Issue No. 363 31st AUGUST 2026 CEYLON INDEPENDENT @+94 77 230 0305

NEWSLINE
Daily by Faraz

"Questioning The Answers"

160,000 CANCER INJECTIONS ARE HERE – SO WHY CAN'T PATIENTS HAVE THEM?

Sri Lanka has around 160,000 doses of Filgrastim caught in a regulatory dispute over labelling while State hospitals face a shortage. The medicine is needed now, the patients are here now and the stock is apparently here too. NewsLine asks whether a regulation intended to protect patients has instead become the obstacle preventing them from receiving treatment.

NEWSLINE SPECIAL REPORT

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NEWSLINE SPECIAL REPORT

Somewhere within Sri Lanka's medical supply system sits a consignment of approximately 160,000 doses of Filgrastim, a medicine used to protect cancer patients whose immune systems can be severely weakened by chemotherapy.

Sri Lanka requires approximately 27,500 vials a month. Apeksha Hospital in Maharagama alone uses around 9,000. The annual national requirement is approximately 300,000 doses.

Yet a consignment which arrived in Sri Lanka on July 28 remains in quarantine.

Health Minister Dr Nalinda Jayatissa has acknowledged the shortage and the problem holding up the stock: the individual pre-filled syringes do not carry labels required under National Medicines Regulatory Authority specifications.

That distinction matters.

The publicly stated objection concerns labelling. The Minister has not said the medicine failed a quality test, was improperly manufactured or was found unsafe.

Nobody, least of all NewsLine, suggests pharmaceutical safety standards should be relaxed because a medicine is urgently needed. The NMRA exists precisely to protect patients from substandard, counterfeit and unsafe medicines.

But regulation must surely be capable of distinguishing between unsafe medicine and safe medicine caught in a labelling dispute.

Indeed, the Minister has said discussions were taking place over whether the stock could be used on the recommendation of oncologists and haematologists. That alone suggests there is a legitimate professional question about whether these 160,000 doses can safely be released.
There is also an important allegation requiring an immediate answer.

Dr Chamal Sanjeewa, Chairman of the Doctors' Trade Union Alliance for Medical and Civil Rights, has publicly alleged that permission had previously been given for the medicine to be imported without the particular label now at the centre of the dispute.

NewsLine has not independently seen the regulatory document establishing that claim.

There is an easy solution: publish the paperwork.

If no such approval existed, the NMRA should say so unequivocally. If an approval, waiver or understanding did exist, however, a much more serious question arises.

How did 160,000 doses come to be manufactured, shipped and delivered to Sri Lanka only to become unusable after arrival because of a labelling issue apparently considered earlier in the process?

NewsLine understands that the supplier contracted with the State Pharmaceuticals Corporation and that the product and packaging supplied were approved by the SPC in the form in which they were delivered.

We further understand that the supplier has written authorisation relating to the labelling used for this supply. The supplier, when contacted by NewsLine, confirmed our understanding of the sequence of events.

The tender specification, approved product information, labelling requirements, correspondence with the supplier and any waiver or exemption should now be published.

This medicine was purchased with public money for patients in the public health service. There is no persuasive public-interest argument for secrecy.

THREE STATE BODIES - ONE PATIENT WAITING

At the centre of this extraordinary merry-go-round are three State institutions: the SPC, the NMRA and the Medical Supplies Division.

One procures. Another regulates. Another distributes.
Yet the medicine remains where cancer patients cannot use it.

The Health Minister has indicated that relabelling could take at least eight weeks, while resolution of the broader problem could take considerably longer.

At a national requirement approaching 900 doses a day, Sri Lanka could require approximately 50,000 doses during an eight-week delay alone.

The absurdity becomes difficult to ignore.

If three arms of the same State have issued different requirements or interpretations, surely the first responsibility of the Health Minister is to bring them into one room with the supplier, oncologists and haematologists and resolve the matter.
Not in three months.

Now.

Because bureaucracy counts time in working days. Cancer does not.

THEN THERE IS KANTHI

Consider "Kanthi", 67, living deep in Sri Lanka's south and undergoing cancer treatment.

When medicine is available normally, a patient such as Kanthi may be able to obtain the required injection and have it administered closer to home under appropriate medical supervision.

When supplies disappear and treatment becomes concentrated at Maharagama, she may instead face the long journey to Apeksha Hospital simply to obtain a dose.

For a healthy person, that journey might be inconvenient.

For a 67-year-old undergoing cancer treatment, it is another exhausting burden imposed upon somebody already fighting for her life.

And Kanthi is hardly alone.

As many as 75,000 patients could potentially be affected while the machinery of government attempts to resolve a dispute over labels.

THE GOVERNMENT KNOWS HOW TO MOVE WHEN IT WANTS TO

There is a striking contrast with another issue currently occupying the Government.

President Anura Kumara Dissanayake has demonstrated considerable determination in pursuing his administration's proposal concerning the retirement ages of superior court judges.

Whatever one's view of that proposal, the Government has shown that when it considers an objective important, it can pursue it vigorously and accept the political consequences.

Cancer patients might reasonably ask for some of that determination.

The comparison is not between judges and cancer patients. The issues are entirely different.

The comparison is between the urgency government can summon for one objective and the apparent inability of its machinery to resolve another.

"Questioning The Answers"

160,000 CANCER...

A constitutional amendment can survive another week while lawyers argue, judges deliberate and politicians debate.

Cancer does not suspend itself while ministries exchange letters.

PICK UP THE TELEPHONE

NewsLine attempted to contact Health Minister Dr Nalinda Jayatissa and Health Ministry Secretary Dr Anil Jasinghe for their comments. Despite several attempts, our calls went unanswered.

That is unfortunate because this situation appears to demand something remarkably uncomplicated: leadership.

Convene the NMRA, SPC, MSD, supplier and the relevant medical specialists. Put the documentation on the table. Establish whether the medicine satisfies the required safety, quality and manufacturing standards.
Then decide.

Could an NMRA-approved supplementary label lawfully be applied locally under strict supervision? Could every syringe be reconciled against its batch number and outer packaging? Could the manufacturer certify the stock? Could independent testing provide any further assurance required before release?

Those are questions for regulators, oncologists, haematologists and pharmaceutical experts -not newspapers.

But somebody in authority must bring those people together and demand an answer.

If the medicine is unsafe, say so publicly, reject it and replace it immediately.

If the law absolutely prevents corrective labelling in Sri Lanka, identify the provision that prevents it and urgently procure replacement supplies.

But if the medicine is safe, properly manufactured, traceable and capable of being brought into regulatory compliance locally without compromising patient safety, every additional day of delay becomes increasingly difficult to justify.

REGULATION CANNOT BECOME PARALYSIS

Sri Lanka's determination to clean up pharmaceutical procurement deserves support. The medicines sector has endured enough controversy for rigorous regulation to be essential. Strict regulation, however, cannot become administrative paralysis.

The purpose of every tender condition, NMRA regulation, procurement guideline and inspection procedure is ultimately the same: to ensure that a patient receives safe and effective medicine, properly purchased with public money.

The system cannot become so preoccupied with protecting the procedure that it forgets the person the procedure exists to protect.

That person is Kanthi.

She does not particularly care which department approved a sticker, which committee rejected it or whose signature appears beneath a specification.

She wants to know whether the medicine her doctor says she needs will be there when she needs it.
Every additional day of life for a cancer patient is precious.

Government cannot manufacture those days later and return them when the paperwork is complete.

AND WHAT OF ACCOUNTABILITY?

There is another uncomfortable dimension which senior officials would be unwise to dismiss.

Sri Lanka has recently witnessed, in the cases concerning former Defence Secretary Hemasiri Fernando and former IGP Pujith Jayasundera, the potentially grave legal consequences that can arise from alleged failures by public officials to act in circumstances where they bear responsibility.

The facts here are entirely different and no comparison of criminal liability should be presumed.

But the broader lesson about public office is impossible to miss.

Responsibility is not confined to what an official does. In appropriate circumstances, the consequences of what an official fails to do may also require scrutiny.

Health Ministry Secretary Dr Anil Jasinghe, NMRA Chairman Dr Ananda Wijewickrama and Deputy Director General of the Medical Supplies Division Dr S. P. A. L. Ranaweera therefore face questions which go beyond administrative inconvenience.

What did each know?
When did each know it?
What could each have done?

And what has each actually done to resolve the shortage?
If seriously ill patients suffer because an avoidable administrative deadlock was allowed to continue, those are questions which may eventually be asked somewhere considerably more consequential than the pages of NewsLine.

The possibility of litigation, including proceedings invoking fundamental rights, can hardly be regarded as fanciful if patients contend that State action or inaction has unlawfully deprived them of access to essential treatment. Whether any such application could succeed would, of course, depend upon the evidence and the law.

But government should not require a Supreme Court case to discover common sense.

Be that as it may, the central public-interest question is devastatingly simple.

Sri Lanka apparently has 160,000 doses of a medicine urgently required by cancer patients at precisely the moment State hospitals are short of that medicine.

If the injections are unsafe, tell the country why and replace them immediately.

If they are safe, President Dissanayake, his Health Minister, the Health Ministry, NMRA, SPC and MSD must explain why a dispute involving a label cannot be safely, lawfully and urgently resolved in Sri Lanka.

For officials, three months may be a timetable.

For Kanthi and thousands like her, it may be time they simply do not have.

WHY DOES SRI LANKA STILL RUN OUT OF WATER?

More than 84,500 people across seven districts are now affected by the dry spell and more than 75,000 are receiving emergency drinking water. Sri Lanka is again deploying bowsers and drilling for groundwater, but the recurring crisis raises a larger question about what happens to the enormous volumes of water that fall when the rains eventually arrive.

More than 84,500 Sri Lankans are presently affected by water shortages as the continuing dry spell bites across seven districts, forcing authorities to supply drinking water to more than 75,000 people.

Monaragala, Badulla, Polonnaruwa, Hambantota, Ratnapura, Batticaloa and Ampara are among the affected districts, with the Disaster Management Centre and other authorities using water bowsers to maintain emergency supplies.

In Monaragala alone, around 15,000 families across 75 Grama Niladhari divisions are affected.

The Government has now begun a programme to increase groundwater availability. Some 267 existing tube wells are expected to be rehabilitated while another 100 higher-capacity wells are planned.

Those measures are necessary. Families without drinking water cannot wait for a national water-management strategy to be debated. But emergency bowsers and additional wells treat the immediate symptom rather than the recurring disease.

Sri Lanka is a country capable of experiencing drought and devastating floods within relatively short periods. Enormous quantities of rainwater flow through rivers and drainage systems into the sea during the wet months, only for bowsers to be dispatched to communities when the weather changes.

Climate variability makes the problem harder, but also makes long-term water storage more important.

The real measure of government preparedness will therefore not be how many bowsers can be mobilised during the next drought.

It will be how much of the next heavy rainfall Sri Lanka manages to retain for the dry months which inevitably follow.

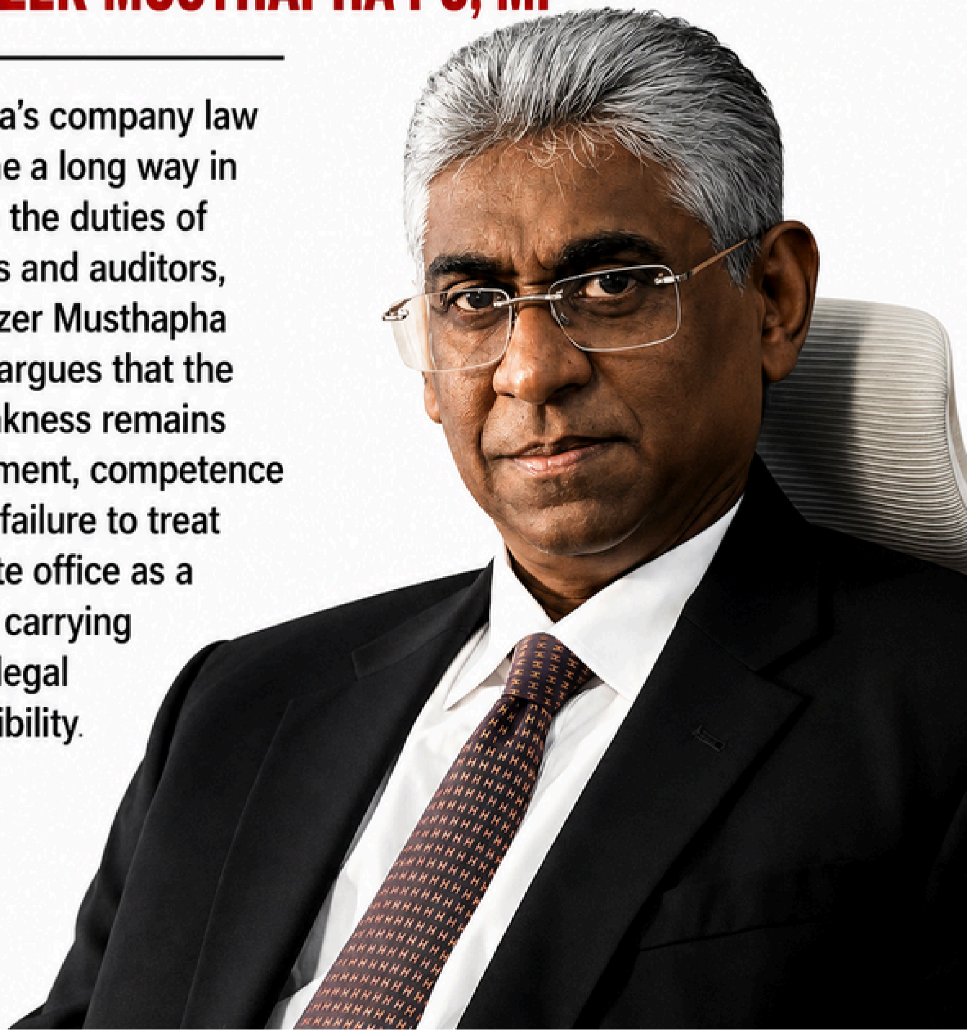
The rain will return. The question is whether we will be any better prepared to save it.

"Questioning The Answers"

DIRECTORS MUST BE ACCOUNTABLE, NOT DECORATIVE

– FAISZER MUSTHAPHA PC, MP

Sri Lanka's company law has come a long way in defining the duties of directors and auditors, but Faiszer Musthapha PC, MP argues that the real weakness remains enforcement, competence and the failure to treat corporate office as a position carrying serious legal responsibility.



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By Faiszer Musthapha PC, MP

Sri Lanka has substantially strengthened the law governing company directors and auditors, but legislation alone cannot guarantee corporate accountability unless those entrusted with the affairs of companies are required to answer meaningfully when they fail in their duties.

That is the central concern emerging from a critical examination of Sri Lanka's corporate law framework, particularly the Companies Act No. 7 of 2007 and the more recent reforms which have expanded transparency and beneficial ownership requirements.

The modern corporation is vastly different from the owner-managed business of an earlier age. Shareholders frequently provide the capital while directors and professional managers exercise practical control over the enterprise.

That separation between ownership and control creates an obvious problem. Those taking decisions may not be risking their own money, while shareholders, creditors, depositors and employees ultimately bear the consequences when those decisions go badly wrong.

It is precisely for that reason that company directors cannot be regarded merely as individuals invited to sit around a boardroom table. They exercise substantial power and are therefore expected to exercise substantial responsibility.

The Companies Act of 2007 represented an important change in Sri Lanka. Earlier company law relied heavily on a combination of statutory provisions, company articles, common law and equitable principles.

The result was a somewhat fragmented system of accountability. The 2007 Act placed directors' duties within a clearer statutory framework and made it considerably more difficult to argue that the obligations of a director were uncertain.

Directors are now required to act in good faith and in what they believe to be the interests of the company. They must comply with the law and with the company's own constitution and must exercise the degree of skill and care demanded by their office.

The law also places directors at the centre of financial reporting. Boards must ensure proper accounting records are maintained and that financial statements, annual reports and statutory filings comply with legal requirements.

Importantly, however, the law does not seek to punish every commercial failure.

Companies operate in competitive markets. Investments fail, forecasts prove wrong and business judgments occasionally turn out badly.

The distinction is therefore between an honest business judgment that proves unsuccessful and conduct involving recklessness, gross negligence, failure to inquire or serious disregard of the responsibilities of office.

That distinction is essential if company law is to encourage entrepreneurship without becoming a shelter for incompetence.

One of the most important questions arising from the present framework is whether directors are able to devote sufficient time and attention to the companies whose boards they serve.

Sri Lanka presently imposes no general numerical ceiling on the number of companies in which an individual may serve as a director.

India, by contrast, limits the number of simultaneous directorships an individual may hold, including a separate ceiling applicable to public companies.

The issue is not simply how many board positions one person can collect. It is whether that person can genuinely understand the affairs, risks and financial position of each company for which he or she carries responsibility.

Modern directors are expected to read board papers, scrutinise accounts, understand risk, question management, participate in committee work and identify warning signs.

At some point, excessive numbers of directorships must inevitably undermine the time and attention that can be given to each company.

Sri Lanka should therefore consider whether limits are appropriate, particularly in listed companies, banks, financial institutions and other systemically important entities.

There is also a legitimate question regarding the competence of independent directors.

Independent directorships are often regarded as an important safeguard because such directors are expected to bring objective judgment to the boardroom.

But independence without competence achieves very little.

India has introduced a more structured system, including a database for prospective independent directors and, subject to exemptions, competency assessments.

Sri Lanka need not necessarily require every director to sit an examination, but there is a persuasive case for minimum competency standards, compulsory induction and continuing professional development.

Corporate regulation, accounting standards, securities law and risk management have become too complex for important board appointments to be treated simply as prestigious positions offered to senior personalities.

Corporate failures also demonstrate another weakness in traditional approaches to accountability. Major companies rarely collapse because of one dramatic event appearing without warning.

The problems often develop gradually through weak internal controls, inadequate risk management, poor reporting systems and repeated failures to act upon warning signs.

The Companies Act imposes important duties relating to financial reporting and accounting records, but there remains a case for stronger and more explicit board-level responsibility for internal controls and risk management.

The United Kingdom offers one possible reference point. Its corporate governance framework increasingly requires boards to assess major risks and maintain effective internal-control systems.

Sri Lanka does not need to copy another jurisdiction line by line, but the principle is important.

A director's responsibility cannot begin only after a loss has appeared in the accounts. Directors must have reasonable systems in place to identify and understand the risks before those losses occur.

The same argument applies with even greater force to auditors.

Auditors occupy a crucial position between company management and those who rely on the company's financial statements.

Shareholders and creditors cannot personally inspect every account, invoice, valuation, contract or bank reconciliation.

They rely heavily on auditors to examine the financial statements independently and express a professional opinion as to whether those statements present a true and fair view.

Sri Lanka should consider whether a similar graduated system would improve accountability.

"Questioning The Answers"

Sri Lankan law has significantly strengthened the statutory duties imposed upon auditors.

Auditors are entitled to access accounting records and demand explanations from directors and employees. The law also seeks to protect auditor independence by restricting conflicts of interest and relationships that could compromise professional judgment.

Auditors are expected to exercise professional scepticism and obtain reasonable assurance that financial statements are free of material misstatement, whether caused by fraud or error.

The traditional description of an auditor as a "watchdog but not a bloodhound" is therefore no longer enough to describe the modern auditor's responsibilities.

Over time, courts in several jurisdictions have demanded a more questioning approach.

Lord Denning's observation that an auditor should approach the task with an "enquiring mind" remains particularly relevant.

The auditor does not assume that everyone is dishonest. But neither should the auditor blindly accept what management says.

Where figures do not make sense, explanations must be tested. Where documents conflict, further inquiry is required. Where warning signs appear, they cannot simply be ignored.

An auditor who merely adds up figures presented by management is not performing the function expected of a modern professional auditor.

This leads to the larger question of enforcement.

Sri Lanka has the Sri Lanka Accounting and Auditing Standards Monitoring Board, which monitors compliance with accounting and auditing standards among specified business enterprises and their auditors.

The existence of such a regulator is important, but the effectiveness of regulation must ultimately be measured by outcomes.

Serious corporate and financial irregularities inevitably raise the question of whether weaknesses in auditing, governance and internal controls were identified early enough and, if not, why they were missed.

There is also a notable difference between the statutory consequences facing directors and those facing auditors. Directors may face personal financial liability, disqualification, criminal prosecution and other remedies in certain circumstances.

Auditors, however, do not presently face an equally comprehensive statutory regime specifically dealing with negligent performance of their central auditing duties.

Where an audit is negligently conducted and produces a materially inaccurate opinion, liability may have to be pursued through common law negligence, a route which can be difficult, expensive and slow.

Other jurisdictions have introduced more direct statutory mechanisms.

India, for example, provides penalties for breaches of auditors' statutory duties, with heavier consequences where misconduct involves deliberate deception. Its law may also require repayment of audit fees and compensation arising from incorrect or misleading audit statements.

The United Kingdom has criminal provisions dealing with auditors who knowingly or recklessly include materially false, deceptive or misleading information in audit reports.

Ordinary negligence in carrying out statutory audit duties could attract one level of sanction, while knowing or reckless conduct resulting in a misleading audit report could attract more severe penalties.

Where proven misconduct causes measurable loss, the law should also allow meaningful restitution and compensation rather than limiting consequences to modest regulatory fines.

None of this means that directors or auditors should become automatic scapegoats whenever a company performs badly.

Corporate accountability must remain fair and evidence-based.

But the reverse is equally true. Corporate office must not become a shield behind which responsibility disappears.

The Companies Act already provides significant remedies, including derivative actions, remedies for oppression and mismanagement, restraining orders, personal liability in specified circumstances and disqualification from corporate management.

The legal architecture therefore largely exists. The more difficult question is whether it is being used effectively.

When a serious corporate failure occurs, shareholders and the public are entitled to ask whether directors understood what they were approving, whether adequate internal controls existed, whether risks were identified, whether auditors challenged management and whether regulators acted upon warning signs.

Corporate governance cannot be measured by the number of pages in an annual report or the number of committees listed beneath glossy photographs of directors.

It must be measured by responsibility.

Sri Lanka has travelled a considerable distance from the fragmented company-law framework of earlier decades. But the next stage must be one of stronger enforcement, greater competence and clearer responsibility.

Directors must understand that a board seat is not merely an honour. Auditors must understand that their signature is relied upon by investors, lenders and the wider public.

The regulator, too, must demonstrate that professional and statutory standards have consequences when they are breached.

Be that as it may, the principle should ultimately be very simple: those entrusted with other people's money must be prepared to account for what they did with it.

WHY TAMIL NADU? THE US$93 MILLION QUESTION FOR SRI LANKA

MAS is one of Sri Lanka's most successful home-grown multinational businesses. Its decision to commit approximately US$93 million to an expansion in Tamil Nadu, potentially creating around 7,000 jobs, should therefore be celebrated as evidence of Sri Lankan enterprise reaching further abroad. But it also presents Colombo with an important question: what has Tamil Nadu done to make itself the preferred location for this investment?

NEWSLINE SPECIAL REPORT

There is no reason to make MAS Holdings the villain of this story.

Quite the contrary.

A company born in Sri Lanka has grown into an international apparel and technology business capable of making major investments beyond our shores. That should be regarded as a Sri Lankan corporate success. The more interesting question is why Tamil Nadu?

MAS has been identified as committing approximately **US$93 million** to an expansion involving apparel, textiles and wearable technology across several districts of the Indian state. The investment is expected to create around **7,000 jobs**.

For MAS, there may be compelling commercial reasons for doing so.

India offers a huge domestic market. Tamil Nadu has one of the region's most developed textile and apparel ecosystems, extensive supply chains, industrial infrastructure, ports and a substantial manufacturing workforce.

The State Government has also been aggressively courting investors.

It has spoken of dealing with approvals, licences and NOCs associated with investment within **21 days**, while offering incentives intended to encourage industrial and textile investment.

That ought to interest Sri Lanka.

Because Sri Lanka possesses something enormously valuable too: decades of apparel expertise, a skilled workforce, strong international relationships and some of the most sophisticated manufacturing companies produced by a relatively small economy.

MAS itself proves the point.

The question is therefore not why a Sri Lankan company should be permitted to invest in India. It requires no permission from public opinion to make a legitimate commercial decision.

"Questioning The Answers"

WHY TAMIL NADU?...

The question is whether Sri Lanka could have competed for some or all of that investment.

Could we have offered the labour? The energy? The infrastructure? The tax certainty? The speed of approvals? The supplier ecosystem? The investment incentives?

And, perhaps most importantly, did anyone ask?
That is where the MAS investment becomes a legitimate matter of public interest.

If Tamil Nadu can persuade a company created in Sri Lanka to commit approximately US$93 million and potentially create 7,000 jobs there, Sri Lanka should be studying the decision rather than complaining about it.

We should want to know what Tamil Nadu offered.

There is therefore another document of considerable interest: the Memorandum of Understanding connected with the investment.

Its importance is not that it might reveal some wrongdoing by MAS. There is presently no basis for making such a suggestion.

Its value is that it may help explain the commercial environment Tamil Nadu is offering an international investor.

What incentives are available? What commitments have been made? What infrastructure support is involved? What is the timetable? What exactly will MAS establish?
Those answers could provide Sri Lanka with a useful lesson.

Because investment promotion is ultimately a competition.

Tamil Nadu appears to understand that. Other Indian states understand it. Countries across Asia understand it.
Sri Lanka cannot assume that companies will continue putting their next factory here simply because their previous factory was built here.

Capital has choices.

Be that as it may, MAS going to Tamil Nadu is not necessarily the story Sri Lanka should worry about.

The real story is whether Sri Lanka could have persuaded MAS to invest that US$93 million here - and, if not, why not?

THE IRANIAN TANKERS OFF SRI LANKA - COULD TRUMP STRIKE AGAIN?

Iranian oil tankers have been gathering in international waters around Sri Lanka as the American blockade of Iran continues. Months after a US submarine torpedoed and sank the Iranian frigate IRIS Dena south of the island, the presence of sanctioned Iranian vessels raises an uncomfortable question: could the war once again arrive on Sri Lanka's maritime doorstep?

NEWSLINE SPECIAL REPORT

A remarkable maritime drama has been unfolding beyond Sri Lanka's southern coastline, where Iranian oil tankers caught up in the continuing confrontation between Washington and Tehran have been gathering in international waters.

Sri Lankan authorities initially monitored 11 US-sanctioned Iranian tankers off the south of the island, although other assessments placed the wider number of Iranian and Iran-linked vessels in the area considerably higher.

The Foreign Ministry said over the weekend that around 20 Iranian fuel tankers were outside Sri Lanka's Exclusive Economic Zone and that the Government was continuing to monitor developments.

Several of the vessels which had remained off Galle for weeks have now begun dispersing farther into international waters. Ship-tracking information indicated that around 11 were moving north-west into the Laccadive Sea by Friday.

The reason for their presence is extraordinary. Iran's merchant fleet has been disrupted by the American blockade of Iranian ports, leaving tankers unable or unwilling to return home. Maritime analysts say many of the vessels around Sri Lanka appear to be empty, making them potential candidates to return to Iran to load oil if circumstances permit.

Sri Lanka has made its position clear. The vessels are outside its territorial waters, Colombo has not provided facilities to them and there is presently no evidence of ship-to-ship oil transfers or illegal pollution that would provide Sri Lankan authorities with a basis for intervention.

Sri Lanka has nevertheless deployed maritime surveillance, including reconnaissance aircraft and patrol vessels, to keep watch.

The distinction between Sri Lanka's territorial sea and its Exclusive Economic Zone is important. Sri Lanka exercises sovereignty over its territorial waters extending 12 nautical miles from the coast.

The EEZ extends much farther, potentially up to 200 nautical miles, but it is not equivalent to sovereign territorial waters. Foreign vessels retain important navigation rights there.

The question therefore is not simply whether the Iranian ships are inside Sri Lanka's EEZ. The more critical threshold in any military confrontation is whether they are within Sri Lanka's 12-nautical-mile territorial sea.
There is a reason Sri Lanka should be taking that distinction very seriously.

On March 4, a US submarine torpedoed the Iranian frigate IRIS Dena while the warship was sailing in international waters south of Sri Lanka after participating in a naval exercise in India. Scores of Iranian sailors were killed and Sri Lankan authorities became involved in rescuing survivors.

The incident demonstrated with chilling clarity that Washington was prepared to attack an Iranian military vessel thousands of kilometres from the Persian Gulf merely because it remained a lawful military target in the continuing armed conflict.

Could President Donald Trump order something similar against these tankers?

Possibly, but there is an important difference.

IRIS Dena was an Iranian naval frigate and therefore a military objective by its very nature during an international armed conflict. An Iranian commercial oil tanker does not automatically acquire the same status simply because it flies the Iranian flag or appears on an American sanctions list.

US sanctions are not, by themselves, a licence to torpedo merchant shipping on the high seas. A military attack on a commercial tanker would require a separate justification under the law of armed conflict, such as the vessel making an effective contribution to Iranian military action and its destruction offering a definite military advantage.

That does not make the possibility imaginary.

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THE IRANIAN TANKERS...

The United States has already demonstrated that it is willing to use force against Iranian maritime assets well beyond the Middle East, while its blockade has included the interception, boarding and disabling of vessels associated with Iranian maritime activity.

The risk therefore exists, but it would be misleading to suggest that the 11 or 20 tankers presently around Sri Lanka are simply waiting to be torpedoed. They occupy a very different legal category from IRIS Dena.

For Sri Lanka, however, even a relatively small possibility deserves serious attention.

The island sits beside one of the busiest commercial shipping routes in the world. A military strike against a large oil tanker in waters close to Sri Lanka could create obvious environmental, navigational, economic and diplomatic consequences even if the attack itself occurred outside Sri Lankan territory.

Colombo therefore needs to know precisely where these vessels are, what they are carrying, whether their movements are changing and whether either Washington or Tehran has communicated anything about their intentions.

Sri Lanka cannot control a war between Iran and the United States. It can, however, insist that its territorial waters and neutrality are respected and prepare for the consequences should the conflict again approach its coastline.

Be that as it may, Sri Lanka has already learned once that "international waters" do not necessarily mean a distant war. When IRIS Dena went down, the war was close enough for Sri Lankan rescuers to pull Iranian sailors from the sea.
The Iranian tankers now beyond our shores are therefore worth considerably more than a passing glance.

WHY ARE WE ABOLISHING THE CHIEF OF DEFENCE STAFF?

Parliament is preparing to abolish the office created to coordinate Sri Lanka's three armed services. The Government says the position is no longer necessary and points to defence expenditure, but Parliament should establish what will replace its joint-command function before removing it.

The Government's Bill abolishing the office of Chief of Defence Staff is scheduled to come before Parliament on September 9, with a vote expected that afternoon.

The office was established by statute in 2009 to provide coordination among the Army, Navy and Air Force and to facilitate joint military operations.

The Government's position is that the post is no longer required in Sri Lanka's present circumstances, particularly when defence expenditure and the structure of the armed forces are being reconsidered.

There is a perfectly reasonable argument for reviewing institutions created during or immediately after a long internal war. Sri Lanka's security requirements in 2026 are not identical to those of 2009, and maintaining an office simply because it already exists is not a sufficient reason for keeping it.

But abolition raises its own questions.

Modern defence increasingly depends upon cooperation between services. Maritime security, air surveillance, cyber threats, disaster response, intelligence and major emergencies rarely fit conveniently within the boundaries of one branch of the armed forces.

Parliament should therefore know who assumes the Chief of Defence Staff's coordinating functions once the office disappears and whether the new arrangement improves command and accountability or simply redistributes responsibility elsewhere.

The issue becomes particularly relevant when Sri Lankan forces are presently monitoring Iranian vessels beyond our coastline and the Indian Ocean is becoming an increasingly contested strategic space.

Reducing unnecessary defence expenditure is sensible. Weakening coordination would not be.

The Government should therefore explain not merely why the office can be abolished, but what comes next.

ARJUNA MAHENDRAN IS NOW HARJAN ALEXANDER – BUT CAN SRI LANKA BRING HIM BACK?

The former Central Bank Governor wanted in connection with the bond case is living in Singapore and has reportedly changed his name. The Government says a legal barrier remains to extradition but that other avenues are being explored.

Nearly a decade after the Central Bank bond controversy became one of Sri Lanka's defining political scandals, former Governor Arjuna Mahendran remains beyond the reach of the country's courts.

Public Security Minister Ananda Wijepala says Mahendran is living in Singapore, is now a Singapore citizen and has changed his name to Harjan Alexander.

Sri Lankan authorities have been attempting to secure his return in connection with proceedings arising from Central Bank bond transactions. Mahendran was indicted before the Permanent High Court at Bar in 2019 over allegations involving losses exceeding US$11 million to the State.

Singapore previously rejected Sri Lanka's request for his extradition on the basis that the request did not satisfy requirements under Singaporean extradition law.

The Public Security Minister now says a legal obstacle continues to prevent Mahendran's extradition but that the Government is examining other available avenues.

That deserves explanation.

If the obstacle lies in the evidence submitted, the formulation of the charges, dual criminality, documentation or some other requirement of Singaporean law, the public should be told as much as can responsibly be disclosed without prejudicing proceedings.

A change of name does not extinguish an indictment, and citizenship does not necessarily make extradition impossible. What matters is whether Sri Lanka can satisfy the legal requirements of the country from which the accused is sought.

The bond controversy consumed Parliament, helped reshape Sri Lankan politics and became shorthand for allegations of corruption and political protection. Years later, one of its central figures remains outside the country.

The Government should pursue every lawful avenue available, but it should also tell the public why previous attempts failed and what is being done differently now.

Accountability cannot depend upon whether an accused person happened to remain inside Sri Lanka long enough to be brought before a court.