

Foundations for media freedoms

In this article the senior journalist and editor Sinha Ratnatunga reflects on the development of the Sri Lankan media over more than two hundred years, the battles of the print media with successive governments to preserve its autonomy and the wider issues of freedom for the electronic media and new online sites. He argues that media freedoms are a sine qua non of a modern liberal democracy, but that patience is required in convincing a skeptical and increasingly powerful government of the need to promote and protect them.

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If one were to say that the media in Sri Lanka had grabbed many of the headlines themselves in recent times, it cannot be construed as journalistic licence. Recently, the state-controlled *Daily News* had a page 1 lead story under the heading “Underhand move to destabilise Sri Lanka – hidden agenda evident” about a demonstration organised by media unions protesting the failure of the government to investigate violent attacks on journalists. The Police had gone to the local magistrate to stop the march and got an order that the demonstrators should not obstruct traffic. A counter demonstration was quickly put in place by the government and men carrying intimidating batons were photographed forcing the media demonstrators to switch venues. A week later, the President of the country invited national newspaper editors to breakfast and foreign correspondents to dinner as if asking what the fuss was all about. Such was the façade, if not the farce.

1. History

If this is a snapshot of the media in Sri Lanka right now, historically, like in all other countries, it was the printing press that formed the media in Sri Lanka with religious, cultural and local literature. Pamphleteers were aplenty and small printing presses made their money rolling out hymn sheets for churches, and their local language equivalent, the ‘*kavi kola*’ or poems praising the dead, at funerals.

It was in 1739 that the Dutch occupiers of the island-nation introduced the first printing presses to the

country. The main purpose of these machines was to print their laws and Christian literature in the vernacular languages, Sinhala and Tamil. With the ouster of the Dutch by the British, these presses fell into the hands of the new settlers. Thus, in 1802, the *Government Gazette* came into existence and is considered as the first newspaper in Sri Lanka (then known as Ceylon). It contained news from the British and Indian press, some local news, public notices, obituaries, a few articles and advertisements. The *Government Gazette* exists even today, though not as a newspaper, but as a communicator of new laws passed by Parliament, of regulations under these laws, notifications treated as “official” and recognised by courts of law, and even appointments and transfers of government servants and judicial officers.

The (William) Colebrooke Commission was one of the earliest commissions of inquiry that went into British rule in Sri Lanka. It said (in 1829) that the powers of the British Governor were too wide and there must be independent newspapers in the island

The Colombo Journal (1832) could be called the first free newspaper in the country as it was devoid of official propaganda, but it was frowned upon by officialdom at the Colonial Office in London the following year. Ironically, the Editor was George Lee, the Governor William Horton’s Private Secretary – and son-in-law. In 1834, the first non-government newspaper, the *Observer* came into being. It was begun by British merchants in the island, G. Ackland and E.J. Darley and commercial advertising was seen for the first time in a newspaper. Its first Editor, George Winter was charged in court for criticising a Police officer but was later freed. Soon to become the *Colombo Observer* and then the *Ceylon Observer*, this newspaper exists to date, albeit under government control, and is sometimes referred to by its detractors as the ‘Government Gazette’ for its political leanings.

2. Twentieth Century

Newspapers soon began taking root in Sri Lanka, and the colonial administration introduced the Registration of Newspapers Ordinance No. 5 of 1839 to “regulate the printing and publishing of newspapers”, a law still in force after amendments in 1951, 1973 and 1976. English newspapers began mushrooming in the island and in 1862, the first Sinhala language newspaper, *Lakminipahana*, was registered under this ordinance. By then, however, a Sinhala language press existed, printing largely pamphlets containing local poetry and tidbits of news. By the turn of the 20th century, however, the vernacular press was churning out politically oriented tabloids with a nationalistic and religious bent

aimed at moulding public opinion against colonial domination. *The Jaffna Freeman* was the first newspaper published outside the capital of Colombo. Other Tamil language newspapers then sprouted in the northern citadel of Jaffna for the local populace.

It is recorded that in 1901, there were 30 newspapers, 13 in English, 10 in Sinhala and 7 in Tamil catering to a population of 30,000 Europeans, 2.5 million Sinhalese and 1 million Tamils.

The mid-1930s or so could be treated as the early stages of the modern era of newspapers in Sri Lanka. The *Times of Ceylon*, under British ownership, was the first large scale newspaper with an almost island-wide circulation to be launched (1846) mainly to cater to the British community in the country, especially those in the far flung tea plantations in the central highlands, starved for news from 'back home' and those in the mercantile sector in Colombo interested in markets in London, shipping and other commercial news. The first, if one may say, major indigenous newspaper group that was launched in 1918 was Associated Newspapers of Ceylon Ltd., (ANCL). Its founder was a Sri Lankan-born English educated barrister, D.R. Wijewardene and his empire is known even today as *Lake House* because of its proximity to an inland lake. A Tamil publication, *Virakesari* was begun in 1930 to cater mainly to the increasing number of people of Indian origin in the country. In many ways, the major English and Tamil newspapers in the country had their beginnings in catering to that community of planters (Englishmen) and workers (Tamils) in the tea plantations of Ceylon.

3. Modern Period

While the *Virakesari* had limited competition from the Tamil language publications of the *Times* and *Lake House* stables, the rivalry and stiff opposition offered among the latter two groups for the English and Sinhala language readership continued for a considerable period until a third major player entered the fray. In 1960, Independent Newspapers Ltd., was begun by Sepala Gunasena, whose father owned a bookshop and a small press. In 1981, another newspaper group, Upali Newspapers Ltd., made a grand entry. Launched by a young and adventurous tycoon, Upali Wijewardena, with business interests around the world, connections to powerful political families by birth and marriage, and a flamboyance that had excited the public but rattled longstanding politicians of the day, this new entrant added a fresh dimension to journalism in the country, breaking the conservative mould that had existed for half a century with racy and populist stories. By then, however, the old Times group was on its last legs, embroiled in boardroom battles, to be eventually acquired by the government under an obnoxious

Business Acquisition Act, and liquidated soon thereafter.

The print media remained the basic source of public information until the late 1970s. However, no doubt having had the benefit of transmitting equipment brought to Ceylon during World War II for use by the Eastern Command under the stewardship of Lord Louis Mountbatten, Radio Ceylon was, in the 1950s, a powerful voice beamed over much of South Asia. Its programmes could be heard as far off as New Delhi in Northern India long before the introduction of satellites and its commercial service would beam advertisements to consumers in Southern India. It became an irresistible tool for governments in post-independent Sri Lanka and inevitably, became a nationalized service and propaganda tool for the ruling party. In the 1980s, though, private radio was introduced by a fairly liberal government and state radio became a shadow of its halcyon days.

Private television stations were given the licence to operate a few years before private radio got the same opportunity. The first off the blocks was Independent Television Network (ITN) begun by relatives of the then president Junius Richard Jayewardene. The young nephews of the president unfortunately got ahead of themselves and their angry uncle took over the station under the dreaded Business Acquisition Act for not reporting one of his speeches. The station thereafter had the hilarious name of ‘Government owned Business Undertaking of Independent Television Network’. It has now dropped that awkward title and simply uses the ITN tag, though it would nevertheless make Goebbels proud for the kind of propaganda aired on behalf of the state.

From time to time, governments in Sri Lanka, unable to tolerate virulent attacks by rival political party organs would order them shut down or drag their editors to court. The major onslaught on media freedom came in the early 1960s with the appointment of a Press Commission by a left wing government unable to stomach the ‘independence’ of the powerful, conservative Lake House group. Clearly, that group had become partisan, supporting one of the country’s major political parties, with some of its directors well entrenched in the party’s hierarchy and decision-making process, but this was not a privilege they were entitled to according to those in high office at the time. That Commission recommended stern action against the group and thus the Newspaper Corporation of Ceylon Bill was introduced in 1964 for the “broad-basing” of Lake House. In short, the Government, through the Public Trustee was to broad-base the ownership of the newspaper group. With it they introduced the Press Council Bill, a law that was to ensure government appointees inquired into public complaints about matters published in newspapers with powers to jail journalists and even publishers.

These moves in 1964 were scuttled by some deft political manoeuvring spearheaded by the directors of Lake House. A well-orchestrated and well-financed campaign saw the downfall of that left wing government with cross-overs galore. The Press Council Bill, when put to the vote, was defeated and with it crashed the government. The same left of centre coalition was, however, back in power and place in 1970 and fortified with a now thumping majority in Parliament passed the laws in 1973. The enemies of the state, the private media, were put in their place.

The takeover of Lake House was soon to follow and also in 1974, Independent Newspapers was sealed under emergency regulations that had been originally introduced to quell an armed insurgency by under-privileged youth in 1971. Then, the government wrested control of the lame duck Times group. By the time the 1977 general elections came along it had the print media under tight control, but faced a humiliating defeat at the hustings, proving the point that the people knew better than to believe in state propaganda and everything that is printed in government controlled newspapers.

The new government of 1977 did not repeal the Press Council Law, even though they felt it was worth walking out of Parliament when it was introduced in 1973. They lost no time in stamping their authority on any notions that an era of press freedom had dawned. An antiquated Parliament (Powers and Privileges) Law was dusted off and used to summon two senior editors of the government-controlled Lake House group to the well of the House for a disgraceful display of 'justice by the mob', a show trial by government Members of Parliament for some mix-up of photo captions. Lake House remained in the hands of the ruling party.

It was around this time that I was penning a political column for my newspaper, *Weekend*, under the pseudonym '*Migara*'. It is difficult to keep a secret in Sri Lanka and very soon my cover was blown as the few who knew that to be my second name were quick to let it be known. I was, however, the last person who could afford to complain as my specialty was in ferreting out cabinet secrets from Ministers willing, and in fact, wanting to leak. The government of the day found some of the sensitive information out in the public domain, inconvenient. And so, when I wrote critically of the national carrier and revealed how the Cabinet Secretary, who wore two hats, being a director of the airline, wrote to a public institution asking for fuel concessions on behalf of the airline on his Cabinet Secretary stationery (which I said was an attempt to influence the public institution), the gentleman concerned promptly lodged a case before the Magistrate's Court under the Press Council Law (Section

16) for divulging cabinet secrets in some other unrelated column. Fortunately at the time, one had friends in high places who helped prevent the ignominy of a custodial sentence or some other form of punitive justice for my editor, but not without him having to share a dingy cell before our case was called with another accused, a fellow Sri Lankan who was being tried for the slightly more heinous crime of hijacking an Alitalia flight to Bangkok.

Such were the trials and the tribulations of journalists in that period. And yet, despite the inconveniences of the times, there was no real physical danger in practising one's profession. Such days, and nights, were yet to come but come they did.

Though the same government liberalised radio and television permitting private stations to bloom, when the 1994 elections came around, media freedom or more to the point, the lack of it, still remained an issue with a populist president (R.Premadasa) turning virulently against the free media. This gave rise to the birth of the Free Media Movement (FMM) consisting of media practitioners, academics and rights activists who had carried the opposition candidate Mrs. Chandrika Kumaratunga to high office on their shoulders. They were prepared to overlook the fact that she was the daughter of Mrs. Sirimavo Bandaranaike who as prime minister presided over all those repressive deeds against the press of the previous decades.

Very soon, these hurrah boys were to learn a bitter lesson, and in a few months were to admit that they had made their biggest mistake. Their fairy tale had turned into a nightmare. President Chandrika Bandaranaike Kumaratunga's rise to high office was phenomenal. She had only been on the fringes of politics, first as the insignificant younger daughter of high profile parents, both former Prime Ministers, and then in the shadow of her actor husband Vijaya Kumaranatunga and his small band of leftist leftovers. It was upon the assassination of her husband by extreme Marxist-nationalist elements (her father was also assassinated in 1959) and the physical incapacitation of her mother, together with the laid back approach of her brother who was already the Leader of the Opposition that the young socialist who had frequented the Latin quarter of Paris during her student days at Sorbonne came into prominence. First ousting her brother from her parents' party, and then sidelining her mother, she became the Chief Minister of the Western Province, in 1993, Prime Minister and then Executive President in 1994. It was a heady rise to power, and power went straight to her head.

Hardly had she assumed the mantle of president when newspapers began to write about her wine drinking and late nights. These stories compromised the presidential stature that was expected of her. For her part, she wanted the best of both worlds: the people's respect for her as the President of the Republic with the bohemian lifestyle she was accustomed to. She was after all, the youngest head of state and government to hold such high office. And then, she pounced on a gossip item that was factually incorrect. The story appeared in two Sunday newspapers, *The Sunday Times* (English) and the *Lakbima* (Sinhala) on the same day.

The story in the English Sunday said that the President had attended a birthday party hosted by a government MP “in the heat of the silent night” at a five star hotel. It referred to her “Epicurean tastes”. Innocuous as it may have sounded, it was the last straw for the President, who was later to say, however, that it was her then Justice Minister and one-time university professor of law who advised her to take action against both the newspapers and institute criminal defamation proceedings against them.

Section 479 of the Penal Code was drafted by the British during the subjugation of India and Sri Lanka; the same provision with the exact wording appearing in both countries' criminal laws. Historically, the law was interpreted so as to ensure that there was no breach of the peace (riots etc.,) as a result of the publication of any material that was detrimental to the colonial administration. That was an important element in the law; there had to be civil commotion that resulted from such a publication. It gained a life of its own as the years rolled by, and even the rulers of independent India and Sri Lanka found it a convenient law to keep in their armoury. For several years, the law was used sparingly, mainly against political party organs and tabloids. It was in 1995 that it was used for the first time against national newspapers in Sri Lanka, the government of Chandrika Bandaranaike Kumaratunga announcing that it would brook no nonsense from a press that nosed too much into the private lives of public officials, especially ministers and the president.

Serial cases of criminal defamation were later filed against a string of other editors, and even publishers, for publishing stories against the president and others in her government. At one point, five editors and two publishers were in court defending themselves under this law. Gone were civil suits and actions for damages; in came the state police and state prosecutors – and some judges whose promotions were in the hands of the all-powerful president, the virtual complainant in most of these actions. The ‘chilling effect’ syndrome was in place. The media was expected to fall in line.

From such draconian acts came good. The FMM did not take all this lying down. The disorganized band of individual editors who lived in a world of their own editorial departments banded together and an Editors' Guild was formed with a common cause for the first time. Publishers had their own concerns and formed their Newspaper Society. It took two more years for the informal contacts to materialize into a substantive resistance movement.

Together they organised a seminar on criminal defamation in late 1997 under the loosely coined banner; 'The Friends of the Media'; and by April 1998 an international seminar was arranged with the support of the Commonwealth Press Union, Article 19, the World Association of Newspapers, the International Press Institute, the Committee for the Protection of Journalists and the Media Institute of Southern Africa. From the deliberations was born the COLOMBO DECLARATION ON MEDIA FREEDOM AND SOCIAL RESPONSIBILITY, which was to be the roadmap for the Sri Lankan media with regard to media freedom and professional responsibility. At the forefront of the Declaration was the call to repeal the criminal defamation laws of the country.

The three media unions campaigned tirelessly. In 2002 - four years after the Colombo Declaration - the then parliamentary opposition had got a mandate from the people to work in a French style co-habitation government with President Kumaratunga, who remained a lame duck still in office. In the four intervening years (1998-2002), all political parties had been lobbied and convinced that criminal defamation laws were archaic, unfair and undemocratic. So, when the new powers-that-be introduced a bill to repeal criminal defamation laws from the statute books of Sri Lanka, including the dreaded Section 479 of the Penal Code, it received a rare unanimous vote in an otherwise fractured Parliament, including the vote of President Kumaratunga's party.

As a fair exchange, the media unions said they would introduce a self-regulatory mechanism to police themselves, much in line with what already existed in the Scandinavian countries, UK and Southern Africa.

This promise was fulfilled in October 2003, a year and a half later, with the setting up of the Press Complaints Commission of Sri Lanka (PCCSL), with a board of directors representing the three media unions (now four with the signing of the Colombo Declaration by the Sri Lanka Working Journalists Association, the country's largest union of journalists) and a Dispute Resolution Council (DRC) headed by a much-respected retired civil servant, a former Secretary General of Parliament (Clerk to the

House) with 'connections' to both the government and the opposition. With four members representing the press and four members representing civil society and the Chairman, civil society representation had the majority. The PCCSL was to function under the Arbitration Act with a secretariat of complaints officers overlooking the three language media in the country, i.e. Sinhala, Tamil and English.

They would first try to settle a reader complaint by way of conciliation, i.e. forward the complaint to the newspaper and expect it to follow up, or mediate a settlement between the complainant and the editor in cases where the newspaper did not respond, and finally when other avenues did not succeed, send it to the DRC for arbitration and a decision. It was the first, and so far only, self-regulatory mechanism to be created in South Asia.

On the government's part, they agreed to give self-regulation a chance to make its presence felt and therefore, without repealing the Press Council Law of 1973, made the council's tribunal hearing public complaints, *functus*. No new appointments were made to the Press Council as it went into disuse, maintaining only a skeleton staff that would register newspapers annually, and very little else.

Since its inception in 2003, the PCCSL had received over 1,300 complaints up to the end of 2011. Some of the newspapers carry regular advertisements announcing that they abide by the PCCSL and that readers are welcome to seek redress by writing into the editor about any complaints they have, or where they find the editor is not responsive, to write direct to the PCCSL. However, the PCCSL reports that it is only during the periods when they launch short public awareness media campaigns that the number of complaints tends to increase.

One of the positive responses that the self-regulatory mechanism has evoked is that the hitherto existing reluctance on the part of editors to carry a right of reply for an aggrieved party has now been shed and newspapers would opt to give the reader a right of reply rather than await a communication from the PCCSL. This is a significant step forward in newspapers taking responsibility for what they publish, and the PCCSL can take the credit for this change in approach by editors.

The PCCSL is the body by which the Code of Professional Practice of The Editors' Guild of Sri Lanka is implemented. The Code also stemmed from the Colombo Declaration of 1998. During the campaign for the abolition of criminal defamation, the two arguments raised against its removal were a) that public servants especially would not have recourse to the law if they were defamed by powerful

newspapers because they would not have the financial clout to match the Newspaper Houses in civil actions, and

b) that the newspapers did not have a code of ethics for themselves. If the PCCSL was the answer to the first argument, the Editors' code was the answer to the second.

Not that there was no code in existence. There was one drafted by the government-run Press Council, but it was treated as a regulation under the law and was therefore part and parcel of the Press Council law itself. Almost nobody in active journalism in contemporary times had ever heard of it. It had not been circulated, only gazetted. It was lost in history, and in any event it was not entirely drafted by practitioners and so was unacceptable to the journalists of the day.

The Editors' Guild of Sri Lanka is a motley grouping, to put it mildly. With editors from the state media and private media in its ranks, the sharp differences are both political and personal. It is not necessarily state vs. private or even state vs. private vs. private, but it has editors from within newspaper houses who do not see eye-to-eye on many issues. And yet, they all sat down, and influenced very much by the UK Editors Code, thrashed out a code of their own. It was an achievement to have it passed with a unanimous vote. This code was revised in 2007. Some Newspaper Houses provide a copy of the code with the contracts of new recruits to journalism who sign that they agree to abide by it.

Miniature editions of the code to be carried in one's purse, bigger printed copies for journalists and bound copies for editors have been provided by the PCCSL. The Guild has suggested that a code review committee keep revising the code from time to time, and that the membership of this committee be expanded to those outside the Guild for the next revision. A complaint to the PCCSL must fall within the ambit of this code, which has sweeping provisions, such as "The media must take all reasonable care to report news and pictures accurately and without distortion" (Clause 2.1), that enable a large number of complaints to filter in.

The 2001-2004 period saw some encouraging signs towards media freedom being more meaningful. Prime Minister Ranil Wickremesinghe came from a family that was a shareholder of *Lake House* and might have been a journalist himself, if not for taking to politics. It was during his brief tenure that there was a glimmer of hope for reform. He set up a committee under his own chairmanship comprising media representatives to implement at least some of the provisions contained in the Colombo Declaration. A Parliamentary Select Committee was established under the distinguished chairmanship

of one-time Foreign Minister Lakshman Kadirgamar, a former Oxford Union President and Honorary Master of the Inner Temple, to study the need to introduce a Contempt of Court Law. The Attorney General, Justice Secretary and Legal Draftsman were co-opted into another committee to draft a Freedom of Information Act along with media groups. The Contempt Law was in the making while a Freedom of Information Act was made and approved by Cabinet and only had to be presented to Parliament when President Kumaratunga in the cohabitation government of the time pulled the rug and dissolved Parliament before the government's full mandate had run its course. In the ensuing elections, the Wickremesinghe government was defeated and with it both these laws flew out of the window not to be discussed by succeeding governments.

That brief interlude between 2001 and 2004 was when there was a whiff of press freedom in the air. All that has been replaced by the present regime that has made it clear it will hear nothing of a Right to Information Law (despite paying lip service to one) and has opted to revive the statutory Press Council that had been in disuse since 2003.

The government's official stance on a Freedom of Information Law is that they will bring in the law. This is a veiled admission that they agree that such a law is a politically correct thing to do in modern democracies. Over one hundred countries have this law, and in South Asia, Sri Lanka remains a sore thumb sticking out without one. Yet that the government will not bring in such a law is a foregone conclusion. They will not want the public to know how government tenders are farmed out to party financiers. Nor will they want the mysterious ways in which the stock market works to become common knowledge. A futile bid by an opposition legislator to introduce a Freedom of Information Law as a Private Member's motion fell flat on its face. Without backing from the Government benches it was defeated as soon as it was tabled. Media organisations are the only ones actively agitating for this law. Civil Society groups are so emaciated that such laws are not on their agenda, barring a few.

In respect of the Press Council, the government appointed party supporters as members of this council and announced that they too would now begin accepting public complaints. The media organisations – eight of the country's biggest, viz., the four that spearheaded the 1998 Colombo Declaration and then formed and now administer the Sri Lanka Press Institute (SLPI) plus the Muslim Media Forum, the Tamil Media Alliance, the South Asia Free Media Association (Sri Lanka branch) and the powerful Federation of Media Trade Union Employees howled in protest. They said in public statements that the government that preached media freedom was bringing back into operation a defunct law that provides

for the jailing of publishers and journalists. The government deftly ignored these protests and went ahead, except that the law itself stood in the way.

The Press Council Law states that the council *shall* comprise the director of government information (ex officio) and a chairman and four members appointed by the President. However, there was a proviso that two of the four members shall be those whose names are from a panel of names sent to the President by media unions. With none of the media unions sending in names despite requests to do so, the government, and the Press Council were in a quandary. They continued to sit nevertheless and legal objections have been taken to their composition. The dispute is on-going with at least one politically oriented newspaper editor having openly defied the Council within its chambers, saying it was illegal and walking out. The Press Council, knowing very well it is on a tricky wicket, has not taken any action, leave alone begun contempt proceedings except to hear the case *ex-parte*. Now, there are murmurs that the Council will want to amend the law to drop these inhibiting provisions, clearly indicating that the government, unable to win the confidence of the media, will now ram the Press Council down their throats whether they like it or not. In the meantime, the media organisations are contemplating challenging the jurisdiction of the Press Council, but to go to Court is to do so with great trepidation, not due to the law itself, but the lack of confidence in an independent judiciary.

To say that the Colombo Declaration of 1998 marked a turning point in the media in Sri Lanka is not an overstatement. It galvanised the factional media unions into one cohesive body, uniting journalists and media activists to work in unison for the upliftment of the profession. A Sri Lanka College of Journalism, another body that was conceived from the Colombo Declaration, was set up- for the first time in Sri Lanka, an industry-based teaching institution feeding the industry with diploma holders. With the financial assistance of helpful Scandinavian donors, and input from the industry, this 'holy trinity' - the Press Institute, the Press Complaints Commission and the College of Journalism - helps serve the needs of the industry to a great extent.

4. Current Period

In 2008, the Colombo Declaration was re-visited on its 10th anniversary. Another international symposium was held and the 1998 Declaration was examined and revised. Among the proclamations made in the 2008 Colombo Declaration was that the media organisations resolved inter-alia to call for constitutional guarantees and show alarm at the restrictions on Freedom of Expression and the

derogation of Fundamental Rights in times of Emergency; oppose censorship; call for the repeal of the Official Secrets Act and the introduction of a Right to Information Act; express concern over the cost of newsprint; recognise the Internet as an important space for deliberative democracy; urge the improvement of working and safety conditions of journalists and recognise the need for journalism training.

In addition to this roadmap, the Press Institute is taking the lead in moves to professionalise journalism in Sri Lanka. It is of little use to fight for press freedom, teach journalism or practise ethics if the community at large does not recognise journalism as a profession. Today, the Organisation of Professional Associations (OPA) which is the umbrella organisation for professional bodies in Sri Lanka does not recognise journalism as a 'profession'. Their argument is that journalism does not have a 'piece of paper' (a paper qualification) that is awarded by a professional body. Journalists are therefore relegated to the status of carpenters and masons who have no such credentials. This non-recognition extends beyond the OPA and has a negative influence in the decision-making process of parents who are reluctant to encourage their children to take up journalism as a profession. The dangers inherent in practising this 'profession' in a country like Sri Lanka, especially in recent times, and relatively low salaries have not helped.

Towards this end, the Press Institute has initiated discussions with local and foreign universities to engage in a partnership to conduct degree awarding courses and also with the National Council for the Training of Journalists in the UK to hold examinations for those within the industry. It is indeed an irony when the OPA issues a press statement to the media requesting publication thereof in their "esteemed newspapers", but does not consider journalism a profession. As one editor remarked, it is no different to asking a carpenter to repair a broken chair, but not treating him as a professional within the ambit of the OPA's rules.

The challenges to the media remain on many fronts. On the one hand there is growing concern that there is a general deterioration in the quality of journalism. Investigative journalism is not much in vogue today. Hardly any new generation journalist knows shorthand and few would take grammar seriously. In fact, the emphasis is on flashy layout, bold headlines and innovative advertisements. The distinction between an accused being discharged and being acquitted is deemed a distinction without a difference, as is distinguishing between the Attorney General and the Solicitor General. Style books are out of style and fashion pages are in fashion. It's the gloss not the content.

While successive governments have largely concentrated their attention on the print media as their main foe, they have slowly but surely come to the realisation that New Media or the internet is becoming more and more of a potent threat to their existence. While the age-old Press Council has been tasked with shepherding the print media, a Telecommunication Regulatory Commission is painstakingly at work to control the dozens of online sites that seem to have taken full advantage of the worldwide web. Unfortunately the vast majority of these websites with servers abroad have not taken advantage of the lack of laws to control them, as compared with the print media. One would have liked them to indulge in more investigative reportage and in-depth analysis of serious and controversial issues, exploiting this lacuna, rather than bask in scurrilous stories laced with malice.

The government has tried to block some of these sites and has now asked them to register, a move that has been challenged in Court by those who value press freedom. The Supreme Court is also unsure of what to do. Many newspapers that have online editions willingly obliged with the 'request' by the government to register with the Department of Government Information without bothering to even find out if such a 'request' was legal, an indication that they opted for the path of least resistance so that they could just get on with their business. On the television broadcast front, the government is preparing to issue an order, like in India, that stations convert their equipment from analog to digital. The catch is not in this order, but the fact that the government will provide the antennas for the signals. Private stations unable to invest funds to put up their own antennas island-wide will rent out the government antennas, which also means that the government retains the control to blackout a station at any given time, citing a technical breakdown, if you will.

Gradually, the government is acquiring a lordly overview of the media scene. They have been careful not to be too ham-handed in their approach. They have 'permitted' the independent Sri Lanka Press Institute to function, but launched, almost as a competitor, a Media Development Centre with UNESCO funding to do exactly the same programmes the Press Institute is implementing. They 'permit' the Press Complaints Commission to police the media through self-regulation while policing it through the statutory Press Council. They 'allow' the College of Journalism to have training courses, in addition to setting up their own.

Most of the traditional Media Houses today have a direct stake in the politics of the country. The state media are in a class of their own. As far as the private media are concerned, many of them have

directors or kith and kin in parliament representing opposition political parties, or who are directors of state-run agencies. They don't necessarily direct what must be published, nor what is to be left out, and the public at large has come to, by and large, accept these contradictions and conflicts of interest as a reality of life.

The one newspaper group which regularly reminded its readers that it was "unbowed and unafraid" of the government was only to be found out when the Editor admitted under cross examination in a court case that the newspaper had secretively accepted cash from an opposition political party. Unable to continue any further under the strain of unsettled bank loans, lack of advertising and a string of court cases, they were forced to capitulate when the government had a businessman who made a fast buck in the stock market under its watch buy them over. On the other hand, it has given ammunition to a plethora of websites to claim that the mainstream press in Sri Lanka has vested interests in the politics of the country and that they, the online media, are the true independent voices to be read and heard.

This could not be further from the truth. Some of these websites are funded by persons with political agendas, both locally and overseas, hiding behind the veil of anonymity and masquerading as independent news outlets. Worse still, they are elastic with the truth and no great respecters of accuracy. But the Sri Lankan public, or at least the public that have access to the internet, smartphones and tablets, quench their thirst for news by visiting these sites, as one of them said, "even if I know that some of it may not be entirely true". It is info-entertainment at its best or worst. Much of what emanates from these websites is imaginative and creative. Untrammelled by the old laws of civil defamation, privacy or contempt that have long cramped the print media in particular, they have a field day in whetting the appetite of a politically conscious public with titillating copy. So much so, that at a National Conference on Self- Regulation recently, the Press Complaints Commission had one session with the provocative title "New Media; a Licence to Slander", which no doubt drew the wrath of social media advocates, but had a ring of truth to it.

Recently, in the aftermath of the thirty-year separatist insurgency that had a debilitating effect on the nation, the Government appointed a Lessons Learnt and Reconciliation Commission (LLRC) to find ways and means to rise from the ashes. One of the causes, they said, that had contributed to bad governance was the way governments had treated media freedom. They identified attacks on journalists and media institutions as one of the primary reasons for the erosion of democracy and the rise of lawlessness.

In the final years of a secessionist insurgency, which resulted in an estimated 70,000 to 100,000 deaths over the years, media practitioners, including editors, were at the receiving end of what is an open secret: hit squads unleashed by the military establishment on unarmed journalists and media institutions. It was the era of the notorious ‘white van syndrome’, named after the vehicles that the hit-men travelled in.

To his credit, the incumbent President Mahinda Rajapaksa has been absolved by the media in general of complicity in those crimes, except that he seemed powerless to prevent the continuous forages during the day and the night by the military because his priority was to have them liquidate the separatist terrorists. On one occasion, he was quite shaken when he met editors soon after one of their colleagues had been killed, and remarked that “this was like as if I have been attacked”. But there was nothing more he could do than keep reassuring journalists that “it won’t happen again”. Regrettably, it did, over and over again.

Today, that fear psychosis is not all over. With the insurgency done and dusted, those who combined to unleash this state-sponsored terror have fallen out of favour with the government while those separatist guerrillas who engaged in terrorizing journalists have been killed. Those in the state who combined to attack journalists cannot rat on the others for fear of incriminating themselves, and therefore, despite the sham inquiries, what happened to the targeted journalists in those harrowing years will never be known, nor the perpetrators brought to justice. Not a single perpetrator of these crimes has been seriously pursued. The residue remains with some journalists who fled the country afraid to return, and some who went missing with their whereabouts unknown and their families fearing the worst. The attention has now turned to vociferous trade unionists, stubborn rights activists, student leaders and persons seen as obstructionists to the government’s agenda. The white van syndrome is not over: it has only shifted focus.

The President is a master charmer and can disarm even his worst critic with a broad grin, a warm hug and friendly banter. He will entertain journalists with a table laden with egg hoppers, hot curries and drink, give loans for the purchase of cars and still remain hardnosed and miserly in giving concessions towards media freedom. The carrot can often be deadlier than the stick even though it doesn’t come with the threat of violence. It can change though, any time.

The future for the media in Sri Lanka is a mixed bag. On the one hand, the political opposition on which an independent media often depends for support against an increasingly authoritarian government, and vice-versa, is emasculated. The government, particularly the Presidency, is media savvy, with top marks for man-management. It recognises the strengths, and the weaknesses, of those in the media. A recent survey commissioned by the Sri Lanka Press Institute has shown that in a mixed economy such as that prevailing in Sri Lanka today, where the government has a fairly large stake, 32% of its advertising budget is channelled to the state media and a large chunk of the balance of media outlets that 'toe the line'. Above all, the government is still very popular in the countryside.

In these circumstances, it becomes all the more difficult to convince the government that they are treading the wrong path; that media freedom is a *sine qua non* of a modern liberal democracy; and thereby has the backing of the silent majority in the country, especially in the big cities.

In Geneva recently (March 2012), the United Nations Human Rights Council passed a US initiated resolution against Sri Lanka calling for, *inter alia*, greater media freedom. Often, media freedom advocates rely on 'foreign intervention', especially when there is no backing from domestic political forces, to nudge governments into action. It can also rebound. The incumbent government has cleverly turned the tables to say Western powers are interfering in the internal affairs of Sri Lanka. Which country wants others to dictate to them? And, with that, local campaigns for media freedom, instead of getting a boost, face a setback as issues get clouded by extraneous factors.

'*Ohama Yan*' - the words in the native Sinhala language mean "Let's just go like this". This is also an age-old axiom to denote maintaining your course in the midst of an element of adversity, and waiting to see what the future holds. That might best explain the current state of play in Sri Lanka's media scene.