

**Address by President of the Association of Caribbean MediaWorkers,
Wesley Gibbings, at the Consultation to discuss the Draft Broadcasting
Authority Bill of the OECS – UWI Centre, Roseau, Dominica, March 9, 2009.**



I wish to commend MWAD for taking the initiative to organise this consultation on the Broadcasting Authority Bill ahead of further consultations to take place at the behest of the Government of Dominica.

It is important that consultations, both officially convened and organised by non-state actors, are becoming regular features of national law-making processes throughout the English-speaking Caribbean. This has not always been the case. Official edict has traditionally been viewed as a defining characteristic of governance in these former colonies. In some instances, that bad habit has been hard to kick.

It is therefore encouraging to learn that your government has chosen to initiate wide-ranging public discussion and debate on the scope and intent of this draft legislation. That a civic organisation has led off the process on its own, without official or other prompting, is an important sign that some fundamental tenets of the democratic process are features of public life in this country and that civil society is recognising a leadership role in the pursuit of development.

No one remotely interested in Dominican public affairs over the years can pretend to be surprised. Civic intervention has been a hallmark of your history and has, in the view of some, been among the fundamental pillars of the process of adaptation to new and more challenging times.

The ACM also views the formulation of the Bill at the sub-regional level as a triumph of the integration process (this is an OECS-initiated Bill) and the result of genuine concern that change requires a level of civic and official management to ensure it redounds to the benefit of all.



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The Bill however comes at a time of acute challenges to the foundations of modern Caribbean society. Our societies are now more violent, less well, more vulnerable, characterised by an absence of social justice, more polarised and virtual sitting ducks in the face of international social and economic crises.

It has not been easy for some of us. In my country, Trinidad and Tobago, more than 90 young men have already been killed for the year. There are criminal gangs in our secondary schools and teenage pregnancies and STD infections are growing, not declining.

Our internal responses clearly require interventions that are as clinical as they are fervent. It is clear we need, as a region, to reconcile the practices of the past with the requirements of the future. By and large, our political and civic leadership appear to understand this well.

It is however necessary, in the view of my organisation, to ensure that that the greatest enabling factor, freedom, is preserved both as a developmental objective and as a pre-condition to the achievement of targets we set ourselves as we forge ahead.

This is the context I would wish to register as a starting point to the debate. When viewed this way, laws and rules and regulations are enabling and empowering interventions and not obstacles and shackles.

The Broadcasting Authority Bill should therefore seek to inject greater orderliness in the conduct of broadcasting enterprises in order that the goal of greater freedom and independence is achieved. This would be the yardstick I would use in measuring the potential impact of the proposed legislation.

Would the people of Dominica experience conditions more conducive to the exercise of free speech when the law is passed or would they experience a diminution of their freedoms?

In the midst of urgent interventions to counter social decline and chaos, is more information and greater exposure to competing views more or less helpful to the process?



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It is significant that the Preamble to the Code of Conduct for Broadcasting Services in the Bill stipulates the founding principle of “the right to be informed and to freely receive and disseminate information.” This is important because it acknowledges the value of the free flow of information in both directions. It also implicitly promotes the view that freer conditions are superior to restrictive conditions.

In an ideal environment, the Code could have stopped right there – the rest left to professional prerogative and judgment. In fact, it can be said that much of what is expressed as broadcasting standards are basic tenets of good media practice.

- (a) the observance of good taste and decency;
- (b) the maintenance of law and order;
- (c) the privacy of the individual;
- (d) the principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view, either in the same programme or in other programmes within the period of current interest.

It must however be noted that issues of good taste and decency; law and order; privacy and balance are subject to levels of interpretation that can challenge the acceptable practice of free expression. These, indeed, are areas of concern that are not easy to legislate and I would tread very carefully when it comes to these issues. The concept of privacy, for example, can be used as a check on legitimate attempts to monitor the behaviour of public officials.

Additionally, the issue of balance in the reporting of public issues becomes problematic in the face of official silence. What, in the face of this, do we add to the other side of the scale to represent the other view when issues arise? Is there the suggestion here that silence on one side of the scale can only be balanced against silence on the other?

Quite sensibly, the Bill proposes that fairness is achieved only by judging each case on its merits and not through application of a blanket formula. In my view, much of this ought to be the function of a regime of self-regulation administered by the media industry as a whole.

It is important in this respect that media owners and managers forge alliances to ensure that some of this resides in their own hands and are not the exclusive preserve of a state-sponsored entity.



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There ought also to be alliances of consumers of media content to address issues not already actionable by choice – the right to change the channel or to turn the television or radio off.

So far, the representative organisation for media workers has led the way in promoting greater awareness of what is being offered, but there is a great need for the industry and its consumer base to become actively involved. But such involvement must be informed by sound information on the actual impacts of media on human behaviour (an area of social research we have studiously avoided) and a belief that more information, more opinions and a greater variety of sources is superior to the old monolithic models of information control.

We must also avoid the pitfall of seeking cure-all responses to challenges that are far more complex than the fabled linear contribution of media content to behaviour change; far more discomfiting than the morning sermons of talk show hosts but far more entrenched in the way we have conducted our public and private lives in the Caribbean.

Could not the criminal violence be more effectively addressed by reversing the trend of social exclusion and more effective policing and prosecutions against those who need to feel when they do not wish to listen? Could it not be that what is viewed and heard in the home and in the communities between parents and adults plays a far more important role in shaping behaviour among children than what is seen on the television or listened to on the radio?

This is part of the humanscape to which this draft legislation belongs. We are witnessing the unfolding of a world of collapsing borders but in which new parameters are being defined that have the potential to reconfigure old boundaries.

How we set rules for ourselves will in large measure determine the terms of our engagement with the rest of the world.