

# NOTES AND COMMENTS

## The Press and the Government

**T**he hostile relationship that has evolved over the past few months between the PA government and the press has now arrived at a qualitatively new phase. The government's imposition of a censorship under the Emergency Regulations on the reporting of the war being waged in the Northeast very clearly indicates that its rhetoric of media freedom has been superseded by political expediency.

The censorship was preceded by a series of incidents indicative of the government's displeasure at what it considered hostile reporting. We report here some of the main incidents that occurred in September.

The editors and some journalists of the Island group of newspapers were questioned by officers of the Criminal Investigation department on the 7th.; they were asked for the sources of a report on the proceedings at a meeting of the Government Parliamentary group held a few days earlier. The staff of Hiru, a Sinhala tabloid weekly, were questioned on three separate dates about the sources of a story. The editor of the Sunday Leader was questioned on the 12th. The printer of a new tabloid, Yugaye Janahanda, was questioned on the 16th, and his premises were searched on the suspicion of intending to publish some material defamatory of the President. Meanwhile, criminal defamation suits against the editors of the Sunday Leader and the Lakbima have been instituted by the Attorney-General.

The general impression among journalists is that the government, unable to stem the leakage of information from within its own ranks, is trying to intimidate journalists into not publishing such stories.

The censorship comes against this background. The government's argument for censorship on news relating to the war on the ground that, as the official communique says, "distortion of facts on military operations impedes attempts to solve this national crisis and affects the morale of the forces" is unconvincing. Investigative or exaggerated and politically hostile reporting of the war and stories of corruption and infighting in the security forces may annoy some sections within the forces; but it is the war itself, we believe, which demoralizes soldiers at the battle-front. A major setback to the troops, with large numbers of casualties — this has very often happened at all stages of the so-called Eelam war — can have disastrous consequences as far as the morale of the soldiers is concerned. Military morale can be kept at a constant high pitch only if and when the army achieves victories in battle. But no war in the world has followed that proposition.

Looking at the censorship issue from the perspectives of the government's own interests, it must be conceded that its effects have been negative. It has seriously eroded the democratic credibility and credentials of the Chandrika Kumaratunga regime. The major plus point of this government, particularly in the face of many non-fulfilled economic, social and political promises during the one year in power and a wobbling economy, are its democratic credentials. It is this political capital of the Chandrika government that has sustained the goodwill of the international community. Press censorship, in whatever form it

comes, can only weaken this government's very *raison d'etre* before its own people as well as the international community.

Perhaps, little does the government know that censorship has also given new credibility to the government's own adversary, the LTTE. If one read, watched or listened to the coverage of Sri Lankan affairs by the international media during the past few weeks, one cannot fail to notice how the LTTE's propaganda bulletins have been frequently quoted by news agencies. In the present age of instant communication, no sensible government should consider the censorship option. One example should suffice. An Activity report issued by MSF in Paris stated that 107 persons had been admitted to the Point Pedro hospital with injuries caused by shelling in the Nagerkivil area on the 21st. and 22nd. of September. 64 of those admitted had died; 34 of the dead and 27 of the injured were under the age of 12 years. This report was freely available in Colombo through fax and e-mail transmissions but was not allowed to be reported in the local press.

The effects of censorship on international thinking is well epitomized by a letter written to the President by Article 19 on the 26th. of September from which we reproduce the following extract:

Article 19 recognizes the threat to peace and stability which currently confronts your government and fully acknowledges the government's responsibility to uphold public order and the rule of law. We do not believe, however, that censorship will contribute in any way to the achievement of such legitimate objectives, nor that it can be reasonably justified on national security grounds. On the contrary, its effect will be to deny to the public information about the nature and course of the conflict in Sri Lanka to which it has a fundamental right, and to stifle comment and debate about this vital issue of public concern, fear too that it will have a more general, chilling effect on the media as a whole and seriously put into question your government's stated commitment to the restoration of freedom of expression and other basic human rights in Sri Lanka.

The government is now campaigning for its political package. Its acceptance by the people must hinge also on their understanding of the futility of war as a means of settling this conflict. This kind of understanding can only come from accurate knowledge of the war and its tremendous cost. Conceal the impact of war and you may lose the political battle.

## Refining the Package

**T**he public discussion on the devolution package has now passed the phase of ideological battles and rhetorical outbursts. As we note in the editorial, some Sinhalese nationalist positions on the ethnic question are no longer as rigid and monolithic as they were a few months ago. There is a growing perception that mere denunciation of the package without offering any viable alternatives is just futile.

It is important to note that the package is no more than a conceptual document which sets out the basic parameters within which further

devolution of power is proposed by the present government. The public debate on the issue, presenting viewpoints for and against devolution and/or the extent of devolution, has brought to attention the need to further refine the proposals in order to transform them into a proper constitutional reform document. Hence the need to refine the package, focussing on the nitty-gritty of its policy and other implications.

In this connection, we would like to bring back to the discussion the argument for a second legislative chamber. The idea of a second chamber received oppositionist intellectual support in 1993 and 1994 during the UNP regime. And indeed, it even entered the PA's election manifesto in 1994. With the new proposals for enhanced devolution, the argument for an effective second chamber acquires a new relevance.

In all political systems of advanced devolution — or federalism — the principle of a second chamber is treated as an axiomatic postulate. There is a good reason for that. Sharing of power does not mean only devolving political power to federated or peripheral units. It also means that the units are an integral part of the overall, national political structure. The units should, therefore, have representation and a significant say in the national policy and decision making process. The Senate in the United States and the Bundesrat in Germany, for example, are specifically designed for this purpose. The Second Chambers in these countries are fundamentally of a different character from the House of Lords of the unitarist British system. In the former countries, the Senates are integral components of the totality of the state structure, with wide powers and responsibilities in the making of national policy.

In the U. S. all federated units have equal representation in the Senate — two members each — irrespective of diverse size, population or the resource strength. In Germany, Prime Ministers and Cabinets of all federal states have representation in the Bundesrat, although the voting strength of the states in the Upper House vary. The political advantage of this system is that the federated units feel themselves to be active and effective actors and partners in the national policy-making process. Actually, all advanced systems of federalism provide for both devolution and coordination of power. Devolution without coordination — facilitating cooperation, negotiation and compromise — can lead to unnecessary conflict.

One major lacunae in the present devolution package is the absence of a Second Chamber. This has indirectly led to the suspicion that once the proposed Regional Councils are established, the propensity for separation would be greater. We may see some validity in this criticism, in view of the fact that although the package envisages an extensive framework of devolution, it is largely silent on the question of how the devolved, or relatively autonomous, units are brought back into the national state structure.

Let us imagine a scenario where a future Northeast Regional Council begins to feel that although it has extensive powers in relation to peripheral matters, it has no place or role in the national decision-making efforts. In such a situation, the Tamil people in the Northeast will not be unreasonable if they were to feel that they are once again being treated as second class citizens even under a system of enhanced devolution. The political roots of Tamil grievances emanate from two main sources. Firstly, Tamil people concentrated in a particular region have not been given an opportunity to look after their own affairs within a united Sri Lanka. Secondly, the elected representatives of the Tamil people have had no meaningful say, except by means of private deals or through coalition governments, in the determination of national

policy. An Upper House representative of regional units and with constitutionally defined powers at the national level, will certainly address this question.

Introducing a second chamber as suggested above will invariably presuppose radical reforms of the central government as well. It will perhaps require drastic reduction of the size of the present house of representatives. Meaningful political reforms as envisaged in the package will also necessitate bringing down the number of Cabinet Ministers to nine or ten. A surgical operation that can be painful to some, but necessary in the larger interests of the country.

## The Film Industry

**A**ll has not been well with the film industry in Sri Lanka for some time.

Local production of films is in the doldrums. From a level of about thirty films a year, production dropped to four in 1994. This year, there have been no films started as yet. Directors, actors and technical staff are either unemployed or earning a bare living in television or advertising.

Filmgoers are thoroughly dissatisfied. The available screens are crowded with action films; films that have received critical acclaim rarely reach these screens; if they do at all, it is after the lapse of a few years. Filmgoers are dissatisfied on another count; admission rates have risen, but the conditions under which they view films have deteriorated. Cinemas are squalid, badly ventilated and comfortless.

We saw the film "Awaragira" a few weeks ago at a suburban cinema. A balcony seat cost 30 rupees; and we discovered from a board hung at the box-office that 10 rupees of the ticket price went to the Film Corporation. It was then that we actually started wondering what service we got from the Film Corporation.

The corporation controls the import of foreign films. It controls the release of local productions, determining in what circuits a locally produced film is released. It virtually determines the flow of finance to local productions. It is also charged with the responsibility of encouraging local productions of high artistic quality. It guards all these powers and authorities with a high degree of bureaucratic zeal, as would have been evident from the article we published in our last issue about a protest by film artists. It is, in short, a supreme example of inept state intrusion into what is an industry and an art form at the same time.

We find it hard to understand how, in an era of privatization and state withdrawal from economic activity, the Film Corporation has continued to exist, particularly when it has so signally failed to do its duty. We are therefore glad that the government has appointed a Commission to review the activities of the corporation and to recommend ways and means of improving local production of films, both in number and quality.

We tend to believe that the corporation should be abolished and that import of films be left to exhibitors. Its place should be taken by a Film Institute responsible for archival work, the exhibition of quality films, the raising of critical standards and the encouragement of quality local films through tax rebates and other measures and by an institution that will be responsible for the flow of the necessary finances. **P**