reporting Act No. 06 of 2006 (FTRA)

Money laundering affects society, economy and political stability. Briefly, it is crystalline that money laundering is hazardous to society as a whole. In the context of the economy, money laundering creates misery in numerous ways such as insider trading, insider dealing, front companies, tax evasion, economic instability, vulnerable private sector companies, banking irregularities and social costs. Therefore, it is imperative to have stringent laws and effective implementation mechanisms to counter the threat of money laundering.

2. Methodology

The research is a doctrinal research where existing sources are utilized and analyzed critically. Research has used both primary as well as secondary sources. Special attention has been awarded to the primary sources, Prevention of Money Laundering Act No 05 of 2006 and Prevention of Money Laundering (Amendment) Act No 40 of 2011. Research is aided by Financial Action Task Force (FATF) reports and reports by the Financial Intelligence Unit (FIU) of Central bank Sri Lanka. Research is

mainly of qualitative nature.

According to Denzin and Lincoln (1994, p. 2) ‘qualitative, which is of multimethod in focus, involving an interpretive, naturalistic approach to its subject matter.’ Research is also aided by few other laws and case laws of other jurisdictions.

3. Discussion

i. Impact of money laundering on the economy

Money Laundering has a direct impact on the economy of a country. Money Laundering happens by way of predicate offences. According to FIU ‘The criminal activity which generated the proceeds are called a predicate offence or underlying crime in money laundering and when such funds are laundered offence of money laundering will occur’. These are crimes including illegal drugs, illegal weapons, bribery and credit card fraud. ‘According to the vulnerability tracker of Illicit Financial Flows (IFFs) of the Tax Justice Network, Sri Lanka ranks mid-high at the financial secrecy index, being number 39 out of 133 countries globally, and with a score of 72 on financial secrecy haven’.

According to Financial Accountability Transparency and Integrity Reports (FACTI 2021), Sri Lanka is a country with illicit financial flows (IFFs). It mentions several reasons behind money laundering activities. One such reason is aggressive tax planning, Due to aggressive tax planning launderers’ takes advantage of the tax system and exploit it. As per FACTI 2021, ‘double non-taxation is a fine example. Money launderers seldom pay taxes. They are capable of laundering money sophisticatedly without divulging the illegal origin. For illustration, in cases such as charity organizations and non-governmental organizations are free from tax. For that reason, money launderers tend to use it as a cover to immune themselves and conceal their dark reality. Therefore, ascertaining beneficial ownership is crucial; if not it is detrimental to the economy.

Government incurs social costs due to money laundering. Especially in cases such as illegal drugs, the social cost is high. Government expenditure is high on confiscation and raids. The menace does not stop from confiscation; the government also has to suffer a loss in order to rehabilitate drug-dependent persons and litigation fees. This is a burning issue in Sri Lanka where there are plenty of cases filed in the high court. Virtual currencies are also a threat to the economy, which is facilitated by money laundering. ‘In Sri Lanka, although foreign currency exchange laws prohibit purchasing virtual assets with credit cards, cryptocurrency is unregulated and has seen an important rise’. Therefore, it is clear that money laundering is exclusively detrimental to the economy of the country. Hence, laws must be able to counter the threat.

ii. Legal framework relating to money laundering

Section 2 of the Prevention of Money Laundering Act No 05 of 2006(PMLA) revolves around the applicability of the act as well as on jurisdiction. The Act is wide



in scope it is not only restricted to natural persons but it has also been extended to legal personality. Due to that reason, institutions are also accepted under the Act. Next, Act welcomes acts committed while being a resident of Sri Lanka as well as outside Sri Lanka. This showcases the extraterritorial nature of the crime. Unless other crimes money laundering is a cross border crime where perpetrators are widespread. For illustration, if a merchant obtains money from drugs and deposits the money derived in a bank his accomplice living in another country might withdraw from an international bank. As a result, the web of crime is not wholly in Sri Lanka and it is strenuous to prove who is guilty. The Act extends to institutions that are listed or incorporated outside Sri Lanka in addition to the institutions located in Sri Lanka. Furthermore, it applies to branches of financial institutions as well.

In the cases of acts of money laundering committed by a body of persons, 'Every director or other officers of that body shall be guilty of money laundering. There is a defence available that the act was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence. The assets of any person found guilty of the offence of money laundering shall be liable to forfeiture in terms of the commission of the unlawful activity.'

Section 3 of the Act deals with the offence of Money Laundering. According to the Act, 'Any person, who engages directly or indirectly in any transaction about any property which is derived or realized directly or indirectly, from any unlawful activity or the proceeds of any unlawful activity; receives, possesses, conceals, disposes of, or brings into Sri Lanka, transfers out of Sri Lanka, or invests in Sri Lanka, any property which is derived or realized, directly or indirectly, from any unlawful activity or the proceeds of any unlawful activity, knowing or having reason to believe that such property is derived or realized, directly or indirectly from any unlawful activity or the proceeds of any unlawful activity, shall be guilty of the offence of Money laundering.'

This section is wide in scope it specifies ranges of acts such as 'receives, possesses, conceals, disposes of'. Moreover, Act indicates the intention by the wordings of 'knowing or having reason to believe. Therefore, Act penalizes both the guilty act (Actus Reus) and the guilty mind (Mens Rea) ...However, the offence of 'conspiracy' is not recognized separately, which is a lacuna in the system. in the system. Comparatively United Kingdom's anti-money laundering scheme is wide. (Segarajasingham 2018) states that 'The PCA/UK defines money laundering as an act which constitutes an offence under sections 327-962 and includes attempt, conspiracy, aiding, abetting, counselling and procuring the commission of the offence which are called principal offences. In addition, there exist non-reporting offences and tipping-off offences under the Act'.

In the case of R v Joseph Ashman & Others (2016), 'Three of the four defendants (including the principal defendants' wife and sister) were convicted.' Proving the element of 'aiding, abetting'. A similar position is seen in Sri Lanka. In the case of Wele Suda '[a case was] filed against three accused including drug dealer Gampola



Vidanage Samantha Kumara alias Wele Suda and his wife'. A similar position was adopted when 'The mother, of underworld criminal Janith Madusanka de Silva alias 'Podi Lassi', was arrested by the Western Province North Crime Division, on charges of handling money earned from drug trafficking.' This is crystalline from the words of 'knowing or having reasons to believe incorporated in Sri Lanka's Anti Money Laundering Act.

Another matter, which merits importance, is 'front companies' are widely seen in Sri Lanka, which makes identifying the perpetrator a hard task. It is important to ascertain the real owner and trust companies or companies receiving grants should not be given the liberty to launder money. One of the advantages which are in the Act is two separate cases can be instituted which means in addition to money laundering a case can be filed for the predicate offence. In the case of Director of Public Prosecutions v Elladius Cornelio Tesha and others [2016], it was held that 'it is permissible to charge both money laundering and its predicate offending'.

Penalty for money laundering is, 'conviction after trial before the High Court be liable to a fine which shall be not less than the value of the property in respect of which the offence is committed and not more than three times the value of such property or rigorous imprisonment for a period of not less than five years and not exceed twenty years or both such fine and imprisonment.

Section 4 of the PMLA is on 'presumptions. 'It shall be deemed until the contrary is proved, that any movable or immovable property acquired by a person has been derived or realized directly or indirectly from any unlawful activity, or are the proceeds of any unlawful activity if such property (a) Being money, cannot be or could not have been (I) part of the known income or receipts of such person; or (ii) Money to which his known income or receipts has or had been converted; or (b) Being property other than money, cannot be or could not have been (I) property acquired with any part of his known income or receipts; and (ii) Property which is or was part of his known income or receipts; and (iii) Property to which is any part of his known income or receipts has or had been converted. As per the Act, any "property" is inclusive of, 'Currency or asset of any kind whether movable, immovable, tangible or intangible, whether situated in Sri Lanka or elsewhere. This includes legal documents or instruments in any form whatsoever including electronic or digital form, evidencing title to or interest in such assets. The section showcases the sensitivity of crime it is not only restricted to property and money but extends to ownership of title as well.

According to the Act, 'Unlawful activity 'means any act, which constitutes an offence under the below-mentioned statutes.

- a. The Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218);
- b. Any law or regulation for the time being in force relating to the prevention and suppression of terrorism;



- c. The Bribery Act (Chapter 26);
- d. The Firearms Ordinance (Chapter 182), the Explosives Ordinance (Chapter 183) or the Offensive Weapons Act, No. 18 of 1966.
- e. The Exchange Control Act (Chapter 423), and any Rules, Orders or Regulations made thereunder;
- f. An offence under Section 83C of the Banking Act, No. 30 of 1988;
- g. Any law for the time being in force relating to transnational organized crime;
- h. Any law for the time being in force relating to cyber-crime;
- i. Any law for the time being in force relating to offences against children;
- j. Any written law for the time being in force relating to offences connected with the trafficking or smuggling of persons;
- k. The Customs Ordinance (Chapter 235) and any Regulation, Rule or Order made thereunder;
- l. The Excise Ordinance (Chapter) 52 and any Regulation, Rule or Order made thereunder;
- m. The Payment Device Frauds Act No 30 of 2006 and any Regulation, Rule or Order made thereunder;
- n. The National Environmental Act No 47 of 1980 and any Regulation, Rule or Order made thereunder.
- o. An offence under any other written law for the time being in force which is punishable by death or with imprisonment for a term five years or more; provided however that, notwithstanding anything to the contrary in the preceding provision, any offence under section 386, 388, 399, and 401 of the Penal Code (Chapter 19) shall be deemed to be an unlawful activity for this Act; and
- p. An act committed within any jurisdiction outside Sri Lanka, either which would constitute an offence in that jurisdiction or which would if committed in Sri Lanka amount to an unlawful activity within the meaning of this Act.

The law in Mauritius is progressive. It does not restrict to a set of predicate offences. In the case of *Director of Public Prosecutions v AA Bholah* [2011], it was held that “Money laundering may be charged and proved without proof of a particular predicate offence”.



Section 6 is on secrecy obligation; accordingly, secrecy obligation is overridden in PMLA. ‘The provisions of this Part of this Act shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by any written law or otherwise and accordingly any disclosure of information by any person in compliance with the provisions of this Part of this Act shall be deemed not to be a contravention of such obligation or restriction’. Therefore, lawyer-client relationships, accountants or principal-agent relationships cannot be used as a defence to be immune from the crime.

Displaying the importance of deterring the crime of money laundering, Part IV deals with provisions relating to extradition and mutual assistance in relation to the offence of money laundering. This evidences the importance of the mutual legal assistance requirement. Section 26 of the Act is on the duty of the Minister to notify requesting state, of measures taken against persons for whose extradition a request is made. Section 27 of the PMLA stipulates that ‘Sri Lanka may assist commonwealth countries in investigations and prosecution of offences. Sri Lanka will give the same assistance to countries other than Commonwealth countries upon agreeing with such Countries’. Since money laundering is transnational, mitigating and preventing money laundering cannot be taken trivially. Due to this, the Act vests power to deal with other countries to serve justice by enforcing the law.

Sri Lanka has an impressive list of organizations bestowed with the power to combat money laundering,

- Attorney General’s Department
- Central Bank of Sri Lanka (CBSL)- Department of Banking Supervision,
- Department of Supervision of Non-Bank Financial Institutions
- Commission to Investigate Allegations of Bribery or Corruption
- Department of Cooperative Development, within the Ministry of Food Security □ Department of Immigration and Emigration:
- Department of Inland Revenue,
- Insurance Board of Sri Lanka
- Ministry of Foreign Affairs
- Ministry of Finance and Planning Sri Lanka Customs
- Ministry of Justice
- Non-Government Organizations Secretariat



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- Office of the Chief of National Intelligence
 - Registrar of Companies/Registrar General Department
 - Secretary to the Ministry for Defence
 - Sri Lanka Police -Criminal Investigation Division, Terrorist Investigation Division, Police Narcotic Bureau, Interpol Bureau. Human Trafficking/People Smuggling Division

4. Conclusion

It is crystalline that money laundering is solely detrimental to the economy in many ways it affects the tax system, financial institutions, banking system and widens the social gap creating income inequality. Furthermore, front companies, non-governmental organizations are challenges as ascertaining beneficial ownership is strenuous. Research has identified the laws relating to money laundering and the lacunae in money laundering. It was found, that even though, Sri Lanka has a plethora of laws, implementation of these laws is hindered due to the flaws in the justice system. Such as the inability to use special investigation techniques, confiscation procedures and mishaps in implementation. In addition, ambiguities of laws is another reason behind the escalation of money laundering cases. Finally, research has come up with the below-mentioned recommendations.

5. Recommendations

- **Card transactions and unregulated transactions**

Due to the card facility to withdraw money, the tendency to withdraw money is high as it is unsupervised and efficient. This is a major challenge in Sri Lanka as there are numerous incidents of credit card fraud and online fraud. Thus, is imperative to strictly comply with laws and limit the number of withdrawals.

- **Knowledge sharing among agencies and training to individuals**

It is crucial to share knowledge and expertise between the agencies. Moreover, personnel must be trained in line with international standards as well as they must be technically competent.

- **Infrastructure**

There must be a separate unit consisting of all stakeholders to prevent and minimize money laundering. The unit must be an independent, which will also be supplementary to statutory bodies. The unit will be a supervisory mechanism to prevent fraudulent activities by launderers. This unit must consist of police officers, accountants, bankers, prosecutors and forensic experts. Bringing all of them under the same umbrella will be effective.

- **Police information**

It is paramount to extend confiscation measures to third parties. Therefore, police must be vested with powers to utilize special investigation techniques rather than being restricted to archaic police information practices. In addition, mechanisms utilized must be on par with international standards

- **Non-governmental organizations and front organizations**

Money launderers fund their illegitimate business using the cover of charities and trust. Despite this, the true motive of those organizations is to generate revenue by illegal means. One of the major hurdles is that money comes from anonymous donors rather than a particular person, which is a blessing for criminals. Accordingly, the state must be vigilant to identify who is the beneficial owner; merely approving transactions of the trust will not be a prudent choice. (Know your customer- KYC).

- **Designated Non-Financial Businesses and Professions (DNFBP sector)**

Lawyers, accountants and similar classes who enable illicit wealth (FACTI 2021) must be brought within the ambit of the AML/CFT regulatory framework leaving no room to use the defence on non-disclosure.



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COVID 19 and Cyber Security

By Udeshika Jayasekara

Published on Colombo Telegraph on 25th June 2020

“Cyber security, referred to as information technology security, focuses on protecting computers, networks, programs and data from unintended or unauthorized access, change or destruction.”

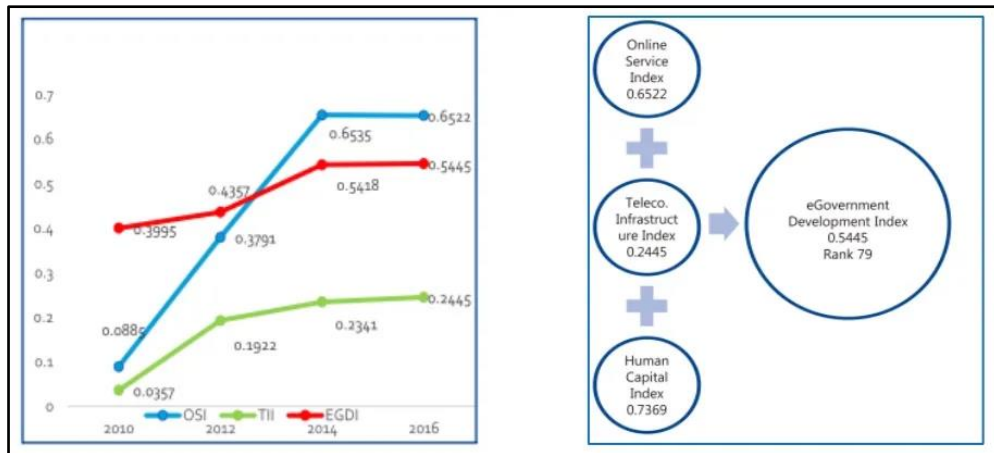
-University of Maryland University College-

The COVID-19 pandemic created an immense humanitarian crisis that severely affected most all countries within the world. Due to the health security measures taken by the governments, it forced organizations and individuals to adopt new practices like social distancing and working from home. As a result, more and more people began to carry out their daily transactions, purchases, office administration and even for education digitally and thus became very vulnerable for cyber-attacks. Because of the COVID 19 Cyber security has become a general concern for all citizens, professionals, politicians, and, more generally, all decision makers. It has also become a serious concern for our societies that must protect us against cyber security attacks with both preventive and reactive measures, which imply a lot of monitoring, and must simultaneously preserve our freedom and avoid general surveillance. Cyber-attacks may be conducted by criminals, but also by states for industrial espionage, for economic damage to apply pressure, or to inflict real damage to infrastructure as an act of war. Sri Lanka CERT has declared that a couple of websites in Sri Lanka were defaced by a group of activists.

When considering the progress of Sri Lanka in a Digital government, Sri Lanka is ranked 79 in the United Nations e-government development index (EGDI) among 190 member countries. In 2016, Sri Lanka scored 0.6522 in online service index (OSI) which focuses on overall digital government applications 0.2445 in telecommunication infrastructure index (TII) which focuses on the status of telecommunication infrastructure, Internet facilities and Internet usage and 0.7363 human capital index (HCI), which focus on adult literacy and level of schooling. So, Sri Lanka scores in the online service index and the human capital index are above the global average while Sri Lanka's score in the telecommunication infrastructure index is below the global average.

In addition, Sri Lanka has the relevant legislation, policies and standards in place now, such as Payment device frauds act in 2006, Electronic transaction act in 2006, Computer crimes act in 2007, a fully functional cyber-crimes unit at the police CID to investigate cyber-crimes and Sri Lanka Computer Emergency Readiness Team SLCERT serving under the supervision of the Ministry of Defence. (Dias 2020).

Figure 01: Progress of the Development of Digital Government



Source: Sri Lanka Computer Emergency Readiness Team (SLCERT)

Due to the COVID 19 crisis, most of the government and private sector organizations were forced to work from home which was very productive provided that home computer system is also secure. Within the COVID19 period, two government sites experienced cyber-attacks. In the last ten years Sri Lanka had been subjected to several cyber-attacks when compared to last year which was only 13 this year only three up to now (Dias 2020). This was mainly due to a Task force being activated to monitor and deal with it. These attacks had taken place due to the weak construction of government websites with less concern for adapting protective security measures and due to the use of simple and obvious passwords. So, to prevent such attacks in the future a sustainable cyber security method should be adopted by all institutions, companies, and government.

As social distancing policies have forced numbers of employees to work from home, and as people seek ways to stay connected, the usage of video conferencing platforms has exploded with many of the biggest companies offering a limited time free access. Zoom had a particularly dramatic growth with its user base increasing from 10 million daily users in December 2019 to 200 million in March. This unprecedented usage exposed serious privacy and security issues with Zoom. Attackers have targeted meetings and they enter a random Zoom call and screen share explicit images to harass users.

Cyber-security issues are challenging for everyone at every time more generally especially after COVID19 began. Therefore, authorized institutions and individuals should share knowledge about Sri Lankan laws and legislations on cyber security and should empower lawful bodies as fully functional professional bodies. Further, both public and private sector organizations should circulate a natively integrated, automated Security Platform, which is specifically designed to provide consistent, prevention-based protection on the endpoint, in the data center, on the network, in

public and private clouds, and across cyber environments.

Since people know the taste of digital governance now, it will definitely cause to increase issues regarding cyber space gradually. Beforehand the necessary steps should be taken to focus on prevention. Organizations can prevent cyber threats from impacting the network in the first place, and minimize overall cyber security risk to a manageable degree.

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Fighting Deforestation in Sri Lanka

By Savithri Sellapperumage

Published on the Diplomat on 26th October 2020

The focus on Sri Lanka's deforestation and the conservation of forests this year can be traced back to widespread discussions about deforestation in Wilpattu National Park back in 2019. Deforestation in Wanathawillu, Anawilundawa and Sinharaja has been the recent focus of discussion. However, reports of more deforestation and illegal commercial or developmental projects have been reported from many parts of the country. Since then, the topic has become affiliated with politics and certain political figures. The blame game has advanced amid the lack of political authority.

The forest cover of Sri Lanka in 2019 was reported to be 16.5 percent, down from 29.7 percent in 2017. According to Dr. Ravindra Kariyawasam, in 1882, the country's forest density was around 82 percent. Between 1990 and 2000, Sri Lanka lost an average of 26,800 hectares of forest per year, which amounts to an average annual deforestation rate of 1.14 percent. In total, between 1990 and 2005 alone, Sri Lanka lost 17.7 percent of its forest cover.

Controversial Legal Moves

Recently, environmentalists have taken issue with the Sri Lankan cabinet's recently announced plan to revoke Circular No. 5/2001, which protests the country's Other State Forests (OSFs), and transfer jurisdiction for these protected areas from the Forest Department to the authorities at the divisional and district levels. Amid the public uproar, further discussions are to be held, with the cabinet instructed to form a committee to investigate the potential negative impacts of the move, and to gather feedback.

According to RMC Herath, Sri Lanka's land commissioner general, the "circular will not be revoked immediately. It will happen step by step. The Forest Department, the Wildlife Conservation Department, the Land Commissioner's Department, the Land Policy and Planning Department, the Land Survey Department, the Land Reforms Commission and other relevant authorities will together consider the best way forward."

While the formation of a committee is exemplary, "the step by step" approach to revoking the measure makes it urgent for environmentalists and other stakeholders to analytically observe the committee's recommendations and decisions. The circular



safeguards around 500,000 hectares of OSFs that are not otherwise protected. As these forests are used by animals, especially elephants, as migratory corridors, their segregation into agricultural lands might lead to increased elephant-human conflict, thus again adversely affecting the economy and livelihoods of communities living in the area.

Also sparking debate were provisions made under the Extraordinary Gazette 2192/36 of September 10, in which the government planned to issue legal documents confirming ownership to eligible claimants who have occupied state lands, for agricultural or any development activity, without possessing formal documents. Coupled with the attempts to revoke Circular No. 5/2001, the protection of OSFs appears to be in danger. On a positive note, the Extraordinary Gazette allowing persons to occupy state lands has been cancelled amid complaints that the gazette promoted people to illegally take over lands, hoping for the granting of official land deeds. However, the damage caused to forest patches during the few days the Gazette was in force has not yet been calculated.

The Politics of Forest Protection

The current government has committed to increase Sri Lanka's national forest cover by 30 percent during its term in office. Under the "Vistas of Splendor" plan, President Gotabaya Rajapaksa has emphasized the need for a sustainable environmental policy and emphasized the need for sustainable development.

The ongoing deforestation in Sri Lanka needs to be tackled and mitigated if the country is to reach the 30 percent target. Given such a goal, news of the deforestation of protected areas is a nightmare for conservationists and environmentalists. The construction of the Neluwa-Lankagama-Deniyaya Road, along with deforestation in Anawilundawa in order to establish a prawn farm, caught the attention of social media and several interest groups. Furthermore, the involvement of a few newly elected parliamentarians was reported, creating an uproar from the public. Investigations are underway.

The issue has caught the president's attentions as well, and Rajapaksa reiterated that development has to take place without harm to the environment. However, the diffusion of the president's aims and vision to the relevant political authorities and bureaucratic authorities seems questionable, amid incidents of deforestation and increased human activity. Development projects within forest areas have failed to produce environmental assessments, and make little effort to steer clear of illegal intrusion.



Election promises, a lack of political authority and a lack of sustainable strategies have led to the blind advancement of unsustainable development projects. This needs to be evaluated and altered accordingly, through a process in which each point of authority will be held responsible from the political level to the bureaucratic level.

The Need to Promote Sustainable Development

Rajapaksa, addressing members of the Viyathmaga network of professionals and academics last month, once again emphasized the importance of a development that safeguards the environment. He underscored the necessity of sound policies to support that vision. To that end, we can incorporate Professor Mohan Munasinghe's theory of Sustainomics, where sustainable development requires balanced and integrated analysis from three main perspectives: social, economic and environmental. In pursuing economic growth, equal attention should be paid to the social and environment aspects as well. If any of these three pillars is given unequal attention, development will be asymmetrical.

Sri Lanka needs sound policies in which present resources can be used to their maximum extent rather than clearing forests to open up new land. For example, the need for more agricultural land is a fallacy, Hemantha Withanage, executive director of the Centre for Environmental Justice (CEJ), insists. The country has no shortage of farmland. "It doesn't take a genius to see there is so much that is fit for farming that is not being used properly," he said in a recent interview. Withanage further explained that the majority of farmers are no longer engaged in chena cultivation (also known as shifting agriculture), because it hasn't proved to be profitable.

"They have no transport systems, storage or sales," Withanage said. "What's the point giving them more land with no systems to deal with the harvest? What we lack isn't land. We lack infrastructure."

Public Responsibility

Civic awareness, knowledge and progressive attitudes are all imperative for combating climate change. Global leaders have come together to control rising global heat and even the children in many countries have spoken up, actively participating in the fight against climate change. Some of the irrational arguments and statements of citizens that have been popularized recently in Sri Lanka's mainstream media suggest an attitudinal gap as well as of a lack of knowledge about the significance of forest conservation and management. In search of economic prosperity, the majority of Sri Lankans seem willing to give a green light to the over-utilization of

environmental resources.

However, Rajapaksa has repeatedly affirmed Sri Lanka's commitment to eco-responsibility. "The ancient governance of Sri Lanka was built on the concept that the ruler is never the owner of the land; he is merely its caretaker on behalf of his countrymen and all living beings," Rajapaksa told the Plenary of the United Nations Summit on Biodiversity on September 30. His pledge to act as a trustee of the planet and its resources for future generations comes at a vital time, as climate action and sustainability needs to be the foundation of governance across nations.

Reflecting the president's pledge, Sri Lanka must aspire to align its development framework with sustainability goals, while simultaneously encouraging civic sentiments that are supportive of environmental conservation.



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Hatred Does Not Cease by Hatred, But Only by Love

By C. L. C. M. Patabendige

Published on Ceylon Today on 13th June 2020

War is futile, war is destructive, and war creates misery. Sri Lanka underwent a three-decade war with one of the world's notorious terrorist organisations known as the Liberation Tigers of Tamil Eelam (LTTE) and won the battle against terrorism. In a country like Sri Lanka, which is multi-ethnic, multi-cultural and multi-religious, the occurrence of violence is evident. The challenge is to deter violence and mitigate potential threats. To prevent violence, one of the best practices is to foster peace and reconciliation. Nonetheless, promoting peace and reconciliation becomes a strenuous task due to various reasons. Therefore, to attain peace criminal justice system cannot fight alone, reconciliation becomes a pivotal factor.

Array of Reasons for War

There is an array of reasons behind war and nothing can be further from the truth; war occurs due to denial of rights. Therefore, it is important to look into the acts of the past, which initiated enmity and created a rift. The turmoil between Tamils and Sinhalese came into existence due to a series of events committed by both parties. In the year of 1949, Indian Tamil plantation workers were disenfranchised. Moreover, the Ceylon Citizenship Act denied citizenship to Tamils of Indian origin creating controversy. It is important to mention the chaos created by the Sinhala Only Act passed in 1956, by S.W.R.D. Bandaranaike. The Act opened doors for the underprivileged Sinhala community to rise and engage in administration by eliminating the language barrier. However, this was detrimental to Tamils whose majority spoke English. Moreover, having less population intensified the situation and political insecurity created violence.

The objective behind forming LTTE was setting a separate homeland - the Tamil Eelam. Tamil Tigers were a group designed to fight for 'self-determination'. The motive of the LTTE does not serve the purpose of harmony, which the Tamils wanted; Prabhakaran claimed a part of the land, which is an infringement of the interest of all population. Therefore, his struggle was not a depiction of all the Tamils; it was his agenda to come to power by attempting to oust the legitimate Government. The victims of his violence composed of Sinhalese, Tamils, Muslims, Burghers, and others, who craved for peace to live without terror.

Dark Period

The year 1981 marks a dark period in Sri Lanka's history due to the burning of the Jaffna Library. The literature lost was precious and the damage done is irreversible to the whole country. On the other hand, there were major human rights law violations and humanitarian violations committed by the LTTE. They attacked religious places,



including the Jaya Sri Maha Bodhiya in 1985, the Kattankudy Mosque in 1990 and massacred 147 men and boys and the Temple of Tooth Relic in Kandy in 1998. These are non-military targets. They closed the gates of Mavil Aru preventing water from reaching the area, which is a basic right; they bombed economic places such as the Central bank, Colombo International Airport, and the Kollonawa oil refinery. The LTTE killed many leaders, army personnel and the public irrespective of their ethnicity and country such as Rajiv Gandhi, Ranasinghe Premadasa, Nataraja Raviraj, Lakshman Kadiragamar, Admiral Clancy Fernando, and Matara Kithalagama Sri Seelalankara Thero. These attacks were against Sri Lankans it was not against Tamils; therefore, the allegation of Genocide fails here. These attacks were in strict breach of human rights as well as the laws of armed conflict.

Taking up the Challenge

The resulting hatred and continuous provocation gave rise to violence by both parties. With the failure of the ceasefire agreement, due to lost hope, the Sri Lankan Government took the challenge of defending the lives of all the civilians by conducting a humanitarian mission, consequently quashing terrorism and upholding peace. The popular opinion and the accusation posed by western countries is that Sinhalese are against Tamils; however, the reality suggests otherwise. It is an obvious fact that there are conflicts in any country and diversity in the composition becomes a challenge when fostering peace and reconciliation.

Moreover, Tamils in Sri Lanka who witnessed war, who knew the reality despised violence. “Nonetheless, most Tamils abroad remain profoundly committed to Tamil Eelam, the existence of a separate State in Sri Lanka. This has widened the gap between the diaspora and Tamils in Sri Lanka. Most in the country are exhausted by decades of war and are more concerned with rebuilding their lives under difficult circumstances than in continuing the struggle for an independent state.” Former LTTE Women’s political wing leader Thamilini Jeyakkumaran, in her book ‘Under the Shadow of a Sharp-Edged Blade’, states as follows, “No river of blood should flow in this land again. No mother should wail beating her belly that held her child or the coffin that carries his or her dead body. Our future generations should strive incessantly to win a world through their intellectual prowess only”. Therefore, it is clear that there is no point in hatred against the Tamil community and the said expressions by Tamils speaks for themselves.

External threats such as Tamil Diaspora are a challenge, which precludes the reconciliation process. Additionally, “LTTE uses the actions of the Transnational Government of Tamil Eelam, the Global Tamil Forum, and the British Tamil Forum indirectly to achieve its political goal, a Tamil homeland. The Tamil Eelam People’s Assembly, as well as ex-combatant and intelligence groups, continue to adhere to radical ideas of a reemerging LTTE insurgency.” Moreover, usage of the proscribed LTTE flag in foreign countries is an infringement of law. Hence, the Government needs to take necessary diplomatic measures to remedy the condition and deter violence.



Briefly, challenges posed to the reconciliation process includes political insecurity, lack of consensus between ethnicities and external threats such as diaspora and politically motivated countries and organizations. Thus, it is important to look at the steps taken to promote peace and reconciliation.

Rights given to All Ethnicities

Firstly, when looking at the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka, the supreme law of the country, we can witness a range of rights given to all ethnicities. Article 02 of the Constitution states, “Republic of Sri Lanka is a unitary State.” This explicitly displays that the division of the land is in contravention to the law and against the best interest of the people. The Constitution displays the protection provided to the diverse population of Sri Lanka notwithstanding ethnicity or religion. Chapter II of the Constitution is much disputed for giving Buddhism the foremost place nonetheless it states, “while assuring to all religions the rights granted by Articles 10 and 14(1) (e)”, which shows that any religion will not be subordinate to another. Therefore, all religions are free from discrimination.

Article 12 is on right to equality, which states all persons are equal before the law and are entitled to the equal protection of the law. Article further states, “no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth, or any one of such grounds”. Furthermore, it states that it shall be lawful for a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public... employment or office”. Article 12(3) is wide in scope it displays language does not become a barrier, thus the word “any language” upholds the fact that all ethnicities are welcomed and diversity is not an obstruction. Proviso to the section lists that no persons shall on the grounds of language, caste, sex, or any one of such grounds, be subject to any disability, liability, restriction, or condition concerning access to shops, public restaurants, hotels, places of public entertainment, and places of public worship of his religion.

Article 14 sheds light on a plethora of rights such as the “freedom of speech and expression including publication, the freedom of peaceful assembly, the freedom of association, freedom either by himself or in association with others to... manifest his religion or belief in worship, observance, practice and teaching, the freedom of movement and of choosing his residence within Sri Lanka; and the freedom to return to Sri Lanka”. All these rights are applicable without any segregation to all ethnicities. However, Article 15 of the Constitution is on restrictions of fundamental rights. Certain Articles are “proscribed by law in the interests of national security, public order and the protection of public health or morality, or to secure due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.

Measures to ensure Peace and Stability

Following is a list of some of the measures taken in the aftermath of the war to ensure peace and stability of the country:



- 2010 Lessons Learned and Reconciliation Commission (LLRC)
- Secretariat to Coordinate the Reconciliation Mechanisms (SCRM)
- The Right to Information Act No 12 of 2016
- Office for Reparations Act No 34 of 2018
- Convention for the Protection of All Persons from Enforced Disappearance
- Convention on the Rights of Persons with Disabilities
- Human Rights Commission of Sri Lanka
- Election Commission
- Office for Missing Persons
- Office for Reparations
- ILO Convention on Employment Policy
- Witness Protection of Victims of Crime and Witnesses Act

Distribution of lands of Tamils bestowed property rights back to the owner, conversely, lapses and delay in distribution obstructed justice leading to justice undone.

The above steps taken at times achieved success and at times became a failure. The success of one project fails due to the introduction of another by a new government. For that reason, it is pivotal that there should be a consensus in the de radicalising process to create harmony between ethnicities. The implementation of the above measures will be an asset to the country as it enhances stability between ethnicities. Yet, one significant lacuna that impedes the road to reconciliation is the lack of psychological reconciliation to which the Government needs to pay attention. For this, increasing citizen participation in the reconciliation process, promoting healthy dialogue, youth participation in politics and law, psychological support, community engagement and economic assistance can bridge the gap between ethnicities in addition to an effective criminal justice system.

Peace is a process that must be accomplished mutually and not individually. Therefore, civilians too have to harmonize with one another. The beauty of living in a multi-cultural, multi-ethnic country is that the said diversity itself makes them unified. The 2004 Tsunami as well present COVID-19 pandemic proved that we are divided by ethnicity but united during a struggle, there is no segregation when it comes to charity when people are in need, we share and care among each other. When we see a differently abled person we do not hesitate to help, we do not ask what your ethnicity is. When a baby is smiling, you hold their little hand and appreciate the beauty. We cheer the same way when Murali takes a wicket and Sanath scores a six. If we as a nation heal the wounds of the past and acknowledge the efforts we have taken, quashing the inner demons of hatred will lead to peace and reconciliation.



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Human Shields in Sri Lanka

By Lughadarini Yogaraja

Published on Ceylon Today, 26th February 2021

Introduction

The proud national anthem of Sri Lanka starts off with the words “Namo Matha... unique is that it is a song of praise to the country alone. It does not specifically glorify any race, caste, creed, community or religion. It is non-partisan and appeals to the patriotism of all the people in–Mother Lanka. Due to Sri Lanka’s strategic geographic position, we were lucky to be spared from much of the world’s war ravages. Our own armies have not gone out solely on the intention to instill an act of terror or conquer lands, Sri Lanka was not a martial race spoiling for a war nor a fight. However, when ideologies and differences cannot be settled amicably the weapons speak, wars happen bringing violent death and massive destruction to the economic structure and the overall deterioration of social standards. Similarly, in the history, Sri Lanka has a few dark pages where the country underwent into several communal clashes which turned out to be bloody wars.

The LTTE, or also known as the Tamil Tigers, emerged out with a dedicated aim to the fight for an independent state for the Tamils. Thereafter the LTTE began the war by ambushing an army convoy and killed thirteen soldiers. This incident provoked Riots. Thus, led the armed conflict In Sri Lanka which began in 1983 this incurred heavy human and economic costs with many lives lost, and more than one million people displaced and civilian with acute humanitarian need. When the LTTE was eventually defeated and its leadership brought to an end on May 18th 2009. Many lives were lost due to the civil war and many still suffer from the consequences of it. The war was noted for its extreme bitterness, with the Tamil Tigers using suicide bombing, human shields, child soldiers as their tactical weapon. During the long-drawn war in Sri Lanka Civilians have been extensively used as shields for protection, coercion, or deterrence. The term “human shields” is described as a method of warfare which was prohibited by the International Humanitarian Law where the presence of civilians or the movement of the civilian population, whether voluntary or involuntary, is used in order to shield military objectives from attack, or to shield, favor or impede military operations. In both international and non-international armed conflicts, the use of human shields is prohibited and the rules are set in the Third and Fourth Geneva Conventions as well as the Additional Protocol I.



Additionally, the International Criminal Court declares that “utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations” constitutes a war crime. During the war the LTTE had forced many innocent civilians into a narrow strip of land on Sri Lanka's northeastern coast, effectively using several hundred thousand people as human shields. The LTTE heavily incurred and injured, brutally killed many of those who were trying to flee from their control of the war zone and seek basic humanitarian assistance and shelter to government-held territory which was on standby to help and save the innocent civilians. LTTE forces had also deployed near the densely populated areas, placing civilians in increased danger of attack. According to Human Rights Watch Report titled “Trapped and Mistreated” December 2008, the LTTE is using the displaced population as a human shield and preventing them from leaving LTTE territory.

It is evident that no attention has been paid towards the actions of the LTTE for forcibly taking a large population of Tamil civilians into an area demarcated by Sri Lanka's Government as the No Fire Zone and making them immune from attack. The LTTE had bundle civilians (as hostages or human shields) into an atmosphere such as schools, places of religious worship, hospitals etc. After a long struggle by the valiant Sri Lanka Army 58 Division rescued over 30,000 civilians who were held as a hostage by LTTE terrorists at Puthumathalan and Amplalavanpokkani areas have been liberated. The mass rescue operation reached a huge significant phase when troops captured the 3 km long earth bund built by the LTTE, on the western border of the No Fire Zone in (April 20.2009) with this capture it created a safe route for the hostages to come out of the LTTE's grip and gave tens of thousands of civilians to be free to seek refuge with the soldiers of Sri Lanka. Meanwhile, Defence sources on the field said that LTTE terrorists have launched many cowardly attacks at the Tamil civilians who tried to leave their grip. The Defence.lk special correspondent in the area has said that three LTTE suicide cadres have exploded themselves killing dozens of refugees including women and children. "The terrorists initially fired at the civilians on the causeway using heavy machine guns. When they stepped into the lagoon to avoid LTTE machine gunfire, three LTTE cadres ran on to them and exploded themselves”.

However, when we take a look at the LTTE they have deliberately prevented civilians under its effective control from fleeing to areas and unlawfully placed many lives at grave risk. The LTTE has forced civilians to retreat and prolonged the danger they face and kept them far apart from obtaining any sort of humanitarian assistance thus to make it convenient for the them to use the civilians as human shield for their own advantage. Furthermore, as the areas that was controlled by the LTTE strengthened the trapped civilians became the concentrated increasing risk in the events of attacks and placed great strains on the civilian's life thus making situation difficult for the government to defend and save lives. The civilians were more desperate to escape these torture chambers and more and more people have tried to flee from the so called LTTE controlled territories. As mentioned on the video above the LTTE has forcibly tried to block these attempts by firing at civilians. The fact that many innocent Tamil



civilians were desperately seeking to escape from the LTTE's grip clearly indicates the number of false accusations of a genocide and mass killings by the Sri Lankan armed forces is simply a major smokescreen and nothing short of ridiculing an achievement no military has been able to do in the world. The so-called patriotic Supporters of LTTE through a euphoric fantasy called the Eelam sensationalizing, have hidden the most horrid crimes that should have been condemned worldwide and international organizations must look into the atrocities and shed light on the real story that took place during the war.

The LTTE's killing of civilians, LTTE's use of military equipment amongst civilians, LTTE's forcible recruitment and force labor, LTTE's killing of civilians through suicide attacks and the crime involved in demanding that its recruits (forced or otherwise) commit suicide by taking cyanide is the reality that happened to the civilians who were forced to stand between the line of fire proves that these ruthless radicals have indeed committed several crimes and twisted and turned the stories to portray the Sri Lankan government in a unpleasant manner and accusing the government of harming the civilians when their main intention was to safeguard all Sri Lankans.

If the no fire zone or civilian safety zone was meant to be a safe haven only for the civilians – what were LTTE terrorists including its own leader doing inside this zone as an armed terror group when they should have been fighting the Sri Lankan Military? perhaps this step might prove the fact that they were using the innocent Tamil civilians as a human shield and thus putting countless lives for their own selfish thoughts.

Thus, it is a clear violation of international laws and war ethics especially when LTTE was using the very civilians who have been used as an active slogan for international propaganda purposes to warrant acceptance internationally and to allow it to secretly camouflage its terrorism. It must be noted that the Sri Lankan military ensured to follow all principles and continually made way to uphold the civilian's safety at all cost. All the targets were evaluated, timely moreover, the army had been given orders to adhere to a "zero civilian casualty" policy.

Conclusion

"In a time of deceit telling the truth is a revolutionary act"

-George Orwell-

The LTTE employed a variety of tactics to offset their own weakness and exploited the vulnerabilities of the Sri Lankan armed forces. In contrast the Sri Lankan government's main focus was to have minimum casualties keeping in mind that the lives of each of every Sri Lankan was important the many valiant soldiers sacrificed their lives to the betterment of the country. Yet certain mouth pieces or devoted patrons living in abroad and internally have twisted the story and fabricated their lies



to project the Sri Lankan government's efforts into something almost invisible. The crimes committed by the LTTE should be brought to a spot light, questions must be raised, the silence must be shattered. The method that they introduced to the world such as pioneering the use of suicide bombers and human shields should serve a chilling reminder to the government and international forums around the world on just how formidable an insurgent group can become.

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Legal Implications on Narcotics; A Threat to National Security

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Abstract

In the past national security only revolved around military security. However, security concerns have now departed and welcomed security aspects including political security, economic security and health security. One of the pernicious security threats is narcotics; it affects political security by creating unrest in public, politicization and threatening judicial independence. It affects the economy by means such as tax evasion and money laundering. Hence, it is detrimental to health security due to substance abuse on psychotropic drugs. Finally, it also affects human security by terrorism. The research looks into the impact of narcotics on national security and assesses the laws relating to drugs. The research seeks to answer the questions on what is the impact of narcotics on the national security of Sri Lanka, what are the laws and policies relating to combat narcotics in Sri Lanka, what are the lacunae in the law relating to narcotics in Sri Lanka and what are the recommendations to minimize and combat narcotics in Sri Lanka. With that, research objectives are to identify the impact of narcotics on Sri Lanka's national security, to identify laws relating to narcotics in Sri Lanka, to identify the lacunas in the law relating to narcotics in Sri Lanka and to recommend the steps that can be taken to minimize and combat Narcotics in Sri Lanka. Research is doctrinal and library-based research, which has relied on existing sources. Research has constructively criticized selected laws relating to drugs and it has provided recommendations to counter the threats posed on national security by drug use.

Keywords: *Crimes, Penalties, Narcotics, National Security*

Introduction

The traditional concept of National Security has always revolved around armed forces. However, with the change in society, the concept of National Security is no



longer the same. It has evolved into a wider scope embracing different aspects such as economic security, political security, and consistency security and so on. As per Heritage Organization; "there are all kinds of "national securities, they include economic security; energy security; environmental security; and even health, women, and food security". The threat posed by Narcotics to national security has alarmingly increased. Even though Narcotics is regarded as a soft threat, their impact is horrendous and need to be countered. Starting from Arecanut and Betel, society has now shifted to fatal drugs. As per section 6 of the Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008 'narcotic drug' means any drug included in Schedules, I, II and IV of the United Nations Convention on Narcotic drugs 1961 and which are specified in the Third Schedule to the Act. Psychotropic substances also become imperative when discussing on Narcotics, accordingly; As per Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008 'psychotropic substance' means any substance natural or synthetic or any natural material included in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971 and which are specified in the Fourth Schedule to the Act.

Sri Lanka is renowned as the 'pearl of the Indian ocean', regardless of the size of her territory, owing to her strategic location; she has become a transshipment hub for Narcotics. Sri Lanka report on United Nations Drug and Crimes, South Asia Regional Profile 15 September 2005 states, "Over the past decade, Sri Lanka has been used as a transshipment point for heroin from South-West Asia and India to other destinations outside of the subcontinent." Shanthilal (n.d.) states that 'The most significant drug problem is the trafficking of heroin from India for local consumption. In this regard, Sri Lanka serves as a transshipment hub for heroin trafficked into the country mainly from Indian locations. The reason being for this is the long-standing violence (Civil War) and political tension has diminished the ability of law enforcement to address drug trafficking concerns adequately. It was debated whether some powerful politicians are behind and involved in drug trafficking which handicaps the combating of drugs".

The dynamic notion is the fact that Sri Lanka not only becomes a point of transit but it has also become a final destination. Therefore, it is imperative to prevent the threats by Narcotics as a nation. The gravity of the matter is, Narcotics gives birth to a plethora of crimes such as human smuggling, terrorism, illegal trade, money laundering, fraud, theft, assault, homicide, murder, prostitution and sexual offences. These offences can be committed owing to varied reasons catalyzed through narcotics such as poverty, rivalry, abusive family history, alcohol, peer pressure and more. Most importantly, it adversely affects national security in different ways. It hinders economic development by way of illicit trade, pave way for tax evasion, increases government expenditure on drug rehabilitation. It is also detrimental to the justice system due to erosion of the rule of law by discrimination amidst perpetrators and politicization of the judiciary. Furthermore, it disrupts political stability by way of drug lords affiliated with politics. According to the National instate on drug abuse, it adversely affects health security due to drug-related diseases. They are mental health



diseases, stroke, heart-related diseases, cancers, gastrointestinal issues. Further, it is a burden on the government to invest in rehabilitation centres treating drug users. Narcotics also lead to an imperative threat to military security. Military deserters such as Army Sampath are highly weapon trained and know how to manipulate the system. Drugs and terrorism go hand in hand and directly affects national security. Money can be earned by way of drugs, and weapons are purchased in return. It has been recorded, instances of a revolutionary movement in countries due to drugs, battles against underworld leaders, corrupt political and governmental officials adversely affecting national security.

To mitigate and prevent the aforementioned security threats government has ratified treaties. Further, authoritative judicial precedents have become an avenue of justice. Sri Lanka is a signatory to all three international treaties; Convention on Narcotic Drugs of 1961, Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988. Moreover, Sri Lanka has a range of domestic legislations including, Penal Code, Code of Criminal Procedure Act, Tobacco Tax Act, Customs Ordinance, Poisons, Opium, And Dangerous Drugs Act No 26 of 1936 subject to amendments. In addition, Prevention of money laundering act No. 5 OF 2006, National Authority of Tobacco and Alcohol Act No 27 of 2006 and Drug Dependent Persons (Treatment and Rehabilitation) Act. Even though there are many legislations, due to the flaws in the law and changing nature of Narcotics in the world countering threats becomes a strenuous task. The institutes serving to prevent and mitigate crimes due to narcotics are the Police Department of Sri Lanka, which consists of the Police Narcotics Bureau, National Dangerous Drugs Control Board. Moreover, the Excise Department of Sri Lanka Customs and Navy conduct drug law enforcement operations. Additionally, media attempts to minimize the menace of Narcotics by creating public awareness. Each president during their tenure had introduced policies to combat narcotics such as 'Mathata Thitha' by former president Mahinda Rajapaksa, former president Maithripala Sirisena proposed to bring capital punishment for perpetrators of drug crimes. Even though there are multiple policies and recommendations presented, the escalation of drug users and drug-related crimes are evidential of flaws existing in the legal framework.

The layer of drug perpetrators can be regarded as a pyramid. The law is only able to capture the grass-root level criminals such as street vendors. Law also reaches underworld leaders and drug kingpins such as "Makandure Madush, SF Lokka, Podi Lassi". However, the pyramid protracts to several layers which are well equipped and impenetrable consisting of political representatives, government officials, foreign-affiliated personnel, terrorists who are untraceable for the justice system.

The government is known to be the trustees of the public who are expected to act in the interests of the public and to preserve peace and security. When the government, which is elected by the people, turns out to be the drug perpetrators, people lose faith in the government. Moreover, as government officials become the defendants of crimes related to narcotics, this eventually leads to the failure of the criminal justice



system as it fails to reach the apex of the pyramid. Hence, achieving a drugfree state becomes an uphill task. Therefore, it is pivotal to overhaul the fallibilities in existing laws and policies to better grapple with the narcotic threat and shield national security.

The research problem focuses on the impact of narcotics on national security and the laws relating to drugs. With that, research objectives are to identify the impact of narcotics on the national security of Sri Lanka, to identify laws relating to Narcotics in Sri Lanka, to identify the lacunae in the law relating to Narcotics in Sri Lanka and to recommend the steps that can be taken to minimize and combat Narcotics in Sri Lanka.

Literature Review

Research displays the common objectives behind the legislation. Furthermore, research has gone beyond the legislation and has applied it to a national security perspective.

When dealing with security concepts, the research has illustrated how security is multidimensional. According to Chaudhuri, national security has “shifted the focus away from military power, as the core determinant of international order and security, to several non-traditional sectors, with a much-enhanced role of economic, political, and societal forces. Ever since advocates of an alternative approach to security studies have questioned the position that security can only be about the military dimension”. Therefore, the research proves how political security, economic security and health security are equally important and the departure from traditional security concerns. There is an existing research gap on effects to national security by narcotics as it is seldom addressed.

As per National Security Council, 2010, “Transnational organized crime (TOC) poses a significant and growing threat to national and international security, with dire implications for public safety, public health, democratic institutions, and economic stability across the globe. Not only criminal networks are expanding, but they also are diversifying their activities, resulting in the convergence of threats that were once distinct and today have explosive and destabilizing effects.”. Therefore, it is of utmost importance to view drug trafficking as a transnational crime. The gravity of the issue drug trafficking cannot be taken separately as stated by National Security Council, 2010 without borders. Thus, the research has discussed the national security threats posed by narcotics. As Cantrell, (1922) claims, there is a “growing problem, called narcoterrorism, which threatens U.S. national security. This threat causes corruption at every level of government and society. In 1989, President Bush declared that drug abuse was the gravest domestic problem faced by our nation and was a national security threat. The social impact of the widespread drug abuse in the United States has the staggering effect on the economy, and the Third World instability all have substantial national security implications. Narcoterrorism links the drug problem with the terrorist problem, and it is an international and domestic security threat.”

However, this stance on the impact of narcotics on national security is not addressed in the Sri Lankan context precisely. The void suggests that there is an urgent need to address the gap.

Jayasuriya (1995) states that “The absence of a comprehensive national policy on drug abuse has been a major constraint on law enforcement and the development of interventions for education, treatment, rehabilitation and crop substitution”. The research proves that even though there are various laws lack of implementation, as well as ambiguities of law have led to mishaps. Therefore, the research looks into the need to strictly abide by the law.

Research Methodology

The research is doctrinal research, which is library-based research. In legal academia, it is also known as ‘knowledge building research’. According to Salter and Mason, “doctrinal research is a detailed and highly technical commentary upon, and systematic exposition of the context of legal doctrine”. Here, the research will be conducted by using existing legislations, which are mentioned in the introduction. The rationale of applying the doctrinal method is to analyse the existing laws, identify their loopholes and arrive at conclusions critically. The research uses quantitative data on the usage of narcotics to display its unfavourable influence on national security by using a few statistics published by National Dangerous Drug Control Board in Sri Lanka.

Research has used a qualitative method. According to Banister, Burman & Parker (1997), qualitative research is, “the interpretative study of a specified issue or problem in which the researcher is central to the sense that is made”. For that reason, the research has used a plethora of secondary sources including the below-mentioned sources.

1. Drug and narcotic dependence in Sri Lanka by Nandasēna Ratnapāla. (1986).
2. Narcotics and drugs in Sri Lanka: socio-legal dimensions by Jayasuriya, & Mario, (1986).
3. Drug Abuse in Asia by Suwanwela, Poshyachinda (1986, January 1).
4. Drugs in South Asia: from the opium trade to the present day by Emdad-UI Haq. (2000).
5. National Security and International Relations (Routledge Revivals) by Mangold, (2013).
6. Narcotics and Crime: A Study of Narcotic Involvement in an Offender Population by Kozel, Dupont, & Brown, (1972).

Moreover, the research will be abetted by primary sources which are mentioned in the introduction.

Results And Discussion

Sri Lankan Situation

The most known type of drugs in Sri Lanka are heroin, opium, hashish, cannabis and cocaine. Adding weight to the prevailing drug menace, substance abuse is highly visible. The community due to their mood alleviation properties and the ability to relieve pains often misuses psychotropic drugs. Suwanwela & Poshyachinda (1986) state that “heroin abuse has spread further in Asia, both socially and geographically, involving such countries as India and Sri Lanka, which had no previous experience with the problem. Studies have also shown that the abuse of manufactured psychotropic substances has been increasing and that heroin addicts’ resort to these substances when heroin is difficult to find.”

According to the statistical report on drug dependents reported from treatment agencies. Vol:116, 1st quarter 2021 Research Division National Dangerous Drugs Control Board Ministry of Defence stated that; “40% (322) of them smoked the drug, 16% (128) eat or drink, 66% (534) used the Chinese method, 1.1% (09) used the drug-sniffing method and 0.8% (07) injected the drug’. Compared to the third quarter of last year all other methods have decreased and some of the significant details follow, smoking (65%), eat or drink (77%) Chinese method (42%).”

Laws Relating to Narcotics

To combat drug abuse there are various laws Sri Lanka has adhered to. Sri Lanka is a signatory for three key international conventions dealing with narcotics as follows,

1. Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol
2. United Nations on Psychotropics Psychotropic Substances of 1971
3. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

Further, Sri Lanka is a party to South Asian Association for Regional Cooperation and has ratified SAARC Convention on Narcotic Drugs and Psychotropic Substances. In addition, Sri Lanka is a party to the previously mentioned Conventions it has obliged and made legal provisions to give effect to the law. The research shed light on key legal instruments relating to Narcotics in Sri Lanka and critically analyses the existing laws.

National Medicinal Regulatory Authority Act no 5 of 2015 (NMRAA)

The preamble of the Act states the objective of the Act as to “provide for the establishment of a regulatory authority with the objective of regulation and control



of, registration, licensing, manufacture, importation and all other aspects about medicines, medical devices, borderline products and for the conducting of clinical trials in a manner compatible with the national medicines policy; to provide for the establishment of divisions of the national medicines regulatory authority including the medicines regulatory division, medical devices regulatory division, borderline products regulatory division and clinical trials regulatory division; to establish a national advisory body; to repeal the cosmetics, devices and drugs act, no. 27 of 1980; and for matters connected therewith or incidental there to.”

Further, the act has established two committees to address the issue. They are the Legislation subcommittee, which assists as well as advises the government of Sri Lanka regarding the amendments of the existing laws. Besides, it advises and assists in incorporating new laws on the global trends and to counter existing loopholes. The second committee, which is known as the Law Enforcement subcommittee, is bestowed with the power to coordinate with all the Drug Law Enforcement agencies for effective enforcement of the law for the steps taken by the National Dangerous Drug Control Board (NDDCB). When combating the drug menace NDDCB has taken impressive steps such as establishment of a research unit on drugs, the national laboratory board, Precursor Control Authority, Treatment and Rehabilitation Unit, Preventive Education and Training Unit, Designated and private treatment centres Unit, Outreach Unit and Information Centre 1984 Hotline. Main legislation according to NMRA are Poisons, Opium and Dangerous Drugs Acts (No. 13 of 1984) with Amendments Convention against Illicit Traffic in Narcotic Drugs, Psychotropic substances Act No. 1 of 2008 Drug Dependent Persons (Treatment and Rehabilitation) Act, No. 54 of 2007.

Poisons, Opium and Dangerous Drugs Act (No. 13 of 1984) with Amendments

The Act specifies the parties who are directly dealing with dangerous drugs, poisons and opium. Namely, medical practitioners, dentists, and pharmacists, veterinary surgeons and wholesale druggists. As per section 53 of the Act, “No person shall manufacture or carry on any process in the manufacture of any Dangerous drug. Section 54 restricts the sale and supply of drugs. Section 54 extensively obliges any person not to “administer, sell, supply, or procure or offer to sell, supply, or procure any dangerous drug to or for any person”. The scope of the Act displays the majority of the instances where a drug can be misused from possessing a drug to selling it.

The Act is extraterritorial; it can convict any person outside Sri Lanka on advertising any such drug for sale. However, the Act grants an exception to the afore acts if permitted by, or otherwise than following, the provisions of this Ordinance and a license on that behalf from the Director. Section 56(1) states a medical practitioner may administer, prescribe or supply any dangerous drug for the treatment of his patients, but shall not supply to any patient more than the amount to be taken by him during three days.

This section in practice is inoperable under certain circumstances. Especially in a situation of a cancer patient who is in a critical state the medical practitioner prescribes drugs such as Morphine. Prescription is valid only for three days so the



terminally ill patient needs to revisit the medical practitioner. This is a matter, which is argumentative because prescribing a drug to a terminally ill person cannot be regarded as substance abuse. However, if a person who is given a severe painkiller for a fracture becomes addicted for its calming properties, the risk is evident. In such a situation, the period becomes an ideal hurdle to prevent substance abuse. By way of clinical experience, the practitioners know how to and when to prescribe the drug and how to tail off it accordingly. In desperate situations such as COVID- 19, we are currently undergoing revisiting to the medical practitioner is a strenuous task especially for a terminally ill person. The truth is that abuse of drugs is often a matter of availability, personality, and environment and due to pharmacological factors. The objective of the Act is to restrict the availability to the public. Even though the drug compounds can be abused if the Act is implemented. Accordingly, the threat can be mitigated as well as prevented gradually.

The Act further states that a dentist may administer, prescribe, or supply any dangerous drug for the dental treatment of his patients by local application, but shall not supply to any patient more than the amount to be used by him during three days. This section too raises the question of the three days and the efficacy behind it. Furthermore, as per the Act dentist may, administer a dangerous drug by hypodermic injection for dental treatment. The act in its section 65 states that “No person not being a medical practitioner, dentist, veterinary surgeon, or pharmacist, or wholesale druggist shall make, import, or possess any hypodermic syringe or other apparatus for injecting any dangerous drug”; discouraging the drug abuse, Section 56A states that a veterinary surgeon may administer, prescribe, or supply any dangerous drug for the treatment of animals, but shall not supply to any person more than the amount to be taken by the animal during three days. Nonetheless, the Act states that any person may administer any dangerous drug by and following the orders of a medical practitioner, dentist, or veterinary surgeon. There is a clear risk because a person with a vulnerable personality can misuse the drugs to its mood alleviating qualities. The nature of psychotropic drugs will be discussed later.

Section 57 states that a pharmacist may on premises licensed for the purpose by the Director supply a dangerous drug to any person on the prescription of a medical practitioner, dentist, or veterinary surgeon. Moreover, a “Person dispensing the prescription (d) the drug shall not be supplied more than once on the same prescription: Provided that, if the prescription so directs, the drug may be supplied on more than one but not more than three occasions, as directed in the prescription, at intervals to be specified on the prescription; (e) the prescription shall be marked with the date or each date on which it is dispensed, and shall be retained by the person by whom the prescription is dispensed, and shall be kept on the premises where it is dispensed and shall be available for inspection. This section is often contravened, misused, superseded.

One of the main lacunae defeating is the zero-drug policy that majority of the pharmacies are operated without a licensed pharmacist. However, one of the undeniable good factors in the health sector is only allows dangerous drugs such as

Morphine, Pethidine to state pharmacies which are under the supervision and function of a registered, licensed pharmacist. Imposing an additional burden private pharmacies tend to provide drugs over the counter without a proper prescription. There are instances where pharmacists provide medicine after listening to the symptoms thrive in their pockets. Even though the drugs do not fall under the category, there are a plethora of drugs, which consists of addictive substances such as Gabapentin and Pregabalin. As per Addiction Center “Gabapentin abuse tends to occur in people who already have an addiction to opioids or other drugs. The effects of Gabapentin intoxication have been described as a sense of calm, euphoria, and a high similar to Marijuana.” Despite, the majority of the pharmacists in private pharmacies hesitate to provide addictive drugs over the counter, it is hard to deny the possibility due to the detected cases by the government. This threatens health security as misuse of dangerous drugs can aggravate mental health diseases and cause mental health diseases. An additional burden is on the government to treat the drug victims due to drug overdose, suicidal attempts, lunacy, stroke, heart-related diseases, cancers, gastrointestinal issues emanated from drugs.

Amendment to the Act by Section

54 A and 54 B are controversial. Section 54A states “except as permitted by or otherwise than following the provisions of this Chapter or a license of the Director. Any person who manufactures any of the following dangerous drugs, namely heroin or cocaine or morphine or opium shall be guilty of an offence against this Ordinance and shall on conviction by the High Court without a jury be liable to a sentence of death or life imprisonment. Section 54 B states, “Any person who abets the commission of or who attempts to commit or does any act preparatory to or in furtherance of the commission of any offence under section 54A shall be guilty of such offence and shall be liable on conviction to the punishment provided for such offence. Section 54 A and 54 B contravenes the Supreme Law of the Country.

As per Article 11 of the Democratic Socialist Republic of Sri Lanka, “No person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”. This Article affirms the right to life by way of expansive interpretation. Moreover, Article 12 (1) of the constitution states, all persons are equal before the law and are entitled to the equal protection of the law. Therefore, the difference in treatment breaches the law. In addition, Section 54 A and 54 B contravenes United Nations Human Rights Declaration; Which Sri Lanka is a party to and has recognized the right to life impliedly.

The former president (2015) declared the resume of capital punishment (section 52 of the penal code) death by hanging especially for drug lords; during the last days of his tenure. He went on to the extent of hiring a hangman. The conflicting situation is further generated when Article 33 is applied, where the constitution states that, 33. (1) It shall be the duty of the President to - (a) ensure that the Constitution is respected and upheld; (b) promote national reconciliation and integration. Therefore, resuming and implementing capital punishment contravenes the highest law in the country, which is against the justice system.



The current debate on granting a presidential pardon to former parliament ministers knowing to be drug dealers has created outrage in public. It can be seen that drugs are used as a political weapon irrespective of the president in power. Almost all the presidents and people in power have used antidrug slogans to attract the public. Loss of faith by the public is adverse to the smooth function of the government. This infects threatens political security by creating unrest in the power structure.

Convention against Illicit Traffic in Narcotic Drugs, Psychotropic substances Act No. 1 of 2008 the convention includes an array of drugs with the tendency of being misused. Drug maintenance is a strenuous task. Patients get addicted to drugs such as morphine, heroin, codeine, and synthetic analgesics such as pethidine. To prevent the substance abuse of the aforementioned serious and dangerous drugs and depending on the gravity of the addiction, some clinicians take the path of prescribing drugs that are less addictive and then tail off the amount accordingly. A known drug is Methadone, which is not severe compared to the abusive and addictive run. However, there are seldom cases of drug addicts who attempt to depend on the less addictive in the end. Therefore, even though the law seems to be rigid and imperative to have effective implementation. Especially, in a situation like therapy, the doctors must invigilate whether the patient is starting to get addicted to the second introduced drugs. Drug victims abusing psychotic substances which are given to prevent their addiction is a worst-case scenario. The reason is that the victim is re-victimized. It also affects the health security of the country due to low self-esteem, low quality of life. Drug dependents are a burden to the economy, as the government needs to maintain rehabilitation centres and invest in them.

Drug Dependent Persons (Treatment and Rehabilitation) Act, No. 54 of 2007

The Act provides voluntary as well as rehabilitation by court referral. Section 10(4) states that 'Where a person is convicted and sentenced for any offence under the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 214) and the Court convicting such person is satisfied by evidence on oath led before such Court that a such person is a drugdependent person, the Court may commit the person so convicted to a Treatment Centre for such time as may be determined by Court taking into consideration the degree of dependence of such person. Such period may be extended on an application made by the Director of the Treatment Centre to which such person is committed. The circumstances on which the extension is requested should be sufficient in the opinion of the Court to necessitate such extension'.

By way of the court, a person is referred to a psychiatrist and then accordingly sent to a rehabilitation centre. The problem lies aftermath of the rehabilitation process where the person highlights the difficulty to adjust to the new environment. Moreover, before sending for rehabilitation the drug addicts are kept in jail for a term. Due to lack of a classification of drug perpetrators small scale as well as a major scale weapon, trained drug dealers enjoy a common platform sharing their expertise, which is in fact detriment to society.



Recommendations

The problem of drugs run back to time immemorial. In the aftermath of the three-decade war, Sri Lanka attracted tourists due to its peace, tropical breeze and hospitality. The concealed threat was the Sri Lanka became a hot spot where narcotics were brought to. Contrastingly, the discovery is that Sri Lanka is shaping to be a final destination more than a point of transit. Due to illicit trafficking, it is high time to pay attention to combat the drug menace. The legal framework about Narcotics as mentioned in the research showcase strengths as well as weaknesses. The research has pointed out the loopholes in the laws to combat narcotics. Further, the research has displayed the security threats that resulted in due legal failures. Finally, it has arrived at the below recommendations to be taken.

As discussed in the research, it can be seen that there is a thin line between Narcotics and Psychotropic Drugs. The distinction lies in the compound, dosage and density. The Convention against Illicit Traffic in Narcotic Drugs, Psychotropic substances Act No. 1 of 2008 has a comprehensive list of Drugs. An important factor that can be ascertained is the need to properly implement the law relating to dangerous drugs and psychotropic substances. The duty lies in medical practitioners when prescribing psychotropic drugs to monitor the status of addiction and make sure the second introduced drug is not used as an additive. As per the Poisons, Opium and Dangerous Drugs Act (No. 13 of 1984) the state should ensure that pharmaceuticals are not diverted to nonmedical use. Pharmacies must be invigilated properly by ensuring the presence of a licensed pharmacist and place is a licensed pharmacy. Medical Practitioners, Dentists, Veterinary as well as Pharmacists must make sure to adhere to the prescription guidelines.

Rehabilitation of Drug Dependents

It is important to monitor the rehabilitation process; the aftermath of the rehabilitation programme, the drug addict appears before the court for an order of acquittal. To achieve the fruits of rehabilitation, the one-year period of rehabilitation should function properly including therapy. Drug-free Prison System. The objective of sentencing a person for a jail term is to ensure he is harmless to society. Therefore, it is imperative to ensure that drug dealers are not enhancing their skills and monitoring transaction within the prison. Categorization of drug offenders is necessary to prevent major scale drug abusers from meddling with minor drug offenders. If not the prisoners will be experts by sharing their tactics with one another and upon release, they may continue drug trafficking and other related crimes threatening national security.

Inter-Agency Operational Platform

The data gathered by Police, Customs office, Air force, Army, Navy, Coast Guard, National Dangerous Drug Control Board and all other stakeholders must share a common platform of knowledge and act together to achieve a drug-free state. There should be a Centralized database for seizures of drugs accessible to the authorities. The seized drugs need to be sealed uniquely to prevent drugrelated offences, which

threaten national security.

International Joint Operation

As the issue of drugs is not only focal to Sri Lanka, to combat drugs, steps should be taken in collaboration with other states. Sharing expertise and knowledge will aid to counter the drug threat. Training the authorities, holding seminars, updating with the current global trends is imperative to have a skilled resource pool. Harmony with international standards increases regional cooperation by strengthening ties with nations. This will also ensure regional security and preclude the emerging threats posed by narcotics and related crimes. The Laws that Need to be Amended. The controversial section 54 A and 54 B of the Poisons, Opium and Dangerous Drugs Act (No. 13 of 1984) needs to be amended or abolished accordingly in harmony with the international standards. It is important to ensure constitutionalism. Therefore, any law cannot be inconsistent with the supreme law of the land. Right to life as well as the right to be free from different treatment needs to be fostered.

Sentencing Policy

Capital punishment contravenes the supreme law of the country of the right to life, which is impliedly recognized in Article 11 of the constitution. The same constitution bestows the president with the discretion to grant presidential pardon as per article 34 of the constitution. Therefore, overruling a judgement of the supreme judiciary and acquitting criminals erodes the rule of law. This was seen during the recent acquittal of drug lords.

Health-based Approach

The Issue relating to Narcotics should also be seen as an issue of mental health due to the vast number of drug addicts who are mentally ill people. Therefore, following a health-based approach together with the criminal-based approach will be fruitful to counter the drug menace. The reason to view drug issues from a health perspective is mainly that it threatens health security.



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Maintaining National Security: Role of Sri Lankan Military during COVID-19

By Hiruni Jayaratne

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National security means ability of a state to cater for the protection and defence of its citizenry. It is closely associated with the rights of citizens and the responsibility of the state towards them. Every government should give priority to national security. Initially the primary focus was on focusing on military security but now it encompasses a wide range of non-military dimensions such as economic security, food security, energy security, and environmental security. As Theresa May, the Prime Minister of Great Britain has mentioned “National Security is the first duty of the government”. Every country’s main duty is to maintain national security and, in that case, the military is one of the main tools to protect citizens, nourishing the survival of the states as well as combatting crimes and threats. Everyone needs oxygen to breathe subsequently every nation needs to have an accurate policy to maintain national security since it is the shield of the country.

Sri Lanka is the pearl of the Indian Ocean and today faces a range of security threats so easily due to its geostrategic location. Coming almost exactly ten years after the end of Sri Lanka’s civil war which pitted government forces against a Tamil insurgency led by the Liberation Tigers of Tamil Eelam (LTTE) – Easter Sunday Islamic State-inspired bombings shook a country struggling to find its way toward a stable peace. Sri Lanka suffered a disorienting blow on Easter Sunday, 21 April 2019, when a series of suicide bombings killed over 250 and injured hundreds of more Christian worshippers and foreign tourists. The seven coordinated bombings targeted three Christian churches – in the capital Colombo, north of Colombo in Negombo, and in the eastern town of Batticaloa – and three high-end hotels in Colombo, and later a small guesthouse south of the capital. This became a massive Extremist’s violence in Sri Lanka but the previous government’s immediate reaction to the attacks was confused and ignored. Due to the weakness of the former regime, tremendous downfall happened in intelligence services. As a result, many people have been killed in this particular attack. But according to the current process of the new president’s regime identified the weak points of the former regime and initiated new strategic policies to face for the threats. Covid-19 is an ongoing so-called global health crisis and one of another major threat for the Sri Lankan government after the Easter attack



by extremists. Government with the support of the health ministry and Tri-forces, identifying new clusters using human intelligence and formed superior strategies. Sri Lankan government was together with the military initiated new precautionary measures while protecting citizens' rights and democracy. She rapidly mobilized its minimum resources to control the ongoing pandemic with the support of the efficient state-funded health services and the defense professionals under the visionary and able leadership of the President. This paper tries to identify how the Sri Lanka military maintains national security during COVID-19 and what kind of strategies were taken by them using military capabilities to mitigate crimes while combatting the health crisis to ensure a secure and safe country.

Sri Lanka as one of the countries that successfully secured good healthcare at low costs. She closely monitored the pandemic's movement right after the first case appeared in the nation and using human intelligence Tri-forces tracked any potential COVID-19 suspects and send them directly to the quarantine centers. While the entire world is engulfed in COVID-19 fear, the Sri Lankan Government, which is taking all possible precautionary measures to contain the virus, has also taken serious measures to combat crimes and threats.

“Proactive intervention to prevent any outbreak of COVID-19 within Sri Lanka” is the vision of His Excellency the President Gotabaya Rajapakse. All preparations and actions of Sri Lanka are within this intent. The government of Sri Lanka acted well before the pandemic hits the region. HE President Gotabaya Rajapakse, appointed Lieutenant General Shavendra Silva, as the Head of National Operation Centre for Prevention of COVID-19 Outbreak (NOCPCO) together with the Chief of Defence Staff and Commander of the Army and Medical Specialist Dr. Anil Jasinghe, Director General of Health Services, with their handful of experts taking risk forward, and introduced new strategies to protect people from this health crisis. National Task Force was appointed by the government and they implemented the new approach called 3T (Testing, Tracing, and Treatment) to combat this pandemic. Sri Lanka has no plans to have foreign troops deployed in the country to combat the pandemic. The Island nation's military and police showed their capabilities in tackling the pandemic. According to the Defence Secretary Kamal Gunaratne “Our military has already shown their expertise and professionalism in handling the emergency created under the coronavirus threat,” Gunaratne said. Sri Lankan military at the forefront of the COVID-19 prevention operations. Also, Sri Lanka's intelligence agencies have been used to trace people who are closely associated with Corona virus-positive patients and the military had rapidly established more quarantine centers around the country and have been praised for their efficiency and the excellent facilities. As of 23 March, forty-five quarantine centers had been built in the country by the Sri Lanka Army. Kandakadu, Punani, Galkanda, Meeyankulan, Welikanda are some of the quarantine centers in Sri Lanka. While Police have managed the curfew, responding curfew rules violators, the military has shouldered the responsibility for the national response from contract tracing to running quarantine centers.

After much discussion with the Chinese Government, Sri Lanka flew in a special



flight and got these students back home. The night Wuhan was locked down, HE President Gotabaya Rajapakshae, formed a special National Task Force to ensure that Sri Lanka is affected only minimally.

The President was not only concerned about the health aspects but also of food security. The government stocked enough food to last the entire year. If the situation is reined in soon, Sri Lanka may have enough even to export. However, the government had initiated a door-to-door delivery system with the partnership of wholesale dealers and other service providers. The soldiers are under clear instructions to look after civilians in every way possible.

Sri Lanka Military not only battled the pandemic but faced many after challenges including Terrorism; extremism, maritime security challenges, organized crimes, cyber-attacks, and social media threats are some of the threats dramatically increased in Sri Lanka amidst COVID -19. Sri Lanka military is on high alert to maintain national security and ensure the safety of the citizens while controlling the ongoing pandemic.

Drug smugglers and Trafficking

Sri Lanka is not a very famous producer or a manufacturer of illicit drugs but as a result of Sri Lanka's strategic locations, especially on maritime and aviation routes, Sri Lanka became the international hub for international drug traffickers. India and Pakistan are the two main origin countries for drug trafficking. Drug smugglers transport heroin, cocaine, and cannabis via illegal migrants or any other human traffickers. Sri Lanka's military seized this major illicit threat while controlling the virus in Sri Lanka. Likewise, the Sri Lanka military is given a central subject of attention to combatting drug menace. As a result of that visionary plan, Sri Lankan Military took some measures to crush drug and crime networks operating in prisons too.

Also, Sri Lanka Navy has displayed the countries' largest-ever drug haul worth of Rs. 12.5 billion nabbed at international waters at the Dikkovita Fisheries Harbor recently. Recently Sri Lanka Naval and Police operations lead to apprehending 05 suspects with drugs again in Saveewa Pura in Puttalam, Poduwakattu, Mannar, and Pallemunei Districts. In addition, on 09th October 2020, Sri Lanka Navy again apprehends 02 suspects with over 33kg of Kerala cannabis, during a special coordinated operation conducted at Naruvilikkulam in Mannar.

“Sri Lanka Navy's detection of this large consignment was the best example to prove that the Government had not neglected its responsibility to protect the country while fighting against COVID-19”. (Major General Kamal Gunaratne)

Sri Lankan military eradicated terrorism in the country 10 years ago. And now they are committed to another task of combatting drug trafficking and taking speedy measures to nab drug smugglers during the pandemic. Crimes and illegal business



became one of the major threats to maintain national security in the country. These issues even affect children and youth of the country, as they are the building blocks and future leaders of the country. If they are influenced at a young age, these kinds of illicit business and habits form them as criminals and it is a duty to combat these crimes.

Illegal Fishing

This illicit business has increased during the pandemic since India marked as one of the topmost countries which severely affected by the pandemic and Indian fishermen have crossed borders for illegal fishing in Sri Lankan waters to harvest its rich resources. Sri Lanka has some threats during this pandemic and especially Sri Lanka Navy had taken several measures to prevent illegal migration and illegal border crossing for illegal fishing. The illegal fishing net is one of the serious threats to the Sri Lankan cross borders. The Fisheries Act (1996) implemented by the Ministry of Fisheries and Aquatic Resources, strongly prohibits the mentioned illegal fishing method. The use of illegal fishing methods destroys the coral reefs, mangroves, mammals, and other endangered species such as turtles. The Mannar district in the north of Sri Lanka is famous for the fishing sector and this sector has been severely affected for the last three decades by the civil war. On 22nd June 2020, the Navy apprehended 05 persons who were engaging in illegal fishing, Iranativu Island apprehended 02 persons engaged in diving to harvest sea cucumber. Suspects 37 illegally harvested sea cucumbers, a dinghy, and several diving gears were taken into naval custody on the same day, the same Naval Command nabbed another 03 individuals who returned to the shore after engaging in illegal fishing without valid passes in the sea areas of Thavupadu, Mannar, and Irukkulmpididi, Talaimannar.

Due to these illegal arrivals and illicit business, all the sea lanes are highly secured and the Sri Lankan Navy is on high alert to safeguard the international and local sea border from drug smugglers and other security threats. Illegal fishing is one of the most serious threats facing the achievement of sustainable global fisheries and food security. The responsibility doesn't lie with one country, but with a strong and coordinated effort of international and national players. Illegal unreported and unregulated fishing can be illuminated by making more efficient on Communication between coastal states and fisheries management bodies and make more secure and powerful of ports control systems and more adequate Information sharing systems.

Illegal Alcohol

Illicitly distilled liquor is a major business in Sri Lanka. Goda, Kasippu, and other illicit spirits, or unrecorded alcohol are categorized as illegal alcohol and especially consumed by low-income laborers and it's widespread all over the country. Among these bootleg liquors "Kasippu" became one of the famous illicit spirit businesses and it's become more popular during the curfew periods due to the pandemic. Since the liquor bars were closed all over the region.

Sri Lanka Military is on high alert during the lockdown period, to mitigate this illicit business and on 11th June 2020, the 69 illicit liquor casks (51750ml) have been detected by Sri Lanka Police Department. The suspect was 57 years old and lived in Kadana District. On 02nd June 2020, 6 casks (1,080,000 ml) of ‘Goda’ illicit liquor have been detected by Sri Lanka Police Department, and the suspect was found in the “Pubudugama” district. Those raids have been conducted by the Sri Lanka Army together with Police and was successfully seized and marked a point by arresting them. This is a major crime within the country but this has skyrocketed during the pandemic. Sri Lanka’s curfew kept everyone at home due to this pandemic and some are used to engage in these kinds of illegal activities at that time. Sri Lankan military was keen on this subject and stopped people from being criminals. Sri Lanka is given high alert on maintaining national security while curtailing the pandemic.

Apart from that Sri Lanka Military tend to protect all citizens not only from the crimes and threats but also from natural catastrophes and according to the Defence Secretary Maj.Gen.Gunaratne said “The responsibility of the Armed Forces is to protect people in events like major natural catastrophes like floods and landslides, terrorism or hostilities and also virus outbreaks like the Coronavirus. But you are the ones who know the pulses of the people. Therefore, you shoulder a bigger responsibility in protecting people’s lives,” Also Sri Lanka Navy launched some special sea operations around the country from the beginning of the novel Coronavirus pandemic to thwart asylum seekers fleeing from coronavirus-hit countries into Sri Lanka.

Conclusion

Compared to other countries, Sri Lanka has been successful so far in the fighting against COVID-19. Since Sri Lanka reacted rapidly to early warnings from WHO and China. However, the threat is not over yet. But, as a result of those great strategies, Sri Lanka has been recognized as a successful example by the World Health Organization. The Sri Lankan military is on the process of maintaining national security while controlling the pandemic. Because of these engagements, the Sri Lankan Military became one of the leading militaries. They deserve more and more recognition by the citizens as they not only controlled the pandemic but also stepped out of duty on combatting drug trafficking, terrorism, extremism, illegal fishing, and illegal alcoholism, etc.



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The Loopholes enabling Terrorism must be Shut: Another Sri Lankan Killed!

By Rashane Jude Pintoe

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“Allahu Akbar! Allahu Akbar! Allahu Akbar!” were the raucous chants of the radical Islamist mob dragging the mutilated body of the Sri Lankan national on the streets of Pakistan before forcing him to a fiery end – a terrible twist to the peaceful Islamic prayer.

Priyantha Kumara was brutally lynched by a mob of hundreds of deadly terrorists who struck the Sri Lankan multiple times with sticks, iron rods, rocks and knives before setting him on fire. His crime – the removal of a poster, for workplace renovation purposes, of an ultra-radical Islamist organisation; the Tehreek-e-Labbaik Pakistan (TLP). The mere reason for exasperation by the radical Islamists clearly depicts the shaky fragility of the ideology followed by these pseudo-religious hooligans.

Pakistan Radical religious extremism has become the dominant factor of terrorism in the 21st century, with Islamist extremists topping the charts after having spun the teachings of the peaceful religion for their own political, racial and social benefits. Attacks have been launched through a plethora of Islamist terrorist organisations in almost all continents across the world.

A crucial factor that currently creates alarming statistics across Asia is the increasing level of radicalisation of the Islamic youth across both genders by Salafi-Wahabi doctrines stemming from the Middle East. An array of Islamist terrorist groups is built upon the concept of ‘Al-Wala’ wal-Bara’, a major pillar in Salafism, which ideologically refers to the exercise of loyalty to Muslims and hatred to the disbelievers. Existing regulatory frameworks have continually failed to effectively protect nations’ religious spaces thus enabling radical ideologies to spread at distressing rates.

Seeping into Central Asia, the Salafi-Wahabi doctrine has been overtaking the traditional Pashtun culture of the Afghan Taliban, critically transforming the group from a violent resistance movement into a radical ideologically-powered terror machine. The Taliban takeover of Afghanistan, which some claim was greatly



supported by the Inter-State Intelligence (ISI) of Pakistan, has been a critically motivating factor for Islamist extremism across the world, with multiple groups mobilising with activity and more than 40 terrorist organisations globally pledging allegiance to the Taliban since August 2021.

The Salafi Wahabi doctrine drove the pseudo-Islamist terrorists of the 2019 Easter Sunday bombings in Sri Lanka which took the lives of almost 300 civilians in multiple coordinated attacks across the nation. Regulatory religious frameworks, including the apex Islamic religious body; the All Ceylon Jamiyyathul Ulama (ACJU), was infiltrated by Salafi-Wahabi clerics, whilst the peaceful Sufi clerics were marginalised. Similarly, the government body established to regulate the religious space; the Department of Muslim Religious and Cultural Affairs (DMRCA), lacked civil servants with expertise to clearly comprehend the growing threat and to secure the Muslim community from foreign ideological interference – emanating from Thowheed movements and Jamathi Islami. Likewise, the Waqf Board, did not monitor the Madrasas, Mosques and other institutions being infiltrated by ideologies from overseas. The failure of these institutions, coupled with the overt neglect for national security by the Yahapalanaya government to critically identify, acknowledge and act upon the large-scale radicalisation of the Sri Lankan Muslim community was a major factor that resulted in the bombings. It is important to note that all religions produce extremists and terrorists. In addition to the government, religious leaders are responsible for keeping their clerics in check.

Similarly, the lone wolf terrorist attack launched by Sri Lankan-born Islamist terrorist Mohamed Samsudeen in New Zealand in September 2021, could have been avoided had the New Zealand legislature been revised to close any loopholes in its counter terrorism law, which enabled the terrorist to roam freely despite him advocating for terrorist groups and religious violence.

The failures of the legal, religious and regulatory bodies of multiple nations are the gaps in their national security apparatuses, which have enabled the radical Islamist ideologies and doctrines to penetrate and infiltrate the peaceful Islamic religion.

In order to curb rising radicalisation, it is of absolute necessity that the political leadership of the nation protect its education and religious spaces in order to keep the peaceful Islamic community from getting radicalised by foreign ideologies. In order to achieve this, the current government of Sri Lanka attempted to strictly monitor the education of Islamic schools and restrict lone clerics and unregistered madrasas from operating in the nation. In addition, the government attempts to place a ban on the complete face covering of Muslim women, namely the niqab and the burqa, which have its origins in fundamentalist Islam – the same traces of the Salafi-Wahabi doctrines.

However, the political opposition of Sri Lanka, consisting of a majority of politicians who oversaw the Easter Sunday Bombings in 2019, made multiple demonstrations and protests against the government's decision to safeguard the nation's education

and religious space, citing suppression of religious freedom. The opposition is playing the political card, just like its government did in 2019, in a matter that requires immediate attention to curb future attacks against the people.

Certain members of the opposition attempt to disrupt the current government's actions to secure national security. Why is the opposition pushing demonstrations that can potentially enable another Islamist attack? Do they wish to play the political card after enabling another potential attack? One could opine that the opposition prefers to play politics rather than supporting the government for the betterment of the nation. Are politicians in the opposition afraid that the present government protects the national security of the nation, which would be a huge blow for the publicity of the previous government who failed utterly in this regard? Regardless of the answers, the actions of the political opposition are a major hindrance to achieving national security in Sri Lanka.

It is indispensable that nations ought to work together to strengthen and protect their religious spaces, thus curtailing the possibility of future religiously-motivated terror attacks across the world. It is of strong vitality that the legal, religious and regulatory frameworks in Sri Lanka are moulded to protect the nation from further penetration of radical Islamist doctrines that seek to create division, hate and terror in the life of the Sri Lankan civilian.

Priyantha Kumara's body was diminished too almost nothing. However, the fire that ignited this gruesome murder is still burning; still burning until the leaders of the nation's successfully curb the rising threat of Salafi-Wahabism and radical Islamic fundamentalism in the region and the globe as a whole.



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Water and Sustainable Agriculture in Sri Lanka

By Ruwanthi Jayasekara

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The Sustainable Developmental Goals were set by the United Nations to be achieved by 2030 and now, we are less than a decade away from the target date to a better future. Water and sustainable agriculture are linked to all 17 goals either directly or indirectly. In the long term, inadequate water, both in the form of droughts and inundation of water in the form of floods, pose a detrimental impact, not only on environmental security, but on community security, health security, economic security, political security and overall national security of a country. Currently, there's only about 3 percent of the Earth that can be considered sustainable enough to grow food on, but every inch of land is crawling with those who need food to survive.

Sri Lanka, with two annual monsoon seasons, is privileged to possess sufficient water for daily chores. Even during the pandemic, Sri Lanka did not face drastic issues with regards to Water, Sanitation and Hygiene (WASH) resources, unlike other South Asian countries. It is a fact that the demand for both water and agriculture will increase every day. It is necessary to analyse how sustainable agriculture can be flourished while preserving the available water resources.

Sri Lanka is self-sufficient in production of rice, tea and coconut, and the land is highly arable. 400,000 hectares of land has been cultivated additionally during the pandemic. Rice occupies 34 percent of the total cultivated land in Sri Lanka. Every year, more than 20000-23000 kg of arsenic, 40,000-50,000 kg of chromium and 20,000-30,000 kg of lead are added to the soil. Sri Lanka ranks 26th place in fertiliser usage in the world. It is unfortunate that only less than 20 percent of the fertilisers are absorbed by plants. More fertiliser is not an indication of greater harvest, but increased presence nitrogen, arsenic, phosphate in soil, water and ultimately in human bodies. This suggests that nearly 80 percent of fertilisers end up in the soil and the highest portion ends up in lakes, rivers and ultimately, in the sea. Adding to this, the ocean acts as the largest carbon sink in the world. Once large amounts of energy are absorbed by the ocean and evaporated back to the atmosphere,



this could create sea spring, tornadoes and cyclones, which could affect the nearby agricultural lands. This is a vicious cycle, and can have drastic impacts on agricultural land.

Water plays a very crucial role in the amelioration of agricultural products. Water scarcity, with extreme weather conditions, increases water constraints. Droughts have become an annual phenomenon in Sri Lanka and this limits agricultural practices during the dry season. In the same manner, overabundance of water in the form of natural disasters damage the crops and from 6-11 August 2020, 107 families and 434 people in the Central provinces of Sri Lanka were affected. Fluctuation of water supply is not only an essential need of life but also for the livelihoods of many. “Women across the Eastern Province of Sri Lanka venture on a 90-minute walk through brush and unlit roads to collect drinking water for their families”. In the long term, water creates an impact not only on the economy, but also on politics, as depressed and deprived farmers could even turn over governments and ultimately these depressive systems could trigger water wars like in the Middle East. Therefore, a drop of water is never to be underestimated and water governance should forever remain a priority. It is necessary that countries improve resilience to water risk management with the utilisation of climate adaptive and water smart technology.

Initiation of sustainable agricultural practices consumes time, effort and social responsibility. It is the social responsibility of both the manufacturer and the consumer that sustainability is maintained until the product is consumed and well-disposed off. More than 40 percent of production in Sri Lanka goes to waste, due to issues of transportation, packaging, storing capacity and backward means of preservation. When the food wastage is high, wastage of virtual water is high, especially when 15 percent of children between 6-59 months are under chronic malnutrition. When determining the policies like debt for nature swap, forest-bathing and organic farming. In Seychelles, the US conservation group The Nature Conservancy (TNC) bought debt “in exchange for a promise to create 13 new marine protected areas (MPAs)”. In Japan, forest bathing is practiced, where people spend time in naturally healing environments, which leads to lower levels of the stress hormone ‘cortisol’, blood pressure and improved concentration and memory. These plans of action compel people to engross in sustainable living with less effort.

One major solution is organic farming. Bodies like National Organic Control Unit should be responsible to implement rules for organic farming with certain standards, provide incentives for farmers and create opportunities for both local and external export market. In the long run, it is necessary to make these organic products affordable to local consumers, especially considering they use limited water for farming, and are the healthier option. This should not be limited to the private sector, but the public sector involvement needs to be high. Organic farming could lend a helping hand in lessening chemical fertilisers in water bodies and therefore, minimising the number of kidney patients and issues related to discolouration of one’s teeth. Monitoring and guiding debate in the agricultural sector could ensure health security of many.

The population is expected to grow and another 2 billion people are to be fed by 2050. The Food and Agriculture Organisation (FAO) of the United Nations has been working with the government on a national agricultural strategy for 10 years and there seems to be a long delay. Existing water policies should be coherent with the upcoming national agricultural strategy and completion and implementation such a strategy could lead us towards achieving sustainable agricultural targets. But the question is, if our agriculture isn't sustainable, how are we to face the further complications on health, face water scarcity and even water wars?



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