



Association of Caribbean Mediaworkers

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THE CASE FOR SELF-REGULATION

Wesley Gibbings, General Secretary, Association of Caribbean MediaWorkers – The Media, Democracy and Elections, Georgetown, Guyana – August 17, 2006

To most people in the media, the superiority of self-regulation over official regulation of media content is as self-evident as the story that ought to lead your newspaper or newscast.

We are generally quick to suggest that state-imposed measures promote outright censorship and that those most subject to media scrutiny will be permitted to compose the terms of that level of public engagement.

Regulations imposed by law also go hand in hand with the already substantial legal requirements of defamation laws, decency regulations, how we cover the courts, how we cover parliament and how we cover many aspects of both public and private life.

Even when there are measures such as access to information legislation, they are quickly circumscribed by exemptions and provisos that often render them ineffectual.

The best media law, we then say, is no media law.

In fact, international and hemispheric declarations from Article 19 of the Universal Declaration of Human Rights to the Chapultepec Declaration all declare the indispensability of free speech, a free press and freedom of expression. The world community has essentially agreed that the starting point on the question of personal expression is one of freedom not one of restriction or hindrance.

Yet, there is no doubt that with such freedom there is an accompanying level of responsibility and accountability – the words responsibility and accountability, of course, being as subject to ambiguity and self-serving definitions, as the word freedom itself.

For, there is also no doubt that liberty can become license of the kind some believe is easily converted to tyranny or dictatorship.

So, how can we then guard against the human defect that guides us in the direction of abuse? How can we exercise our great freedoms and not lose the will to remain both accountable and responsible for our actions?



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There is absolutely no denying that in our midst there is dishonesty, mischief, prejudice and other weaknesses that seemingly challenge our right to rights.

For this reason there is the proposition that the intervention of official regulation is necessary, as it is with acknowledged offences such as defamation and sedition, for example.

Not that we would not wish to re-examine the legal framework with respect to defamation in particular. The ACM, for instance, has joined hands with many other organisations the world over in calling for an end to criminal defamation. But that's another story.

The question is: do we, at any stage, need to prove ourselves worthy of our rights? Perhaps not. Perhaps the fact of being human comes with a list of inalienable rights from the right to life to the right to express oneself.

What is not in doubt though are the obligations concomitant with the practice of journalism - balance, fairness, accuracy and independence being among the most important.

Indeed, these are all values central to the design of the Media Code of Conduct for the 2006 Elections in Guyana. There is little in the Code that does not have universal and timeless application. I believe we have in the Media Code the origins of a way forward.

In the Independent Refereeing Panel we also see most of the key ingredients of an adequate system of media monitoring and self-regulation. The Panel is neither funded nor controlled by the state. It is an expression of the collective will of the media industry, it retains a right of public censure, it upholds and promotes free speech and it recognises the public's right to know.

In short, through universal acceptance of the Code and the professional and independent conduct of the Panel, we find most of the necessary conditions for the development of a permanent mechanism for the administration of a system of self-regulation.

Whether we see the emergence of a singular Media Ombudsman or the formation of a Press Council, the 2006 election experience brings with it the possibility of a permanent, professional approach to the question of media self-regulation.

Elsewhere in the region, this option does not always attract broad support, even from within the media community. Angry, hurt and besieged societies turn to official control as a salve to heal all the wounds. As a direct consequence, censorship looms as large now as ever before and the overflow of new entrants



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on the broadcasting market is being increasingly met by new and refined regimes of official control.

Press Councils exist in Trinidad and Tobago and in countries of the Organisation of Eastern Caribbean States. These bodies were formed as direct responses to the threat of state action against the perceived shortcomings of the media. In that sense, these bodies did not emerge as the natural outcome of the spontaneous will of the media industry. But there is scope for their eventual development into more acceptable mechanisms for self-regulation.

We know we need to cross the initial hurdle of campaign 2006, but here, in Guyana, there is the opportunity to forge something new and of value to the wider Caribbean. I urge you not to waste this important opportunity.