

# LST REVIEW

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Volume 22 Issue 293 & 294 March & April 2012



## MEDIA POLICY AND LAW IN SRI LANKA - PART II THE POLITICAL ECONOMY OF THE ELECTRONIC MEDIA IN SRI LANKA

LAW & SOCIETY TRUST

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ISSN 1391 - 5770



## *Editor's Note ... ..*

Sri Lanka presents a prime example of a country where broadcasters have departed from their core commitment to operating radio and television services in the public interest. This Issue publishes a shortened and edited version of a paper on the political economy of Sri Lanka's electronic media, originating from the Media Lanka Reform initiative based at the Institute of Commonwealth Studies at the University of London, United Kingdom. Part One of the Study on Sri Lanka's Media Law and Policy, (published in *LST Review Volume 22 Issue 291 & 292 January & February 2012*), discussed the way forward in reforms in relation to the print media from legal, industry and educational perspectives. This Issue comprises Part Two of the Study. The larger Study itself will be published in full later on from the Media Lanka Reform initiative as an independent publication

The paper in this Issue examines the concept of broadcasters in serving as trustees for the national interest. Its underlying theme is that the notion of public broadcasting has been subverted to such an extent that restoring credibility to broadcasting would involve not only extensive legal reform but also sustained attitudinal change. Undoubtedly, listeners/viewers must adopt a pro-active role in urging in-depth structural reform of the public broadcaster as well as engage in more enlightened debates regarding the nature of the commercially driven and market operated private broadcaster.

In the first instance, it is axiomatic that the broadcasting regime should not be subjected to excessive governmental control and consequent interference. Sadly Sri Lanka remains an illustrative example of bad practice in this regard. This is so, *vis a vis* not only the independence of the state broadcaster but also regarding the basis on which licences of the private broadcaster is issued. This has a particular effect on the avenues whereby citizens may directly participate in broadcasting as, for example, through the means of community radio. Theoretically citizens' participation in broadcasting is assured through a variety of ways in the present context. While one method is through the public service or privately operated 'mainstream' electronic media as such, the other is through community radio, where there is direct participation of citizens in broadcasting. In Sri Lanka, this is a fast developing aspect of the electronic media, covered, in particular, by the Regional Service and the Educational Service of the SLBC.

However, this paper reiterates the fact that community radio in Sri Lanka is not free from constraints imposed by government and therefore cannot be defined as community radio in the true sense of the word.

Further, the authors, *Thilak Jayaratne* and *Sarath de Silva* look at the political economy of the country's electronic media in a manner which brings in some fresh perspectives since this approach deviates from the ordinary analysis that we are accustomed to. The analysis encompasses a broad examination of the political agendas that drove the media policy of successive governments in Sri Lanka as well as a range of issues including ownership patterns in the Sri Lankan electronic media, the impact of pressure from international media towards reform of media freedoms and the role of rights groups, media practitioners and media organisations. It is aptly warned that electoral choices made by voters should be far more informed and mature rather than be directed only at periodic changes at polls which do not reflect actual changes as such in government policy.

A particular feature observation of the paper is that even when the Supreme Court - Sri Lanka's apex court - hands down good decisions relating to media policy, these opinions are ignored by policy makers at the practical level. The judgments generally emphasize the overriding principle that the government is required to safeguard its role as trustee of the airwaves/frequencies which are universally regarded as public property.

Thus, in this area, a government is a trustee for the public; its right and duty is to provide an independent statutory authority to safeguard the interests of the people in the exercise of their fundamental rights. Otherwise, the freedoms of thought and speech, including the right to information will be placed in jeopardy. The rationale as to why this ought to be so is, of course, different from the general norms of fairness imposed on all media, including obviously the private media. In brief, the reasoning is that public property is held by any government, (necessarily temporarily in power), in trust for the people.

Abuse of public, (or state), resources is clearly different from the abuse of private resources. The state media is funded by the tax money of all citizens who are of widely varying political persuasions. In contrast, obligations imposed on the private media flow from a different logic wherein political partisanship will result in the diminishing

of its own credibility and ultimately, the profits of its private owners. In that process however, no state resources are abused. Therein emerges the primary difference between media funded by private interests and media funded by tax payers' money.

Meanwhile, in emphasizing that the framework for the admission of private broadcasters as well as their consequent operation should be fair and free from state control, the writers also relevantly warn against black and white categorizations of state media as 'dependant' and private media as 'independent', given the political agendas that drive the private media.

It is hoped that these discussions will re-ignite reasoned and thoughtful debates in regard to the nature and functioning of Sri Lanka's broadcasting media.

*Kishali Pinto-Jayawardena*

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# MEDIA POLICY AND LAW IN SRI LANKA PART TWO: THE POLITICAL ECONOMY OF THE ELECTRONIC MEDIA IN SRI LANKA\*

*Thilak Jayaratne & Sarath de Silva\**

## 1. Introduction

Media reform may appropriately be referred to as a broad-based social movement that aims to improve existing telecommunications laws, regulations, and policy in order to bring about a more democratic media system.

The key issues that interest media reformers include media ownership, influence of the mass media and the political economy, regulation of media industries, media freedom and right to Information legislation, quality of journalism and ethics, social responsibility and accountability of the media, media education, research and capacity building, independence of editorial staff and the rights of media personnel, commercialisation of the media and its ideological dominance of civic values of community as well as ensuring democracy and the communications needs of a democratic society.

Media reformers generally believe that media systems should supply the critical information needed by the citizens in order to arrive at knowledgeable decisions in a functioning democracy as well as afford a

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\* This is an edited version of Part Two of a Study on Sri Lanka's Media which is accompanied by the companion Issue containing Part I of the Study on Sri Lanka's Media Policy and Law, in the *LST Review* Volume 22 Issue 291 & 292 January & February 2012. Both papers originate from the Media Lanka Reform initiative based at the Institute of Commonwealth Studies at the University of London, United Kingdom. The initiative is supported by the Ford Foundation. Its managers are Dr David Page and Dr William Crawley, Senior Fellows at the Institute of Commonwealth Studies, and Co-Directors of the Media South Asia Project ([www.mediasouthasia.org](http://www.mediasouthasia.org)). The substantive papers which constitute the core of the research will be independently published later, along with essays by senior editors, legal practitioners, journalists and media analysts. A comprehensive list of recommendations common to both papers will also be published at that time.

\* Thilak Jayaratne and Sarath de Silva are senior broadcasters whose experiences in and with Sri Lanka's broadcasting regime span more than twenty years of internal working and external critique. Thilak Jayaratne was instrumental in spearheading the Uva Community Radio initiative which was supported by UNESCO and also engaged in, along with Sarath de Silva, a review of the regulatory aspects of Sri Lanka's community radio on the request of the World Bank. He was the first director of the College of Journalism Sri Lanka. His tenure with the country's state broadcaster, SLBC and consequent dismissal from the Non-Formal Education Programme (NFEP) of the SLBC resulted in the seminal Supreme Court judgment, *Wimal Fernando v. Sri Lanka Broadcasting Corporation* ([1996] 1 Sri LR 157), which even today remains a standard setter in terms of independent governance of the airwaves.

forum for civil debate. Such an exercise would, it is hoped, ultimately provide a basis for citizens to play a more active role in shaping the policies upon which that system is built.

This paper attempts to review and describe the current state of the media regulatory regime in Sri Lanka, the political economy of the electronic media and to identify issues that influence its working in practice and to outline ownership patterns and economic issues relating to the media. The policy paper also seeks to categorise and analyse electronic media curricula currently being used in academic and training institutions in the country. Although our focus is on electronic media in Sri Lanka we have, in some instances, touched on areas which have relevance to both electronic and print media as well as the relevant socio-political background. In preparing the brief, our aim was to present a broad, overall view or perspective rather than dwell on minute details. In addition, an analytical approach based on the experiences of the writers as practitioners in the electronic media in the country was adopted in order to aid comprehension of 'the bigger picture' as it were. A theoretical background to the events is provided, where necessary, to place facts in perspective.

Although we start with a historical perspective, the brief has no chronological order. While efforts to maintain interrelations between sections and sub sections were made, one can jump from one section to another with ease for a 'reading' of the particular section. We drew attention to legal aspects sparingly, as they are fully covered and well presented in the accompanying policy brief on the print media.\*

## **2. An Overall Perspective**

### **2.1. Some Reflections on the Early Years**

Electronic Media in the form of radio broadcasting was introduced to Sri Lanka as early as 1920s by the British colonial rulers. Sri Lanka is credited with being the first country in South Asia to commence a broadcasting service just few years after radio was introduced to Europe. Although radio broadcasting has a long history, it was experimental and amateurish where content and technology was concerned in its early days. The British colonisers were said to have modeled these broadcasting stations along the lines of the British Broadcasting Corporation (BBC), but at no time did these traditions actually prevail where the Sri Lankan model was concerned. It was a government-run enterprise from its inauguration.

Until October 1949, radio broadcasting was governed by the Post and Telecommunication Department except during World War II, when radio operations were fully controlled by the allied forces. In October 1949, a separate department was established for radio broadcasting, and it began to function as Radio Ceylon. Following world trends, the radio was used mainly to inform (about government activities) and to entertain. Educational broadcasts too have a long tradition beginning from 1931.

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\* Editor's Note: This policy brief is published as Part I of the Study on Sri Lanka's Media Policy and Law, in the *LST Review* Volume 22 Issue 291 & 292 January & February 2012.

After independence, the government (meaning the party in power) increasingly began to show interest in the power of broadcasting, first as a vehicle for publicity and gradually for propaganda. In our opinion, this government stance was the outcome of mainly three factors:

- The government did not have a proper media policy (either for print or broadcasting) and acted on the whims of its senior members and in reaction or retaliation to events and trends, as and when they occur.
- Civil society organisations often did not competently carry out their role in guiding, advocacy or agitating for policy reforms. These watchdogs were few and the majority of them were ‘toothless’ in their practical impact on reform.
- Internationally, in most of the developing world, if not all, the policy in place, if there was any, was that of government control, perhaps following the Soviet model. The parties that came to power in independent Sri Lanka had a natural liking for that ‘policy.’ It was the model to emulate. The argument put forward by governments of the day, usually hiding behind so-called ‘development communication theories,’ was that emerging economies and societies need ‘positive coverage’ which in practice was equated to ‘propaganda.’

During the first two decades after independence, rulers, politicians, media practitioners, the civil society and the listening public – all alike seemed to accept the *status quo* and were not very keen to challenge or change the government monopoly. There was, however, some concern expressed over the ‘cultural vulgarisation’ affected by the content of the commercial service of the state radio, which was suspected to be catering to popular taste. If a voice was raised, it was to *implore* some sort of fairness from the government media. Alternatives were hardly the order of the day.

This position prevailed even after ‘Radio Ceylon’ was made a government corporation under Sri Lanka Broadcasting Act of 1966, which established the Sri Lanka Broadcasting Corporation (SLBC). This change, according to some critiques, was just a change of appearances, which allowed government control in a more subtle manner.

However, it is pertinent to mention a certain outcome of this change which brought about the politicisation of the media institutions, entailing the proliferation of trade union activities. The government in power had its own trade union while main opposition parties aspiring to come into power, had their own. These unions were concerned only about promotions (in most cases without minimum qualification, which ultimately led to the deterioration of quality of broadcasting) and other benefits for their membership. In addition to these pro-party unions, there existed a strong trade union branch of the Ceylon Mercantile Union, independent of party politics. None of these trade unions were, however, unduly concerned in regard to the role or media policy of the station and did not attempt to influence the

working of the same. This situation, to some degree or the other, still prevails in all state media institutions including Lake House, the state print media house.

## 2.2. Impact of Insurgencies and Separatist Wars

Violence against the government and civil disturbance usually prompts rulers to resort to the control of the media. The Sri Lankan experience, in this context, is not different. This goes to show that media behaviour and media policy cannot be alienated from political developments and should be analysed within their context.

The pre-1956 Sri Lankan society was comparatively free of violence, except for, perhaps, the *hartal* demonstrations and riots in 1953, which were organised to protest against the policies and actions of the incumbent government. Furthermore, there were no private electronic media at that time for the government to control or contain its functioning. Since 1956, however, civil disturbances were frequent and violent with a racist slant. The government policy became increasingly slanted towards using the media to justify its actions. No forum was offered to aggrieved parties to present their case. These concerns did not seem to impact upon government policy on media. Emergency laws and regulations were sufficient to stifle opposing voices.

The uprising of the southern youth (led by the Janatha Vimukthi Peramuna, JVP) in 1971, however, had a deeper impression on the media in an indirect way. In the wake of the insurgency, the communication system of the country was severely disrupted. The government of the day, caught unawares, suddenly found the state radio to be a reliable ally in communicating directly with the public. It was alleged that even the insurgents used the radio without the knowledge of authorities to send coded messages to their cadres. Although this was never acknowledged officially, it alerted the rulers to the dangers of such a move. We believe that these developments impacted on media policy in two respects.

1. The rulers /politicians' attention was drawn to the vast potential of the electronic media. This awareness compelled them to use the state electronic media increasingly for their interests so much so that it gradually became a propaganda organ for the ruling party.
2. The argument that if the radio stations fell into the hands of insurgents would be catastrophic was put forward (though never in writing) by the government to refuse licenses for community radio stations.

By the time the second uprising of the JVP took place in the late nineteen eighties, a different administration in power was ready to use the media even more effectively in its favour, having learned the lessons through the experiences that had befallen its predecessor government.

At another level, the impact of the separatist war (waged by the Liberation Tigers of Tamil Eelam in the North and East of the country for over three decades until the LTTE was militarily defeated by the Government of Sri Lanka in May 2009) was wide ranging on every aspect of Sri Lankan life. What interests us here is how this conflict affected government and private sector media, the attitude of the government towards the media and how it shaped the media environment.

It must be noted that, except for very short periods, emergency laws which gave governments sweeping powers, were in place throughout the country since the April '71 JVP insurrection. The manner in which governments used these emergency regulations not only to deal with the media and curb dissent but also to tackle its opponents, is now history. Civil strife, (notably the separatist war dubbed as a 'battle against terrorism'), gave governments the pretext to keep these draconian laws in existence. The war situation had direct and indirect impact not only on media policy and media practice but on all the democratic structures of society. It is in this context that one must assess as to why attempts to free the media from government control and to establish an environment conducive to democratic media practice, did not succeed.

Globally, it is said that multi-ethnic societies more frequently tend to fall victim to conflict than societies with greater ethnic homogeneity. In such vulnerable societies,

“media can be manipulated in an effort to move a society toward conflict or toward non-democratic rule.....media can also contribute to conflict involuntarily. Such passive incitement to violence most frequently occurs when journalists have poor professional skills, when media culture is underdeveloped, or when there is little or no history of independent media.”<sup>1</sup>

During three decades of ethnic strife in Sri Lanka, ample examples illustrating the above assertion can be found. The manner in which the media was used by the parties to the war and how media and media personnel were treated is well known. The point we would like to stress, however, is that the war proved to be a good excuse for political rulers to move forward their agendas. This impacted upon the media scene with catastrophic results.

The two main parties adopted a 'Dr. Jekyll and Mr. Hyde' stance as far as the media was concerned. When in opposition each would agitate and fight for media rights. Their manifestos set out the best possible policies towards the media and best possible treatment of media practitioners. However, after coming into power, the same party would do their utmost to move away from their previous position. For them the war provided a cover for them to carry on with subversive agendas that twisted the notion of democracy.

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<sup>1</sup> Mark Frohardt and Jonathan Temin, *The Use and Abuse of Media in Vulnerable Societies*, at p. 389 of 'The Media and the Rwanda Genocide (ed) Allan Thompson, Pluto Press – London, Fountain Publishers Ltd – Kampala and International Development Research Centre – Ottawa, 2007.

Both parties to the war not only used this front to conceal atrocities and deficiencies but also actively worked to promote conflict. Over the years, this became the 'standard' practice. The proliferation of private electronic media did not help to arrest this trend. Instead, the private media vied with each other and the government media to nurture and foster this new media culture. The tactics used were simple subversive strategies tried and tested in other war theatres and areas of conflict and included the following;

- The construction of fear by strategies such as: "focus on past atrocities and a history of ethnic animosity; manipulation of myths, stereotypes, and identities to dehumanise; overemphasis on certain grievances or inequities; and a shift towards consistently negative reporting."
- Discouraging and/or crushing dissent.
- Using 'national security' as the keyword to control and condemn.
- Convincing audiences that the conflict was inevitable. Creating a self-fulfilling prophecy.
- Discrediting alternatives to conflict: especially peace attempts which were often labeled as acts of treason.
- Branding improvements to democratic structures such as media reforms and the like as destabilising factors designed to aid and abet the 'conspirators.'
- Condemning reports by international organisations, including UN agencies which highlighted human rights violations including repressive measures against the media, and other undemocratic measures as acts of intervention and interference in the 'domestic affairs' of a free and independent country.

Media practitioners themselves were caught up in this 'trap.' The few who refused to conform were branded as traitors or even terrorists and were dealt with accordingly. The 'culture' thus created was capable of being utilised to deal with 'any situation' As has been observed 'mass media reach not only peoples' homes, but also their minds, shaping their thoughts and sometimes their behavior.'<sup>2</sup> The long term effects of these developments are unfortunately still very much in evidence.

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<sup>2</sup> Jamie F. Metzl, *Information Intervention: When Switching Channels Isn't Enough* Foreign Affairs, Nov/Dec 1997, Vol. 76, Issue 6, p.15.

### 2.3. Freedom Regained and Freedom Lost

The two decades of 1980s and 1990s saw significant changes, both negative and positive in the media landscape.

The first change was seen within the government radio itself. In the early 80's, a form of 'community radio' was introduced as an extension of the Sri Lanka Broadcasting Corporation (SLBC) specially to cater to the settlers under the gigantic Mahaweli Project. This, however, did not bring about radical changes in content and approach or structure or otherwise and was never a trend-setter. In early 80s, with a new government flaunting new approaches and policies, Sri Lanka like most other third world countries, was caught in a whirl of liberalisation. This brought about many socio-economic and cultural changes. At the same time, policy changes regarding the electronic media were brought about. Television was introduced to the country. Towards the end of the decade, the government decided to issue radio broadcast licenses to the corporate class. Thus for the first time in Sri Lanka's history, private radios appeared on the landscape. This was thought to be a step towards the democratisation of the media, embracing democratic values such as plurality, non-discrimination, accountability. But before examining this hypothesis, we need to track the changes that took place in the 1990s.

Apart from the escalating violence in the North and East, the 1990s was comparatively peaceful at the start of the decade, following the widespread violence and destruction of 1988/89 during the quashing of the second JVP rebellion by the United National Party (UNP) government. The UNP's newly elected president, Ranasinghe Premadasa was firm in his dealings with his own government and with other persons, organisations and institutions in the society at large. However, as violence again escalated, freedom of expression took a back seat in the background of repressive measures against the media. This period, as Article XIX points out was 'marked by a lack of freedom of expression, and the violation of so many other related human rights, there have also been many examples of individual efforts to stand up for such rights. Some, like the broadcaster Richard de Zoysa, paid with their lives for speaking out against intolerance and human rights abuses; others endured threats and intimidation or sought refuge abroad.'<sup>3</sup> With the demise of President Premadasa, this tight control imposed by the government over Sri Lankan society was loosened somewhat.

A few private radio stations and a couple of TV stations were operative during early part of the decade although they were not allowed to broadcast news including stories pertaining to Sri Lanka in foreign TV newscasts. But did this 'plurality' bring about desired changes? If so how did those affect the monopolistic status of the state sector broadcast media? The rise and fall of the 'Non-Formal Education Programme (NFEP) of the SLBC or as it was more popularly known 'New Education Service' (NES), perhaps, demonstrates the frame of mind of the rulers and the atmosphere of the period.

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<sup>3</sup> Elizabeth Nissan, *An Agenda for Change-The Right to Freedom of Expression in Sri Lanka*, Article XIX, October 1994.

## 2.4. A Case Study: NES

*“During the period leading up to 1994 General Election, a general feeling of relaxation was felt and experienced in all spheres of the country. The winds of change were beginning to blow and windows of opportunity were opening. The first to sense this imminent change was the government of the day headed by the interim president, D. B. Wijetunge and ironically it was the government which initiated the first steps. With an ongoing violent and large scale civil war it was futile to expect the government to relax all controls. But certain ‘spaces’ began to appear where the activists could work to bring about more democratic changes. The media was one such sphere.*

*The advent of private broadcast stations brought about a new media culture and practices that were unfamiliar to what the media consumers were hitherto used to. This ‘unfamiliarity’ was often interpreted as a vulgarisation or debasement of the age old culture and became the main source of opposition to new stations. These new stations did not seem to have a clear broadcast policy and the time spent on the struggle to obtain a broadcast license would have been, most probably, more than the time spent on planning the broadcast. Their programmes, in the initial stages, looked alien and coarse at best. The criticisms appeared valid to the authorities.*

*As a result of lobbyists’ action, the Wijetunge government came up with an idea to establish a new service of the SLBC which could be utilised to mitigate the ill effects of private media ‘vulgarisation’. The concept was promoted by the then Minister of Education, W J M Lokubandara who volunteered to find funds necessary for such an enterprise. The task was entrusted to the new chairman of the SLBC who took a personal interest in this. It was decided that the Education Service of the SLBC would be used for the purpose. Initial discussions were held with the senior broadcasters of the service, which was thought to be the best to handle such an assignment. However, though a very broad idea was presented about the proposed service, it was not clearly or precisely defined. What is ‘culture’? Can anyone ‘save’ it? As the controller of the service, it became my responsibility to look into all the aspects of the new service. The positive, however, was that we were never given guidelines or instructions on how to set up the new service and what the form or shape it should take. There were huge challenges considering the structural controls and procedures that existed at SLBC and the media environment of the country. The ‘freedom’ thus afforded was probably the most significant factor that allowed us to overcome the challenges.*

*The first task was to take stock of the resources at hand. The technology and equipment were quite inadequate but the main worry was the personnel. The currently serving staff was so attached to SLBC traditions for so long, it was just impossible to change their ways or thinking. The next option was to employ new hands and we chose that. Thus 18 young men and women were recruited as ‘communicators’. We thought we were lucky to employ several university graduates who have offered Media as a subject, but soon found that their knowledge was rudimentary and quite insufficient for the task at hand This reflected the state of media education*

at university level. These recruits were given an orientation exposing them to media theories and practices currently in circulation globally. In addition, they were given practical training in basic production skills.

Next phase was the planning and designing the new service. The strategy employed was to work as a goal oriented not task oriented group combining talents and providing innovative solutions to possible unfamiliar problems; employing wider skills and knowledge of the members. This group process, with a participatory approach in planning a broadcast, was a wholly new strategy employed for the first - and so far the only- time. Thus, democratic values were incorporated from the planning process up to the production and presentation stage.

Of utmost importance was the fact that the new service had a clear vision:

- To help people to fulfill their unmet needs
- To offer them a platform for free expression

*During the entire period it was operative despite multitude of pressures, the NES never wavered or deviated from its original mission. It did not compromise its principles.*"<sup>4</sup>

The NES was inaugurated in June 1994 during President D.B. Wijetunge's regime. His successor, Chandrika Kumaratunga, after leading her Peoples' Alliance to victory in parliamentary elections in August 1994, ending the 17-year rule of the United National Party, was voted as president in presidential elections in November with a landslide victory. Her rise to power was on a manifesto that promised to end corruption and terror and, re-establish democratic rule. High on her agenda was the pledge to do away with censorship and to free the media from government control. Many media organisations and activists openly and actively supported her candidature. Fresh on her chair, she seemed to be working her way towards that goal.

To be fair to the newly elected president, she commenced well in this task. Private channels were allowed to broadcast their own news bulletins. Four committees were set up that made wide ranging and seemingly far reaching recommendations for media reforms. Article XIX, while welcoming the priority that new government appeared to attach to restoring press freedom and the right to information, however warned that

“the legacy of the past is a heavy one and the new government faces many obstacles as a result. Systematic censorship which permeated government institutions and led to a culture of self-censorship within Sri Lankan society, will be difficult to eradicate. The government needed to demonstrate real strength of purpose and determination if it is to

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<sup>4</sup> Personal reflections by Thilak Jayaratne.

carry through successfully its programme to bring Sri Lanka to the position where it can be counted a full, open and flourishing democracy, one which pays due respect to the rights of all Sri Lankans.”<sup>5</sup>

How prophetic these words proved to be! As stated<sup>6</sup> below;

*‘As soon as the new government assumed duties, in keeping with tradition PA trade unionists and party supporters usurped power from their counterparts at SLBC to share the spoils.*

*They hailed NES as an emancipated service and under the pretext of expounding the new media policy of the government made arrangements to broadcast some of NES programmes over the other services of the SLBC branding them as model programmes to be emulated. Their motive, however, was not the promotion of freedom or quality. The programmes they selected were critical of the previous regime. Or so they thought. But as soon as dissent was allowed to be expressed regarding the new government’s action, the tide turned. The ‘reverse journey’ began when a programme while on air was arbitrarily stopped half way by a new ‘boss man’. As controller of the service I was interdicted and sent home. A case of hero turned villain, perhaps! It was a pointer to things to come.*

*The episode however did not end on a defeatist note. A regular listener who had also participated in the discussions on the program went before the Supreme Court alleging that his fundamental right to free speech and expression had been violated by this abrupt and arbitrary stoppage of the broadcast programme. The court issued a landmark judgment that dealt specifically with rights of the broadcast media in the case *Wimal Fernando v. Sri Lanka Broadcasting Corporation*<sup>7</sup>*

*The SLBC on the other hand, said that staff of the disputed program were using the program to air their own views and claimed that the contents of the program exposed them to civil and criminal defamation. In a strong judgment that dealt extensively with the rights of broadcast media, the Supreme Court refused to accept these reasons as adequate for stopping the program. The Court could find nothing defamatory in the content of the disputed programs. On the contrary, it found that the topics discussed were all of tremendous public interest.*

*Significantly, the Court referred to observations made by the Supreme Court of India in *Secretary, Ministry of Information v. Cricket Association of Bengal* (1995) which declared that: ‘Broadcasting media by its very nature is different from the press.*

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<sup>5</sup> *Ibid.* p.4.

<sup>6</sup> Personal reflections by Thilak Jayaratne.

<sup>7</sup> [1996] 1 Sri LR 157.

*Airwaves are public property ... It is the obligation of the State that they are used for the public good.*<sup>8</sup>

Notwithstanding this clear call from the judiciary, the NES was never allowed to broadcast in its original form or intent.

## 2.5. The About-Face by the PA Government

It did not take long for the new government to show their true intentions and hidden agendas. The government presented the 'Sri Lanka Broadcasting Authority Bill' (SLBAB) in the Government Gazette on 21 March 1997, seeking the establishment of a regulatory authority for the broadcast media and a number of content restrictions for broadcasters. It was placed on the Order Paper of Parliament on 10 April 1997. Within days, fifteen individual petitions challenging the constitutionality of the Bill were lodged with the Supreme Court. In adjudicating on these petitions, the Supreme Court of Sri Lanka, quoting an Article XIX publication, held that the Broadcasting Authority Bill was discriminatory. 'Distinguishing between different classes of persons was acceptable, but only where a rational basis for the differentiation existed. No such basis had been suggested by the government in this case and so the Bill was held to be discriminatory. In making this holding, the Court quoted extensively from Article 19's "Broadcasting Freedom - International Standards and Guidelines" which calls for a single regulatory body for the broadcast media.'<sup>9</sup>

The Court then went on to hold that limited frequency availability meant that regulation of broadcasting, both for technical and certain other reasons, for example, to prevent monopolies, was legitimate. Such regulation, however, was only consistent with the constitutional guarantee of expression if the regulatory authority was independent of government. The composition of the Board and members' lack of security of tenure, coupled with the broad regulatory powers of the Minister, meant that the Authority lacked the requisite independence. The Court noted significant differences in this respect between the SLBAB and its Indian, South African and American counterparts'.

Toby Mendel, Head of Law Programme, Article XIX in his analysis of this important decision ascertains that

“[it] lays down the following important principles:

- Good reasons are required to justify different rules for public and private broadcasters;
- Bodies with regulatory powers over the media must be independent of government;

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<sup>8</sup> Ibid.

<sup>9</sup> Supreme Court Determination 1/97 -15/97.

- Regulations simply issued by a minister do not qualify as ‘provided for by law’;
- Broad, general or vague restrictions on freedom of expression are unacceptable.”<sup>10</sup>

From the above decisions on Sri Lanka’s electronic media, one could easily jump to the conclusion that court action can be sought to hinder if not debar the undemocratic actions of the rulers.<sup>11</sup> But, is that really the case? It may be true that court decisions could force the rulers to desist from adopting regulations or taking the ‘legal path’ to control the media and curb freedom of expression and other democratic rights. However, it is not the only recourse the rulers will have. The following excerpt gives an inkling of how they respond in situations like these:

“For the past five years, the media attacked me. During this election the media made various degrading allegations against me. I was not shaken up by this. I tolerated this. We cannot allow media freedom to be misused. The people have a right. They pay for the newspaper. They pay for the TV. I had confidence that the people will not be misled and therefore tolerated it. **But in the future I am not going to be gentle about these...** We also haven’t chased any UNPers from state media institutions. During the recent polls, they worked against us. We’ll see to that later.”(emphasis ours)<sup>12</sup>

If President Chandrika Kumaratunga’s first term began amidst hopes of restoring democratic rights including media freedom, the second term spelled despair as she began increasingly to use repressive powers of the executive presidency. Censorship lifted in 1994 was reintroduced in 1998 and remained in place during the following years. The escalation of the separatist war provided the perfect cover for the continuance of Emergency Regulations which enabled the government to use suppressive or even tyrannical measures against agitators and dissidents—and in the eyes of the government, the media and media practitioners fell into that category.

Eventually, the Government appointed a 23-member Parliamentary Select Committee to draw up a ‘Legislative and Regulatory Framework for the Media’ using a ‘bipartisan approach’. The committee sought ‘submissions and representations from individuals and organisations.’ Minister of Media at that time, Mangala Samaraweera headed the Committee. In 1998, a symposium on Media Freedom and Social Responsibility was jointly organised by the Sri Lanka Working Journalists Association, the Free Media Movement, the Editor’s Guild of Sri Lanka and the Newspaper Association of Sri Lanka together with the World Association of Newspapers and the Centre for Policy Alternatives. An outcome of the symposium

<sup>10</sup> Toby Mandel, *A Model Freedom of Information Law*, Article XIX, July 2001.

<sup>11</sup> Judicial interventions attempting to restore freedom of expression and media freedoms are discussed in Part 1 of this Study in the paper dealing with the print media co-authored by Kishali Pinto-Jayawardena and Gehan Gunetilleke.

<sup>12</sup> President Chandrika Kumaratunga over state radio and TV, 03 January, 2000 as reported in the web site <http://www.sangam.org/NEWSEXTRA/CBKonTVJan00.htm>.

was the drafting of the Colombo Declaration on Media Freedom and Social Responsibility<sup>13</sup> which included a series of proposals meant mainly for the Sri Lankan state. The points particularly relevant to the electronic media are as follows:

#### **“9. Public Broadcasting Service**

- 9.1 *All State-funded and managed broadcasting services in Sri Lanka should be converted to<sup>3</sup> publicly-owned bodies and not subject to any form of State control.*
- 9.2 *Values of Public Broadcasting should be safeguarded by ensuring that the governing bodies of the Broadcasting Authority should have a balanced and independent composition.*

#### **10. Electronic Media**

##### *10.1 An Independent Broadcasting Authority*

*There should be an independent broadcasting authority which is genuinely independent of any form of governmental or non-governmental pressure to oversee the implementation of the broadcasting policy, and be responsible for the licensing of community radio, public and private broadcasting including technical aspects, the legislation should specifically state the public's right to receive information and opinion on matters of public interest, and specifically state the principle of maintaining a fair balance of alternative points of view. The selection process for the members of this body must be such as to ensure it is not dominated by any political group.*

##### *10.2 Community Radio and Television*

*A policy for the development of community radio and television should be set out in Law. A regulatory authority should ensure that at least 50% of the programming should be within the declared aims of the community service.”*

### **2.6. The See-Saw Phase in Relations between the Media and the Political Regime**

When the UNP led by Ranil Wickremasinghe won the 2001 December General elections, a new and politically interesting situation arose in the country where the executive president belonged to one party and the power in the parliament to another. It was a unique situation with several ramifications.

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<sup>13</sup> Colombo Declaration on Media Freedom and Social Responsibility, 1998.

Some background information will enable the reader to understand later events critically. Wickremasinghe served as the Prime Minister (PM) of the country in two brief stints. First, it was after the sudden death of President Premadasa (1993). He was afforded this opportunity probably because his senior colleagues in the UNP, Lalith Athulathmudali and Gamini Dissanayake, who had been rivals of President Premadasa had earlier left the party. Then, though his party lost the parliamentary elections in 1994 as the leader of the party and former PM, he was expected to challenge Chandrika Kumaratunga in the presidential election in 1994. But he was defeated in the race for Opposition Leader by two votes by fellow UNP member Gamini Dissanayake who had re-joined the party. Gamini Dissanayake was put forward as UNP presidential candidate but was killed in a suicide bomb attack just prior to the elections. Gamini Dissanayake's widow who replaced Gamini as the candidate of the UNP in the 1994 presidential election, lost badly to Chandrika Kumaratunga. Afterwards, Wickramasinghe was appointed as the opposition leader as well as the UNP leader.

After the loss of the 1999 presidential elections, Wickremasinghe unsuccessfully led his party in the 2000 parliamentary elections, again losing out to Chandrika's party. Soon afterwards, UNP members of parliament Sarath Amunugama and Nanda Mathew crossed over and joined the government in 1999 during Ranil Wickremesinghe's tenancy as the leader of UNP. This was followed by Wijayapala Mendis, a veteran UNP politician who joined the government in 2000. However in the parliamentary general election 2001, though the UNP alliance led by Ranil Wickremasinghe won only 109 seats out of 225, he was able to form a new government and was sworn in as the Prime Minister of Sri Lanka on 9<sup>th</sup> December, 2001. This brought about a unique situation in the country's political history and marked the initiation of an abrasive relationship between the executive president Chandrika and her rival of the opposition party, the newly elected Prime Minister.

Wickremasinghe, by then a veteran politician, must have carefully appraised his position in the power structure. He knew he could not gain any leverage from the president who, at all, did not want to share power. Thus he must have planned to consolidate the power he derived from the voters, in order to withstand any 'attack' by the president. He believed that 'investment in peace makes sound political and economic sense for both Sri Lanka and its partners abroad' for he thought 'growth in Sri Lanka will be good for everyone.' We quote extensively from his address to the UN General Assembly (Session 57 meeting 15) on 18 September 2000:<sup>14</sup>

"We in Sri Lanka perhaps know better than most the tragedies that conflict and terrorism create. My own country has been ravaged by a 20-year conflict.... The election victory last December of the Government I represent was a clear national mandate to end the conflict in the north-east. The Government has since moved swiftly towards the fulfillment of that mandate. A ceasefire with the Liberation Tigers of Tamil Eelam (LTTE) was signed..... Economic reconstruction and development of the affected areas will be a deciding factor in sustaining the momentum of political negotiations.....

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<sup>14</sup> [http://www.undemocracy.com/generalassembly\\_57/meeting\\_15](http://www.undemocracy.com/generalassembly_57/meeting_15).

Without international support and help with resources to build a peace dividend, the gloss on peace can be dulled.

Sri Lanka welcomes the support that our peace process has received from members of the international community and from the United Nations.

We also look forward to the implementation of decisions taken at the International Conference on Financing for Development, held in Monterrey. We welcome the Millennium Challenge Account as an outcome of that Conference to assist countries committed to democratic norms and good governance, to the engagement of the private sector

In Sri Lanka, we intend to re-establish an investment-friendly country with an efficient bureaucracy and a thriving private sector.”

His logic, we can presume, was that once the war ends, the entailing peace would win the affection of the war weary people of all communities, entice both local and foreign investments, gain sympathy and encouragement from friendly countries, and as a result a substantial economic growth would follow. The area of media policy and law reform was one of the ‘areas’ he chose in which to implement changes. According to Bradman Weerakoon,<sup>15</sup> the PM’s secretary at the time, regarding structure and mechanisms relating to the media,

‘there were three specific areas on which Wickramasinghe acted very fast after the elections’.

1. Legislative framework for the media. Following a series of regular meetings with editors he got passed through Parliament, legislation which was of extreme value for the creation of a conducive media environment and would match the highest standards required of a free media. This legislation was to cover the concept of freedom of expression, amend the existing law regarding criminal defamation which acted as a constraint to the free expression of views, the setting up of press complaints commission to replace a moribund press council and to establish a press institute which would set, from within, standards for journalists to follow, and update their training.
2. The second approach was to establish fully equipped and staffed government media centre. This was on the premise that the press was not going to be curbed again with emergency regulations, which had censored the press effectively for long periods.

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<sup>15</sup> Weerakoon was a senior civil servant who held many high ranking posts and has served six Prime Ministers and the three Presidents of Sri Lanka.

Since a virtually free press was going to be stimulated, Wickremasinghe felt that a strong mechanism should be in place for the propagation of the government's own position.

3. The third idea was to work towards a gradual broad-basing of the state owned media. (Weerakoon, 2004)<sup>16</sup>

Some of these were implemented promptly. For instance, the Press Council was made defunct following an un-written *bona-fide* contract between the political parties represented in Parliament in or about 2002-2003, and the Media organisations representing publishers, editors, working journalists and media activists to introduce, promote and support a self-regulatory mechanism in place of the statutory Press Council. The Press Complaints Commission of Sri Lanka was thereby established in 2003 with a Dispute Resolution Council comprising a majority of non-media representatives, chaired by Mr. Sam Wijesinha to settle disputes between the public and the press under the Arbitration Act No 11 of 1995.

Nonetheless, his plans came to an abrupt end. On 4 November 2003 when Wickremesinghe was out of the country in Washington, for a meeting with President Bush about free trade agreement with the US, Chandrika launched her first strike. She took over under the constitutional powers, the Ministry of Defense, Ministry of Interior which controlled the police, and Ministry of Mass Communications which ran the government media institutions- two TV stations with all island coverage, the radio broadcasting station and Lake House with its daily English, Sinhala and Tamil newspapers. The Parliament was dissolved and elections were held on 2 April 2004 and President's coalition won the election with JVP in a new political formation.<sup>17</sup> This marked the demise of Ranil's Media Reform Programme. Clearly Wickremesinghe's actions indicate a deviation from the normal practice of the politicians who come into power on many promises and forget them wholesale overnight. Was it because of the unique political situation he was in? Or was he determined to do better than other leaders?

Knowing well the political situation he was in, knowing Kumaratunga's retaliatory tendencies and the fact that Wickremesinghe was greatly influenced by Norway (it is no secret that western countries put forward pre-conditions such as good governance, media freedom when granting aid) one would want to agree to the first suggestion. Those who would want to answer the second question in the affirmative, may want to say that 'media is in his blood' an obvious reference to his ancestry (Ranil's maternal grandfather was the founder of Associated Newspapers of Ceylon –commonly known as Lake House and his own father, Esmund Wickremasinghe one-time boss of Lake House).<sup>18</sup> His commitment to democracy and the liberal ideals he holds, naturally contribute to this thinking. However, Wickremesinghe's tirade against Lankadeepa newspaper journalist Dayaseeli Liyanage who resigned later, Five Media's-SLWJA, FMETU, SLTMA, SLMMF, FMM-expression of 'disappointment on the

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<sup>16</sup> Bradman Weerakoon, *Rendering unto Caesar*, co-publisher in Sri Lanka – Vijitha Yapa Publications, Colombo, p.364.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

attitude of intolerance and animosity displayed by Mr. Ranil Wickramasinghe towards a Daily Mirror reporter,<sup>19</sup> his criticism of Uvindu Kurukulasuriya one-time convener-FMM and Director of the Sri Lanka Press Institute, his autocratic handling of dissent within the party, his tussle with the Sirasa media group, cast legitimate doubts on the genuineness of these intentions.

## 2.7. Media Freedoms in the Rajapaksa Regime

Perhaps, there is no other leader of this country since independence – (not even President Ranasinghe Premadasa against whom there were similar and numerous other allegations) who has been criticised so vehemently in regard to media repression as the incumbent president, Mahinda Rajapaksa. There are many allegations of abuse of power against President Rajapaksa and his government. The circumstances, under which he assumed power in 2005, will help, to a certain degree at least, to explain his strategies.

In the path towards Mahinda Rajapaksa's ascendancy to the office of the Executive Presidency, his appointment as the opposition leader in March 2002 was a significant stepping-stone. Still he was not the automatic choice of the party and the nomination for the premiership was not handed over to him on a silver platter. Other names, not his, were flaunted as strong contenders. One of them, the late Speaker of the House, Anura Bandaranaike must have received the blessings of his sister, the then president, Chandrika Kumaratunge for sure. Former Minister of Foreign Affairs, the late Lakshman Kadirgamar received a strong backing as it was thought that appointing an individual of Tamil ethnicity as PM would bolster the image of the country.

Following the victory of the United People's Freedom Alliance in the April 2, 2004 elections, Rajapaksa was mentioned as a candidate for Prime Minister of Sri Lanka. A book titled *Aththai Saththai* (The truth, nothing but the truth) on the political life of SLFP General Secretary Maithripala Sirisena has revealed a JVP move to have him appointed as the Prime Minister of the UPFA government after the parliamentary April elections. According to a letter written by JVP General Secretary Tilvin Silva, reproduced by the author, the JVP had said that Sirisena was acceptable if an agreement could not be reached on the appointment of either Lakshman Kadirgamar or Anura Bandaranaike as the Prime Minister. Copies of the book distributed among the journalists covering a SLFP media conference at the Mahaweli Centre reveal that minister Sirisena has told 'that the people wanted Mahinda Rajapaksa to be the Prime Minister and the SLFP should go ahead with the appointment, though the JVP opposed Mahinda',<sup>20</sup> On April 6 President Kumaratunga appointed Mahinda Rajapaksa to the post of Prime Minister.

Many in the party and the country specially the Buddhist clergy headed by Chief Sanganayakas welcomed this move. Registrar of the Asgiriya Chapter Ven. Prof. Warakawe Dhammaloka Thera, echoing the sentiments of other Chief Sanganayakas, said "He is a good Buddhist respected by all

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<sup>19</sup> Free Media Movement <http://freemediasrilanka.wordpress.com/page/3/>.

<sup>20</sup> The Island online, 01 April, 2010 (<http://www.island.lk/2010/04/01/news2.html>).

sections of the community. He is also **close to the Maha Sangha**. No one can oppose his appointment." (emphasis ours)<sup>21</sup>

Commenting on a simmering battle for the PA presidential candidacy at the end of President Kumaratunga's second term, at the launch of the book *Aththai Saththai* in the run-up to the 2010 parliamentary elections, an SLFP front-liner, Minister Maithripala Sirisena observed that Kumaratunga wanted to name her brother, Anura as her successor, though the SLFP and those opposed to Wickremesinghe wished for Rajapaksa. In August 2005, Kumaratunga was forced to accept Rajapaksa as her successor after Alavi Moulana proposed him as their presidential candidate. Rajapaksa had the support of almost all members of the Central Committee. President Kumaratunga's action on that day revealed her opposition to the plan. And in a bid to placate her, Bandaranaike was nominated as their Prime Ministerial candidate. President Kumaratunga continued to say that the next presidential election would be held in 2006. She believed that Bandaranaike could be named as their presidential candidate as Rajapaksa's popularity would gradually diminish. She also felt that Bandaranaike's health would improve in time for the presidential election.<sup>22</sup>

Although what went on behind the scenes was not well known, this was how the Asian Tribune Colombo, in its Issue of 28 July, 2005 reported:

"Speculation that President Chandrika Kumaratunga would nominate her brother to succeed her ended yesterday when a ten-member committee of the ruling party nominated Prime Minister Mahinda Rajapaksa as the next presidential candidate. Anura Bandaranaike, whose face was plastered all over the city recently as the most suitable candidate for the presidency, was given the second prize of the prime ministerial seat.

Mahinda Rajapaksa's nomination will end the in-fighting within the ruling party. With his nomination the race for the presidency will begin in earnest. Behind the scene wheeling and dealing will go on with both JVP and JHU either putting up candidates of their own or cutting deals with the presidential candidate Mahinda Rajapaksa."<sup>23</sup>

This 'in-fighting' did not end, though. As Minister Sirisena reveals in the above cited observations, President Kumaratunga entered into a heated argument with Prime Minister Rajapaksa at a public meeting at the Race Course on September 2, 2005, as part of her strategy to publicise a rift as she felt it would be detrimental to the presidential election campaign. The media captured the scene and it caused severe problems which was advantageous to the Opposition. The much-awaited Supreme Court (SC)

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<sup>21</sup> Official web-site of Mahinda Rajapaksa: [http://www.mahindarajapaksa.com/sworn\\_in.php](http://www.mahindarajapaksa.com/sworn_in.php).

<sup>22</sup> SLFP Gen. Secy discusses past plots in the party By Shamindra Ferdinando: The Island online 28 May, 2010 <http://www.island.lk/2010/05/28/news24.html>.

<sup>23</sup> <http://www.asiantribune.com/news/2005/07/28/presidential-race-begins-mahinda-Rajapaksa-people%E2%80%99s-alliance-candidate>.

decision on the presidential election was given a few days after the meeting at the Race Course. The SC decided that the next presidential election would be held in 2005.

President Kumaratunga attended only seven propaganda meetings for this election. At that time, her brother the late Anura Bandaranaike went to the extent of calling the Supreme Court decision a political conspiracy at the last public meeting ahead of the presidential election. A section of the PA ministers shunned Rajapaksa's campaign. How could one 'explain' this situation? Veteran journalist and political commentator Victor Ivan had this answer to offer;

He (ie; Rajapaksa) is not received well among the urban liberal middle class intellectuals. Even during the period when he gained power, they were puzzled in respect of him. Who is he? What does he know? Those were the questions mostly asked by the skeptical middle class. The principal reason for this doubt being, he was not from the city and not from the urban elite.<sup>24</sup>

Such doubts assailed Sri Lankan society even in relation to President Ranasinghe Premadasa. Victor Ivan went on to say that Rajapaksa contested the presidential election not as a party leader but from a rung of the ladder down below. During that election, the SLFP party leader actually extended her support to the opposition contender Ranil Wickremesinghe. At that juncture, the issues which surfaced inside the party turned detrimental to party leaders in small or great measure. Addressing the 59th anniversary of the Sri Lanka Freedom Party held at Temple Trees on September 02<sup>nd</sup>, 2010 President Mahinda Rajapaksa disclosed that

“the situation in the country was quite unfortunate when I was contesting for the Presidential Election in 2005. For the first time in its history, not even a single leaflet was distributed by the Sri Lanka Freedom Party in support of its candidate. Our Secretary General Minister Maithripala still recalls that. When we took the reins of the government what we had was a government party which could not even elect a Speaker. That was the reality.”<sup>25</sup>

However, Rajapaksa received support from wide range of political parties in his bid to win the elections. The JVP and JHU and 28 other political organisations figured prominently in the presidential campaign.

“Mr. Mahinda Rajapaksa won the Presidential election held in November 17, 2005. He was able

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<sup>24</sup> Victor Ivan, *President Rajapaksa is an Authoritarian Leader but not a Dictatorial Ruler*, TransCurrents: [http://transcurrents.com/tc/2011/04/president\\_rajapaksa\\_is\\_an\\_auth.html](http://transcurrents.com/tc/2011/04/president_rajapaksa_is_an_auth.html).

<sup>25</sup> Ceylon Daily News 4 September, 2010.

to achieve success because of his personal qualities patience, determination, equanimity, courage, valor, amiability and simplicity. They are of course Buddhist values.”<sup>26</sup>

His struggle for power did not end with the presidential election victory either. Within the party Kumaratunga was not ready to relinquish her power nor did she want to accept Mahinda Rajapaksa’s victory. As Victor Ivan observes in the earlier quoted instance,

“even after the presidential election victory, there was a campaign to entice a group of members of the government to the opposition party backed by the former President, and to topple the government. This led the present President to lean heavily on his family members and those whom he trusted. When the war began again, he got pushed deeper into this situation, and when the war raged, he strengthened himself on these lines.”

From this narrative, one is able to arrive at certain ideas regarding the forces that influence Rajapaksa’s thinking, his philosophy.<sup>27</sup> Buddhists, especially Sinhala-Buddhists, believed in him and considered him the leader that would bring glory to the mythical ‘Sinhala-Buddhist Nation’. Thus, compared to the UNP leader, he received the unqualified sympathy if not the support of the majority of Sinhala-Buddhists. Even those who may have not voted for him grudgingly acknowledged his Sinhala-Buddhist leadership. This faith – or trust led Rajapaksa to play along the tide and turned his image from a ‘showy’ southern politician to a pious, mature Buddhist national leader. According to political commentator Kusal Perera, it was his party that groomed him for this role:

“Mahinda to begin with, could never leave the grooming of the SLFP that fixed him body and soul with the Sinhala, Buddhist thinking. He for sure feels secure peddling this slogan to be among the “Giruwa Paththuwa” voters.”

Therefore even after spearheading a successful human rights campaign, as has been observed,<sup>28</sup> “he opted to be the ‘Southern Sinhala Leader’ with his widely publicised ‘Sri Rohana Jana Ranjana’ honour, received from the Malwatte Chapter.” Though ideologically poles apart from the thinking of commentators of the nature quoted above, Professor Nalin de Silva confirms this point of view:

“The Sri Lanka Freedom Party (SLFP) is the party of Sinhala nationalism in the sense that sometimes in spite of the leaders, it is the masses, not necessarily being members of the party, who influence the party. The SLFP was formed as a liberal party by Mr.

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<sup>26</sup> <http://infolanka.asia/opinion/sri-lanka/mahindarajapaksa-the-statesman> - Reproducing an article by NIHAL P. JAYATHUNGA appearing in “The Island.”

<sup>27</sup> It must be emphasized that we are not trying to pursue here the debate on religion and politics, but merely trying to show how religion worked as a strategy for Mahinda Rajapaksa and how he made it work for him.

<sup>28</sup> Kusal Perera in his blog ‘*My Thoughts*’ Posted on 22 July, 2005. This article was written about two and a half years ago to be published, but remained unpublished.

Bandaranaike, but very soon the Sinhala Buddhist masses who had wanted a political party 'acquired' the party.... Mr. Rajapaksa coming from Medamulana understands Sinhala Buddhist nationalism by instinct and his anti colonialism is in his blood, so to say. In this regard he is the successor of Mrs. Bandaranaike and the SLFP is in safe hands."<sup>29</sup>

Interestingly, Lakbima columnist *Rakshaka* (pen name) commenting on the long standing grouse of the Buddhist hierarchy in not being able to influence the rulers of the country, proceeds to say that "If the president can appeal to the Sinhala Buddhists of this country even over the heads of the leaders of the Buddhist clergy — it is due to hard work and diligent cultivation of an image which buttressed the war victory that enabled him to make a legitimate claim as the 'saviour of the Buddhists.' That is the most dangerous trend for the opposition's survival as well — given the fact that it does not seem to be able to make any inroads into the President's specific appeal to the Sinhala Buddhist constituency"<sup>30</sup>.

The logical implication of this thinking is that Rajapaksa will go along with the wishes of the Sinhala-Buddhist majority rather than adopt or listen to any other philosophy. Some further reflections on this seem appropriate. As the Colombo-centric elite of the country sometimes openly, sometimes inconspicuously did not admit him to their fold, Rajapaksa gradually and quite naturally drifted more towards his 'son of the soil' role. A salient feature in his ascendancy to power has been his readiness, his willingness to accommodate anyone and everyone, if it helps him to come into power. This allowed him to have the support of a broad spectrum of groups with widely different ideologies.

Nevertheless, there was a cause that unified them all: the war. This became the rallying point. Even the members of parliament who crossed over from the main opposition party, the UNP justified their action by claiming they wanted to strengthen the hand of the president in his war effort. The media, both print and broadcast, readily joined the cause. They were travelling together towards the same destination. However, as the war intensified, the feelings and the attitudes hardened. Knowingly or unknowingly, all these forces contributed to the mindset of the 'leader'. The outcome was predictable. Dissent was not tolerated, the opposition was vilified, corruption became rampant, the cost of living soared. However, not only those who had joined the bandwagon, but the majority of people in the country tolerated these developments in the name of a noble cause.

In the present day, war ended but the legacy of the war remains. Rajapaksa's attitude towards and approach to the media and media practice in the country is fundamentally fashioned and shaped by these dispositions. An example to illustrate this point can be found in his policy declaration -- the election manifesto entitled 'Mahinda Chinthana' in 2005. This declaration states that:

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<sup>29</sup> Nalin de Silva, *Sri Lanka is neither Egypt nor Libya*, The Island, 22 March, 2011.

<sup>30</sup> Its a Tough Job Being the Champ, Lakbima, 19 Sunday June 2011.

“The freedom of the media **could be truly established only** (our emphasis) if the living conditions of the media personnel are raised. In order to ensure the independence of media personnel:

- Computers will be provided to every media personnel duty free.
- All accepted news reporters will be given a duty free motor cycle.
- The Chief Editors of recognised print and electronic media institutions will be provided vehicles duty free.
- An Ombudsman will be appointed with full authority to solve their problems, and Steps will be taken to provide scholarships to the more creative journalists serving the state and private media.
- A system to evaluate the capacities of the media personnel annually will be introduced. A special state award ceremony will be organised for the media. Facilities will be provided to media personnel to build their own homes and a retirement gratuity scheme will be provided for the benefit of the retired media personnel.”

All Sri Lankan politicians in power, irrespective of the party they belong to, use the word ‘responsible’ in respect of the media to imply that the media should be controlled (not regulated) on the pretext that the media act ‘irresponsibly’. If one carefully reads the section on Information and Mass Media in the Mahinda Chinthana policy the manner in which the word ‘responsible’ is used, gives an indication about the intentions of its authors. As regards to free expression and media rights, what President Mahinda Rajapaksa did or failed to do are well documented as will be discussed in the succeeding section.

## **2.8. Country at the Crossroads**

The following excerpt from a prominent international monitor illustrates the general perception in regard to the attitude of the Mahinda Rajapaksa government towards media freedoms.

“Over the last four years, the human rights and governance situation in Sri Lanka has deteriorated sharply. Much of the decline can be attributed to the government's extensive use of force against the Liberation Tigers of Tamil Eelam (LTTE) rebel group. Most international observers consider the military campaign to be rife with human rights abuses against both the LTTE and civilians. However, the country has also suffered from the current administration's increasingly hostile attitude toward critical or dissenting views among journalists, politicians, and civil society. The president and three of his brothers, all of whom hold government positions, currently make all critical decisions and

control public spending..... They have increasingly exercised this power to intimidate the media and opposition figures.

Media independence and freedom have been seriously undermined since the 2004 national elections. The International Federation of Journalists has described the media situation in Sri Lanka as a rapidly worsening "war on journalists," while Reporters Without Borders dropped Sri Lanka to a ranking of 165 out of 173 countries in its 2008 press freedom index. In recent years, journalists who report on sensitive issues like corruption, human rights abuses, and military strategy have been subject to harassment, intimidation, and, increasingly, physical attacks; a total of 34 journalists have been murdered since 2004. Between mid-2008 and mid-2009 alone, 11 Sri Lankan journalists were forced to flee the country to protect their safety. Moreover, the police have failed to make an arrest or identify suspects in most of these cases. In the 2009 Impunity Index compiled by the Committee to Protect Journalists, Sri Lanka ranked fourth out of 14 countries in which journalists are killed regularly, with at least nine journalist murders in the 1999–2008 period currently unsolved.

The Sri Lankan media sector has traditionally been dominated by the Lake House Publishing group, which was taken over by the government in the 1970s. The Lake House newspapers were thereafter used to present the government position on political issues and have ceased to be a source of objective reporting. The government also has its own radio and television outlets. This government dominance stimulated the development of independent print outlets, including several Sinhala, Tamil, and English dailies. Nevertheless, private news outlets that are seen as critical of the government have faced increased harassment and attacks. For example, Leader Publications, publisher of the Sunday Leader and Morning Leader, was the target of an arson attack in 2007, and the Sirasa TV studio complex was nearly destroyed by armed men in January 2009. Several private outlets have closed down due to this climate of fear and violence, while others, such as the Standard Newspaper Group, have been driven out of business by government financial pressure. As a result, the availability of objective, independent sources of information in the country has drastically diminished, and the government line has dominated reporting since the last phase of the war began in 2006.

Past governments have used highly restrictive slander and libel laws to prevent media criticism of public officials. Because of the inefficiency of the court system, slander or libel suits are invariably dragged out over several years, increasing the cost to the targeted media organisation. The laws, which favor plaintiffs, contribute to media self-censorship, particularly on national security issues, corruption, and human rights abuses.

The government has arrested large numbers of journalists or taken them to police headquarters for questioning. It has also passed rules that tightly restrict journalists' freedom of movement and ability to cover certain areas. Since 2007, all reporting of

frontline battles with the LTTE has been banned, and no reporters have been allowed near the battle zones. In May 2008, foreign journalists were also barred from covering the provincial council elections in the Eastern Province. In 2009, the government deported or denied visas to several foreign journalists. The authorities' hostility toward the media also takes the form of public pronouncements condemning criticism of the government. Efforts to control internet news sources have increased. A number of opposition media sources have been targeted in hacking incidents, although it is difficult to identify the culprits. In June 2007, the TamilNet website was blocked by the government.

The weak performance of the Bribery Commission has contributed to the growing importance of the press in reporting on and investigating allegations of corruption among government officials. Journalists have been active in reporting illegal acts, but the intimidation and attacks against the media described above have inhibited their ability to pursue corruption stories since the election of President Rajapaksa.<sup>31</sup>

This thinking is borne out by other reports as seen below;

“Notwithstanding the end of the conflict, restrictions on media independence and freedom are reported to persist, including restricted access to certain regions of the country. Despite a reduction in the number of high-profile attacks on media professionals since June 2009, concerns continue to be voiced in relation to journalists, publishers and other media personnel, who report critically on sensitive matters. A variety of reports indicate that such journalists could be subject to intimidation, harassment, physical attacks, arbitrary detention and disappearances. Politically motivated abductions are still reported and are alleged not to be effectively investigated or prosecuted. Credible reports also indicate that several prominent journalists have fled Sri Lanka in the last 18 months. In light of the foregoing, the UNHCR considers that journalists and other media professionals, who express, or are perceived to hold critical views on sensitive issues, may be at risk on the ground of (imputed) political opinion.

Concerns have been raised about incidents of harassment, death threats, physical attacks and abductions directed against certain members of civil society, including human rights activists. For example, lawyers involved in corruption cases or representing alleged victims of human rights abuses, as well as witnesses appearing in these cases, may be subject to harassment, attacks, death threats and other forms of intimidation. On 2 March 2010, a Sri Lankan news website, LankaNewsWeb, published a list allegedly compiled by a Sri Lankan State intelligence unit containing the names of human rights activists and journalists, each reportedly ranked in accordance with their importance to the intelligence

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<sup>31</sup> Freedom House, *Countries at the Crossroads 2010, Country Report - Sri Lanka* <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198>.

service. Forty five Human rights observers expressed concerns about the alleged surveillance list.

In light of the foregoing, the UNHCR considers that human rights activists and civil society members, who express, or are perceived to hold critical views on sensitive issues, may be at risk on account of their (imputed) political opinion.”<sup>32</sup>

However, in conclusion the document sees some improvement, “[a]t the time of writing, the greatly improved situation in Sri Lanka is still evolving.”<sup>33</sup> Similarly, the EU report of October 2009 observed:

“Implementation of the right to freedom of expression remains a serious problem. Sri Lanka has been ranked as one of the most dangerous countries in the world for journalists. It is reported that senior Government officials have repeatedly accused critical journalists of treason and often put pressure on editors and publishers to run stories that portrayed the Government in a positive light. Journalists who criticise the government have reportedly been subject to verbal and physical attacks, harassment, restrictions on access and vilification. A considerable number of Sri Lankan journalists have been driven into exile; in some cases, their families remaining in Sri Lanka have continued to receive threats. Government representatives have often attempted to discredit critical voices, notably journalists, as supporters of the LTTE and traitors to Sri Lanka. The website operated by the Ministry of Defense website has accused journalists of acting as mouthpieces for the LTTE.”<sup>34</sup>

In 2008, Reporters Without Borders ranked Sri Lanka 165th among 173 countries in its annual Worldwide Press Freedom Index. The next year, the country was ranked 162. By 2010, following the end of the war, the RSF ranking was 158th. The exact basis of the manner in which these rankings are decided, may however be legitimately questioned.

## ***2.9. The Fight Continues for Free Media***

“Media in Sri Lanka is struggling for a conducive environment for independent reporting after a tumultuous two years, which saw the murder of a prominent editor, fire-bombing of an independent television station and numerous brutal attacks on journalists, compelling more than 50 media personnel to flee the country. Overtly, 2011 has been a period of relative calm and

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<sup>32</sup> UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, United Nations High Commissioner for Refugees (UNHCR), 5 July 2010.

<sup>33</sup> Ibid.

<sup>34</sup> Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka (2009) - Commission of the European Communities. Brussels, 19 October 2009, p.26, 75p.

overall the situation has improved from what it was during the final phase of the war and the immediate aftermath of the 2010 presidential election. No murders of journalists were reported last year. And although there has been a decline in the number of recorded attacks on journalists several incidents were reported.

In the final years of the war, journalists, local and foreign, were barred from the North, unless they were part of a government entourage or embedded with the army, making it impossible for independent reportage from these areas. Local journalists are now free to travel to parts of the war-devastated North that are open to the public, primarily Jaffna, though large areas still remain out of bounds, movements of the journalists are constantly monitored and foreign journalists are still required to obtain clearance from the Ministry of Defence. The reporting climate is in no way conducive to assertive journalism. There are still high levels of anxiety and journalists continue to look over their shoulders and continue to curtail their comments and reports. A major factor contributing to this sense of unease is the government's failure to conduct proper investigations into any of the attacks against media persons and institutions, which has helped foster a climate of impunity and indifference. Three incidents that are significant in this context are the murder of Sunday Leader editor Lasantha Wickrematunge and the arson attack on MTV/Sirasa in January 2009 and the disappearance of Lanka-e-News cartoonist Prageeth Eknaligoda in January 2010.

Journalists and media activists say that the reporting environment is so insecure that journalists can report only what the government or those closely affiliated with the ruling party wish to make public, and point to examples of drastic reprisals for media that does not toe the line, such as the one inflicted on Lanka-E-News. There continues to be an active restriction of space for critical reportage with journalists adopting self-censorship as a means of safeguarding themselves. One of the outcomes of this has been the failure of the mainstream media to provide fair and objective reporting on issues that concern the general public. Mainstream media, specifically the Sinhala language media has also failed to provide objective or even adequate reporting on the situation in the North, not only regarding the poor progress of resettlement of the displaced but also in reference to the growing environment of uncertainty and unease following a spate of murders and abductions in the country.”<sup>35</sup>

### ***2.10. Free Speech in Peril***

We wish to highlight a few points to bring into focus the essence of our account:

- Although broadcast media was introduced to Sri Lanka quite early by the British, the traditions of (radio) broadcast in Britain did not take root in this country. Nor did a local tradition develop. Thus the broadcast media remained a tool for state propaganda and after broad basing, became a source of income for the corporate

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<sup>35</sup> Free Speech in Peril. Press Freedom In South Asia 2010-11. Ninth Annual IFJ Press Freedom Report For South Asia 2010-11 May 2011.

class. Even though few Public Service Broadcast characteristics could be evidenced, it was mostly top-down propagandist stuff. Community Radio in Sri Lanka is a misnomer and they are not owned, managed and run by the community. Corporate channel focus on 'entertainment' is maintained at the expense of 'information and education'.

- As in the case of democratic ideals, concepts like independence of the media, freedom of expression remained alien to the Sri Lankan society. The governments, politicians, intelligentsia and the civil society<sup>36</sup> did not bother to acquaint themselves of these nor did they take steps to popularise these principles. The vast majority of the public remain blissfully unaware of their rights as well as their responsibilities.
- From the British colonial rule onwards all governments, irrespective of party differences took direct and indirect measures to control the media and stifle free expression. There may have been slight differences in the degree of abuse under different regimes but these dissimilarities were the result of circumstances rather than commitment.
- Media personnel generally lacked competencies associated with broadcast professionalism. For most it was a job rather than a profession-an attractive job, more so not because of the income they derived (which was not high but satisfactory) but for the fame and 'status' it brought them. Most were recognised as announcers, news anchors, programmers, entertainers and not as 'broadcasters' though. They were satisfied with that identity. Professionals in other fields, the intelligentsia and the academics were interested in their 'acquaintance' rather than the development of professionalism in broadcasting and broadcasting standards. A few stood out, no doubt. But that was purely (or let us say mostly) through their inborn talents, own personal efforts and perseverance.
- Broadcast training was haphazard. Early broadcast practitioners hardly received training and even afterwards it was a case of 'some training was better than no training at all'. Veterans became the role models for the new comers to emulate or follow and in the process effecting a (what media people label) 'generation losses'.
- The Sri Lanka Broadcasting Corporation Training Institute (SLBCTI) did help in some ways but that was more in the form of skills development rather than providing all-round quality training with a theoretical base. (The 'training Institute' is known among the employees of SLBC as the 'Siberia' When governments changed, it was

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<sup>36</sup> Used here and elsewhere in the paper to denote the so-called "intermediary institutions" such as professional associations, religious groups, labor unions, citizen advocacy organisations, that give voice to various sectors of society and are supposed to enrich public participation in democracies.

the place to send the prominent sympathisers of the defeated party. Those who were sent either tried their hands at 'training' others or became mere 'passengers.')

- Foreign training and scholarships were irregular and were employed more to cater for 'perceived needs' rather than 'felt needs.' Political affiliations and internal politics played a big role in the selection process and the scholarships were used more as 'reward' or 'bait.' For most of the recipients it was a chance to visit a foreign country and a chance to save some money. (There were instances known to the authors of this report, where the recipient were sent back home before completion of course by the scholarship granting organisation for being 'unfit to receive training' or lack of required language skills) Even those who were keen to acquire new knowledge or skills hardly got the opportunity when they come back to share their experience or practice what was learnt.
- We admit the picture that is painted is gloomy but we hasten to add that some individuals (especially in the education service of the SLBC) did indeed benefit from foreign training and were able to put that knowledge into good use.
- Portrayal of rulers in both local and foreign media tended to present one ruler as better than the other. However, an analysis of their actions reveals that almost all are equally guilty of the sins they are accused of. If we go back in time, it is not difficult to find that all governments irrespective of the person at the helm did try to intimidate practitioners and muffle free voice. In the early days, it was more a case of omission rather than commission. Later, with awareness of their role growing among the media community and the rulers resorting to new tactics using new 'tools,' these methods of repression became more oppressive and direct. At the same time, with the proliferation of media, the coverage given to these antics became extensive (perhaps disproportionately) giving the impression that anti-democratic actions themselves have increased.
- The descriptions of political events and background information aim to elucidate the real meaning and significance of events and actions of political players. For example, the portrayal of Ranil Wickremesinghe and Mahinda Rajapaksa may seem to be lopsided. It may appear, taken out of context, that Ranil Wickremesinghe was the only leader to work towards the freedom of expression and independence of the press whereas Mahinda Rajapaksa may look like the worst culprit in that regard. Wickremesinghe initiated reforms in respect of media freedom during his short stint as the 17<sup>th</sup> Prime Minister of Sri Lanka in 2001-2002. It was a unique situation where the all powerful Executive President belonged to a party which was traditionally opposed to the Prime Minister's (Ranil's) political group. Even though he commanded the majority in the parliament, he did not have the clout to impeach the

president. Wickremesinghe's actions need to be conceived in this context. In the same way, President Mahinda Rajapaksa's actions – or inaction should be judged in the backdrop of his struggle to come to the top in the wake of opposition from the elitist sections of civil society, the ethnic conflict, international pressure specially from Western countries and the growing nationalism that he nurtured among Sinhala Buddhists.

## 2.11. Socio-Cultural Dimensions of the Problem

If we are to understand the violence that is prevalent in the society today, the aggressive suppression of democratic ideals and practice, we have to examine the events that manifest as undemocratic and unacceptable (to Western standards) events and actions which invariably earn worldwide attention. For instance, why does a section of a society rally round a leader who leads them to destroy another section of the same society? Why do people tolerate brazen violations of human rights? Why do people, especially in a country touting Buddhist principles of ahimsa and tolerance, prefer to look the other way when a person who fought for their **rights is killed openly**?

Finding answers to these questions will prove to be valuable to those who seek solutions to the problems and issues related to Good Governance, the Rule of Law, Accountability, Transparency and other fundamental democratic ideals. Such an understanding is most valuable for those who strive to study mass media and its practice in the country. Inadequate knowledge of local conditions, or what the 'masses' themselves think, want to do - i.e. those dimensions which elude the cursory explorations of alien investigators - is a failing of most mass media research/study attempts. One commentator relevantly asks the question as to whether it is possible to protect and promote human rights without a thorough scrutiny of society and culture in Sri Lanka?

“The experience in Sri Lanka shows that despite increase in the number of legal enactments on human rights and quite a lot of programs for education on such rights, the country's human rights problems are increasing. There has not been a significant improvement either in the civil or the economic rights spheres. Any serious attempt at promotion and protection of human rights must be accompanied by an effort to understand the root causes for the existence of such a situation.”<sup>37</sup>

He goes on to identify, non-acceptance of equality, tolerance of violence, extra-judicial killings, culture of impunity, belief that the pursuit of justice may lead to further trouble, indifference towards the weakest in society, professionals' long-standing cultural habit of exploiting the ignorance and the backwardness of

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<sup>37</sup>Basil Fernando, *Harmonizing Asia's Cultural Values and Human Rights : The Validity of the Approach - Sri Lankan Experience*, FOCUS September 1997 Volume 9; <http://www.hurights.or.jp/archives/focus/section2/1997/09/harmonizing-asias-cultural-values-and-human-rights-the-validity-of-the-approach---sri-lankan-experience.html>

the poorest sections of society, failure to grant right to information and freedom of expression, as some of the human rights issues that afflict the contemporary Sri Lankan society. Hence he ascertains that,

“the cultural foundations of human rights violations need to be scrutinised if the root causes of human rights violations are to be grasped. Without such a grasp, no deep transformation is possible, and any human rights project will remain a cosmetic exercise as it is often accused of being. If it is to become a dynamic movement capable of unleashing the inner energies of people to pursue its aims, the shadowy side of society and culture should come within the scrutiny of human rights practitioners.”<sup>38</sup>

Another point of view frames the discussion in the following manner;

“It is reasonable to argue that the best option for Asian societies in general and Sri Lanka in particular, would not be to articulate human rights concerns within a paradigm of tradition and convention but within a clear paradigm of modernity and universality which would nevertheless not be hostile to historical memory.”<sup>39</sup>

We believe that these are certainly worthy considerations in the context of which restrictions and impediments to media practice and violations of media rights could be weighed and analyzed. It may be true that these infringements and contraventions of the law and the liberties of the expression and the media may have accelerated and increased in the recent past. But, as shown above, these happenings are not, or at least not only, the outcome of policies and actions of any individual leaders as is made out to be in most of the reports in national and international media. For, leaders too, like the other members are the products of the same society with a shared culture, shared patterns of behaviors and interactions.

If we are to pin the blame on a certain individual or individuals as is normally done, it may well turn out to be a case of ‘not seeing the wood for the trees.’ Maybe leaders do it more often and more forcefully as they are the ones who hold socio-political power. We must emphasize that we are not suggesting for a moment even that those who perform these ‘crimes’ should go unpunished and the people should bear the brunt of the consequences of unpunished crimes without protest. However, merely grumbling about these questions is exactly what the Sri Lankan public normally resort to: they either look the other way or vote ‘failed’ political leaders out of office with hopes that the new incumbent will deliver the goods. Unfortunately, both strategies have failed. This is an aspect that should be taken into serious consideration by those who desire, those who fight with risk to their lives for democratic rights. It is not that people reject the concept of ‘democracy’. Democracy continues to be the preferred ideology and by far the most preferred political arrangement. The difference is in the way they go about it. While electoral democracy

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<sup>38</sup> *Ibid.*

<sup>39</sup> Sasanka Perera, *Articulating Human Rights in the Context of Buddhist Ethics in Sri Lanka*, FOCUS September 1997 Volume 9, <http://www.hurights.or.jp/archives/focus/section2/1997/09/articulating-human-rights-in-the-cont-ext-of-buddhist-ethics-in-sri-lanka.html>.

had enabled almost all citizens to stake a claim in the process of governance, it has failed to 'root' democratic ideals. Media policy and media practice is one of the casualties.

In a recent report on the State of Democracy in South Asia, some interesting questions have been raised such as the following; how do we determine the state of democracy? What criteria are we to adopt? Is there a universal definition, a yardstick of what it means to be democratic? Are we talking of democracies in South Asia or South Asian democracies? And what is South Asian about these democracies? In it, however, it is not hard to detect a positive note about the future.<sup>40</sup>

“The strength of the practice of democracy in South Asia lies in its capacity to move away from the received model of democracy. Every aspect of democracy in South Asia is marked by a disjunction between the script and the practice of democracy that can take various forms: between constitutional design and political practice, between formal ideology and political orientation, between theoretical expectations and real-life outcomes. Rather than being merely a source of slippage and failure, and thus as distortion and deviation, this disjunction is also a source of innovation. Clearly, not all kinds of deviations are necessarily sources of strength, but most sources of strength arise out of a capacity to deviate from a given rule.”<sup>41</sup>

As far as media and media practice in the country is concerned, we believe that it is worthwhile to look forward to media education/literacy as one of the positive steps. Wijeyananda Jayaweera, Director, Communication Development Division, UNESCO and former Sri Lankan broadcaster, makes an interesting point, which would perhaps supplement the argument we are making here. Alleging that ‘the so called national leaders of Sri Lanka, had not recognised human rights in their own programmes,’ he traces how the practice had been different in India, pointing out that interventions during the colonial period allowed a continuation of a live discussion on rights of the people in India when they had very productive and inclusive discourse on drafting the Indian constitution, which at the outset enable India to socialise to large extent the discourse on fundamental rights. This shows that even the Sri Lankan academicians could not internalise fundamental rights as a unit of analysis in their socio political discourses. Jayaweera goes on to observe;

“The formulation of the American Constitution, Bill of Rights or French Declaration of the Rights of the Man, formulative discussions on the UN’s Universal Declaration of Human Rights, ICCPR etc hardly became subjects of intellectual discussions in Sri Lanka. For the left, it was easy to discard them as bourgeois developments and for the

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<sup>40</sup> The State of Democracy in South Asia project is based at the Centre for the Study of Developing Societies, Delhi and is funded by the European Union Cross Cultural Programme, Ford Foundation and the International Institute for Democracy and Electoral Assistance (IDEA), Stockholm. It is an initiative to carry out a base-line evaluation of the democratic enterprise in the five South Asian countries of Bangladesh, India, Nepal, Pakistan and Sri Lanka. (<http://www.democracy-asia.org/readthereport.htm>).

<sup>41</sup> Ibid.

others there was no willingness to see such topics as post-colonial human dignity as relevant to national political discourse.”<sup>42</sup>

### 3. Ownership Patterns in the Sri Lankan Media

#### 3.1. State or private ownership?

The crucial relationship between the role of the media in society and media-ownership is succinctly summarized in the following observation;

“The availability of information and its accessibility is central to the functioning of contemporary democracies and in modern economies and societies in general. It is vital to the ability of constituencies to make informed political and economic decisions during voting and when making economic decisions.”<sup>43</sup>

Though little comprehensive empirical and theoretical study exists on the issue, the relationship between media-ownership and economics, and the media’s role in society affords substantive material for active public and policy debate. As Robert W. McChesney explains in his book, *The Political Economy of Media: Enduring Issues, Emerging Dilemmas* (2010),<sup>44</sup>

“(the) political economy of media is a field that endeavors to connect how media and communication systems are shaped by ownership, market structures, commercial support, technologies, labor practices, and government policies. The political economy of media then links the media and communication systems to how both economic and political systems work, and social power is exercised, in society.”<sup>45</sup>

The central question for media political economists is whether, on balance, the media system serves to promote or undermine democratic institutions and practices. The media has definitely and radically changed the way we work, play and communicate. As in the case of other countries, the Sri Lankan media is owned by few companies and organisations. Given their wealth and their shrewd donations into the political process, the advocates for the public interest are in far too short supply. In the context of the reach and influence of electronic media in the country, the question as to who owns these media, what is delivered over them and, fundamentally, in whose interest they work are critical issues before us now. Are the media a force for social justice or for oligarchy? And equipped with that knowledge, what are the

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<sup>42</sup> Interview with Wijeyananda Jayaweera, 17th March, 2011

<sup>43</sup> Paper submitted by Anoush Begoyan, Article XIX programme officer, Europe <http://www.article19.org/data/files/pdfs/publications/poland-article-19-report-on-media-ownership.pdf>.

<sup>44</sup> Robert W. McChesney, *The Political Economy of Media: Enduring Issues, Emerging Dilemmas*, Monthly Review Press, New York. 2008.

<sup>45</sup> Ibid.

options for citizens to address the situation? Ultimately, will the political economy of the media be a critical exercise, committed to enhancing democracy?

The BBC in support of maintaining a publicly and subsidised monopoly on radio and television in Britain, expounded the idea that state media ownership can expose the public to less biased, more complete, and more accurate information than it could obtain with private ownership. This argument was, subsequently repeated in many developing countries. The public interest theory predicts that the consequence of government ownership is more economic and political freedom, and better social outcomes.

In contrast, the public choice theory holds that a government-owned media outlet would distort and manipulate information to entrench the incumbent politicians, preclude voters and consumers from making informed decisions, and ultimately undermine both democracy and markets. Because private and independent media supply alternative views to the public, they enable individuals to choose among political candidates, goods, and securities—with less fear of abuse by unscrupulous politicians, producers, and promoters. The two theories, it is obvious, have distinct implications for both the determinants and the consequences of who owns the media.

## 3.2. Ownership Structure

### 3.2.1. Radio Broadcasts

Before the liberalisation in 1980s, there was only one broadcasting station in Sri Lanka – Radio Ceylon. It was run as a government department until it was made a public corporation in 1966, under the name Sri Lanka Broadcasting Corporation (SLBC). It operates radio broadcasts in all three national languages *viz.* Sinhala, Tamil, and English. It has two components, national service with no commercial content and the other a commercial service. Its commercial broadcasts were popular both here and India until recent times.

Catering to new trends, the SLBC started a FM channel – City FM in 1923. With its three regional stations, few community radios and External Services, the SLBC has the widest coverage in the island. Lakhanda, which started in 1996, is another government run radio station. Before 2000, apart from the state-run radio stations, the following were in operation; Gold FM, Hiru FM, and Sooriyan FM: owned by the Asia Broadcasting Corporation, E FM, Ran FM, and Shree FM: owned by Colombo Communication Limited (a subsidiary of EAP), Shakthi FM, Sirasa FM, and Yes FM: owned by the Maharaja Broadcasting Corporation. According to the Ministry of Mass Media and Information website<sup>46</sup> at present, 21 no. of Television Channels, 59 no. of Radio Channels and 23 no. of national newspapers owned by both state and private sector institutions are operated in Sri Lanka.’

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<sup>46</sup>accessed on 29<sup>th</sup> June, 2011.

Apart from these, several international broadcasters operate radio stations in Sri Lanka or use local stations for their broadcasts; BBC Sandesaya - BBC World Service - Great Britain, CRI Sinhala Service - China Radio International – China, Voice of Germany - Deutsche Welle – German, Lihinimedia – Canada, International Broadcasting Bureau - Government of USA – USA, Radio Japan - NHK World Network - Japan and Trans World Network - Vishna Vani

### 3.2.2. TV Broadcasts

Interestingly, television (TV) was introduced in 1979 to Sri Lanka as a private venture. This was made possible because of the political links local partners had with the government rather than because of a policy decision. This TV channel called Independent Television Network (ITN) was converted to a government Owned Business Undertaking (GOBU) just three months after its inauguration – again not a policy decision but to help the local partner out of an impasse. It was later brought under the Sri Lanka Rupavahini Act of 1982 along with the newly created Sri Lanka Rupavahini Corporation (SLRC). After assuming power in 1977, J. R. Jayewardene’s government decided to utilise the funds set aside by the German government to start TV, to expand medium wave radio transmissions. Later, the Government took a firm decision to start a national state run TV station, initially as an educational broadcast, with Japanese aid. In 1992, the government allowed private TV broadcasts. Following that Maharaja Television Network (MTV) was launched in collaboration with Singapore Telecommunications Limited (SingTel). Their TV channel, Channel One MTV commenced broadcast in December 1992. They launched two other channels, Sirasa TV and Shakthi TV in 1998.

Since then, especially after the year 2000, we see a proliferation of private TV networks in the island. Cable TV was introduced to the island way back in 1999 although the first station has ceased operations since 2009. A list of pay TV is given below of which only PeoTV is a government concern being an affiliate of the telecom giant, SLT (Sri Lanka Telecom).

|    | <b>Name</b>            | <b>Technology</b>            | <b>Established</b>    |
|----|------------------------|------------------------------|-----------------------|
| 01 | PEO TV (SLT Visioncom) | <u>IPTV (ADSL and WiMAX)</u> | <i>September 2008</i> |
| 02 | Lanka Broadband        | <u>Analog/Digital</u>        | 2000                  |
| 03 | <u>Dialog TV</u>       | <u>Digital Satellite</u>     | 2005                  |

|    |  |
|----|--|
| 04 | Comet Cable (Not functioning since 2009) |
|----|--|

Analog Microwave

1999

(Sri Lanka radio and TV on line are not included)

### 3.3. Ownership issues

It is widely accepted that, to a greater extent, the media sets the agenda of the public. If the media sets the public agenda, the interesting question is, then who sets the media agenda? A number of factors such as attitudes, training and orientations of media practitioners, professional ethics, ownership patterns, economic and commercial policies, advertisers, and of course the governments influence play an important role in setting the media agenda. This is a worldwide occurrence, and a brief description of it, we believe, would lead to better understanding of the situation in Sri Lanka

We must analytically consider the socio-political and economic environment in which the media operates in order to properly comprehend the media and its functioning. This is of particular importance when we consider the differences that appear to exist between the media in a democratic society and the media in totalitarian nations. State control of the broadcast media is evidenced more in totalitarian systems. In most cases, the state-owned broadcast media act as propaganda arms of the state or the government in power, promoting a narrow set of government-sanctioned images and messages. Audiences have to practice “reading between the lines” in decoding such propaganda ‘texts.’ In these situations, this leads to the emergence of illegal underground media. This type of media control, in varying degrees, existed in former soviet regimes and those countries that adopted the soviet media model.

Democratic societies are usually characterised by a more diverse mix of public and privately owned media outlets. Even though the media in such societies may be still subject to some sort of government regulation, they enjoy greater latitude to operate independently. However, a threat to such independence is emerging in most of these societies, as the media is being largely controlled by a relatively small group of powerful interests—commercial corporations. In those cases, it is the corporate domination of the media, rather than government control that is of predominant concern. This type of domination, too, can result in citizens’ production of illegal underground media.

The government in any country serves as an organising structure that may, to varying degrees, constrain or promote the free activity (or agency) of the media. This is the tension between structure (‘Social and cultural structures are often said to be constraining and determining of actors and action and as such are often contrasted to the notion of agency.’) and agency (‘understood to mark the socially determined capability to act and to make a difference’)<sup>47</sup> as it applies to the media and the political world. This

<sup>47</sup> Chris Barker, *The SAGE Dictionary of Cultural Studies*, Sage 2004. London: (pp. 4 & 191-92).

relationship between political forces and the media raises important questions regarding the limits of “free speech,” the impact of economic interests, and the appropriate role of government. (It is interesting to consider whether it is only the state and/or the market that influence the media in a particular country in the light of proliferation of cyberspace media systems sans borders like web radio/TV, You tube, iTunes, Podcasting etc. As a study in South Africa shows, ‘the idea of a one-way service that informs an “object” called the public is being complemented by the rise of an active audience and ‘it makes sense to talk of the total context as evolving into “public interest communications.”’)<sup>48</sup>

Having set the background, the manner in which media ownership patterns in Sri Lanka influence the nature of the media regime will now be examined;

1. Until the liberalisation in the 1980s, the electronic media in the country was the sole property of the government – or rather the political party in power. The radio was used to present the government point of view, government propaganda, and image building of the ruling party and its leaders. Dissent was not allowed and in some cases, the media was used to vilify and even harass the opponents. The practitioners themselves, did not see anything wrong in the use of the media in this manner as they considered themselves to be ‘government servants’ bound by the law to serve their master—the government. Not being overtly aware of civic rights, the majority of the population appear to have believed that the government has a legitimate right to do so. Even the political parties accepted the status quo, perhaps thinking that it afforded them the opportunity to ‘have a go themselves’ when they come into power. This situation was never seriously challenged. When television entered the country scene, this development too was accepted as such. This mindset proved to be a detrimental factor in the struggle for media rights.
2. This state of affairs was not in contrast to the situation in many third world countries where democratic ways of life was yet to take root. Although several of these had rulers elected by popular vote, most of them were authoritarian and even dictatorial. Except respecting (grudgingly) the right to vote (with frequent attempts to ‘hijack’ that right), the rulers really did not bother about the civil liberties of the people and the people too did not seem to mind that much.
3. In 1977, the United National Party (UNP) led by J R Jayawardena came to power when the ideas of liberalisation or economic liberalisation were being popularised all over the world. Partial or full privatisation of government institutions and assets, greater labour-market flexibility, lower tax rates

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<sup>48</sup> It is interesting to consider whether it is only the state and/or the market that influence the media in a particular country in the light of proliferation of cyberspace media systems sans borders like web radio/TV, You tube, iTunes, Podcasting etc. As a study in South Africa shows, ‘the idea of a one-way service that informs an “object” called the public is being complemented by the rise of an active audience and ‘it makes sense to talk of the total context as evolving into “public interest communications.” Beyond Broadcasting: The Future of State-Owned Broadcasters in Southern Africa by Guy Berger with contributions from Fackson Banda, Jane Duncan, Rashweat Mukundu and Zenaida Machado, Highway Africa, School of Journalism and Media Studies, Rhodes University, Grahamstown, South Africa. September 2009. <http://www.highwayafrica.com/media/guyberger/fesreport.pdf> (accessed 13 September, 2011).

for businesses, less restriction on both domestic and foreign capital; open markets were its main characteristics. Jayawardena opted for a 'free economy' mainly to attract foreign investments and not because he was 'liberal' in his approach or ideas. Other spheres of public life in the country were tightly controlled. The media fell into that category although it was during his regime that community Radios (CRs) and Regional Broadcasting Stations (RBS) commenced. The opposition was muffled in many ways than one. In such an atmosphere, it is idealistic to expect concepts like 'freedom of expression', 'uninhibited marketplace of ideas', 'diversity and plurality' to foster. His successor was even more direct in his approach. Therefore, granting of broadcast licenses to few supportive private companies did not really amount to an 'act of liberalisation'.

4. After the defeat of the UNP in 1994, with a new government in place, radio and TV channels began to proliferate. Taken on its face value, this flourish may appear to be an attempt to fill the 'airwaves' with full of diverse and competing voices. Nevertheless, who were the owners of these new private stations? All the owners were from the corporate or elitist class. Even the so-called Community Radios were owned by the state run SLBC. Thus instead of providing unprecedented diversity in broadcast media in the country, this 'diversification of ownership', in reality only allowed a handful of companies, seeking to minimise competition and maximise corporate profits rather than maximise competition and promote the public interest, to operate.
5. From the above it can be deduced that obtaining a license to broadcast was not an easy task. Although it is hard to collect statistics regarding the number of applications to obtain licenses and the number granted, we are personally aware of several instances where the receipt of the applications for broadcast were not even acknowledged. The licensing process was dependent largely on the goodwill of the Minister concerned. Later on, it was made necessary to renew these licenses annually, making it more dependent. In addition, the government could stop broadcasts whenever they wanted. Thus, the private media institutions were constantly under pressure to 'keep the government happy'. After all, who would want to lose the broadcast license after investing a huge amount of money? Therefore, they took care not to condemn, nay even confront, the government. The slightest deviation from the practice was quickly dealt with in ways that the government thought appropriate as ABC and, Sirasa and more recently Siyatha found out the hard way.
6. The above may give the impression that the private radio and TV stations in the country are willing to join the struggle to re-establish and nurture democratic rights and liberties, if not for the 'sword of Damocles' of government control that hangs over them. While admitting that government control is a deterrent, we believe that the private sector electronic media have an agenda which is commercial, economical, and even political. Sirasa TV is an example of the case in point. This is a hypothesis based on long-term observations, which need to be examined in-depth through formal research.
7. Because of this concentration of private media in the hands of few companies (which invariably have other business interests as well), content provision, packaging and distribution have also 'become a standardised production and marketing process in which the messages communicated are constrained and directed in both quantity and quality to meet the economic imperatives of that

process.<sup>49</sup> The media has become such a powerful device of political propaganda not only because of government influence, government malpractices but also because of the private sector media watering down and censoring news sources for private gain. Their concern is not with accurately reporting the news, but with manipulating the media consumers in their favor.

8. Thus it is obvious that in Sri Lanka the mainstream electronic media is not free, independent as it should be, and there is no room for community or other alternative media. The state media, which has a well established coverage and a large audience of listeners and viewers is hopelessly in the clutches of the government in power. The so-called 'private media' are owned by few companies – several of them 'family enterprises' and are worried only about profits and commercial gains. The act of granting licenses to private sector thus, has not resulted in broad basing the electronic media of the country.
9. After 60 years of independence it is clear that the present government will not on their own, desire to create an environment conducive to the exercise of free democratic rights including freedom of expression. Deliberate turn-about and a plethora of 'wasted opportunities' leave no doubts whatsoever in our minds. The government will not willingly or readily slacken its grip on the media: Media freedom can be won only through a dedicated and focused struggle. On the other hand, the government will do its utmost to crush any movement to win these rights.
10. Yet private broadcast institutions of the country do offer a platform for media rights agitations and, appear to be in favour of abolishing rules and regulations that allow government control over them. Nevertheless, are they really interested in having a free and independent media in the country? Will they allow editorial freedom to their journalists and not try to control the contents? With 'the spread and intensification of commercialisation and the decline of public broadcasting, the erosion of the 'public service' ethos in journalism, the growth and consolidation of the advertising industry, the development of communication technology spurred by business demand will they not try to consolidate 'corporate power' in the field of broadcasting? We are afraid that the answer is in the negative. The private sector broadcast is either frightened into submission by the government or is worried about their investment in 'serving a democratic society, where a diversity of views is vital to shaping informed opinions'. The ruse they often adopt is to 'repackage government spin and pass it off as journalism'.

Moreover, as has been pointed out, 'it is an accepted fact around the world that a publication's ownership plays a central role in deciding the interests it serves and the perspectives it presents. It may irk journalists and editors – it may be denied by owners – but media ownership is chief among

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<sup>49</sup> W.H. Melody 'Mass Media: The Economics of Access to the Marketplace of Ideas', in C. Aronoff (ed) *Business and the Media*, Santa Monica CA: Goodyear (1978).

those factors, which influence media content...'<sup>50</sup> This observation certainly applies to the electronic media as well.

A content analysis of the broadcast media would definitely reveal that the realities of the ordinary world that Sri Lankans live in, are shunned by both state and private media. The dominant discourse in the society - that of the elitists - is being presented by the media and the masses are forced to accept it as a discourse relevant to them. The state-run media often gloss over widespread social and economic difficulties and problems and focus on government 'spin'. The private media vie with each other to stage fake 'reality' shows instead of showing the unacceptable and unbearable reality of the lives of the people. Shortcomings, personal and natural disasters are, for them, easily marketable commodities!

12. One could argue if the people are to own the media, it could provide a base, a platform for stabilising democratic rights through media interventions. Community Radio could have provided such a space. Sadly, Community Radios in Sri Lanka do not belong to the community but to the state – the classic violator of democratic rights.
13. 'The onrush of digital convergence and broadband access in the workplaces and homes of America will radically change the way we work, play, and communicate. Fiber-to-the-premise (FTTP) from the regional Bells, Voice over IP (VoIP) telephony, bundled services from cable companies, and increased capacity in satellite and wireless technologies will transform the platforms on which we communicate. Who owns these platforms, what is delivered over them, and, fundamentally, in whose interest they work are critical issues before us now.'<sup>51</sup> Is it too early for us to review this scenario in terms of the media in Sri Lanka? Certainly it is not too late to agree with the anticipation of these writers that 'A blow against media ownership consolidation — now or in the future — will have far-reaching implications, as critical information gains exposure to a caring, active public. Instead of fake reality TV, maybe the media will start to cover the reality of people struggling to get by and of the victories that happen every day in our communities, and in strife-torn regions around the globe.'<sup>52</sup>
14. When people obtain information, they are empowered. Therefore, it is imperative to ensure that the airwaves are open for more of that by removing ownership obstacles to free expression.

As we all know democracy relies on a vibrant media with many voices. As such, a fresh look at the entire media ownership framework in the country is necessary to encourage diversity of ideas, voices.

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<sup>50</sup> Cyril Ramaphosa, trade union leader and activist wrote in South Africa's *Financial Mail*, of 14 May 1999.

<sup>51</sup> Why media ownership matters by Amy Goodman and David Goodman, *The Seattle Times*, Sunday, April 3, 2005, Amy Goodman, host of the award-winning radio and TV news show "Democracy Now!," and her brother David Goodman, are authors of "The Exception to the Rulers: Exposing Oily Politicians, War Profiteers, and the Media that Love them," released in paperback by Hyperion.

<sup>52</sup> Ibid.

## 4. Media Rights: Pressure from International Media

### 4.1. Some General Reflections

Let us consider a report which<sup>53</sup> evaluates the role of the international community:

“A number of international organisations actively contribute towards improving the media situation in Sri Lanka by acting as watchdogs for media freedom and the freedom of expression, lobbying the government, conducting programmes for training and capacity building of journalists and media personnel and supporting civil society organisations working in the area. Organisations such as International Freedom of Expression Exchange (IFEX) and Reporters Sans Frontiers (RSF), working with local organisations such as the FMM, provide global news alerts on violations of freedom of expression and restrictions on media freedom, highlighting attacks on journalists, use of censorship and other restrictive laws, taking information on violations to a global forum and lobbying the government for action, investigation and redress.”

Tracing the happenings after the end of war and the emergent culture of impunity, it has been maintained that if international pressure can be applied properly and adequately prevailing situations could be changed. Judging from the actions in the past, this line of attack has limitations: both in the execution and outcome. Several assumptions underline this line of thinking:

1. the world media (hence the world community) is silent in face of abuses by the Sri Lankan government;
2. if the world media speaks out, the government will listen;
3. the Government's public relations strategies are able to deceive many but this must be overcome the world media can pressurise any government including the present SL government;
4. not only journalists but non-governmental organization (NGO) workers, lawyers, members of the opposition live in fear; and
5. when there is pressure from the world media, the people will be stirred into action to topple the government.

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<sup>53</sup> A Study of Media in Sri Lanka 2005: A Report by the Centre for Policy Alternatives (CPA) and International Media Support (IMA) Copenhagen K, Denmark, April 2005.

But almost all of these assumptions fail to actually hold up under scrutiny. International organisations including the global press are not silent; they are crying out aloud. The government's apologists may lead local supporters of the government astray but there is no evidence to believe that they have been able to deceive the international community. Stubborn governments are not easily restrained. For example, the EU's move to stop the GSP Plus concessions failed to rein in the government of Sri Lanka. It is true that others too are harassed but will this help to stir the conscience of the 'world community'? On the contrary, the danger is that in Sri Lanka, external pressure helps government espouse 'conspiracy theories' to seek popular support. Here we are trying to establish two points: One is that 'international pressure' alone will not be able to stop the blatant violations of media rights – for that matter other human rights too, by the government. Certainly, international pressure is needed and it helps. There is no doubt about it. But this alone cannot change the situation. It has to be accompanied by and/or combined with other meaningful strategies. Otherwise it may bring about a negative effect which seems to be the case now. The second point we are making is that, one should approach the revelations in world media with caution and prudence. This will allow the readers who rely on international coverage to arrive at a more levelheaded and realistic picture.

Our concerns here are not regarding international politics, government diplomacy and the like, but in exploring ways to help readers to better understand the media situation in the post-war Sri Lanka. The path to democracy in Sri Lanka, like so many post-colonial countries, was (and is) not simple, smooth or even systematic. It contains so many ups and downs, diversions, pitfalls and potholes, and even roadblocks. Democracy as practiced here may be quite a distance from the ideal and would be definitely different to what is familiar to the particular reader. Even Freedom House recognises that 'cultural differences, diverse national interests, and varying levels of economic development human right may limit the volume of news flows within a country'.<sup>54</sup> Although there is a global debate over the validity of this hypothesis, we feel that it is to the advantage of the reader to bear this fact in mind before arriving at conclusions about the situation in Sri Lanka.

As political scientist and media columnist Gnana Munasinghe points out 'in the globalised world territorial borders have lost its rigidity and weight since there is a convergence of concerns by the entire international community on the political, military, economic and social contours of all countries in a more intrusive manner.'<sup>55</sup>

But some countries, who take an interest in the affairs of other nation states, may have hidden agendas other than the proclaimed intention of protecting human rights and enriching democratic traditions. Analysis of experiences worldwide during past few decades goes on to show that global politics play a major hand in these interventions. An in-depth study of the current wave of 'peoples' revolutions' would

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<sup>54</sup> Methodology, Freedom of the Press 2011 p.34, Freedom House, <http://www.freedomhouse.org/uploads/fop11/FOTP2011Booklet.pdf>.

<sup>55</sup> Gnana Moonesinghe, freelance writer and author, has worked with SIDA and Marga, .Quoted here is her article Small Country Diplomacy, in groundview 23 Mar, 2011 <http://groundviews.org/2011/03/23/small-country-diplomacy/>.

reveal such schema. If we take the Sri Lankan situation, the Rajapaksa government's slant towards countries like China, Russia, Iran has surely riled the West headed by the USA which expresses concerns on 'human rights and democracy'. If these real politik changes, perhaps the West may not be as keen as now to intervene in bringing back 'normalcy' to Sri Lanka. Our premise is based on the fact that during the past when the governments of Sri Lanka maintained friendly ties with the West there were no such vigour in 'human rights and democracy' campaigns even though there was no shortage of human rights violations.

We refer to a relevant quote at this point:

"Most industrialised countries have elaborate programs for promoting democracy beyond their own borders. This intervention into the internal political affairs of other countries at times poses serious problems. In my eyes, international democracy promotion is justifiable only as long as it occurs in close cooperation and upon explicit invitation of relevant political forces of the host country, and is limited to legitimate methods."<sup>56</sup>

As Munasinghe claims in the excerpt cited above, "there are any number of individuals and organisations in the West ready and anxious to be the torchbearers for causes they believe to be built around human rights and human security, freedoms, particularly that of personal freedoms and the media."<sup>57</sup> It must be said that the majority of these movement and initiatives have noble intentions and are supposed to be free from ulterior motives. But doubts remain and even prominent organisations are under scrutiny. Munasinghe observes that 'sections of the media with serious security concerns became estranged and therefore magnified out of proportion, some of the controversial issues within the country that the international community subsequently picked on...these 'groups of people and organisations have their own agendas...and constantly portray negative issues.'<sup>58</sup>

There is no rule to say that all those who want to see a democratic rule in Sri Lanka which recognises and promotes pluralism in media, freedom of expression and other human rights, should act in unison and make concerted efforts to that effect. It is conceded that such a scenario is too optimistic, impracticable and unfeasible. Even when people or organisations share the same views, such an exercise may not be possible as strategies are bound to differ. Sometimes this diversity of action may prove to be beneficial because even if some strategies fail others might bring in the desired result. On the other hand, if these different strategies contradict each other and even go counter to each other then the very objective they

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<sup>56</sup> Democracy, Democratization and the Challenges of Sustaining and Promoting Democratic Governance, Paper presented by Dr. Ronald Meinardus at the Democratic Pacific Assembly (DPA) Taipei, Taiwan, 12-25 August 2004, <http://www.fnf.org.ph/liberallibrary/democracy-democratization.htm>.

<sup>57</sup> Gnana Moonasinghe, freelance writer and author, has worked with SIDA and Marga. Quoted here is her article Small Country Diplomacy, in groundview 23 Mar, 2011 <http://groundviews.org/2011/03/23/small-country-diplomacy/>.

<sup>58</sup> *Ibid.*

desire to achieve may not be accomplished. And doubts begin to appear about the intent. However, there are instances where individuals and organisations of the same 'camp' opting for conflicting strategies.

A recent case in point is the Galle Literary Festival (GLF) 2011. On the instigation of Journalists for Democracy in Sri Lanka (JDS), media freedom group 'Reporters Sans Frontieres (RSF)', called on authors to boycott the GLF because of the country's poor human rights record. But this action brought them into criticism by the sorts of people they usually defend from repressive regimes.<sup>59</sup> Sivamohan Sumathy, and Mahendran Thiruvarangan<sup>60</sup> observe that the protesters seem to have little comprehension of the desire to understand the social function of the festival in all its diverse manifestations, ignorant of the socio-political trends shaping the discourses of protest and resistance within the country. The RSF/JDS appeal, with illustrious signatories like Chomsky and Roy, compels us to examine the politics of the international engagement with third world countries. Human rights activist Sunila Abeysekera writing a personal letter to a leading signatory of the RSF/JDS appeal to boycott<sup>61</sup> says 'it is extremely disappointing to find those who defend media freedom in Sri Lanka playing a role in depriving us of an opportunity to express ourselves and our desire for a democratic and peaceful environment in which to live and work, with a broader community from outside the country.

Although this is only a single episode, it goes on to show that it is not only the government and government apologists who look at foreign interventions with caution if not suspicion. Furthermore, if these endeavors do not display lack of focus and direction, they sure show that very rigid and contradictory positions exist within the pro-democracy players both national and international. This knowledge will stand the readers in good stead.

## 4.2. Government Action

Successive governments have their own interests in manipulating and controlling media. These actions often take the form of direct interventions such as formulating regulations and laws, takeovers, direct censorship, sealing and closing down of media institutions, intimidation, arrests and jailing, abductions, causing bodily harm to and even killing of media personnel. In fact, the editor of the Sunday Leader, the late Lasantha Wickramatunge reflected in his posthumously published editorial, that 'indeed, murder has become the primary tool whereby the state seeks to control the organs of liberty.'<sup>62</sup> Indirect tactics like 'buying' or favoring, vilifications, causing fear and other subtle methods to force media personnel into submission, compliance and/or self-censorship.

In our opinion and in pragmatic terms, licensing procedure is a lethal weapon in the hands of an authoritarian government which uses it to control, obtain allegiance and compliance from the private

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<sup>59</sup> Boycott Calls and International Engagement - Dissenting Dialogue' Issue No 2, February 2011. p.30

<sup>60</sup> Ibid. Sivamohan Sumathy, is an academic and activist while Mahendran Thiruvarangan is an assistant lecturer attached to the department of linguistics and English at the University of Jaffna.

<sup>61</sup> Groundviews, 24 January, 2011

<sup>62</sup> Sunday Leader, 11 January, 2009.

broadcasters. Although state monopoly over radio and television ended in 1992, broadcasting licenses are still issued by the Ministry of Media. However, it is no secret that, like in other matters, the ultimate power of decision lies with the president. There is no declared or established basis for granting new licenses or renewing existing ones, which is entirely at the minister's discretion. The Telecommunications Regulatory Commission of Sri Lanka (TRCSL) wields authority in spectrum management. This 'power' has been used and is being used by the government to directly and indirectly control the content, activities and policies of radio and TV channels of the country. The suspension and the restoration of the broadcast license of Asia Broadcasting Corporation (ABC), is a classic example to illustrate the point. As a US Dept. of State report says;

“On October 26, 2007, the Ministry of Information suspended the license of five private FM radio stations, which belonged to the Asia Broadcasting Corporation (ABC), after domestic media outlets incorrectly reported an LTTE attack. The radio network apologised for the inaccuracy, but the government did not reinstate ABC's broadcasting license, although other media sources also aired the inaccurate report. On November 1, the Supreme Court rejected a petition to lift the suspension of the broadcasting license and charged ABC with contempt of court for technical inaccuracies in its petition. However, a resolution seemed likely after Duminda Silva, the brother of the broadcast licensee, a provincial politician, agreed to "cross over" to the ruling Sri Lanka Freedom Party. ABC Networks appeared poised to regain its broadcasting licenses and indicated it planned to recommence broadcasting in January 2008.”<sup>63</sup>

In mid – April 2008, barely six months after the cross over, the licenses of Asia Broadcasting Corporation were restored. This 'process' (if one can call it such) is in sharp contrast to what is advocated in Section 5 of the Article XIX document entitled 'Access to the Airwaves':

#### “Principle 21: Licensing Processes

21.1 The process for obtaining a broadcasting license should be set out clearly and precisely in law. The process should be fair and transparent, include clear time limits within which decisions must be made and allow for effective public input and an opportunity for the applicant to be heard. It may involve either a call for tenders or ad hoc receipt by the licensing body of applications, depending on the situation, but where there is competition for limited frequencies, a tender process should be utilised.

21.2 License applications should be assessed according to clear criteria set out in advance in legal form (laws or regulations). The criteria should, as far as possible, be objective in nature, and should include promoting a wide range of viewpoints

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<sup>63</sup> Sri Lanka Country Reports on Human Rights Practices - 2007 Released by the Bureau of Democracy, Human Rights, and Labor, United States Department of State, 11 March, 2008.

which fairly reflects the diversity of the population and preventing undue concentration of ownership, as well as an assessment of the financial and technical capacity of the applicant.”

### 4.3. Direct Interventions and Legal Maneuverings

Direct actions are many and are reported more frequently – and more vividly, we could say – in the international media rather than the Sri Lankan media. We distinguish post-independent era to two broad periods:

1. 1948 to 1970
2. 1970 to present day

The pre-1970 period was comparatively ‘calm’ as far as government interventions in the broadcast media were concerned. There was only one broadcast media institution: the state radio. It was directly under the control of the government in power. Nobody, including its media personnel, expected it to be free. There were very few watchdog organisations and media rights groups were almost non-existent. The government – press relationship was amiable and convivial, and each party did not want to test the extent of their ‘power sphere.’ There was no need really. The concepts of freedom of expression, right to information and the likes were not quite familiar to the civil society and were alien to the mass. Furthermore, there were no such efforts to ‘educate’ the public. The intelligentsia and the media itself did not bother themselves to take up the responsibility thus conveniently turning a blind eye. Thus, agitation and advocacy efforts were few and far apart. Instances of direct government interventions were either few or received little attention from the media and thus, of the public.

But the post 1970 period was quite eventful. Perhaps it was the SLFP-Marxist alliance under Prime Minister Sirimavo Bandaranaike that set the tone. The sealing and subsequent closure of the Davasa group of newspapers and the takeover of Lake House group of papers stand out among them. The politicisation of the state radio and direct control of content heightened. The suppression of oppositional views and the intolerance of dissent came to the fore. The politicians began to call the shots and the needs arose for them to control, tame and even destroy all media that do not fall in line. The harassment of media people -- not only those who refused to bow down but also those neutral practitioners whom they thought useless-- (usually neutrality is considered a punishable sin by the politicians in power and an act of evasion of duty by the opposing politicians who make it a point to ignore them when the ‘reward time’ came up when they usurp power. These individuals languished in their positions or opted to change their profession the very first opportunity they get). This trend which began with the dawn of 1970s, continues unabated, and on a very high note unparalleled in the history of the media in the country. More recent instances of direct government interventions have received wide publicity in both national and international media.

We will try to provide an analysis of the causes to identify the background to the situation. During the decades of 60s and 70s the dominant discourse on the media was influenced by the ‘soviet model.’ As Prof. Wimal Dissanaiké explains;

“[i]n certain Asian countries the so called Russian model is adhered to. It focuses on the role of the state in shaping media activities as well as media policies.”<sup>64</sup>

It is of note that Sri Lanka was ruled for 12 years by the SLFP which was described as ‘socialist’ by the party sympathisers and the opposition as well. In the post-independent era, during the formative years, this ‘socialist’ influence weighed in heavily on the media policy. Even the conversion of state radio to a public corporation from a government department was seen, as mentioned earlier, as a step to exercise more government control. It was the order of the day. The government was convinced that it had the final say, the control on all matters including the media.

Trying to isolate one single component—say the media -- and analyse it, in our opinion, is a futile exercise. Instead, we propose to adopt the social fabric matrix approach that defines and models a whole that transcends system components and describes their relationships; includes cultural values, social beliefs, and institutional rules; compares the consequences of alternative policies; and includes the ability to relate research to the broader reality of political action such as lobbying, budgetary processes, and administrative implementation. It facilitates contextual placement of not only ‘social fact’ -- all the phenomena that occur within society -- but also social currents that shape and define collective conscience.

For this purpose, we would like to quote extensively from the writings of Director of the Asian Human Rights Commission (AHRC), Basil Fernando.<sup>65</sup> Fernando identifies six themes which, in his opinion, lie at the heart of the current situation of abysmal lawlessness in Sri Lanka: the lost meaning of legality; the predominance of the security apparatus; the disappearance of truth through propaganda; the extraordinary concentration of power in the hands of the executive president (termed ‘the superman controller’); destroyed public institutions; and the zero status of citizens.<sup>66</sup>

“Beginning with the insurgencies in Sri Lanka in 1971, and continuing through the conflict with the Liberation Tigers of Tamil Eelam (LTTE), the country’s security apparatus has emerged as a very powerful actor – which status is not expected to diminish notwithstanding the declared end of the conflict. For instance, many of the ‘emergency’ measures introduced during the course of the conflict have not been repealed, even though fighting officially ended more than a year ago.

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<sup>64</sup> See interview with Prof. Wimal Dissanaiké. 10<sup>th</sup> March 2011.

<sup>65</sup> Basil Fernando, Sri Lanka: Impunity, Criminal Justice & Human Rights, in *The State of Human Rights Report*, Hong Kong: Asian Human Rights Commission, 2010.

<sup>66</sup> *Ibid.*

The targets of the security apparatus are ordinary citizens, trade unionists, journalists, members of civil society organisations, officials and activists in opposition political parties, and even citizens engaged in simple protest are all of special concern – but all aspects of Sri Lankan life have now come under its surveillance. It is particularly keen to exert control over the electoral process, and does so by targeting the grassroots activities of opposition parties and even of members of the ruling party where internal competition arises”<sup>67</sup>

Having thus set the scene, Fernando goes on to describe the impact:

“Years of conflict have exerted a calamitous effect on the propagation and dissemination of truth in Sri Lanka. Equal in strategic importance to the struggle for control over territory during the conflict was the struggle for control over information. The military and the LTTE both vied to cast their polarised propagandistic perspectives as the single version of the truth.”<sup>68</sup>

The state has learned to excel at creating and controlling a single, official version of the truth. Society, for its part, has largely accepted the state’s self-anointed role as arbiter of truth and falsehood. As Fernando observes,

“Those who run the media also usually comply with demands to reproduce and disseminate government propaganda. Those who do not comply are threatened.

The International Bar Association’s Human Rights Institute (IBAHRI), which highlights issues of international concern to the public, the media and the legal community, notes that the media has reached this point, in part, through years of intimidation and harassment. Journalistic voices critical of the government’s security measures are routinely named by the Ministry of Defence as ‘Tiger sympathisers’, ‘LTTE supporters’ or ‘terrorists’. Frequently, this is a precursor to a threat or physical attack against the journalist or media outlet. At least 14 media workers have been murdered since the beginning of 2006, with many others receiving death threats, being physically assaulted, having their offices burned, and/or being forced to flee the country. The state has also proven adept at using institutional channels to subvert press freedom. For instance, in August 2009, J.S. Tissainayagam, a journalist who had written critically of the government’s military campaign, was sentenced to 20 years’ hard labour in what was the first conviction of a journalist for his writings under the PTA. So dismal is the situation,

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<sup>67</sup> *Ibid.* The impact of conflict on media warrants separate scrutiny and is discussed in a separate sub section.

<sup>68</sup> *Ibid.*

in fact, that Reporters Without Borders ranked Sri Lanka 162 of 175 countries in its 2009 Press Freedom Index”<sup>69</sup>

As a result of these dynamics, there is a general level of societal disinterest in truth itself. When the truth is so cynically manipulated, Fernando explains, ‘[p]eople cease expecting to know the truth of anything.’<sup>70</sup> As a result, government spokespeople automatically deny any allegations of human rights violations, knowing that no one will come forward to speak what they know, either out of fear or out of a sense of sheer futility. Many observers cite the dwindling critical voices in the media, the legal profession, and Sri Lankan civil society in general as a key factor in the degeneration of the rule of law in Sri Lanka. Certain policy decisions at far broader levels, too, are also influenced by security concerns. These include the government’s media reform policy.<sup>71</sup>

The above depiction gives the causes as well as impacts and implications of government interventions in the wider society. Understanding of government action and in some instances its inaction too, is to be made in the light of this. The Sri Lankan law contains many restrictions on the content of what may be published or broadcast that go beyond what are acceptable limitations on freedom of expression. Areas of law which are particularly problematical are civil defamation law, the law regarding contempt of court, secrecy and national security rules, emergency regulations, anti-terrorism regulations and the law on parliamentary privilege. Instead of making a commitment to review these problematical restrictions, the draft Policy calls for the media to respect a number of vague content limitations.

Emergency regulations in force almost continuously since 1971 in Sri Lanka, grant state authorities sweeping powers of detention and permit the use of secret prisons, a practice that encourages human rights abuses like enforced disappearances, torture and death in custody, which could constitute crimes under international law. In the last thirty years, the emergency laws have also been used to restrict freedom of expression and association, increase pressure on human rights activists, journalists, trade unionists, political opponents, and others holding dissenting views.

The Prevention of Terrorism Act, a draconian law separate from the emergency measures, remains in force. In the now lapsed Emergency Regulations, as Article XIX <sup>72</sup> points out, no distinction whatsoever was made between information which might genuinely threaten national security (and which could legitimately be restricted by law) and information which should properly be placed in the public domain. The regulations were phrased far too broadly, and in contravention of international standards on freedom of expression and national security. In addition, they were applied in practice in an arbitrary manner.

Although the regulations appeared to impose a blanket ban on publishing news on the subjects listed, in practice all such items had to be submitted for approval, prior to publication, to the official censor, the

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<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> Reforms at Risk? Continuing Censorship in Sri Lanka- ARTICLE XIX Report, March 1997.

Competent Authority on Censorship, a civilian official appointed by the government. With the approval of this official censor, or with the censor's alterations incorporated into the text, such items could then, in fact, be published; without such approval, however, their publication was unlawful.

#### 4.4. Subtle Tactics to Intimidate the Media

Several of these subtle tactics have been documented.<sup>73</sup>

“An insidious threat to media freedom which is emerging in Sri Lanka is the increasing number of media houses coming under government control through political maneuverings. Media owners have become government MPs or ministers and editors have become close affiliates of powerful ministers. Licenses for television and radio are given to political allies, and as a result, a large number are government controlled by proxy. The situation ‘has led to policy and content slanted in favour of the government.’<sup>74</sup>

Governments sometimes adopt tactics which may seem quite innocuous but which are in truth, disguised tactics to control the media.

One such step was to do away with the annual radio and television licence fees. President Chandrika, as the Finance Minister announced this measure in the annual budget and it became effective from January 2000. Supposedly, it was a relief measure and no doubt many in the country accepted as such. It meant losing a considerable amount of money as licence fees and it was not a relief that the ordinary man had cried for. It has been pointed out that this measure was taken in order to relinquish the Public Service Broadcast obligation of the government media since license holders enjoy certain rights as was established in the *Wimal Fernando v. Sri Lanka Broadcasting Corporation* case.<sup>75</sup> Another ruse adopted by the governments is to appoint Commissions of Inquiry (of course not limited to media related incidents and occurrences). This allows the governments to buy time and thus evade action. It also helps - or at least the governments seem to assume - to appease the aggrieved party, put up a front of fair play and to go on record as acts of good faith.

However, in practice, as Sri Lankan human rights lawyer Kishali Pinto-Jayawardena points out, the prosecutorial process in respect of some of the very cases investigated by these commissions has shown no regard whatsoever to the findings of these commissions. Similarly, where prosecutions against army and police officers have been recommended by these commissions, these have been disregarded. Detailed measures recommended in regard to reparations have also not been implemented beyond paying the victims small amounts of compensation. In addition, important limitations apply to their reports being

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<sup>73</sup> International Federation of Journalists' (IFJ) Ninth Annual Press Freedom Report for South Asia 2010-11

<sup>74</sup> *Ibid.*

<sup>75</sup> 1996 1 SLR 157.

made public. Consequently, public expectations in regard to the appointment of such commissions are minimal and invoke the most profound cynicism.<sup>76</sup>

#### 4.5. Role of Media Practitioners, Rights Groups and Media Organisations

“The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary, to keep the waters pure.”

- Thomas Jefferson to Lafayette, 1823

Media practitioners' organisations, lobbyists, pressure and advocacy groups, and watchdog organisations in Sri Lanka, appear to outsiders to constitute a vibrant, energetic, knowledgeable, and even fearless body of individuals who are committed to win back and stabilise basic democratic rights including freedom of expression. We hasten to add that their integrity or genuineness of purpose was never in doubt although there may be some persons who tend to accuse them of political leanings, perhaps, reminiscent of or arising out of the worldwide practice (especially of politicians) of labeling the critic as a dupe or pawn of the 'opposition' camp. What we propose here, is to examine the following in the context of safeguarding the freedom of expression and affecting media and public reforms:

- The structure and nature of these organisations or groups
- Role of these groups in mobilising, shaping and harnessing public opinion
- The strategies they adopt to achieve the desired objectives and their effectiveness as pressure groups or lobbyists

Let us examine these in some detail.

##### 4.5.1. The structure

There are several well-established and active media organisations in the country. Most well known groups are almost entirely based in the capital city and may be accepted as national level media organisations. Their membership consists of journalists and a few freelancers. The following are the most active and have formed an alliance; Sri Lanka Working Journalists Association (SLWJA), IFEX member Free Media Movement (FMM), South Asian Free Media Association (SAFMA), Sri Lanka Muslim Media Forum (SLMMF), Sri Lanka Tamil Journalists' Association (SLTJA), Journalists Against Suppression (JAS) and Federation of Media Employees Trade Union (FMETU).

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<sup>76</sup> Kishali Pinto-Jayawardena, *Post-War Justice in Sri Lanka; Rule of Law, The Criminal Justice System and Commissions of Inquiry*, International Commission of Jurists, January 2010.

Although they work very closely on many issues, few are, as some of their names suggest, professional trade union organisations. Some have affiliations with world media organisations. Although broadcast media personnel are allowed to join, these organisations were and to some extent still are dominated by print media practitioners. As an aside, it may prove interesting for media researchers or sociologists to examine as to why journalists' associations along ethnic lines have emerged in Sri Lanka. Over the years, these major bodies have emerged as champions of the freedom of expression and other basic democratic rights resorting to lobbying, agitating, and intervening. They work to improve the lot of their membership, even providing training to improve professionalism.

In the provinces, several local media organisations exist being mainly associations of local correspondents of the mainstream media. Their main concerns are, however, the redress of grievances, and welfare of the membership. Media reforms do not seem to be a priority. Apart from these, there are few exclusive journalists' associations like Sri Lanka Environmental Journalists Forum (SLEJF) at the national level, which serve the special interests and needs of their membership. These hardly bother about the media situation of the country.

#### **4.5.2. Mobilisation of Public Support**

Journalists in the Sri Lankan society are looked upon as a special small community with many privileges. Because of the nature of their work and close links with the politicians and other power brokers, some media personnel themselves wield power to a certain extent. The politicians knowing the value of their services afford 'favours' to their friends in the profession. Each party does not want to lose the goodwill of the other.

However, it was the talent, skill and popularity of these journalists that counted the most and not their role as champions of democratic rights of the people of this country. Radio and TV broadcasters late Ravi John and late Premakeerthi de Alwis can be sighted as good examples. Both were respected and loved by their respective audiences for their versatility as broadcasters and were even considered 'radicals' as presenters: but they never sought to bring about changes to the 'system' and never used their popularity (and the entailing power) to mobilise popular support to fight to gain democratic media rights.

This relationship between the politician and the journalist may have prevented the media personnel seeking support elsewhere for their cause even after they organised themselves into associations and unions. The impact of this is discussed below.

#### **4.5.3. The Strategies Employed**

Critical Social Movements (CSMs) – interest groups committed and dedicated to empowerment of the marginalised, movements that challenge the hegemonies of dominant groups and institutions – are the key to revitalising democracy today and the struggle for communication rights is one of the most important democratising struggles of the current era. In this sense, we can use media democratisation as the criterion

to assess the work of these groupings. Media democratisation means media-oriented activism that expands the range of voices accessed through the media, builds an egalitarian and participatory public sphere, promotes the values and practices of sustainable democracy outside the media, and/or within the media, and offsets the political and economic inequalities found elsewhere in the social system. We propose to employ this criterion in assessing the work and strategies of the dominant Sri Lankan activist groups in the democratisation of the media in the country.

In their early phase, these organisations were interested mainly about the welfare and occupational rights of the membership. This becomes evident when one examines their 'manifestos'. Excerpts from three given below give us some idea:

The Federation of Media Employees Trade Union (FMETU) which is an alliance of six trade unions in the state sector media institutes claims to be the largest and strong non-partisan and most active organisation of journalists with a membership of nearly 2200. It accepts the Ministry for Media and Information to be the official body that governs matters relating to the media and asserts that despite the many political and financial constraints faced by the Federation, the Federation is doing its very best to assist and equip their members with necessary educational programmes and workshops at different levels to meet the many challenges of today.

The Sri Lanka Working Journalists' Association (SLWJA), established by a Parliament Act in 1987, has a membership of over 1200. Its goals include standing up for the rights of expression and free media, protection of the rights and the dignity of the journalists, enhancement of the professionalism and the welfare facilities of the journalists and standing up for the improvement and protection of the media in Sri Lanka.

The Sri Lanka Muslim Media Forum (SLMMF) started in 1995, now has over 500 members. Its stated mission is to bring together Muslims who are involved in the Print and Electronic Media and also those who are involved in the communication industry in educating, imparting knowledge, and training of Media Personnel in the country. These objectives show their focus and concern is for the welfare and improvement of their status rather than to agitate for the cause of the media. The major policies and tactics they publicly employ to advocate, to intervene and protest include focusing the attention of the foreign governments, international community, particularly the rights groups, engaging in concerted efforts to gather and harness support of media personnel and other interested parties for media reform, supporting politicians, at election time, who offer to bring about favourable changes once they come to power, organising demonstrations and protest rallies and issuing statements to both local and foreign media

#### **4.5.4. The Efficacy of Media Strategies**

Efforts to rally round the support of the media personnel, intellectuals, academia, civil rights groups and other interested parties for formulating policies and media reform, have been quite successful at one level.

Problems have been discussed; different aspects have been explored, diverse views have been aired, and plans have been drawn. The magnitude of the exercise had made relevant parties take notice. The international community was impressed and ready to help. Sadly, the journey ended there.

When dealing with authorities, the approach that critics suggest is that of cooperation than a confrontational one as it stands a better chance of success. Thus, the policy of working closely with political parties who appear to be genuinely committed to bring about changes and reforms that would establish a free media culture was thought to be a wise move. However, none of the governments that came into power (except perhaps during Ranil Wickremesinghe's brief stint as PM, which showed some positives) kept their promises regarding media freedom. Not only that, these governments reneged on their promises and began to crush media freedom leaving those who supported them out in the cold.

The main strategies adopted by these media groups have failed to bring about substantial results as far as the media environment in the country and media reforms are concerned. If at all, the situation has worsened gradually and significantly in spite of their 'interventions'. The important question for the researcher is: WHY? It is not a case of assigning responsibility. Knowing the nature of the politicians and politics in the country, even with their assumed power, it should have been clear that these efforts lacked the force, the strength to make rulers listen. There are several reasons for the same..

First, the non-availability of an independent media in the country paradoxically contributed to the unsuccessfulness of the strategy. Why should the rulers feel apprehensive of a handful of journalists when they knew very well the media institutions they work in could be manipulated/ subjugated? Once again, this is an issue linked to media ownership. This strategy only invited personal danger to those few who were instrumental in keeping these activist organisations going in spite of pressure from several quarters. Secondly, as a consequence of the above policy of 'going it alone' these organisations never took the wise step of organising and harnessing 'people's power'. They never took meaningful steps to sensitise or educate the masses on matters concerning media and other democratic rights. Thus, the debate did not become a public discourse. The masses were reduced to mere spectators who were made to watch the two sides (government and media organisations) battle it out.

The instance where 'Sirasa' took on an offending minister is an example. Sirasa TV sent a crew of two to cover the opening of the second phase of the flyover at Thorana Junction in Kelaniya, off Colombo. Minister Mervin Silva, known for his antics and aggressive attitude towards the media, and his bodyguards had assaulted correspondent Thushara Saliya Ranawaka and video cameramen Waruna Sampath and seized their cameras. Now, obviously this was an act to be condemned. It was part of a worrying trend that has become almost entrenched in our society. However, Sirasa took it upon themselves the task of chastising the ministers and challenged him through their news bulletins that Sirasa will not 'give in' until the minister 'backs down'. Another instance was their 'running battle' with the JVP. On both occasions, public support was neither solicited nor obtained.

Furthermore, the media practice prevalent in the country did not make the masses feel that the media community is a part of the larger society. They were considered an elitist group who brandished and exerted power. Here we would like to include excerpts from a report in April, 2005<sup>77</sup> which examines the impact of activism because these thoughts present a somewhat different view.

#### “6.5 The Impact of Activism

Since the 1970s, when repressive laws and policies were brought into effect as a result of the conflict, civil society groups and media activists have been agitating to create an environment more conducive to media freedom. Adding to these efforts, significant pressure from media activists and civil society organisations in the early 1990s, has led to a cohesive and effective movement towards changing the culture and laws related to media freedom over the last decade. The then PA government, which incidentally came into power on a media reform platform, did not make a notable contribution, with no real impact resulting from a number of committees that were appointed to look into various aspects of media law and reform. Among the recent victories in legal reform was the 1997 repeal of the provision introduced in 1978 giving Parliament the power to punish for breach of privilege. One of the most welcome changes to follow was in the area of criminal defamation. The Editors Guild, The Newspaper Society and the Free Media Movement, with the support of civil society organisations such as the Centre for Policy Alternatives and international organisations such as Article XIX and buttressed by the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and International PEN, strongly advocated for erring media professionals to be brought to book under civil and not criminal procedures. They argued that penal provisions were being used by the state for partisan purposes and to restrict information flow to the public.

In 2001, with the change of government, the campaign for reform by media practitioners and activists with civil society collaboration and international support, gathered momentum, coming to a head in 2002. As a result, in June 2002 the Penal Code Amendment Act No 12 was passed, repealing criminal defamation laws and amending related criminal procedure. Shortly after, the Press Council Amendment Act No 13 of 2002 repealed section 15 of the Press Council Law, which made defamation an offence punishable by a maximum two year imprisonment. Though not tabled in Parliament yet, the Freedom of Information Bill, prepared through joint effort by civil society and media organisations, got as far as being approved by the Cabinet in December 2003. Unfortunately however, probably due to the political uncertainty which hit Sri Lanka around that time, the Bill has got no further. A present priority in this area is the

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<sup>77</sup> A Study of Media in Sri Lanka 2005 A Report by the Centre for Policy Alternatives (CPA) and International Media Support (IMA) Copenhagen K, Denmark, April 2005. pp. 34-35.

progressing of this Bill, providing people with a clear legal right to information which has often been unjustifiably withheld from them in the past.

Yet another victory in the area of media freedom resulting from efforts initiated in 2000 by the Editors Guild of Sri Lanka, the Newspaper Society of Sri Lanka and the Free Media Movement, was the establishment of the Sri Lanka Press Institute (SLPI) in October 2003 under a board of directors comprised of members of the three organisations. The SLPI spearheads a college of journalism providing media training and also appoints the self regulatory Press Complaints Commission (PCC). The PCC replaced the now abolished politically controlled Press Council which was in existence since 1973. Evidence of the success and efficacy of this relatively new corrective mechanism however, is yet to be seen. However, the fact that the PCC as it now stands does not allow for consideration of the electronic media, is a point that has been raised as a matter of concern.<sup>78</sup>

#### 4.5.5. Media Practice

Comprehensive study of media practice and the correct approach to such an endeavor involve many research tools including content and textual analysis, impact assessments, surveys, interviews, previous study literature etc. It is a laborious process and a gigantic task, spread over a long period of time involving enormous amount of money in terms of funds. Of course, these are dependent on the objectives and purpose of such research

#### 4.5.6. Media and Elections

The election period is undoubtedly an ideal time to assess and judge the quality of media practice in a country for, more often than not the hidden agendas, prejudices, biases and other bad practices come to the fore during this phase. As it is supposed that the role of the media is to provide adequate information with regard to political parties, policies, candidates and the election process itself to make an informed choice, the significance of the media is amplified during elections. Nevertheless, in many countries, especially in this part of the world, free elections are themselves a new phenomenon and across most of the globe the central role of the media in elections is a very recent development. Because of this peculiar position the media—more so the broadcast media -- in these countries, struggle to find suitable strategies for election coverage. Often they end up adopting the practices they are familiar with. Hence, we posit that a critique of media practices during election period could become an appraisal of the media practice in general as well. Thus we include below some of the observations we have made after studies of three elections in Sri Lanka:

- 2004 Parliamentary Elections

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<sup>78</sup> Ibid.

- 2005 Presidential Elections and
- 2010 Presidential Elections.

These, we hope, will enhance the understanding of the reader in regard to media practice of the country in general.

- Although elections are held both regularly and frequently, the Sri Lankan media institutions appear unaware of their role in providing fair and unbiased information to support informed decision making by voters.
- Apart from commercial and propagandist intentions, the media do not appear to be interested in professional and systematic election coverage.
- Most importantly the media – very noticeably the state media -- demonstrated a callous disregard for the country's election laws and the guidelines issued by the election commissioner.
- The journalists in both sectors did not demonstrate the will, the skills or the commitment to provide fair and balanced election coverage.
- While they may be constrained by institutional decisions and internal policies, it is regrettable that media practitioners completely overlook social responsibility in content generation.
- Journalists brought into the election coverage the inherent bad practices and incompetencies associate with their regular/daily coverage.

As our concerns here are somewhat different and involve only an exploration in relation to media regulation and media education, we limit ourselves to several observations by us as broadcast media practitioners and comments by others in the field as well as in earlier studies. As such, these are presented here in general or broad terms without many accompanying illustrations and examples.

As stated earlier, broadcast media started in Sri Lanka with state radio. Pioneer broadcasters were not afforded training. At the time, in the world scene too, the art of radio was just emerging. As in other spheres broadcasters too looked to the west for inspiration and perhaps, emulation. Practice of broadcast media was heavily influenced by the West. The presentation styles, content, formats, program ideas and even names of programs were copied directly from England and America. However, there was no means or perhaps no need to follow new trends in broadcasting forms which were progressively becoming listener-centered. Radio station was a part of government department and was run like one. There was no

vision or guidance to formulate broadcast policy. With time, skills may have developed but 'broadcast media theories' failed to penetrate the hierarchal façade. Senior know-alls trained on the job the juniors and the cycle continued. Private sector radio began with mostly recruits from the state radio.

When TV came, it was case of *déjà vu*. Those who had influence managed to crossover to TV from radio. It was the radio traditions that they took with them. Formats, program types and even the program names and artistes were from radio. There was a slight difference though. Unlike the earlier experiences, a fair number of TV staff was sent abroad for training. But then, they were mostly engineering and technical staff. Thus there was hardly any change in 'thinking.'

Coupled with this lack of exposure to media theories and concepts was the fact that many, including the occasional university graduates recruited, in these institutions failed to acquaint themselves with modern knowledge including democratic rights and principles. This paucity was quite visible in the practice of both state and private sector radio and TV broadcasting in the country. So this then, was the general situation (which was brought about by many factors although few individual exceptions could be sighted). These rare instances failed to make a radical change in practice.

We have qualms about sitting in judgment on fellow broadcasters as we may be guilty as well of the 'sins' that they are alleged to have committed. On the other hand, we have to reflect upon the practice, as researchers, detachedly. Thus what appears here is both a subjective and objective analysis. A word of caution may be issued though, before we embark on our task. The standards or yardsticks to gauge the quality of performance are abundant and emerge from the West as the practice (of broadcasting).

Considering the alleged double standards of the West, we have misgivings in applying them to the broadcasters of our country. Hence, we have selected the following not only because we feel they are best suited for a general analysis of this nature but mainly because they conform to the belief we (and many others like us) are committed to: the primary purpose of journalism is to provide citizens with the information they need to be free and self governing<sup>79</sup> To fulfill this task:

*Journalism's first obligation is to the truth.*

*Its first loyalty is to citizens.*

*Its essence is a discipline of verification.*

*Its practitioners must maintain an independence from those they cover.*

*It must serve as an independent monitor of power.*

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<sup>79</sup> Bill Kovach and Tom Rosenstiel, *The Elements of Journalism: What News People Should Know and the Public Should Expect*, Three Rivers Press, New York, USA 26 December, 2001.

*It must provide a forum for public criticism and compromise.*

*It must strive to make the significant interesting and relevant.*

*It must keep the news comprehensive and proportional.*

*Its practitioners must be allowed to exercise their personal conscience.*

***Journalism's first obligation is to the truth.***

***Its first loyalty is to citizens.***

Even if the broadcasters in Sri Lanka are aware of these two guiding principles, in practice adherence to these principles is very poorly displayed. As far as state radio and TV is concerned, it is the propaganda of the government in power. Broadcasters, attached to government radio and TV, often present facts selectively. The performance of the private sector broadcasters is no better. As researchers of a 2005 study of media behavior observes 'the Sri Lankan media, irrespective of their ownership differences, are fond of creating propaganda for the parties or groups they prefer.'<sup>80</sup> Thus the state broadcast media consider the citizens mere recipients of their propaganda while private sector broadcasters see them as consumers of their 'products.' Both have their loyalties elsewhere.

***Its essence is a discipline of verification***

William James (1842-1910) most widely-known of the founders of pragmatism, regards the value of verification thus:

*"True ideas are those that we can assimilate, validate, corroborate and verify. False ideas are those that we cannot. That is the practical difference it makes to us to have true ideas; that, therefore, is the meaning of truth, for it is all that truth is known-as."*<sup>81</sup>

Verification separates journalism from entertainment, propaganda, fiction, art, etc. and it is verification that helps toward the journalistic process of seeking the truth in the news that reporters cover. In the mêlée to be the 'first with the news' in the highly commercialised environment of the broadcast media of the country this has become an unnecessary inconvenience to practitioners. The myth or the misconception of some broadcast journalists that citizens want infotainment; short stories with no substance coupled with lack of proper media education, laziness, bias, haughtiness may be other

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<sup>80</sup> Post-Tsunami Media coverage: Sri Lankan Experience by Tilak Jayaratne, Transparency International Sri Lanka (TISL), Colombo 2005.

<sup>81</sup> William James. Pragmatism: A New Name for Some Old Ways of Thinking. New York: Longman Green and Co., 1907.

contributory factors. Thus the diversity of views, balance, different angles to the story is lost and the listener/viewer is presented with a lopsided view. Continuous exposure to this type of journalism make the audiences 'one-track minded' which suits the schemes of the propagandists well, be they politicians or media owner. This position is more strikingly visible in state sector broadcasting institutions.

*Its practitioners must maintain an independence from those they cover. It must serve as an independent monitor of power.*

The nature of the profession is such that journalists are in constant contact with those who wield power, the politicians, corporate bosses, the elite, celebrities, academics, civil society leaders and the like. Being a comparatively new media in the country, first the radio and then the TV broadcasters began to realise the extent of that power.

This position, born out of unwritten mutual understanding, is valued by both parties and hence is a position that they mutually strive to maintain. Thus independence is not sought and their first loyalty gradually goes to those they cover. This situation results in several malpractices and the truth suffers. Dissent is resented, and only the voice or the point of view of those they cover is presented. Broadcasters no longer become free and independent themselves and thus are unable to provide citizens with the information they need to be free and self governing. They lose the capacity to serve as watchdogs over those whose power and position most affects citizens.

*It must provide a forum for public criticism and compromise.*

The news media are considered to be 'the common carriers of public discussion' and the media also 'should strive to fairly represent the varied viewpoints and interests in society, and to place them in context rather than highlight only the conflicting fringes of debate'. It can be argued that attempts are being made (especially after the proliferation of private radio and TV channels in the country) to offer the public a forum for debate and discussion.

Apart from the Mahaweli Community Radio (MCR) program types, the first *genuine* attempt at this was made by the short-lived NES of the SLBC. In fact, this service was suddenly stopped while a program of this nature was on air. Although not as an extension of this effort, there were efforts by both state and private broadcasts to 'give voice to the people'. But as studies show, these were mostly programmes with hidden agendas -for State broadcasters they are a means to win back the dissatisfied audiences while for the private broadcast media, they constitute a smart new packaging to attract more audiences. This may be the result of the either of the two reasons that follow: either the broadcasters are not aware of these theoretical approaches and as such not competent to handle the task. Or else, they are not allowed to go further than the distance they have been allowed to travel. Our personal experiences compel us to suspect both.

Referring to Habermas' classical concept of the public sphere and the role of the press, the 2005 TSL Post-Tsunami Study asserts that,

“as the complete independence of the state is the principle prerequisite for the media to provide a check on government and a forum for public debate, liberal-democratic theory regards the free market as the only Or at least the best, possible way to organise the media system in a democratic, pluralistic society.”<sup>82</sup>

***It must strive to make the significant interesting and relevant***

Journalism is storytelling with a purpose and is a balancing act. It must balance what readers know they want with what they cannot anticipate but need. In short, it must strive to make the significant interesting and relevant. The effectiveness of a piece of journalism is measured both by how much a work engages its audience and enlightens it. The broadcast media in our country from the early days (and even the print media) take it upon themselves to ‘educate’ the audiences, to teach. It is with good intentions they do it and at times are helpful and meaningful. However it is they who make the decisions. They seem to forget that ‘professional journalism involves selecting what is most relevant and true’ rather than broadcasting what may seem ‘interesting’ and ‘Significant’ (to broadcasters).

They seldom bother to find out the concerns, the needs of the audiences. This leads them to preach and teach. This may be the outcome of the top-down approach that exists. Only MCR and NES programs deviated from this path, at least to a considerable extent. The deficits in applying this principle of journalism do not seem to spring from compulsion but are rather due to ignorance and the attitudes they adopt which could be rectified by a proper media education and training.

***It must keep the news comprehensive and proportional.***

This, we are afraid, is the mostly disregarded, ignored or forgotten principle of journalism by Sri Lankan broadcasters. This again is mostly the result of ignorance, insensitivity, unfamiliarity and unawareness rather than lack of independence and freedom on the part of the broadcasters. Time, resources, space, skills are other contributory factors. As Kovach and Rosenstiel show ‘Journalism is our modern cartography. It creates a map for citizens to navigate society..... [A]s with any map, journalism’s value depends on its completeness and proportionality’.<sup>83</sup> In fact a series of maps are drawn —some geographical, others topical, and still others demographic. But do our practitioners in the broadcasting sector draw accurate, comprehensive and proportionate maps?

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<sup>82</sup> Post-Tsunami Media coverage: Sri Lankan Experience by Tilak Jayaratne, Transparency International Sri Lanka (TISL), Colombo 2005.

<sup>83</sup> Bill Kovach and Tom Rosenstiel, *The Elements of Journalism: What News People Should Know and the Public Should Expect*, Three Rivers Press, New York, USA 26 December, 2001.

This cartographic analogy can apply not only to tropical and demographical /communal maps but the list can be extended to include, political, social, economical, cultural, linguistic, gender, maps. In all of them you can find discrepancies and misinterpretations. Clearly this confuses the navigator and it then becomes an unreliable map. Thinking of journalism as mapmaking helps us see that proportion and comprehensiveness are keys to accuracy. As a result the broadcast journalists of the country find it difficult to produce news that is accurate, fair, balanced, citizen focused and credible.

*Its practitioners must be allowed to exercise their personal conscience.*

This principle, as it appears, seems to concern the authorities more than the practitioner himself. The phrase 'must be allowed' may look to denote a responsibility or an obligation on the part of the authority. Is it? However it really is about the moral and ethical obligations of the journalist. Every journalist must have a personal sense of ethics and responsibility.

When we look at the broadcast media – both state and private - it is no secret that there is hardly any commitment or compulsion amongst practitioners to fulfill these obligations. Of course, one cannot expect broadcasters to be self-sacrificing when no such tradition or culture exists in other professions in the country. On the other hand, if you are a professional you have to conform to professional standards. It is with pride we note that there were and there are, broadcasters who are prepared to sacrifice their lives even in the exercise of their personal conscience. But these types are extremely rare and almost non-existent in the state sector. Very few refuse to take the easier route. That explains why the majority opt for self-censorship. An equal number is prepared to toe the line or even go beyond that. Neutrals usually keep mum. Thus we have a very obedient, compliant set of broadcasters in the country.

## **5. Media Education**

### **5.1. Definition of Education**

It can be observed that many people including educationalist, use the terms 'media education,' 'media study,' and 'media literacy' or 'media literacy education' almost interchangeably. Perhaps, considering the contexts these terms are being used, they may not feel it necessary to differentiate and distinguish. For the purpose of this study, however, we would like to describe our preference for and our use of these terms thus:

- The term 'media education' can be used as a broad description of all that takes place in a media-oriented teaching and learning environment, from media skills and practice to media impact and media influence. It concerns rather the policies and broader structures.
- 'Media study' occurs when schools, universities or other organisations arrange and conduct specific courses or units to study the media within the stipulated framework.

- ‘Media literacy’ is the expected outcome from work in either media education or media study. Put very briefly, media literacy is the skill of experiencing, interpreting/analysing and making media products. The definition of media literacy remains contentious, as do different approaches to the field, and clearly, definitions of media literacy vary as the theoretical foundations and educational purposes of media literacy educators vary.

In this section our focus is on Media Studies and training of media personnel as part of Media Education. While education involves the long-term acquisition of both general knowledge and the power of reasoning and judgment, Training implies the short-term acquisition and refinement of specific skills, and the effective application of knowledge. Though training has inherent limits, it, as a USAID publication<sup>84</sup> explains ‘is critical to developing a sector which can reliably, accurately, and freely report news and provide citizens with relevant information. Without trained journalists, the media is unable to check government power since information provided through the media may be seen as circumspect or sensationalistic. Contextual factors also impinge on the success of training activities. These include corruption, low salaries, security threats, ‘buying favours’, nature of political regime, degree of political polarisation in society, and legal framework Journalism training is usefully linked with media law reform, since a cadre of trained journalists who can report professionally may stave off restrictive legislation from government.

## 5.2. Landmarks and Milestones

In Sri Lanka it was the University of Kelaniya that initiated steps to teach media at university level. As one of the pioneers in media education in the country Prof. Wimal Dissanayaike states in an email interview with the authors of this report, that ‘the Department of Mass Communication was established at Kelaniya University because there was a felt need at the time to introduce new courses that had an immediate applicability to daily life’ and that he ‘tried to develop it as a social science discipline while not ignoring the humanities’ (Dissanayaike, 2011).<sup>85</sup> What the felt need was and whether it was the same need that prompted other universities to follow suit is not clear.

A study<sup>64</sup> on Journalism/communication education in SAARC countries conducted in 1990 by Professor K.E. Eapen, Professor B.S. Thakur, Punjab University, Chandigarh and Dr. B.P. Sanjay, University of Madras, may throw a little light on this:

“The impetus for journalism education in Sri Lanka came from the Government's desire to start job oriented courses. The Ministry of Higher Education in 1971 appointed a five member committee to seek possibilities and necessities to set up a department. Two years later, a Department of Mass Communication was established at the University of

<sup>84</sup> The Role of Media in Democracy: A Strategic Approach, Center for Democracy and Governance, Bureau for Global Programs, Field Support, and Research, USAID, Washington, D.C., June 1999 pp.30-31.

<sup>85</sup> See interview with Wimal Dissanayaike, 10th March, 2011

Kelaniya. This is the only University level department. Language Departments at the University of Jayawardenapura and Colombo conduct special courses in writing.”<sup>86</sup>

It is not insignificant to note, however, that the first three universities that set up ‘sub divisions’ within the faculty/department to teach communications were really units or extensions of the Language departments of the university. This fact had a bearing on the content and focus of the early media education attempts in the country.

These courses were lacking in a few very important aspects, according to Dr. Tudor Weerasinghe, Rector, Sri Palee Campus of the University of Colombo (SPCUC). To begin with, they were language communication study modules rather than media education courses and the pioneers were academics attached to the language departments of the universities. Furthermore, there was hardly any applied and practical aspect to these courses. The courses were more concerned with writership, print medium. These pioneer university teachers designed the courses to teach about language and the use of language in writing and attached less value to media and communication. Completely breaking away from this tradition what SPCUC started were electronic media based education programs.<sup>87</sup> Even the terms *jana sannivedanaya* and *jana maadya* to denote mass communication and mass media respectively, are conceptually wrong as the word *jana* means ‘folk’ not ‘masses’ like in *jana kala* (folk art), *jana sangeethaya* (folk music), *jana natum* (folk dance).

These terms were used in Europe, from where the early media teachers borrowed them, to generate different connotations and meaning. This clearly shows they did not have clear perception of the theories and concepts.<sup>88</sup> During this early phase, as regards to university media education in Sri Lanka

“the problem was identified in terms of equipment such as a printing press and a fully equipped communication laboratory. Therefore the Department has to depend on outside institutions such as newspapers, broadcasting and film units. The graduates often do not find regular employment in communication related institutions. Many of them have become language teachers in schools”<sup>89</sup>

Interestingly though, it was not a university but the state radio that started broadcast media training. Established with the cooperation of the BBC in late 1960s, the Sri Lanka Broadcasting Corporation Training Institute (SLBCTI), however, provided skills development for its employees (both technical and program staff) only. Admittedly, there was no other broadcasting institute at the time, but this place did

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<sup>86</sup> Journalism/Communication Education in SAARC Countries by Professor K.E. Eapen, Professor B.S. Thakur and Dr. B.P. Sanjay, 1990.

<sup>87</sup> See interview with Tudor Weerasinghe, 16 March 2011; interview with Bandula Dayaratne, 20 March 2011

<sup>88</sup> *Ibid.*

<sup>89</sup> Journalism/Communication Education in SAARC Countries by Professor K.E. Eapen, Professor B.S. Thakur and Dr. B.P. Sanjay, 1990.

offer some sort of improvised practical training sessions of very short duration to students following communication studies at Kelaniya and Colombo universities. Even though it continued to do so, it had little impression on the broadcast media education in the country as a whole. It must be pointed out that, however, those who left the state-radio to take up appointments in newly expanded private sector broadcasting sector, took with them certain aspects of this 'training.'

Recently Sri Lanka Broadcasting Service (SLBC) and more recently the Sri Lanka Rupavahini Corporation (SLRC) started media courses for 'outsiders'. These are normally general courses with a few practicals thrown in to give an 'idea' about the radio/TV medium as is the case may be. Many attend these with high expectations of employment in these state organisations, but none is available and hence offered. The motive behind the 'opening of the doors' plan is really to earn a few rupees to fill their dwindling coppers rather than to provide quality training.

The Sri Lanka Television Training Institute, SLTTI, 'one of the educational wings of the Sri Lanka Foundation which came into being in 1984' is a national media training centre equipped to conduct professional training in the fields of television and radio. Its mission is 'to train media and film personnel in Sri Lanka and Asia in programming and technological aspects of TV, Radio and principles of film art to improve the quality of electronic media and to make a more meaningful social impact.' SLTTI currently offers a 'vast range of training programs at different NVQ levels through Workshops, Certificate courses, advanced Certificate courses and Diploma and Higher Diploma courses.' The Institute claims that 'the distinct feature of training is its inclination to equipment based practical training where the students get ample hands on experience in each discipline enabling them to confidently embark on a vocation after the training.' Still, considering its scope and focus, the impact of the SLTTI has been limited.

Apart from state sector actors, the private sector broadcast organisations are yet to establish their own media education/training facilities. Aquinas University College has communication studies as part of its degree programs and is the only non-profit private University College in Sri Lanka as recognised by the University Grants Commission. It is also registered with the Tertiary and Vocational Educational Commission of Sri Lanka (TVEC)<sup>90</sup> to conduct courses and examinations on a tertiary level. Apart from this, several private sector training providers offer Journalism/Media/Communication courses at different levels, but quality assurance is difficult except those accredited by TVEC.

### 5.3. Specialised Training

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<sup>90</sup> TVEC, which is the apex statutory body in vocational education and training in Sri Lanka, is the regulatory body for all aspects of implementation of Technical and Vocational Education and Training (TVET) in the country. Registration, as the Commission states, 'gives confidence to students, parents, employers, Government and all stakeholders, that training content, student assessment and certification meet specified standards and Institutions are benefited as the registration and subsequent guidance by the TVEC helps improve the internal and external efficiency of the training provided by them. However, courses leading to award of NVQ qualification should be accredited by TVEC. More details can be found by accessing their web site:: <http://www.tvec.gov.lk/sa/index.htm>.

There are a number of institutions that provide specialised form of training to journalists. Foremost among them is the Sri Lanka Environmental Journalists Forum (SLEJF), an independent, public interest media organisation established in 1987, with support from the Sri Lanka Government, UN-ESCAP, UNEP and some media related bodies. This Forum is committed to 'promote better coverage of the environment and facilitate greater public awareness of environment and development in the mass media'. This Sri Lankan - based membership organisation of working journalists 'dedicated to improvements in environmental reporting', offer programs 'designed to build a stronger, better-educated, and more closely connected network of professional journalists and editors who cover the environment and environment-related issues.'

Since its inception SLEJF, which has developed special media training programs in environmental and Development Journalism, claims to have trained over 10,000 journalists. It offers a one-year course on environmental journalism, both in Sinhala and Tamil mediums, for Personnel in the Environmental/Media units in Government Ministries, NGOs and INGOs, working Journalists, provincial Journalists and others interested. In addition to environmental journalism, the course is designed to give the participants a wide range of knowledge on aspects such as Creative Writing, Media Ethics, Development Journalism, and Investigative Journalism.

The Sri Lanka Development Journalist Forum (SDJF) inaugurated in 2009, claims to be 'the national platform and the representative body for journalists who believe that community empowerment and positive social changes can be achieved through strategic use of the media; both community based and mainstream'. Focusing on Community media and Citizen Journalism, the SDJF believes in enhancing the media as an educational model and learning the media as an empowering tool. The SDJF considers capacity development from the top to bottom for the media institutions is a timely need. Thus areas such as concept developing, adopting the technology, cutting edge productions methods, media management, participatory rural productions, news and news room management, online journalism, developmental communications is to be concentrated in the training programmes of the SDJF. Meantime, the SDJF has its own strategy to cater the school based media activities with the intention of creating a strong learning environment.

Transparency International Sri Lanka (TISL), the National Chapter of Transparency International (TI), the leading global movement against corruption, believes that with the enhancement of the media's capacity for investigative reporting, there is the possibility of increasing governmental accountability and transparency in Sri Lanka—as well as civic activism. Effective investigative reporting, it asserts, also must adhere to a rigorous standard of journalistic ethics and values. Thus TISL is implementing a program to foster responsible investigative reporting in the country through the promotion of best practices and knowledge transfer. In the past two years, TISL in collaboration with Fedrich Ebert Stiftung (FES) has conducted a series of trainings to enhance the capacity of regional journalists in investigative journalism. This process has highlighted the urgent need for extensive capacity building given that the majority of Sri Lankan journalists are still not equipped to handle the complex process of in-depth investigative reporting, which is vitally required for a country in post-conflict. This assignment seeks to

further bolster investigative reporting skills of Sri Lankan journalists both at national and regional. This training is now in progress.

The Financial Services Academy (FSA), an initiative of Securities and Exchange Commission of Sri Lanka (SEC) to meet the challenge of developing the Capital Market in Sri Lanka, has a Certificate in Financial Journalism course and an Advance Certificate in Financial Journalism course to professionally educate and train the existing Financial Journalists in the Sri Lankan context and to attract young future financial journalists to the industry, paving the way to a rewarding career pathway.

#### **5.4. Scholarships and Foreign Training**

There are several foreign institutions that offer scholarships for training abroad to Sri Lankan broadcast journalist, the Asia-Pacific Institute for Broadcasting Development (AIBD), established under the auspices of UNESCO, being the foremost. AIBD has been providing training to its members since its establishment in 1977 and more than 35,000 personnel from countries within the Asia-Pacific region and other regions have been beneficiaries of the its training programme, several of whom now occupy senior managerial positions in the broadcasting industry. Deutsche Welle, Australian Broadcasting Corporation, Radio Netherlands (RNTC), NHK, Okinawa International Centre were among others. These are really capacity-building programs and usually take the form of skills training for practicing journalist. However, these opportunities are limited. And, for some of the recipients these offered a ‘chance to see the world and earn a few dollars’. As such, internal politics of the institutions they work in come into play when selections are made. It was not the deserving that was always selected. Party affiliations, favoritism and the like were main criteria for selection, especially in the government broadcast institutions. We personally know of instances where the scholarship recipients could not complete their foreign training assignment due to inadequacies of the persons sent. Nevertheless, these were considered the windows of opportunity to acquire new knowledge in the broadcast field especially during the pre-internet period.

We are not aware of a program or any other arrangement to assess and evaluate the ‘contributions’ of these scholarship recipients (except for what they write in the relevant cage in the application form for the scholarship!), but for some it proved to be a stepping –stone for personal development. In addition, both local and international organisations arrange at country, regional and international level workshops/seminars for both print and broadcast journalists of the country. Though the duration is short, these serve a purpose as they are usually focused on a particular aspect.

#### **5.5. Media Education and Politics**

Politicians (and their advisors and supporters) when in opposition or facing elections, join a chorus of voices belonging to media activists and their organisations, media personnel themselves, media educationalists, intellectuals and other like-minded people who are genuinely interested in creating a critical mass among the media community for advocacy on media freedom and improving professional standards. There may be two reasons for this pattern:

- Politicians do care about the standards of journalism as practiced in the country and are genuinely interested in building a new breed of well trained journalists, for the media to have a meaningful role in democracy.
- On the other hand, their interest may be purely expedient; by joining agitations for the welfare of journalists they are seeking to ‘curry favour’ with media people in order to gain their support.

When the same politicians are in power, the request for media training for journalists takes on a completely different meaning: most often it is implied that the journalists (whom they do not like) are inept, incompetent and have no idea about their job and/or responsibilities and thus, should be trained ‘properly’. The insinuation they are making to the public is that these journalists ought not to be taken seriously! Apart from these rather ‘dubious’ moves, none of the governments that came into power paid attention to this issue. Nor did they take initiatives to address the issue and extend their backing to establish an effective and meaningful media education system in the country.

## 5.6. Media Literacy

Undoubtedly, it is the issue of media literacy that should receive the utmost attention of all those concerned about media education as it is a very important factor for active citizenship in today's information society. Unfortunately, in Sri Lanka, this is not the case. In the world context, so much has been said and documented that the topic is quite familiar in international circles. As such, (and taking into consideration the limited space in this report) we produce here three references only, to present our case for media literacy for all.

### *Media Literacy for all*

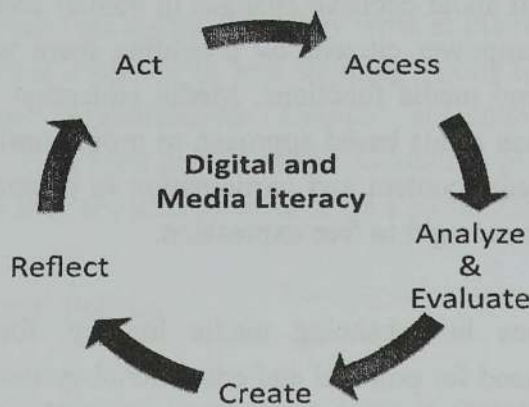
The proliferation of mass media has brought about decisive changes in human communication processes and behaviour. Media education aims to empower citizens by providing them with the competencies, attitudes and skills necessary to comprehend media functions. Media education can be contextualised within two UNESCO advocacies - the human rights based approach to programming and the creation of Knowledge Societies. Access to quality media content and participation in programming are principles that are among the cornerstones of the universal right to free expression.

UNESCO has a long standing experience in enhancing media literacy, founding the Grünwald Declaration of 1982 which recognised the need for political and educational systems to promote citizens' critical understanding of “the phenomena of communication. The organisation has since supported a number of initiatives to introduce media and information literacy as an integral part of people's life-long learning, most recently in June 2008, bringing together experts from various regions of the world to catalyze processes to introduce media and information literacy components into teacher training curricula worldwide.

Renee Hobbs, Professor at the School of Communications and the College of Education at Temple University referring to The Knight Commission’s report, *Information Communities: Sustaining Democracy in the Digital Age*<sup>91</sup> points out that the report ‘recognised that people need news and information to take advantage of life’s opportunities for themselves and their families. To be effective participants in contemporary society, people need to be engaged in the public life of the community, the nation and the world. They need access to relevant and credible information that helps them make decisions. This necessarily involves strengthening the capacity of individuals to participate as both producers and consumers in public conversations about events and issues that matter. Media and digital literacy education is now fundamentally implicated in the practice of citizenship.’<sup>71</sup> Hobbs describes digital and media literacy as a set of skills necessary for full participation in society today and she defines media literacy as the ability to do the following:

- Make responsible choices and access information by locating and sharing materials and comprehending information and ideas;
- Analyze messages in a variety of forms by identifying the author, purpose and point of view, and evaluating the quality and credibility of the content;
- Create content in a variety of forms, making use of language, images, sound, and new digital tools and technologies;
- Take social action by working individually and collaboratively to share knowledge and solve problems in the family, workplace and community, and by participating as a member of a community” (p. vii-viii);<sup>92</sup>

She further explains that ‘[F]or all aspects of daily life, people today need a constellation of well-developed communication and problem-solving skills that include these



competencies:

<sup>91</sup> Digital and Media Literacy: A Plan of Action, by Renee Hobbs, The Aspen Institute, One Dupont Circle, NW, Suite 700, Washington, D.C. 20036 Published 2010.

<sup>92</sup> *Ibid.*

“These five competencies work together in a spiral of empowerment, supporting people’s active participation in lifelong learning through the processes of both consuming and creating messages”<sup>93</sup>

The official journal of the European Union presenting Commission of the European Communities’ Recommendation of 20 August 2009 on media literacy<sup>94</sup> in the digital environment for a more competitive audiovisual and content industry and an inclusive knowledge society includes the following:

“(11) Media literacy relates to the ability to access the media, to understand and critically evaluate different aspects of the media and media content and to create communications in a variety of contexts.

(12) The diffusion of digital creative content and the multiplication of online and mobile distribution platforms create new challenges for media literacy. In today’s world, citizens need to develop analytical skills that allow for better intellectual and emotional understanding of digital media.

(13) Media literacy includes all media. The aim of media literacy is to increase people’s awareness of the many forms of media messages encountered in their everyday lives. Media messages are the programmes, films, images, texts, sounds and websites that are carried by different forms of communication.<sup>95</sup>

(14) Media literacy plays an important role in enhancing awareness in the European audiovisual heritage and cultural identities and increasing knowledge and interest in audiovisual heritage and recent European cultural works.

(15) Media literacy is a matter of inclusion and citizenship in today’s information society. It is a fundamental skill not only for young people but also for adults and elderly people, parents, teachers and media professionals. Thanks to the Internet and digital technology, an increasing number of Europeans can now create and disseminate images, information and content. Media literacy is today regarded as one of the key prerequisites for an active and full citizenship in order to prevent and diminish risks of exclusion from community life.

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<sup>93</sup> *Ibid.* p.16.

<sup>94</sup> Official Journal of the European Union (L 227/9) of 29 August 2009 [English version].

<sup>95</sup> *Ibid.*

(16) A media literate society would be at the same time a stimulus and a precondition for pluralism and independence in the media. The expression of diverse opinions and ideas, in different languages, representing different groups, in and across societies has a positive impact on the values of diversity, tolerance, transparency, equity and dialogue. The development of media literacy in all sections of society should therefore be promoted and its progress followed closely.

(17) Democracy depends on the active participation of citizens in the life of their community and media literacy would provide the skills they need to make sense of the daily flow of information disseminated through new communication technologies.

(18) Media literacy should be addressed in different ways at different levels. The modalities of inclusion of media literacy in school curricula at all levels are the Member States' primary responsibility. The role played by local authorities is also very important since they are close to the citizens and support initiatives in the non-formal education sector. Civil society should also make an active contribution to promoting media literacy in a bottom-up manner.”<sup>96</sup>

### ***Media Literacy for School Children***

In the 1-13 class room, a variety of practices can help to build digital and media literacy. Socratic questioning, for example, promotes critical thinking about the choices people make when consuming, creating, and sharing messages.

Although comparatively late in introducing compared to universal education concepts like ‘Education for All’, ‘Life-long Education’ Media literacy is now taught in Sri Lankan schools. Again, this belated introduction of media literacy to the school curriculum is not the result of a concerted effort on the part of the relevant authorities but a lone initiative of a committed individual who found it hard to ‘convince’ the authorities of the necessity.

### **5.7. Issues related to Media Education, Studies and Training**

Many talk about the rapidly deteriorating media situation in Sri Lanka. But few venture to seek out the root causes that affect the free and independent media culture and practice in the country. Media education and training can be considered a major contributory factor to the decline in the media culture. The debate over the role of the media is likely to continue given the media’s public visibility. Much of the controversy surrounding the performance and the role of the media stems from the history and quality of media training. Most of the early broadcast practitioners were chosen from the print media and they brought with them ‘the good, the bad and the ugly’. And when television ‘arrived’, again it was an exodus

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<sup>96</sup> *Ibid.*

from the radio. So the traditions remained and continue up to date. These are reflected not only in the skill and the craft but also in the approaches and attitudes towards media education. In these circles, change was abhorred and many held on to their views without budging an inch. As pointed out above, early media educational attempts focused on writership. It is true that this is a worldwide phenomenon and not limited to Sri Lanka. But then, in the west, the print media traditions fostered freedom, independence, tolerance and other democratic values. Nurtured during the colonial rule the journalist traditions of the country were focused on different ideals.

The main factor affecting the situation was lack of proper media education for broadcast journalists (for that matter even for the print media journalists). Media education and training was not a priority for the state sector broadcast institutes and even less for the private media. Even in the early attempts by a few universities in the country, considerations were different with the focus on 'improving students employability skills'. There are many issues related to media education and media studies. The issues that we have identified and prioritized, are presented (in no particular order) below briefly as they are in most cases self-explanatory and hardly need elaboration.

- There seems to be no interest on the part of the major actors namely, state, media owners, and media practitioners for media education. The government controlled media need no education for their broadcasters for what they are doing and training may prove even counterproductive. The private media owners have trust in new technologies to maximize profits rather than investing in 'human capital'. For media personnel, media education is not an entry requirement to obtain employment and know from experience even for promotions. The educationalists including university teachers, intelligentsia, and the civil society are not far behind them. Media education was and it still is, if at all, low down in their agenda. None of these actors attach much importance to it.
- The disinterest thus displayed does not encourage them to study and understand the needs of the sphere of media education and the media as an enabling tool for democracy. Hence, except for few individuals and organisations (like the present study) no research is undertaken to explore this aspect.
- Lack of commitment and sponsorship on the part of stakeholders automatically follow. Needless to say, this affects media education badly and in turn causes further deterioration of media education and media practice.
- It is obvious to any casual observer that, there is no clear vision, direction in whatever media education that occurs. It seems to be a case where everyone says 'that's the way the cookie crumbles.'

- Thus curricula of available media education institutes and organisations do not reflect the needs of the industry and the country nor do they cater to these needs. The quality and relevance of media education cannot give comfort to the interested. Attempts are not made to bridge the gap between media education and media practice.
- Lack of funds and resources – both physical and human—is a major stumbling block. Almost all the institutions that provide media education lack facilities for practical training. On the other hand, most of the media organisations that provide on the job training do not have facilities for teaching. Thus it is difficult to achieve expected results.
- As is the case of other areas, there exist a huge imbalance in both media coverage and media education as regards to minorities and the marginalised. This does not come as a surprise as it is known that media in Sri Lanka, both print and broadcast, cater mainly to the elite irrespective of racial differences. Media education is provided mainly in the Sinhala language and occasionally English and/or Sinhala. Echoing these sentiments Sri Lankan human rights defender, Sunila Abeysekara<sup>97</sup> posits that independent and autonomous institutions that could provide strong professional frameworks as well as play a creative training and capacity building role ‘ should have a special focus on outreach to provincial journalists; there should also be a special focus on strengthening access to media training to marginalised groups such as women and members of minority communities’; and that ‘there should also be a special focus on strengthening access to media training to marginalised groups such as women and members of minority communities’.<sup>98</sup> Another point to note is that most of the media studies are conducted in and around the capital city of Colombo. Excepting university courses, it is mostly short duration workshops/seminars for the outstations. In the Tamil medium, that too is limited. The war situation was blamed for this ‘injustice’ to Tamil medium journalists and would be journalists. Now it is over two years since the war ended. But there is hardly any improvement of the status quo. This imbalance should be considered as a huge impediment to establishing a free, fair, independent and pluralistic media in the country.

## 5.8. Media Studies and Curricula

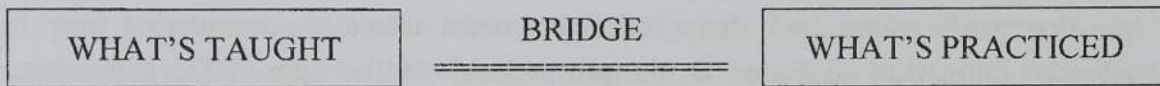
Curriculum evaluation, as everyone understands, is a specialist’s job which needs expertise in the specialised field of curriculum theory and practice. We do not propose to venture into an exercise of that sort. Instead, we record below our concerns and observations. It must also be mentioned at the outset that, at the time of this research most of the universities are in the process of revising their curricula. Hence,

<sup>97</sup> Interview with Sunila Abeysekara, 22nd March, 2011.

<sup>98</sup> *Ibid.*

our comments should be validated in this context. Moreover, we do not expect radical changes in these, as there's hardly any drastic shift in the thinking in the academia shown from the interviews conducted by us and from the reviews of literature.

- A mechanism must be in place to provide vision and direction as well as to set up a wide framework within which media institutions could set their goals and organise their teaching/pedagogy. This could perhaps, take the form of a free, independent advisory/regulatory body to guide, advice, assist in curriculum development, revision and update and unquestionably must be free from government and corporate control.
- A critical examination of present media practice in Sri Lanka (and our personal experience) suggests that a huge gap exists in 'what is taught' and 'what is practiced' as the following graphical representation shows:



Available curricula now, does not offer effective means to bridge the gap. What happens is those who manage to make it across the 'bridge' invariably forget what they learn and become willing (and rarely unwilling) collaborators and those who fail to go across the bridge leave the profession. It is a matter of choice for survival. We do not suggest that media education courses should teach ways and means to 'cross the bridge;' rather the curricula should be designed so as the learner would be able to take with her to the 'employment environment' the change that occurred in herself as a result of her training and make her presence and the change felt there. It is this aspect more than the high quality alone (as aspired by academics) that helps to change the face of media practice in the country.

- Journalism training curricula must consciously attempt to draw together two traditions too often in conflict. There is the dominant newspaper culture in Sri Lanka, which stresses the learning of skills 'on the job.' Then there is a Universalist tradition, embedded in many mass communications courses in colleges and universities around the world, which encourages a more reflective, critical approach to the media. The research findings available worldwide are too distant to media practitioners in Sri Lanka and, as a result of this, journalists and media theorists seem to inhabit different worlds, speaking different languages. To effectively confront these issues, media training institutions must draw on some of the theoretical writings to throw new helpful insights into journalists' routines, skills and news values. Since all practice is based, consciously or unconsciously, on theory, journalists' standards

would improve if they reflect more of the values that underpin their work and the press in general.

We need media training courses designed with a difference to provide not only broadcast media journalists, but also print media journalists with further opportunities to enhance their capacity to perform as ethical and responsible professionals who do their best to avoid being manipulated, in offering accurate, balanced and impartial information in keeping with accepted journalistic norms.

- There is a ‘sense of mismatch that exists between media practitioners’ and media educators’ perceptions on the competencies that journalism education must instill in its alumnae in keeping with market realities and curriculum fundamentals.’ The ‘cold war’ continues to haunt journalism education and training over the preferences on the ‘why’ (theory) and ‘how’ (practice) questions. It shows that oft-cited theory/practice dichotomy is far from being resolved within the academia. Instead, the “theory-practice gap,” comes into sharp relief for media educators considering how to advance journalism education on the professional “skills” side of the curriculum. With the industry having to bear economic pressure and the impact of technological advancement, how might journalism programs re-orient pedagogical practices and adapt curriculum so that those who come out of media educational faculties and institutions will no longer be socialised into replicas of earlier-generation journalists? How can they be ‘transformed’ into a new generation of self-actualising innovators, capable of maintaining professional relevance in rapidly changing societal, industrial and democratic contexts? Certainly, these are the questions not only for curriculum developers but also for other stake holders, especially media institutes.
- In the early days, the accent of university courses was on communication studies ‘preparing students for the academic study of the way people and organisations communicate through the mass media’ rather than the practice of journalism. Although several more of the universities have entered the field of media education, the earlier trend seems to persist. While it cannot be denied that communication studies is a vital element in any comprehensive media study curriculum, when one looks at it from the points of view of both the industry and the academics, it is best to strike a fine balance.
- Needs analysis is important for two necessary and complementary elements of curriculum development namely, ‘technique and curriculum conscience’. Information about actual needs is required for the procedural development of the program and can also help identify some of the implications and consequences that assist the curriculum designer in making the required value judgments that are part and parcel of the critical consciousness. Needs analysis is important for both of these elements

of curriculum development. Information about actual needs is required for the procedural development of the program and can also help identify some of the implications and consequences that assist the curriculum designer in making the required value judgments that are part and parcel of the critical consciousness.

In order to develop curricula of quality, developers must have valid information on which to base their curricular decisions. The various methods of needs assessment are valuable tools that provide curriculum developers with this information. By incorporating needs assessments in their curricular decisions, curriculum developers can select options that benefit both the learners and society. In Sri Lanka, experience tells us, that no such importance is attached to need assessment.

- As F. Morgan of University of Newcastle observes; ‘the evident need and widespread demand for better media and communication practice has led variously to the introduction of academic programs in universities and colleges and industry training programs in a range of other settings and institutions. Frequently, however, academic courses have been too abstract to be useful and industry training has been largely bereft of ideas. Both have failed to meet the need fully and have been expensive to provide’.<sup>99</sup> So we join Morgan to articulate the need ‘for a new approach to curriculum that would strengthen the professional education of media and communication practitioners by taking due account of what is to be learned, who is to learn it and the context in which they have to do so.’
- The relationship between communication and culture is a very complex and intimate one. Cultures are created through communication; that is, communication is the means of human interaction through which cultural characteristics— whether customs, roles, rules, rituals, laws, or other patterns—are created and shared. Without communication and communication media, it would be impossible to preserve and pass along cultural characteristics from one place and time to another. It can be said that the culture is created, shaped, transmitted, and learned through communication. The reverse is also the case; that is communication practices are largely created, shaped, and transmitted by culture.
- Wimal Dissanayaike sees the role of culture in communication as an extremely important topic and considers the work of a scholar like Raymond Williams as highly relevant in this regard. We quote: ‘As the eminent anthropologist Clifford Geertz said culture refers to the webs of meaning that human beings weave around themselves. Meanings are made, unmade and re-made in the terrain of culture. Culture can best be understood as a struggle for meaning. Therefore a sound theoretical understanding

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<sup>99</sup> Morgan Recipes for success: Curriculum for professional media education, *Asia Pacific Media Educator* 8, 2000, pp.4-21. Available at: <http://ro.uow.edu.au/apme/vol1/iss8/2>.

of culture and how it impacts media pedagogy should be explored.<sup>100</sup> We too endorse this suggestion.

It has been observed that ‘the challenge for Asian communication scholars is to come up with new theoretical perspectives to describe the function of Asian media systems with reference to Asian philosophy and modes of traditional communications. We need to analyze and theorise such communication models using our own cultural perspectives.’ This presents an angle which is definitely worth considering.<sup>101</sup> As discussed above, media education curricula at all levels should devote more and more attention to this important aspect of media education of citizens. As Jayaweera states; ‘it is important media literacy becomes an engaged civic education movement in Sri Lanka’<sup>102</sup>

## 6. Conclusion

Laws that seek to regulate and control the electronic media are not necessary, except to regulate the allocation of broadcast spectrum as it is a scarce resource. Self-regulation is adequate to promote a free, independent and pluralistic media regime. It is the absence of laws that denotes a free and independent environment. Many Western countries do not have such laws. Furthermore, in some Asian countries, the Constitution of the country guarantees certain rights. Still the rulers, so to speak, manage to ‘choke the press’ indicating there are other dimensions to the issue. In this regard, there is little doubt that a right to information law is indispensable.

We believe that the 2005 Tholangamuwa Charter<sup>103</sup> is a good starting point for media reforms, as it is a cooperative effort of the Sri Lankan media and contains adequate knowledge of the ground situation and because it stands for a democratic and pluralist media culture as well as social and professional rights for media and journalism in Sri Lanka. It believes that ‘fair, balanced and independent media is essential to good governance, effective public administration’ and ascertains that ‘a professional media with a responsibility to the public interest, independent of government or partisan influence and interference, is a vital part of the series of checks and balances central to democracy.’

We particularly endorse the principle that journalism and media policy in Sri Lanka must be guided by the fact that media, whatever the mode of dissemination, is independent, tolerant and reflect diversity of opinion enabling full democratic exchange within and among all communities, whether based on geography, ethnic origins, religious belief or language.

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<sup>100</sup> Interview with Wimal Dissanayake, 10 March, 2011.

<sup>101</sup> Interview with Wijeyananda Jayaweera, 04 April, 2011

<sup>102</sup> *Ibid.*

<sup>103</sup> Charter for a Democratic and Pluralist Media Culture and Social and Professional Rights for Media and Journalism in Sri Lanka - As declared unanimously at the all-island conference of Sri Lankan journalists at Tholangamuwa, September 9-11, 2005.

Similarly we agree that there should be respect for decent working and professional conditions, through legally enforceable employment rights and appropriate regulations that guarantee editorial independence and recognition of the profession of journalism.

Further, the responsibility for ethical conduct in journalism rests with media professionals who should be responsible for drawing up codes of ethical conduct and who should establish credible and accountable systems of self-regulation. There should be no legislation beyond the general law that interferes in matters that are the responsibility of working journalists: namely, the gathering, preparation, selection and transmission of information. Freedom of expression, press freedom and freedom of association should be guaranteed in law in accordance with international standards. And in addition, media policy should encourage the adoption of internal editorial statutes and other provisions safeguarding the independence of journalists in all Sri Lankan media.

Broadcast reforms are not the responsibility or liability of a single party or section. It is a combined and collaborative effort of all the stakeholders, needing judgment, patience, sensitivity, tact and thoughtfulness and above all time. Conflicts of interest are bound to arise and those should be resolved carefully without deviating from the purpose.

Although Sri Lanka is credited with a western type representative democracy where people elect their representatives and have regular elections, the system is flawed. Thus the western model of agitations - lobbying, protests, demonstrations and even recourse to law - may not achieve the same results as in a western democracy. From a pragmatic point of view, different strategies and approaches may have to be mapped and adopted. This observation or comment may seem highly contentious to an outsider, but that is a lesson we have had to learn from the 'democracy' that is being practiced in this country for so many years. Apparently, it is a tough task. The only way to achieve results is through awareness and education, including media education.

We believe that media education in the country is in disarray as it lacks a national policy and is too much confined to certain requirements of the industry and not the needs of the country as a whole. Though wide publicity is given to what ails the media, what affects the media receives scant attention even in the media itself. At first glance, it may appear that there are more critical and burning issues in the country that need greater and urgent attention. If one looks deeper, however, it should be apparent that media literacy has links to both the causes and results of many issues. Thus, in this sense, media literacy is not the concern of media people and educationalists only, but a whole lot of stake holders including, media freedom fighters, human rights activists, legal affairs professionals, the civil society, religious leaders, intelligentsia and academia and most of all the citizens.

We propose that appropriate and effective media education programs should be put in place. To do this important job of work, we propose the establishment of a completely independent institute comprising the representatives of some of the above mentioned stakeholders to formulate, guide, monitor and update media education programs in the country. Further, we propose that a media research and study centre be

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established as an autonomous and independent body, modeled perhaps in line with the Sri Lanka Press Institute, comprising representatives of academia, media industry, media practitioners' organisations, policy planners and civil society organisations and the like. It should act as a resource centre which can provide not only facilities, but also guidance and direction, assistance and encouragement. Media students could be employed on a voluntary basis so that they could obtain knowledge and experience. A venture of this nature would receive the blessings from all quarters as none could perceive it as a threat or danger. However the benefits that could be accrued are undoubtedly immense.

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