



The Case for Media Self-Regulation in Guyana

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Self-regulation has emerged over recent years in the Caribbean as one of the more compelling issues associated with media conduct and governance.

Social and political instability, economic decline and questions related to the continued sovereignty and survival of Caribbean states have pointed to a requirement for institutional reform throughout the landscape of public engagement in the affairs of the people of the region. The media as an industry often finds itself at the centre of these discussions.

In the process, it is important to differentiate between the elements of voluntary media self-regulation, and the application of regulations, laws and conventions that can impose a range of checks on free expression – under whose banner resides freedom of the press.

The Legal and Regulatory Framework

First, let's see what already exists as official regulation and law and what prevails as open restrictions on free expression – freedom of expression being not only the right to express oneself, but the right to seek and receive the expression of others.

In our countries, there are laws and regulations that impose restrictions and accompanying penalties with respect to: sedition, state secrecy, defamation, obscenity, incitement, privacy and intellectual property, and restrictions that have to do with media coverage of parliament, elections and the law courts. There are also regulations that govern the actual conduct of media enterprises through the right of establishment and prior censorship.

In Guyana, you have a Publication and Newspapers Act, Cinematograph and Video Act, Defamation Act (1959), a Summary Jurisdiction Act that deals with what is described as 'indecent advertisement' and 'profane language' and a Racial Hostility Act which speaks of the publication of material that can be described as willful excitement of hostility or ill-will against persons on the basis of their race.

What is evident from this cursory glimpse of the regulatory environment within which the Guyana media operate is that there is no shortage of official regulation. This is not a statement of either support for or opposition to what exists. Much of this is standard fare in other Caribbean jurisdictions and, in some instances, there is a level of legislative enlightenment here not evident elsewhere in the region. For example, some of the shortcomings of the 1964 Racial Hostility Act are eloquently addressed in the



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Prevention of Discrimination Act of 1997. The corresponding legislation in my own country, the Equal Opportunity Act, intrudes far more gratuitously into the arena of free speech.

However, this presentation is not to pronounce on the existing regulatory framework regarding the work of the media in this country, except to say it is both abundant and pervasive.

State oversight of the work of the media is already well entrenched in a wide variety of areas. In fact, the outlook is for further official incursion with the imminent introduction of broadcasting regulations which should end the state monopoly on the operation of radio enterprises but which at the same time will certainly include prior restraints on some content.

The Media Compact

To add to the brew, sections of the national community aggrieved by perceived media shortcomings or transgressions are inclined to demand a greater say in the designing of the regulatory infrastructure. In many respects, this is justifiable if we assume that the protection of media rights is predicated on a notion of the media's ability to contribute to the public good, employing the assumption that a free press is inalienable in the pursuit of democracy, transparency and public accountability. For this reason, a self-regulatory mechanism must include provisions for public feedback and a process for responding to such feedback.

This has often led to the conclusion that an abdication of this role signifies a surrender of the right to exist as free and independent entities. But it is not as simple as that. Media responsibility is impossible without press freedom. But being "responsible" is constantly promoted as a pre-condition to being free.

It has become fashionable nowadays to adorn censorship with the crown of media responsibility. This, of course, is an authoritarian trap fueled in part by growing feelings of public insecurity and the fear that the new wireless technologies signify a loss of official control. The concept of cultural relativism has also re-entered the picture at a time when the conclusions of the New World Information and Communication Order have long lost their legitimacy.

In short, we are talking about the argument that the nature of a country or community's censorship arrangements is dependent upon its cultural antecedents. It is the kind of argument that has been used to support everything from female genital mutilation in some communities to the existence of child brides and substance abuse in others. "This or that is okay, depending on where you are," the argument goes.

There is also the fact of our various social crises. Where in the Caribbean is there not the plague of violence and crime? Where has the economic crisis not accentuated systemic inequity and social justice? Where have the media not been accused of complicity in all of the above? Where have our societies not attempted to shift blame to external factors? And what have been the proposed solutions?

I recently reminded our colleagues in Jamaica that we cannot censor ourselves out of our current situation. Our condition is a classic instance of needing to build a capacity to recognise the truth – a truth that has the potential to set us free.

So, we come to today's question of getting our act together as journalists and as media enterprises.

If self-regulation is not to become self-mutilation it cannot and must not signify engaging in self-censorship. For it to be meaningful and effective, media self-regulation has to represent the will of media enterprises and their key functionaries – journalists in particular – to commit to applying a variety of voluntary editorial guidelines.

Media Accountability

Any such arrangement must also meet the basic requirement of media accountability – a veritable social payback on account of the special dispensation under which the media claim unique rights. Media accountability represents a pact with our audiences with the potential to promote higher standards while fostering greater public confidence and trust.

This relationship is based on the premise that free and independent media constitute the best guarantee of open, democratic, transparent and accountable governance. As a consequence, people are empowered to make public and private decisions on the basis of reliable, unfettered information, analysis and opinion.

The success of this arrangement relies heavily on mass media systems being committed to high professional standards through adherence to codes of professional ethics and application of media accountability systems that promote open scrutiny of the work of the media by consumers of media products.

This can take different forms and, in the case of Guyana, an effective media accountability system can have said to have applied during the general elections of 2001 and 2006. To quote from the ACM's Election Handbook for Caribbean Journalists:

Media organisations had signed on to their own Code of Conduct, and had recruited two senior journalists, Harry Mayers from Barbados and the late Dwight Whyllie from Jamaica to serve as Independent Media Monitors and as a Refereeing Panel.

In the judgment of Mayers and Whyllie, that 2001 experiment failed. They concluded: "The self-regulation which the Media Code of Conduct represents failed dismally during the election campaign. It was ignored or violated far more than it was complied with."

Guyana did not, however, give up on media self-regulation.

As the 2006 elections approached, Guyanese media people came together again to draw up what they hoped would be an improved model of self-regulation.

In a historic January 2006 exercise, 39 media leaders and representatives signed their adherence to a Code of Conduct. Extensively debated beforehand, the document was formally titled, “Code of Conduct for the Media for Reporting and Coverage of Guyana Elections 2006 for Owners, Publishers, Editors and Journalists, including Associated Guidelines.”

Suffice it to say, the more elaborate arrangements in place for 2006 were assessed as having worked successfully and produced a working model for broader application in the wider Caribbean.

One of the more important aspects of the project was the ability of both media professionals and the public to take their grouses about coverage of the election to the Independent Referees recruited from Trinidad and Tobago and Jamaica.

A more permanent mechanism will have to produce independent referees from within Guyanese society and there would probably be the need for the various media enterprises to designate their own in-house juries to entertain and respond to complaints from media consumers. It calls for a level of maturity and candour in excess of the 2006 project and a mechanism that transcends the daily competition for readers, listeners and viewers.

Actual in-house mechanisms can begin with acceptance of clear, unambiguous guidelines for professional behaviour and a system of enforcement that may or may not reside within work contracts or other interventions to impose a variety of penalties.

Among the major objectives of these mechanisms would be to ensure that errors are corrected and that content which violates rights or accepted community standards is sanctioned internally instead of in the court or through other undesirable means such as advertising and sales boycotts and the like.

Industry-wide mechanisms can include media ombudsmen jointly employed by the media industry with a “name and shame” mandate such as applies with the Media Complaints Council of Trinidad and Tobago.

The Media Complaints Council of Trinidad and Tobago

It might be said that MCC was born in sin in 1997 when the Trinidad and Tobago Publishers and Broadcasters Association (TTPA) attempted to head-off threatened state sanctions by hastily establishing a mechanism that would keep an increasingly agitated government at bay. The Media Association of Trinidad and Tobago (MATT), which represents media workers, refused to be a part of what it described a half-baked attempt at keeping the government at arms length from the media industry.

It was that very year the Basdeo Panday administration published a Green Paper on media reform which had as its objective the development of what was suspiciously described as a “free and independent media” that accepted responsibility for the promotion of national unity and economic and social progress. Under such a regime, the external image of the country would be suitably tidy to facilitate new investments, tourism and a better business environment.

The MCC was also established under the banner of media accountability with a reporting mechanism in place to entertain what the government at that time described as overwhelming public dissatisfaction with the performance of the press. Through the financial support of TTPBA members, the MCC has been able to perform this function and has even established a toll-free hotline.

Council Chairman, former Senate President, Michael Williams, has however repeatedly noted an extremely low number of complaints – most of which are generated by political activists and repeat complainants. This is despite frequent advertisements in the press, the presence of the hotline and generally magnanimous responses to complaints by media houses.

The only other experiments of this kind in the English-speaking Caribbean have not survived. The Caribbean Press Council (CPC) was born of the Caribbean Publishers and Broadcasters Association in the 1980s and folded quietly in 1990. In 2003, an Eastern Caribbean Press Council (ECPC) was launched, studiously ignoring the presence of the Association of Caribbean MediaWorkers (ACM) which was inaugurated in 2001 with a mandate to promote press freedom in the region. The ECPC now appears to have followed the path of the CPC.

Elements of a Prospective Model

In these experiments may well be found a home-grown model upon which similar efforts elsewhere can be founded. There will be, importantly, the opportunity to learn from some significant mistakes:

- 1. Voluntary self-regulation by the media should not be in response to the prospect of forcible official interventions. Self-regulation mechanisms should arise from an understanding of the requirement to function at acceptably high professional standards and to be accountable to media consumers from whose interests arises the inalienable right to function freely and independently;*
- 2. Self-financing avenues, seeded by media industry investments, can mean the difference between a project that is sustainable and one that is not. Corporate and state financial support should not be direct;*
- 3. National media worker organisations, insofar as they are institutional protagonists of press freedom and freedom of expression, must be embraced and form an integral part of the resource infrastructure of the mechanism;*
- 4. The state media should come to the table as equal partners with private media;*

5. Public awareness and education on the work of the media and why they need to be free and independent should be among the functions of the national media industry and media worker organisations;

6. An attempt should be made to engage the support/endorsement of a majority of media enterprises – both state and private.

The Role of the State

Countries that express an interest in media self-regulation should be aware that the larger context required for such a pursuit to be successful must exist. The state should not be engaged in administering, either in whole or in part, any aspect of media self-regulation mechanisms. However, the state can play a facilitative role by ensuring that the legislative and regulatory environment is conducive to greater press freedom.

To some degree, there already exists in Guyana and other countries of the Caribbean the constitutional basis for this to occur. Section 146 (1) of the constitution of Guyana states: “Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence.”

In Trinidad and Tobago there is a guarantee of freedom of thought and expression. There is also a specific guarantee of freedom of the press. Over the years there have been attempts to assert its superfluous nature, given the existence of freedom of thought and expression.

Most other Commonwealth Caribbean countries, like Guyana, have maintained the formulation employed in their independence constitutions and include freedom of expression, with standard limitations related to defence, public safety, public order, public morality, public health, privacy and the protection of reputations.

Another area in which the state can foster an environment conducive to high professional standards in the media is through the passage of access to information laws. We should however be reminded that there are good examples of these laws and accompanying regulations as well as bad examples. Beware of that list of exempted persons and institutions and the ease with which it can be amended.

There ought to also be protection for whistle-blowers and journalists with information acquired from confidential sources against demands for disclosure. In addition, laws and regulations related to the establishment of media enterprises should be uniformly applied and transparently administered.



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The state, in many of our countries including Guyana, is often also a significant employer of journalistic resources. There should be contractual and other guarantees to ensure that these media workers are not subject to arbitrary behaviour especially as they relate to the vagaries of partisan politics. The state media are owned by the country, not by the party in power.

The Role of Journalists

The professionals most directly affected by the absence of an environment of freedom and independence in the media are the journalists – the broadcasters, reporters, photo-journalists and technicians that pull everything together.

Journalists are also relied upon, under conditions of media self-regulation, to exercise their rights in an ethical manner. They can do so by recognizing and observing a commitment to the truth; being loyal to the citizens they serve; practising the journalism of verification; maintaining independence from those they cover; serving as an independent monitor of power; providing a platform for public criticism and compromise; striving to make news and information interesting and relevant; keeping news comprehensive and proportional and remain willing to exercise personal conscience.

Journalists also need to get themselves organised and to unite in defence of press freedom and freedom of expression. This has to cut across competitive commercial lines. For self-regulation to work, it is also desirable that the media industry organise itself as a cohesive bloc committed to improving its outputs.

In Jamaica, there exists the Media Association of Jamaica while in Trinidad and Tobago, the TTPBA exists. These are efforts that have the potential to contribute positively toward the upholding of high standards.

Through mechanisms that make self-regulation a reality, these organisations -together with media worker associations such as the GPA in Guyana, the PAJ in Jamaica, MATT in Trinidad and Tobago and other organisations that function under the umbrella of the ACM - media workers and their bosses can join hands for the common purpose of making our media more independent, free and accountable.