

Imperfect freedom

*The case for self-regulation
in the Commonwealth press*

BY IAN BEALES

For the Commonwealth Press Union and the Press Complaints Commission

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“The first of earthly blessings, independence.”

– Edward Gibbon, Autobiography

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Executive summary

ON 12 September 2001, as the world was coming to terms with a terrible new dimension in terrorist warfare, the Commonwealth Press Union embarked on a unique exercise in freedom and conciliation.

Over the past year the CPU, supported by the UK Foreign and Commonwealth Office, the World Bank Institute and Press Complaints Commission, organised and conducted a series of seminars which gathered together editors, publishers, journalists, lawyers and academics to take the pulse of the Commonwealth on the subject of self-regulation of the press.

Together with a seminar organised by the Australian Press Council, the series was attended by 122 representatives from 39 Commonwealth nations, making it one of the largest international operations of its kind.

The aim was to promote self-regulation as a bulwark of press freedom: a protection for reader and press alike. It proved to be like uncorking a genie from a bottle. Several states launched initiatives towards self-regulation within months.

What the seminars had uncovered was a huge need for independent press councils as a way of pre-empting governments intent on using complaints against the media as an excuse for shackling it.

But the seminars also revealed that for many countries the road to self-regulation appeared blocked. The press was often divided against itself. It lacked funds to set up press councils. Governments were often hostile and civil society uncomprehending of a new concept in consumer protection and dispute reconciliation.

AT the same time, press industries themselves, ground down by restrictive legislation and sometimes lacking in training and professionalism, often had only hazy notions of how the system might work or of the responsibilities that went with this vital pillar of press freedom. The CPU has tried to break through the road-blocks and map the route to self-regulation regimes which would be customised to individual national needs.

It suggests the key is simplicity and practicality. Press council staffs should be lean and adaptable. Their adjudication panels, preferably with

a majority of lay members independently selected, should work to codes of practice which are relevant and inclusive.

They should embrace the so-called alternative press as well as mainstream newspapers. By their very simplicity such codes would be more likely to be widely honoured, whereas those demanding Olympian ethical standards would be destined to be largely ignored, especially in countries with minimal professional training.

Many of the funding difficulties might be eased by a better co-ordination of existing media support agencies working in partnership, and even by cross-border co-operation between neighbouring national press industries where that is politically appropriate.

THE CPU seminars established a clear demand for a support agency to provide the technical, organisational, training – and moral – back-up for countries wishing to set up independent press councils: assistance in uniting the industry, liaising with donors, bridge-building with governments and civil society, writing codes of conduct and establishing and administering the apparatus of self regulation.

It has identified five categories of client press industries in need of help: The Front-line States, fighting hostile governments; the New Dealers – countries making a quantum leap towards self-regulation; the Converts, nations in the process of changing from statutory to self-regulation; the Gentle Persuaders, countries seeking exploratory educational and diagnostic advice; and the Do-it-Yourselfers – self-starting schemes which would call on the CPU as necessary for support. Tailor-made packages are suggested for each of these groups.

Working closely with the UK Press Complaints Commission, the CPU has already acted as a front-line facilitator in launching press councils in Sri Lanka, Kenya, Nigeria and Swaziland.

It now stands ready to act as a lead body in co-ordinating a wider programme of self-regulatory development around the Commonwealth, once funding routes are established.

Without that, a vital opportunity to reshape and reinforce press freedom could well be lost.

Introductions

A chance for the Commonwealth Press to shape its own destiny

REGULATION of the press is a constantly recurring theme wherever the Commonwealth press gathers. Of course journalists demand a free press, but with freedom comes responsibility – a moral imperative which often escapes them. If they are not prepared to take responsibility for their own behaviour, then governments are more than willing to implement regulation on their behalf, be it through statutory press bodies or harsh legislation. To counter this, the concept of self-regulatory bodies is taking a firm hold throughout the Commonwealth as a viable option to state intervention.

The aspirational model for many is the UK Press Complaints Commission and there is widespread interest among the press, particularly in developing countries, in the way that this institution operates on a voluntary but universally accepted basis. There has been strong interest across the Commonwealth to develop and tailor this model to meet local needs.

To encourage this initiative the CPU, in close collaboration with the PCC, planned and facilitated a series of inter-linked two-day regional seminars throughout the Commonwealth in 2001/2002 drawing together the prime movers in those regions, and providing a forum for discussion with guidance and advice from experts from the CPU and the PCC.

Each seminar sought representation not only from the press, but also media academics, lawyers and media practitioners to ensure the broadest basis for discussion.

By Lindsay Ross

Executive Director, CPU

Any successful self-regulatory system is under-pinned by its code of conduct and the ways to achieve a consensual code formed a significant part of the programme which also addressed issues including setting up and funding a system. Contrary to perceived wisdom, it is not appropriate or practical to create a pan-Commonwealth code because local social, cultural and ethical issues have to be taken into account, but it is possible to create a blueprint which could be adapted to national or regional needs. This report highlights the success stories along the way but also clearly indicates the countries that need further assistance and support if they are to succeed.

The seminar programme has been a challenging and mutually rewarding experience for all of us. It has also resulted in a comprehensive over-view of the present status of press regulation throughout the Commonwealth for the first time. What has become self-evident is that each country's press has its own inimitable imprint with its own special needs. Once the press in a country comprehends the concept of a collective voice, it has the power to implement change and ensure it is accomplished.

The press has a huge responsibility. It has the power to form and change opinions and events, maybe even the course of history. If it accepts responsibility for its actions and uses it wisely, there is an unequalled opportunity for the Commonwealth press to shape its own destiny.

Pioneering a path to serve both the press and the reader

By Professor Robert Pinker

Acting chairman, PCC



Lindsay Ross
"Freedom with responsibility"

WHEN the FCO and the World Bank Institute decided to sponsor this path-breaking initiative, there were already clear indications that interest in press self-regulation was gathering momentum throughout the Commonwealth. This Report on the outcomes of the five Regional Seminars confirms that the momentum is still gathering pace.

The U.K. Press Complaints Commission and the newspaper industry's Code Committee welcomed the opportunity to take part in this initiative. Like the Commonwealth Press Union, our contribution was based on the premise that every country seeking to establish a self-regulatory system must develop its own code of ethical conduct from the distinctive civil traditions and customary values of the industry which it oversees and the general public which it serves and protects. Self-regulation and self-determination are mutually interactive and supportive principles. There is no blueprint for self-regulation that can be readily adopted and adapted on a universal basis.

Throughout the process of the five regional seminars, however, we have drawn attention to the obvious institutional preconditions that must be met before self-regulation can work effectively. We have also emphasised the fact that self-regulatory Codes of Practice serve two purposes which sometimes conflict with each other and have to be reconciled. First, self-regulatory codes serve as a vitally important defence of press freedom. Secondly, they are designed to serve the public interest and to protect readers from abuses of press freedom by publications that breach their Code requirements.

In conclusion, and on behalf of the U.K. Press Complaints Commission, I would like to thank the Foreign and Commonwealth Office for its generous support of this initiative and all of the representations from Commonwealth member states who received us with such unfailing hospitality and who contributed so much of value to our deliberations.



Professor Robert Pinker
"Reconciling conflicts"



The team

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She is the originator of the CPU self-regulation seminar series.

Her experience in the media spans a 30-year career, including a ten-year period with the International Herald Tribune.

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Professor Robert Pinker, Acting Chairman of the Press Complaints Commission, joined the PCC in 1991 and has been Privacy Commissioner since 1994. He was a Council member of the UK Advertising Standards Authority from 1988 to 1995 and the Direct Mail Services Standards Board/Accreditation Centre from 1995 to 1998.

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LORD WAKEHAM

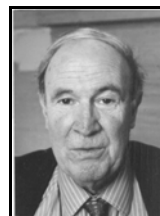
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IAN BEALES

Ian Beales, author of *Imperfect Freedom*, stepped down in 2001 after 20 years as editor of the *Western Daily Press*, based in Bristol. He has spent 40 years in journalism, was a founder board member of the UK Society of Editors, and is a member and former chairman of its Parliamentary and Legal committee. He served on the PCC Editors' Code committee since its inception in 1991, was deputy chairman from 1998-2000, and remains a consultant to the committee. He is an advisor on self-regulatory matters to the CPU.

1. Philosophy and practice

“Absolute morality is the regulation of conduct in such a way that pain is not inflicted.”

- Herbert Spencer,
Essays, 1891

In a perfect world there would be no regulation of a free press. The whole concept is, to purists at least, a contradiction in terms. But the 21st century reality is that there is no absolute morality of the sort envisioned by 19th century social philosophers. Neither the world nor the press makes any claim to being perfect and the need for some sort of regulation has been widely accepted.

The dilemma lies in constructing a regulatory regime that minimises the mutual pain. It must enshrine the essential rights of the individual - the right not to be falsely accused, misreported, traduced or suffer invasions of privacy without reason - without trampling on the vital essence of press freedom: the right to free expression, the right to be fearless and robust, the right to investigate and expose and, indeed, the right to be wrong. There can be no perfect freedom which does not uphold the right to be imperfect.

Too often the temptation to square the circle by wading in and legislating has proved irresistible to governments, most of which have a vested interest in controlling the mechanisms which govern the media. The Commonwealth is not exempt from this as we shall see. Yet, increasingly, advanced civil societies are recognising that there is an inherent and perilous contradiction in such a solution.

A press which is regulated by the government or the courts cannot be truly free. At best it is loosely tethered by light touch regimes; at worst, it is ruthlessly shackled. And since a free press is universally regarded as one of the benchmarks of a democratic society, the moral imperatives against having state controls as a means of regulation become undeniable.

If these moral imperatives were not enough, the gale of change surging through the global communications industry has given the debate new impetus and urgency. If statutes cannot effectively police the internet, then why should they still be retained for traditional media? It is illogical and ultimately unsustainable.

So if and when the old forms of regulation are dismantled, the alternatives become stark: either *nil* regulation or *self*-regulation. In an age of public accountability the first is unlikely to be an acceptable option.

Thus the case for the second becomes more urgent and compelling – always provided it can be delivered efficiently and effectively. This means winning and carrying the trust of civil society and government in the press industry’s competency to regulate itself and strike the critical balance of freedom and responsibility.

The purpose of the CPU seminars has been to try to assist the Commonwealth press in assembling both the arguments and the mechanisms which allow individual national media to deliver precisely such effective and efficient self-regulation, thus simultaneously meeting the genuine needs of its readers and depriving governments of the excuse for direct or indirect state intervention.

THE guiding principle throughout this exercise has been that there could not be a one-size-fits-all model of self-regulation of the press. Each country would have to customise its system to meet regional and national cultures, traditions and social mores. The mission of the Commonwealth Press Union and the UK Press Complaints Commission was to share experience, not to impose solutions.

We examined the philosophy and the practice of self-regulation: the principles which underpin it and the administrative system which might deliver it. Although this was often discussed in the context of the UK and other experiences, the alternative options were debated to suit the regional conditions.

Should the press council have powers to fine, or order compensation payments, or suspend newspapers or journalists? Should it have a role to protect press freedom as well as readers’ rights? Should it be a multi-media council also covering broadcasting and the internet? Should the code set a high ethical tone or aim for less ambitious minimum standards of conduct? Should it cover

taste and decency and how should it deal with contentious questions of privacy?

There were a variety of issues which would be handled very differently according to local circumstances and these are explored more fully in Section 3.

However, the central, binding philosophy – the fundamentals which distinguished true self-regulation from ersatz versions – remained substantially the same throughout the seminars, from sub-Saharan Africa to Southern Asia, and from the Caribbean to the Pacific.

The strong commonality in the problems faced across the Commonwealth press meant there was usually a corresponding similarity in the solution.

Those key common principles – listed in the panel on page 9 – can be crystallised as: recognising the duty of the press to attempt to persuade government and civil society that self-regulation is faster, more accessible, more flexible and has far greater moral authority than a state-operated regime, which anyway would be inimical to most accepted notions of the media’s role as democratic stakeholders and watchdogs.

The twin pillars of regulation

AT the very centre of the philosophy are the twin pillars¹ of professional and lay involvement: the symmetry of industry ownership of the system and the rules on the one hand, and the major role of lay members in the administration and adjudication on the other.

In a genuinely self-regulatory regime, the state is kept at arm’s length, neither providing funding nor having undue influence. For, in reality, a state system is almost always seen by the press as a barrier to be surmounted, a tar-

¹ In the UK system, this is sub-divided into four central pillars: the publishers who jointly set up and finance the system, the Editors Code committee which draws up the rules, the independent appointments commission which selects the lay members and the Press Complaints Commission itself which adjudicates on complaints.

The key elements of self-regulation

- **The system should not be controlled by State or statute.**
- **It should be independently funded, preferably by the industry, without strings.**
- **Self-regulation should be voluntarily delivered by universal industry commitment.**
- **The code of conduct should be written and approved by the industry itself.**
- **It should reflect the national culture.**
- **It should protect the rights of the individual.**
- **It should uphold freedom of expression and the public's right to know and the press's right to publish without prior restraint.**
- **It should provide quick, free and easy resolution of complaints**
- **While pursuing the principles of natural justice, it should not be over legalistic or bureaucratic.**
- **There should be significant lay membership, independently selected, on adjudication panels.**

get to be attacked, an imposition to be constantly challenged and sometimes defied. It is a constantly fraught relationship.

The strength of self-regulation lies in the industry's commitment to uphold it: the very fact of industry ownership of the code of conduct makes confrontation by newspapers perverse. It is their code, written by editors for editors - why challenge themselves? Conversely, only a voluntary system can genuinely expect and require that parties to the covenant observe the code not just to the letter, but in the spirit.

The fact that the industry pays for the system and writes the code has a dual advantage. Not only does it deliver the sort of universal commitment that would be simply impossible in a state regulatory regime, it creates a level playing field where one publication is unable to secure a commercial advantage over a rival by introducing lower ethical thresholds.

But these fundamental tenets beg their own questions: how big and costly would the press council need to be to do its job? Would the indigenous press industry be able to fund it? Would truly disinterested donors

be available? And, crucially in countries with fierce media competition, could the industry really deliver universal voluntary compliance? Again these questions are addressed fully in Section 3.

As we have seen, the counterpoint to this press ownership of the code is the strong representation – ideally a majority – of independent lay members on adjudication panels. Their presence is not simply a device designed to add credibility and balance to the process, though they achieve both. Their impartiality protects not only the reader, but also the press itself.

Without lay membership there is the double danger of either the press sitting as an uncritical sole judge in its own court or, at the other extreme, of a newspaper being judged entirely by its – sometimes deadly – rivals whose findings might be motivated by hopes of winning a commercial advantage. Both are invidious and the risks of either are minimised by the presence of lay members and the moral authority they bring to the process. However, impartiality alone cannot deliver sound judgments: lay members have to be happy with the rules they are operating. Therefore the symmetry of the

twin-pillar system is only complete when they have the opportunity to ratify the code which they are required to administer.

The benefits for the press...

THE benefits of such a system for the press are largely self-evident – once there is a consensus that nil regulation isn't an option. Although acceptance of self-regulation clearly requires the imposition of self-restraint and the observance of common rules, it can help the media to seize the moral and political initiative, preserving editorial freedom and independence and helping to head off political interference and legal constraints.

As a direct spin-off, it promotes higher standards and professional maturity and responsibility, benefits which are particularly – though not exclusively – welcome in countries where the press industry is relatively undeveloped, as in much of the Commonwealth.

The mantra of a free and responsible press will in time assume a new, physical dimension once a self-regulatory regime is in place – though it is usually a gradual process. However, the immediate and most vital effect is that such a system protects the reader while leaving editors and publishers in charge of their own destinies.

...and for the state

Nor is the enlightened self-interest in self-regulation necessarily confined to the media. There are powerful attractions for governments wishing genuinely to show they have all the credentials of modern democratic nationhood and that their commitment to press freedom is not merely ritualistic rhetoric.

For a 21st century state not to have a trans-

parently free press, untrammelled by governmental oversight and legal constraint, does not look good at home or abroad. State intervention or prior restraint on publication is a form of censorship, the absence of which is one of the indicators of democratic health. This is not merely a case of cosmetic political correctness: there may be a price attached.

Increasingly, foreign aid or sponsorship from donor communities is contingent on such tests. Governments and projects which fail to meet basic requirements of international citizenship risk losing financially. That risk increases if oppressive laws are used against publishers, editors and journalists, creating martyr figures against the over-mighty state who become focal points for public unrest.

There are, of course, limits to the direct effectiveness of such international pressure. The most authoritarian regimes may appear to become even more bunkered and intransigent.

HOWEVER, the threat of international ostracism in the short-term often subtly curbs some excesses of even these regimes, while helping to provide for the affected media a focus of hope in the long term².

Then there is the simple but compelling point that efficient self-regulation provides a free public service, balancing the rights of press and people. Even in otherwise liberal societies, the lack of an accessible self-regulatory regime often means the only remedy for legitimate grievances against the press is via expensive and exclusive civil courts.

The legal route works traditionally for the rich and powerful – or the criminal and corrupt – but seldom for ordinary citizens who cannot afford to pay and who would not necessarily wish to drag their complaints through the courts. One of the essential tests of efficient self-regulation is that it should be free and easy and accessible to *all* the people.

The speediness of press council procedures,

² Delegates at African seminars reported indications that international donor funding would not be forthcoming for press regulation schemes in partnership with governments with dubious democratic credentials. However, the experience in Zimbabwe has demonstrated that international pressure and sanctions may themselves not deliver a speedy change in policy.

taking days not months or years to resolve disputes, is another obvious benefit of self-regulation. But there is an additional bonus for civil society and government: the same turn of speed which applies to delivering adjudications and resolutions is matched by the rule-making process.

A standing committee of experienced professional editors can adapt the code to changing circumstances – shifts in public attitudes, or political, social or technological developments – in weeks rather than the years it would take in the legislative process.

This responsiveness to changing circumstances, which flows from having control of their own remit and being able to fast-track the consultative process, means the code committee can similarly encompass a breadth of issues which it would be difficult, if not impossible, to embrace in a state regime.

The use of long-lens photography, listening devices or digital picture enhancement, for example, comes under the same regulatory umbrella as covers privacy or harassment issues, the need to protect vulnerable groups such as children, the sick or the grieving and

the ethical implications of payments to criminals or witnesses.

In a typical legislation-based system each of these issues would soak up hours of Parliamentary time, often taking years to fill volumes of lengthy statutes with regulations which relied for their success on their sheer complexity.

The self-regulatory regime, with its lower thresholds, simplicity and requirement to comply with the spirit of the rules rather than the letter of the law, can respond to such urgent pressures in days or weeks. In an efficient self-regulatory regime, the entire code covering all these highly contentious areas – and more – is compressed into one side of an A4 sheet³.

The fact that self-regulation can be up and running before legislation has got its boots on must be a bonus for civil society – and for any government genuinely seeking a regulatory solution which is fair and effective without being oppressive.

The problems arise when governments are not so benign which, as we shall see, is often the Commonwealth experience.

“A press which does not regulate itself – but which is regulated by the government and the courts – cannot be a free press.”

- Lord Wakeham, former chairman of the UK Press Complaints Commission, to the Alliance of Independent Press Councils of Europe, Dublin: October 2001

³Kenya has condensed its code into a slim, easy to handle, bullet-point pocket book. The UK Code has been printed in a credit-card size fold-out format to fit in a wallet.



Above: Some of the regional Caribbean editors who attended the two-day self-regulation seminar held in Bridgetown, Barbados, on 24 and 25 June 2002.



Above: Regional East African editors who attended the two-day self-regulation seminar held in Nairobi, Kenya, on 21 and 22 May 2002.

2. The state of the nations

*“If a nation
values anything
more than
freedom, it
will lose its
freedom.”*

– W.Somerset Maugham

THERE is nothing uniform about the current state of regulation of the Commonwealth press, except its lack of uniformity. The picture which emerges from the CPU seminars is of a ragbag patchwork. It includes every conceivable swatch in the range: from sophisticated self-regulation to oppressive state controls; from curiously hybrid systems where benign autocracies occasionally flirt with the concept of deregulation, to advanced liberal societies where - after centuries unfettered - the press occasionally wakes to find itself in an eternal last chance saloon under the threat of state re-regulation. Few take independent regulation as one of life's certainties.

What stitches the quilt together is the thread of common purpose running through the Commonwealth press: to protect and improve self-regulation where it exists; and to strive for it, or something close, where it doesn't. Inevitably, though, this unity is often diluted by differing national priorities.

All too often it may be the physical dangers facing journalists daily – the fear of kidnap, arrest, imprisonment or intimidation, or indeed the threat and actuality of murder⁴. In many, if not most, the simple absence of cash or the lack of training for journalists creates its own imperative agenda. In others, societal differences - cultural, ethnic, tribal, religious or political – polarise communities, unravelling notions of common values, and creating media loyalties which test traditional norms of independence and objectivity.

Then there are the tensions between state and press, or indeed between government press and opposition press, which have either descended into mutual loathing and mistrust – such as in **Zimbabwe** and **Namibia** – or have rarely risen above it as in, among others, **Cameroon** and **Zambia**.

Frequently the best hope of persuading governments and politicians to support self-regulation is by trading on what is usually the symbiotic relationship between them – the fact that they need each other. But where that mutuality does not exist, a major route to progress is barred and relations become more strained and positions more polarised.

Add to this polarity and intense partisanship a tendency to

⁴The international Committee to Protect Journalists (CPJ) reports that 37 journalists around the world were murdered or killed in 2001 because of their work – and another 18 killed in suspicious circumstances where the motive was unconfirmed. Of the total, five came from the Commonwealth – two from Bangladesh and one each from India, Pakistan and the UK.

low professional standards, sometimes bribery and corruption and lack of legal awareness, all of which are privately acknowledged across much of the Commonwealth, and you have major obstacles in uniting the journalistic community to deliver universal commitment to a common code of practice. Yet these are the very conditions which make self-regulation so urgent and vital.

BUT if these are the challenges, hope lies in the abundant evidence from the seminars that they can be overcome. Circumstances can and do change. Uncompromising, anti-media governments can fall – or by their toughness spawn alliances that were once unthinkable – thus transforming the regulatory landscape, as a rapid tour of Commonwealth regimes demonstrates.

In **Sri Lanka**, actively supported by the Commonwealth Press Union and the UK Press Complaints Commission, the stirrings which had united the press in pursuit of a self-regulatory consensus received new impetus with the change of government. It pledged liberalisation of its press laws: abolishing criminal defamation⁵ and supporting the concept of a self-regulatory press complaints commission on the British model to replace the old and discredited state system.

Questions remain over transitional funding, with the government still providing the lion's share by re-routing the old press council budget and via the state press's sizeable portion of the publishers' levy. Yet there is no denying that the dramatic transformation has launched Sri Lanka as the possible flagship of self-regulation in South-east Asia.

The process will be watched with interest in **the Maldives**, which already has a form of self-regulation, even though the government retains power to ban media. Even Sri Lanka's most powerful neighbour should

follow events closely. For while **India** (with an estimated 50,000 publications) has a long-established, representative press council run by a respected senior judge, it is sometimes seen as unwieldy and legalistic. It is also totally state-financed – although this in itself has not been widely regarded as morally compromising.

However there is increasing concern that a cosy consensus has developed between the Indian government and media which ultimately would be dangerous for a free press. The statutory regulatory regime is viewed as epitomising that and critics believe it will struggle to survive the modern expectations of a global media industry as India's undoubtedly is. Impending relaxation of laws governing foreign media ownership could step up pressure for a truly independent system as a better guarantor of press freedom.

Elsewhere in the sub-continent, **Pakistan** and **Bangladesh** languish without media accountability regimes which command much respect, but potentially are fertile territory for self-regulation.

A quantum leap for the New Dealers?

FOR both are so far behind that they are well-placed to join the New Dealers of self-regulation, ready to make a quantum leap forward if they can win the confidence of more supportive – or possibly less resistant – domestic governments.

In theory Pakistan, particularly, could go from zero to a fully-fledged self-regulatory system very quickly because there would be little existing apparatus to dismantle. However, there is currently minimal momentum for action in a highly volatile and hazardous media environment where regulation is usually seen as a press freedom issue rather than

⁵Criminal defamation, along with impregnable Official Secrets Acts, forms part of a disturbing post-colonial legacy of out-dated legislation which still haunts many Commonwealth legal codes. Criminal defamation, now abolished by Sri Lanka and other administrations remains – unused but unrepealed – in the UK. In New Zealand an attempt to reintroduce criminal defamation in election legislation was thwarted by press opposition. However while the Official Secrets Act has been radically liberalised in Britain, the original catch-all version remains on many Commonwealth statute books, unreconstructed and often in daily use.

in a consumer context. Similarly Bangladesh, which has a state-operated press council, could - given external logistical support and pump-priming cash - be excellently-placed to play catch-up in the regulatory stakes.

In South-east Asia, **Malaysia** has been working towards a joint statutory media council, while at the same time trying to win the repeal of the Printing Press and Publications Act which is used to restrict press activity and license newspapers. Both Malaysia and **Singapore** have traditionally kept a tight rein on the press, using the so-called Asian model approach, to justify a sensitivity to press criticism.

Although in Singapore this sophisticated system of enforced self-censorship is devastatingly effective against the press, the city state has run up against problems in trying to tame internet media services. Here service providers are being urged to impose codes of practice, a self-regulatory option so far denied to other media outlets.

Meanwhile across the South China Sea in **Brunei**, regulation of the press, controlled by the sultan, is seen as largely academic.

ONE New Dealer already on the launch-pad is **Nigeria**, where the press - spurred partly by the success of the CPU West Africa seminar - within days opted for a constitutionally guaranteed self-regulatory scheme to supplant the state-funded press council and head off government plans for a media commission. The new system would tighten and reshape the existing, if often ignored, editors' code.

As Africa's most populous nation, Nigeria has one of the continent's more buoyant and challenging press industries, but current complainants tend to head straight for the courts where libel suits frequently end in large awards for damages. Nigerian progress

to self-regulation will be watched closely throughout the Commonwealth as an indicator of what may be achieved with determination and will.

Elsewhere in West Africa, **Sierra Leone**, emerging from civil war, and **Ghana** are each developing new regulatory mechanisms, but hybrid systems in parallel or partnership with government. This is a frequent phenomenon across the Commonwealth in which press organisations seek statutory guarantees for enforcing semi-autonomous regimes, often financed by parliament. (Back in South-east Asia, Malaysia is taking a similar route).

CRITICS would claim close state involvement invalidates these as true self-regulatory systems. Defendants argue that these hybrids are the best they can afford or achieve; are better than what has gone before; and could be half-way houses on the road to self-regulation, which was seen by many editors at the seminars as an ultimate goal. However, as in Sierra Leone,⁶ there are concerns that the self-regulators have the power to suspend or fine maverick publications, which could itself threaten a pluralistic press.

The situation in **the Gambia** has become more fraught following the introduction of a draft law for a media commission which would license journalists and media outlets. Complaints would be adjudicated by the commission, which would have powers to order the arrest of those who failed to appear before it. As with Sierra Leone, the government would have power to appoint the commission chairman.

Again in **Cameroon** the independent press has identified the strong need for self-regulatory regimes and would not baulk at public funding. Yet Cameroon's experience has been that - despite notional nods by government towards the desirability of self-regulation - these partnership processes have

⁶In Sierra Leone, the privately-owned *African Champion* was closed down indefinitely and its editor blacklisted by the High Court in August 2002 after ignoring a two-month ban by the Independent Media Council for publishing an article allegedly associating the president's son with corruption. A private broadcaster was denied a licence by the IMC on the grounds that it would destabilise the region.

been dogged by overt and covert state intervention and by complaints from politicians. Although the CPU stands poised to help, the volatile political climate which sees editors and publishers arrested or even jailed suggests there is a lot to be done before Cameroon can move forward, let alone be positioned for a New Deal-style leap.

Ironically, that very government intransigence or interference can concentrate minds and could itself be the trigger for mobilising the independent press. This has been exactly the experience across Africa, especially in **Kenya**, which has emerged as one of the Commonwealth's pace-setting New Dealers.

After years of tense relations with government, with arrests or assaults on journalists common-place, the press faced a new state threat to increase to 1,000,000 Kenya shillings a bond on newspapers and to license vendors. Publishers could face jail and be closed down for non-compliance.

It was aimed at forcing the dissident alternative press out of the market but was clearly an unacceptable barrier to trade for all small independent papers. The Kenyan press – supported by the CPU – responded by launching a self-regulatory media council complete with its own very compact but comprehensive code, backed by donor funding.

That muscular leadership has created a focus in East Africa, where the press industries of both **Uganda** and **Tanzania** are fragmented and their response to state controls often unco-ordinated. In Uganda, where the media and journalists' organisations are often at odds, the statutory media council which licenses journalists operates to an autonomous code, but its existence is often unrecognised. The greater fear is the country's tough press laws, which are often the first resort for action against journalists.

While more advanced than Uganda, Tanzania's non-statutory media council is severely

constricted by having to operate within a framework of antiquated media laws dating back to World War I, the post-colonial quirk familiar in Commonwealth legislatures. The English language press reports fewer pressures than are experienced by the Swahili press, especially in the mainly-Muslim **Zanzibar**. Although relations between state and mainstream media appear to be thawing, both have expressed concerns about ethical standards in Tanzania's rapidly expanding alternative press, thus increasing pressure for more effective regulation. However, the repeal of the media laws would be an essential prerequisite to the introduction of any meaningful self-regulatory regime.

Meanwhile, **the Seychelles** may boast Africa's highest living standards, but that is matched by the exorbitance of awards in civil defamation cases which are used, often by the government, to silence the press. In **Mauritius** the state-funded Media Trust's attempts to broker a self-regulatory system have not yet found consensus, although an unwritten code operates "by acceptance."

A torch burning in Southern Africa

THE beacon of change is being ignited in Southern Africa where, until the CPU seminar in September 2001, only **South Africa** operated a bona fide self-regulatory system - run by an ombudsman, backed by an appeals panel. Yet even within this, the continent's most dynamic economy, there have been financial problems.

Industry funding is just sufficient to cover the comparatively small volume of complaints – 100 a year – which come from across the spectrum, from the state president down. At the same time, political pressures have mounted, with government urging a stricter regulatory mechanism, guaranteed by legislation, amid calls for the press role to be "loyal

"No substantial famine has occurred in any independent country with a democratic form of government and a relatively free press"

-Amartya Sen, Indian Nobel Laureate, Delhi

and responsible.”

But even as South Africa’s press fights a rear-guard action to protect what it has, its neighbours have begun to advance. At the start of the Southern Africa seminar, nothing approaching the South African model existed in the other five nations represented - **Botswana, Namibia, Swaziland, Zambia and Zimbabwe.** A year on, the situation has changed dramatically.

In Zimbabwe, where opposition and government media remain locked in sometimes mortal combat, the lobby is growing for a new voluntary media council to replace one which, under-funded, collapsed years ago. In the face of systemic intimidation by the state, editors are uniting and a code of conduct and constitution has already been adopted in principle by many journalists and media houses. It is once again an example of how a hostile government, by exposing the fragility of press freedom, can unite the media industry. The story is repeated throughout the region.

Swaziland, after a damaging confrontation with the media in which two papers were banned for not conforming to Swazi ideals, is now vigorously pursuing a bona fide system, with the active support of the CPU and the UK Press Complaints Commission.

In Zambia, an internecine feud between the state news media organisation PAZA and the private sector association ZIMA had caused years of deadlock and led to rival regulatory systems. But now it has ended – thanks to a bridge-building exercise by the CPU. The two organisations are now largely reconciled, having united to defeat a proposed media council bill which would have licensed reporters. Now the two are co-operating to try to produce a common code of conduct.

Both Namibia and Botswana are also actively working on plans for self-regulatory regimes, though against hostile backdrops which make eventual success uncertain.

Although Namibia’s code has been introduced, an ombudsman appointed and the newly formed media council is attempting to win the hearts and minds of public and professionals, the industry remains disunited – a previous regulatory scheme collapsed – and the government unremittently hostile. President Sam Nujoma has publicly denounced the press as being reactionary and branded 90 per cent of media output as “all lies.”⁷

Botswana is similarly beleaguered – with a damaging state advertising boycott of those papers which are seen by government as being over-critical or disloyal. The industry has proposed an independent media complaints commission in a direct attempt to forestall a threatened government media council with powers requiring newspapers and individual journalists to be registered.

A chilling effect on the printers

IN **Malawi**, neither strong constitutional backing for press freedom nor the existence of a voluntary media council has prevented journalists facing intimidation and beatings from both government and opposition supporters. Ominously, legal threats against publishers have been widened to include contract printers – prompting a form of creeping internal censorship – and vendors have been arrested.

Happily, self-regulation is on the agenda in **Mozambique** where discussions are under way for a replacement for the supreme media council, one of Africa’s oldest statutory regimes, set up in the wake of the civil war. But this too is against a background of growing uncertainty following the murder in 2000 of campaigning editor Carlos Cardoso. An unprecedented legal action by the president’s son claiming criminal “affront”

⁷Even the state-funded national press agency Nampa did not escape the presidential wrath. It was castigated as being dangerous “because they don’t spread the truth.” In August 2002 President Nujoma further tightened controls by appointing himself Minister of Information and Broadcasting to crack down on the state-owned broadcaster NBC.

against Cardosa's children and his successor has sent shockwaves through the media which have had a chilling effect on investigative reporting.

Meanwhile, though **Lesotho** may be relatively free from the intimidation, draconian laws and censorship of some of its near neighbours, the kingdom is plagued by the problems of litigation that afflict so much of the Commonwealth press. A series of high-profile political defamation cases has raised questions not only about the motivation of the plaintiffs whose actions could bankrupt their critics, but also of the professionalism of the national media which leaves them vulnerable to such litigation. It is a problem a strong self-regulatory system might help to address.

Balancing rights and responsibility

LESOTHO is by no means alone in this. Privately, editors across the Commonwealth express concern that some at least of the show-trial litigation which can prove so oppressive to campaigning journalism is the result of poor or non-existent training, low standards and lack of legal awareness.

One of the ground rules of self-regulation is that there is no absolute freedom – and that rights must carry responsibilities. Where journalists are inadequately trained, that crucial balance is not always properly understood, sometimes with disastrous consequences. Too often the result is that under-researched investigative journalism falls at the first fence – leaving guilty governments which are its legitimate quarry to gallop to safety or, worse, to exact their revenge in court.

If the torch of self-regulation is flickering defiantly in southern Africa, then a fuse has certainly been lit in the **Caribbean**, which was the last in the current round of CPU seminars. The West Indies seminar sparked one of the most ambitious and exciting pro-

jects, since it could ultimately provide a self-regulatory framework for the region as a whole.

This recognises the difficulties faced by small nations – some just tiny islands – in mustering the financial and logistical firepower to operate a press council or commission. If it cannot be done separately, then it might make sense to do it together. Past experience of inter-island co-operation has not always been encouraging – the former Caribbean Press Council folded in disarray in 1987.

However, ominous hints of tougher media controls emanating from regional governments have concentrated minds on pre-emptive action. **Barbados** and the islands of the Eastern Caribbean – **Grenada**, **St Vincent**, **St Lucia**, **Dominica**, **Montserrat**, **Antigua**, **St Kitts-Nevis** and the **British Virgin Islands** – are co-operating in drafting a common code of ethics, as a possible prelude to a joint self-regulatory system.

It could borrow from or share with **Trinidad and Tobago**, which introduced the region's only functioning code and media complaints council in 1996 in the face of Prime Ministerial pressure. **Guyana**, which already has a voluntary code of ethics, hopes to launch a press council soon. **Jamaica**, which has the largest media industry and whose participation would be essential to any region-wide body, is keeping a watching brief, as is the **Bahamas**, where a proposed Press Club could form a launch-vehicle for an independent press council. **Belize** has not yet embarked down the road to self-regulation, but could be invited to join any pan-Caribbean initiative in due course.

Should the West Indies succeed in pulling off such a self-regulatory coup, it could become a useful template to be adapted around the Commonwealth in regions where smaller states could share centralised services, common codes and possibly training and publicity materials, without any diminution in national sovereignty.

Certainly in the **Pacific Islands**, which share

many of the logistical problems of the Caribbean, loose alliances might be useful where the geography favoured it. Some islands, such as **Nauru**⁸ and **Tuvalu**, with populations of only 11,000, might find little demand for individual press councils but in bigger island groupings such as the **Solomons** and **Vanuatu**, both with a recent history of anti-media activity, it could be a different story.

However, as the seminar organised by the Australian Press Council demonstrated, the pattern of regulation in the Pacific is as piebald as anywhere.

Samoa has no self-regulation, though the possibility has been discussed. A media council in the **Cook Islands** has fallen into oblivion amid press disunity and ministerial hints of Zimbabwe-style legal curbs. **Fiji's** voluntary code of ethics and media council suffer from familiar problems of loyalties divided between free speech and tribal culture. It now faces a threat of a statutory regulatory system. In **Papua New Guinea** the media's otherwise exemplary code is also often sidelined by tribal loyalties or government coercion. In **Tonga**, where the royal family's dominance extends to the press and one editor runs his paper from exile in New Zealand, self-regulation is not yet on the media radar. Likewise in **Kiribati** survival of an in-

dependent media, set against a background of threats of a law which could close down newspapers at the government's will, is a greater priority than regulation.

In the Mediterranean, **Malta** has a self-regulatory system set up by the island's press club and **Cyprus** has a Media complaints council, involving the media owners and the union of Cyprus journalists. It deals with 30 complaints a year.

Australia, New Zealand and the **United Kingdom** have industry-funded national self-regulatory systems, with agreed codes of conduct and the active involvement of strong lay membership. In **Canada** self-regulation works on a province by province basis each with its own code, often evolved from case law.

Although in all these countries self-regulation is well embedded, the constant surveillance of sophisticated media accountability systems means they are under constant internal and external scrutiny, with an unceasing debate over both their performance and their future.

Long may it be so. The watchdog cannot complain at being watched.

"The men with the muck-rakes are often indispensable to the well-being of society; but only if they know when to stop raking the muck."

- Theodore Roosevelt, 14 April 1906

⁸Even Nauru, the world's smallest republic, is not immune from media controversy. It joined Fiji, Tonga and Kiribati in barring a New Zealand journalist whose reports were viewed as being too critical of the government.

3. Problems and solutions:



Above from left: CPU Executive Director Lindsay Ross, Terrence Humphries, Director of the British Council, and Deputy High Commissioner for Ghana, Robin Gwynn



CPU Consultant Ian Beales and Dr Gideon Shoo, Director of the Habari Corporation

Lessons of the seminars

“Four hostile newspapers are more to be feared than a thousand bayonets.”

– Napoleon Bonaparte

THE series of CPU seminars constituted perhaps the largest single international exercise of its kind on the subject of self-regulation of the press, involving 39 of the 54 Commonwealth nations. More than 100 editors and journalists, publishers, lawyers, academics and representatives of NGOs from 28 nations attended the sessions in Cape Town, Colombo, Accra, Nairobi and Bridgetown. Another 22 from 11 more nations took part in the associated seminar organised by the Australian Press Council in Sydney.

The format throughout the series was the same - though adapted slightly in the light of local circumstances and experience – informal and interactive. Seminars began with a broad introduction to the concept of self-regulation: its philosophy and practice, and its benefits for the press and for civil society and government. Delegates were given the CPU Guide to Self-regulation (see Appendix II) – to help them determine where their own press was in the regulatory spectrum – and discussed how relevant or urgent such a concept appeared to them.

As part of the exercise, individual national delegations were invited to discuss whether self-regulation was an attractive or viable option for their country's press – and to indicate what they might be able to do to help achieve it.

The delegations fell into five main camps although, inevitably, the lines were often blurred. First, there was the minority – such as South Africa – which already operated a recognised self-regulatory system. Then there were those who were willing partners in established and relatively benign statutory schemes, of which the most prominent and long standing was India.

Thirdly, there were countries which were unwilling participants in antipathetic state schemes, or suffered the chilling effect of hostile legal controls or whose independence was under constant or imminent threat of such schemes. This was the largest single group and included, among others, Kenya, Zambia, Zimbabwe, Cameroon and Uganda, Botswana and Namibia.

Fourthly, there were those countries where recent political changes had liberated them from years of constraint, making fully-fledged self-regulation a genuine option. These were the

Setting the agenda for freedom

There were seminar sessions covering in detail the process of self-regulation:

- **The establishment** of codes of conduct, including the mechanics and ethos - style, tone and content.
- **Whether areas of taste** and decency should be included and how contentious issues, such as privacy, protection of the vulnerable and the rights of the individual, should be balanced with the public interest in publication.
- **Case histories** were discussed – usually with spirited debate of how they might relate to the experience of delegates in their own political and social environments.
- **The administration** of press councils their membership and finance; how they were set up, operated and staffed.
- **The likely workload** and the resources need to meet it; and their relationship to government and civil society.
- **International systems** of self-regulation – including the use of ombudsmen – were discussed along with statistical analysis of the caseload of the UK Press Complaints Commission.

potential New Dealers, as mentioned in Section Two, such as Sri Lanka, Nigeria, Pakistan and Bangladesh.

Finally there were the nations which, though free of oppressive state regimes – sometimes indeed with little regulation at all – saw a need to go with the grain of international democratic opinion. This group included Barbados and many of the Caribbean countries.

Although their circumstances were very different, there was a remarkable unity in the positive response across the Commonwealth to the concept and relevance of self-regulation. In virtually every delegation it moved up the agenda as a potent symbol of true independence. Countries facing hostility towards the press saw it as an important part of their battle to enshrine independence. Potential New Dealers saw it as a way of consolidating independence. The others saw it as a way of underwriting, preserving and improving the independence they had already.

But just as there was a common desire for self-regulation, so there were common obstacles towards achieving it. There were myriad questions about the detail of self-regulation: the remit, the style, the scope and the manner of implementation. But once the mechanics were fully understood, there were four fundamental questions of delivery which tended to dominate the where-do-we-go-from-here discussions:

- **How do we unite the industry?**
- **How do we fund the system?**
- **How do we persuade a hostile government to back off?**
- **How do we persuade civil society this is the right course?**

These were core issues: the Commonwealth abounds with cases of national press industries divided against themselves, too poor sometimes to pay, let alone train, their correspondents whose consequent low public esteem is exploited by hostile and manipulative

governments against the very notion of a free press. But while the problems might be common the root causes often differed from country to country, making it unlikely there could always be common answers.

It was one of the great triumphs of the whole process that the interactive discussions on these fundamental issues set the seminars off on their most productive and exhilarating learning curve. As the seminars progressed, so did the range of answers and options – stimulated by the debate and by the breadth and depth of experience of the delegates themselves.

Thanks to these intensive exercises in reductive logic and lateral thinking, more answers existed at the end than appeared obvious at the beginning. But as this was an incremental learning process it has not been possible until now to distil some of that collective thought. So here for the first time we can incorporate those responses in addressing the four big issues and how they might help define the shape of self-regulation in individual countries.

How to unite the industry

UNITY of the industry is the basic prerequisite for a self-regulatory system. Without it, the rest is likely to fall apart: there can be no guarantee of universal compliance, there is unlikely to be agreement on joint funding, and the internal divisions are likely to be exploited by hostile governments and cause scepticism in civil society.

This is a recipe for a weak and vulnerable press – and the lack of self-regulation is merely one symptom of the disease. The remedy does not lie in curing the symptom, but in treating the disease by identifying both the cause and possible antidotes. This begs a number of questions addressed in the seminars.

What are the causes of division?

The picture which emerged from the seminars showed causes vary, but fall into two broad, though sometimes intertwined, categories. The first is conviction-based and reflects media partisanship in the wider cultural, ethnic, tribal, religious or political issues which divide communities; feuds between the state press and the independent press were also included in this group.

The second major cause of division has a largely professional dimension and reflects the intense rivalries which make it appear impossible for competitors to sit around the same table: deep commercial enmity and profound conflicts of style and ethical tone. At its least (though even this can be corrosive) it would include the ritual sparring of moralistic broadsheets and earthy, strident tabloids. At its worst, it includes the extreme polarisation of the journalistic value systems of the mainstream press and the alternative press which sometimes can appear light years apart.

The alternative press, including what was described at one CPU seminar as the “Mosquito Press” – publications which spring up overnight, live long enough to bite, and then vanish – is a widespread source of concern across the Commonwealth, particularly in Southern Asia and Africa.

Some such publications are politically motivated, typically coming to life at election times when they are able to defame their opponents most lethally. After polling day they disappear without trace, leaving no legal or other remedy for their victims. Others last longer, sometimes surviving as scandal sheets with substantial readerships – until such time as the eagles of legal retribution start to circle, and then again go to ground.

The alternative press, often portrayed as irresponsible and scurrilous⁹, can be hugely embarrassing to the established press, whose reputation is inclined to be tarred with the same brush by both the public and the government. This provides an excuse for the state to move against the press as a whole – as in Kenya, where pub-

⁹Accusations of irresponsibility are not always justified: sometimes the alternative press causes embarrassment precisely because it prints stories which the mainstream media dares not for political reasons.

lishers face paying substantial indemnity bonds to governments which could in theory be used to meet damages awards in case of legal action. In practice, they clearly are a way of forcing smaller publishers – including those engaged in legitimate opposition politics – out of the market.

What are the drivers of unity?

The strong impression which emerged from the seminars was that whatever the past, there were more issues which united the press than divided it. One lesson of history is that the most unifying factor among old antagonists is the emergence of a greater common foe. The media is no different¹⁰. It could be the ominous threat of governmental restrictions which concentrates the mind - as happened in Zambia where, as we saw in Section Two, it united the journalists of the state press and the independent press. The evidence is that the conviction-based divisions are often more easily surmounted than would seem possible, if there is a strong reason for them come together and a third party – such as the CPU in Zambia – to help build the bridges.

Another unifying issue - to use a more delicate and complex example – might be the problem of the Mosquito Press, hitherto a cause of division. Here is an issue which, having united in embarrassment the otherwise-divided mainstream press, might put them on the same side in seeking a solution which headed off anti-media legislation.

The first step down that road would be the introduction of a self-regulatory regime which would curb the worst excesses of the scandal sheets. It might not be the answer to the most illusive mosquitoes, but it could embrace and help protect both the established mainstream press and the alternative media, newly legitimised by being brought into the fold.

Would the alternative press agree?

The first rule of self-regulation is universal compliance – and the received wisdom among mainstream editors and publishers has been that the alternative press would not comply. The lesson of the seminars suggests otherwise.

In Kenya, for example, representatives of the alternative press, once given the choice, signalled that they would be willing to participate in a self-regulatory system – if for no better reason than they felt most vulnerable to the threatened punitive legislation, which could effectively close them down. Elsewhere in the Commonwealth the assumption has also been that they would not wish to join the self-regulation movement, though there is little evidence of them having been invited. Why not?

For here we have some of the essential ingredients for unity. For the mainstream press the existence of scandal sheets is not an argument against self-regulation, but an essential plank of the case for it. Yet for the alternative press, the opportunity of subscribing to self-regulation could be the best guarantee of staying in business. It may be a paradox, but there is a mutual self-interest in getting together. But such an alliance would inevitably create its own tensions. How do you construct a “Big Tent” system that accommodates both ends of the market? That is a challenge to the writers of the code of conduct.

How can the code of conduct help?

One of the most debilitating features of the Commonwealth press, bemoaned at almost every seminar, is the paucity of training for journalists. Many have no formal training at all and some correspondents are not paid – thus removing one of the most potent sanctions against journalistic negligence and contributing to a low public esteem for the industry.

¹⁰ A notable example highlighted at the seminars was in the UK where in 1989, with the public standing of tabloid newspapers historically low, the popular press was warned by Home Office Minister David Mellor that it was “drinking in the Last Chance Saloon”. A Government report by David Calcutt QC urged in 1990 that after 300 years of independence the press should face statutory controls. Internecine rivalries within the national press were thrust aside as it united with the regional and magazine industry to set up a new self-regulatory regime. The Press Complaints Commission was launched in 1991.



Above: Delegates at the CPU West Africa seminar at the British Council in Accra in April 2002 which drew high profile participants from Nigeria, Ghana, Cameroon, and Sierra Leone.

Inevitably this has influenced the style and content of proposed codes of conduct, which often set out to compensate for poor education and training by adopting a strongly ethical tone, clearly aimed at raising the standing of the profession. This is an understandable and perhaps worthy aspiration. But it carries inherent risks.

First, given that same absence of education and training, there is the danger that such a code might appear lofty and irrelevant to the daily round of those who should implement it, thus increasing the chance of it being ignored. Secondly, if it is too highly-charged with moral fervency, it will destroy any hopes of reining in the scandal sheets. It is one thing to require them to sin no more, entirely another to invite them to embrace sainthood.

Where this is a problem, the solution lies in producing an inclusive code which sets acceptable minimum standards rather than improbably high ideals, however noble. It could concentrate on setting out what is *not acceptable* and what should not be done rather than the much more subjective test of what is *laudable or desirable*. (In this it would reflect the more normal requirements of the legal code: a motorist may commit a crime when he runs down an old lady on a pedestrian crossing, not when he fails to help her across the road.)

Instead of a high-sounding Code of Ethics, there might be a less prescriptive but more unifying Code of Practice based on simple, practical principles, which define the responsibilities of editors, the rights of the public and the rules for complainants in a manner which commands broad professional and public agreement and respect.

What should the code cover?

Commanding broad respect would mean protecting both the rights of the individual and the public's right to know. It would also enshrine the journalist's duty to protect sources and the right to publish in the public interest. However, the definition of the public interest will vary from nation to nation.

The minimum standards required by such a code would also cover accuracy and corrections – including the reader's reasonable expectation of an opportunity to reply – the distinction between fact and comment, and the editor's right to be partisan. It would need to lay down firm guidelines on privacy, balancing the rights of the individual with the public's right to know. It would cover the limitations on newsgathering: harassment, the use of long-lens photography, listening devices, subterfuge and the payments to criminals or witnesses. No inclusive code would have credibility without providing protection for

vulnerable members of society: children, the sick, the grieving, sex victims and, racial or sexual discrimination.

What are the crunch issues?

While it would be expected that all of the areas listed above would be covered in all codes, their priority would differ from nation to nation, depending on circumstances. Accuracy, for example, is a basic requirement in every code but it assumes an extra dimension if the chief complainant is usually the government, as is the case in many countries.

Similarly, privacy is a universal issue, but it does not have a universally high profile across the Commonwealth, at least not for non-celebrities. Where it does become an issue is over the privacy of the powerful – presidents, premiers, tribal chiefs – whose health and private lives are often guarded by a combination of intimidation and tradition.

The death of an African tribal chief might meet the public interest requirements of most modern codes of practice – but publishing the news ahead of the ritual obsequies might be forbidden under ancient tribal custom. It would be a judgment call for editors.

There is wide disagreement across the Commonwealth as to what constitutes an intrusion of privacy, especially for celebrities. Many delegates in Africa and the Caribbean, for example, were astonished at the tightness of self-imposed restraints of the UK – even though in Britain these same restraints are under constant attack for not being tight enough. On the other hand, questions were raised in West Africa about Western media pictures of famine victims, which it was felt locally might be intrusive.

Perhaps a more potent cause of concern in

many countries is related to the rules covering discrimination. These take on a new importance in countries where communal violence is endemic. Here the press frequently comes under pressure to report in positive rather than negative terms in order not to fan the flames of unrest or to damage the authority of the state. While most notions of journalistic responsibility would accept without question the need to avoid incitement, injunctions to cover community conflict only in a positive way, however well intentioned, can be the start of a slippery slope.

What might be construed as positive is an entirely subjective judgment. Proponents of so-called peace journalism believe constructive subjectivity is desirable as a tool in fostering better community relations and countering the political spin of governments. But at most that should be a free editorial policy choice, not a code imposition.

Still worse, governments wishing to protect the authority of the state frequently interpret *positive* coverage of civil unrest as being in effect *nil* coverage – involving acts of self-censorship which could compromise the press by

making it party to a conspiracy of silence against its readers.

Ultimately it would be pointless since the news would get out, sometimes through legitimate media channels not covered by the code provisions or, more worryingly, in lurid and exaggerated form via distorting and highly partisan rumour mills, with no system of self-regulation to control them. Either way it would be damaging to the public's perception of the credibility of the domestic press.

Just such a situation arose in Ghana, shortly before the Accra seminar. After a tribal king was hideously murdered, the government imposed a news black-out. While this hobbled the local media, it did not constrain the BBC World Service which published the story as

*“The purpose
of a newspaper
is to comfort the
afflicted and
to afflict the
comfortable.”*

-H L Mencken



Delegates at the Southern Africa seminar in Cape Town, September 2001.

normal. The case underlined the fact that in the interests of credibility as well as unity it is equally important to establish not only what a code should cover, but also what it should not.

What should the code not cover?

The most contentious area is taste and decency which, as with issues of positive reporting, is almost always subjective. Some argue that no code could be effectual without addressing standards which are at the heart of many public complaints about the press. However this is the area where unity is most difficult to deliver, often causing conflict with the public's right to know. In Southern Africa, for example, the seminar discussed how covering issues such as AIDs or female circumcision might seriously offend against local concepts of taste or decency. Yet these were among the most urgent issues of the day.

The final judgment must come down to each nation. But in making the decision it is important to remember that any form of self-regulation is not the only sanction confronting editors: they also face the daily or weekly judgment of their readers who can

vote with their feet. Most editors will be only too aware of the damage they would do to the credibility of their publications if they were to cross the lines of public acceptability too far or too often without obvious reason.

These then are among the factors to be considered when constructing a code which can unify, rather than divide, the industry. They create great challenges for the code's authors – which is why it is so vital the drafting committee is itself representative of the factions which have to be unified. Inevitably compromises will have to be made and to command authority the code writers must have the respect of their peers.

It would be pointless and dangerous for the committee to be dominated by figures of Olympian impartiality and propriety who might be seen to be patronising their more fallible colleagues¹¹. All shades should be represented: national and regional; quality and popular – and where possible in regions where the alternative press was a substantial player, they too should be represented.

The story, of course, does not end at the code. Equally important in unifying the industry is defining the powers and remit of the self-regulatory system.

¹¹ The Code committee of the UK Press Complaints Commission chose as its first chairman the editor of Britain's largest-selling tabloid, thus wrong-footing sceptics who believed the popular press was merely paying lip-service to the self-regulatory process. She proved successful in persuading her tabloid colleagues to come onside.

What teeth for the watchdog?

The biggest – and potentially most divisive – question concerning the remit of the press council or commission is the issue of penalties for offending publications. Should the council have the power to fine or suspend journalists or newspapers? Should it have the power to award compensation to complainants whose case had been upheld?

The arguments in favour of such powers are stark and simple: it would give the watchdog obvious teeth which might be superficially appealing to government and civil society especially at times when the press is unpopular. At its worst, this would be a form of licensing, both of newspapers and of journalists, which would have grave overtones for press freedom.

Yet even where this is not the intention, the arguments against such sanctions – while subtler and less obvious to critics wishing to give the media a kicking – are extremely compelling. Quite simply, by investing the press council with such powers, the very nature of self-regulation is redefined. Instead of being a fast-track system, it inevitably becomes slow and legalistic.

Publications facing fines, compensation or suspension must in natural justice have the right to defend themselves fully. This means the involvement of lawyers and sometimes lengthy oral hearings, instead of the written evidence favoured by many self-regulatory regimes. The process becomes expensive and time-consuming. Instead of complaints being settled in weeks¹² the process could take months or years, adding to the hassle of the aggrieved. All this makes the system less accessible for the ordinary member of the public – creating the very real danger that the self-regulatory regime becomes the preserve of the rich and powerful well-positioned to exploit it. That would be a travesty¹³.

Increasing the time it takes to settle cases means extra running costs, which also adds a burden to the industry which is trying to deliver the funding. In many countries across the Commonwealth this alone might put the system beyond reach. This means individual nations have to decide whether the power to order compensation is a pressing need. This varies according to the profile of the complainants.

In many, if not most, cases compensation is not the issue for the public: they want their grievance righted by a correction or an apology. There are frequent instances, especially where the offence related to embarrassing journalistic errors which the victim would not wish to see again in print, where complainants even prefer the apology to remain private.

There are serious questions, too, over giving press councils the power to suspend newspapers or journalists which divided delegates at some seminar sessions, notably in Africa. At its worst, it could mean the press council itself might be replicating some of the nastier traits of a state system. Some media councils appear already to do this in the name of outlawing perceived maverick publishers and editors. But there are here inherent dangers to the concept of a pluralistic press which makes it one of the most divisive, rather than unifying, options.

Is the power of censure enough?

If compensation and fines and suspension are not in the press council's armoury, what is left? The power of censure, which remains the prime instrument of requital, is often underestimated by critics of self-regulation, leaving press councils vulnerable to charges of being a toothless watchdog. This was raised regularly at the seminars. Yet few, if any, delegates seriously doubted that editors and publishers were hugely anxious to avoid adverse adjudications.

¹²The UK Press Complaints Commission has a target for handling complaints of a maximum 40 days. It currently averages 32 days. The statutory regulatory systems applying to broadcasters average several months to settle complaints.

¹³There is also evidence that fines do not necessarily have a deterrent effect. In France, where there are rigorous privacy laws, experience shows that big-selling newspapers and magazines budget for legal penalties as part of their normal marketing costs, and publish regardless.

Should the council be pro-active?

The seminars demonstrated that while there were genuine debates to be had over questions of pro-activity, they were unlikely to divide the industry.

Should the press council initiate investigations, or wait for complaints to be received? Should it be involved in prior restraint - in effect censorship - where it suspected a breach of the code was imminent?

Delegates seemed open minded about initiating investigations; it was seen that there could be cases where it would appear sensible to be pro-active, but the dangers of being too interventionist – of making judgments on the hoof – were also cause for concern.

The arguments against prior restraint were much more clear-cut. In seminars where some editors had faced jail for simply exercising the right to be right, arguing to enshrine the right to be wrong – the right to publish and defend – seemed a noble vision indeed.

But it was one widely shared as a central proposition of a self-regulatory regime.

This is in no small part due to the inevitable shaming and castigation which follows as the press council's words of censure are seized upon by the offending newspaper's rivals and published as a commercial marketing weapon. On balance, the issue of fines and compensation seemed unlikely to be a major cause for industrial disunity.

Should councils have wider roles?

Two of the most common questions were whether the self-regulatory body should combine to become a media council, covering all forms of press and broadcasting, and whether it should also take on the role of defending press freedom.

These emerged as issues which would not divide the industry, but ultimately would be decided by pragmatism. There was a clear preference in principle for press councils to stand alone, not least because the limited availability of wavebands means broadcasters are licensed while newspapers are not.

That was a distinction which would not be surrendered willingly. However, size matters. In small countries with sometimes tiny

media communities, it might be accepted that necessity dictated that a media council was the answer. In those instances, the press interests should be conducted according to the values of an unlicensed system. However one option, advanced in the Caribbean, was for a press council to cover the wider region, thus increasing its viability and minimising the need for a media council.

Likewise, with the issue of defending press freedom, principle made concessions to practicality. While it was acknowledged at the seminars that for a press council to be simultaneously championing both the press and its victims might involve an element of schizophrenia – or at least cause public confusion – there was a view that the two roles were often fused by circumstance and could not always be separated.

In many countries the main source of complaints about the press was the government, thus instantly adding a press freedom dimension to many of the adjudications.

Moreover, limitations on resources and the absence of other powerful advocates of the cause would mean the press council would become a press freedom defender by default.

How to fund the system

QUESTIONS of funding dominated many of the seminar sessions throughout Southern Asia and Africa and, to a lesser extent, in the Caribbean and the Pacific. This clearly reflected the economic climate in which many of the regional press industries operated where any new impost on budgets could be disastrous.

However, attitudes were again conditioned by priorities. In some countries the concept of self-regulation was initially viewed as a rather expensive luxury only to be afforded if external funding could be provided. In others such as Zimbabwe, who saw themselves as already in the last ditch, it was seen as a virtual necessity, where cash might have to be taken from the bottom line in the interests of ultimate survival.

This begged several questions - apart from whether self-regulation was a necessity or a luxury, a debate which tended to lead to delegations favouring the Zimbabwean view. How much does it really cost - need it be expensive? Could it be funded by struggling press industries? Would the donor community assist? Why shouldn't government help?

How much do press councils cost?

Clearly this depends on the size of the operation, but most indications were that it could be significantly cheaper than delegates assumed or feared. Although many delegations had visions of quite elaborate press councils, the indications were that these would be unnecessary, certainly as a start-up. The UK Press Complaints Commission costs £1.5 million per annum with a staff of less than 20 to deal with more than 3,000 complaints a year. By contrast, operating on a tiny fraction of that, South Africa deals with 100 complaints a year in a system which uses an Ombudsman as a

chief complaints officer, with secretarial support.

As mentioned earlier, these costs would certainly rise if delegations were to opt for more legalistic systems, involving lawyers and oral hearings.

Should the industry have to pay?

It has been a central tenet of many self-regulatory systems that the integrity of the independent system is most secure if the industry itself meets the cost. It gives the industry ownership and a moral authority it might not otherwise command.

Where this is impossible, the second-best solution would be to have mixed funding - with substantial support from independent donors. The logic of this was widely recognised at the seminars.

However, there was not universal acceptance of the view that self-regulation is inevitably compromised by receiving state funding, as in hybrid systems.

In Francophone countries such as Cameroon, for example, the view was that cash from the state was simply the people's money redistributed, and was not tainted if no conditions were attached. In India, it was accepted custom that the press council, headed by a supreme court judge, should be publicly funded.

Other countries, such as Malaysia, believed the integrity of a regulatory system could be protected from charges of state-dominance if the money was voted directly by parliament from the consolidated fund, rather than from ministerial budgets.

In all these cases, delegations saw no inherent incompatibility or untoward cosiness and no risk that the press watchdog might be cynically seen as being tamed by being fed by the state.

It would be up to individual countries to decide what is right for them, but as the experience of other nations demonstrated, a hybrid with major state involvement might find the way barred to external support from independent donors.

Should the state assist ?

If a government is *genuinely* sympathetic to the concept of self-regulation – and that is a very major qualification – then there are numerous ways in which it might cut media costs, thus freeing up funds for a press council. It could simply create a positive environment to replace the negative conditions in which the media often operates.

This should mean an end to licensing and registration fees; cutting discriminatory tariffs on newsprint; being even-handed with state advertising budgets rather than using them as an insidious economic regulator, and acting to curb disproportionate awards in defamation litigation which are similarly used to tame the media.

Moreover, the very existence of a press council could have a positive effect on media legal expenses, reducing publishers' overheads. None of this would be compromising – and would be preferable to direct state funding, with all the strings that might come attached.

However, the creation of a positive environment presupposes a benign attitude on the part of the state. Sadly, and almost by definition, the press industries most in need of financial support for self-regulation, are usually those operating under the most malign governments.

Could donor agencies help?

The general experience was that they could – but not without detailed business plans for regulatory regimes which conformed to accepted international norms or were endorsed by organisations such as the CPU.

The East African view was that state involvement would probably fail this test, especially where the government concerned had a poor democratic record. Conversely, involvement with foreign aid donors was actively discouraged by some governments who saw it as external interference in a sensitive area of internal affairs.

Could partners help defray costs?

One of the features of the seminars was the involvement of universities and media institutes, all of which might have a potential role, providing premises or support services.

There were suggestions that much of the valuable work done by these organisations is unco-ordinated and duplicated, sometimes within a single national boundary.

If true, this is an expensive waste of resources which if properly re-focussed could help spread the burden and get a press council off the ground. The scope for increased efficiency and effectiveness from properly co-ordinated partnerships of this type was difficult to quantify, but manifestly it could be considerable.

Additionally, there was the potential for cross-border co-operation, an option acknowledged both in the West Indies and in East Africa.

Clearly the advantages of this sort of operation where neighbouring self-regulatory regimes could exchange experience, advice, training and marketing techniques are attractive. But they have to operate in ways which would not diminish the autonomy or sovereignty of individual national press councils.

How to persuade governments

THE principles of self-interest which might motivate governments to give moral – rather than financial – support to an independent press council have been set out fully in Chapter One. They are powerful and compelling but to have effect they have to be communicated at the highest levels.

Organising the campaign of persuasion, marshalling the arguments, and winning the debate is usually daunting and arduous, but it is made even more difficult where there is a history of animosity and mutual distrust between state and press. That process of per-

suasion can often be helped along by bridge-building exercises by third parties. The CPU's own evidence, via the involvement of Professor Robert Pinker of the Press Complaints Commission, is that external endorsement can be a powerful accelerator in pushing forward proposals for self-regulation. It has already smoothed the path in Sri Lanka, Kenya, Nigeria and Swaziland.

How to persuade civil society

ONE danger that emerged from the seminars was of how easy it was to lose sight of who is the true intended beneficiary of a self-regulatory regime. While the establishment of such a system would be a shining emblem of press independence, that would not be an end in itself. The principal intended beneficiary is not the press, not the government, not the powerful or the rich and famous. It is the ordinary reader.

It is perhaps an occupational hazard for a frequently beleaguered press, fighting often for its independence and sometimes for its very existence, that when considering questions of self-regulation it is apt to concentrate on the *self* at the expense of the *regulation*.

While these lapses occasionally occurred at the seminars, they always proved temporary. Readers' rights are rarely far from the minds of campaigning newspapers, but it is easy for editors to assume that those rights need to be upheld against the sins of others, rather than one's own. So another of the triumphs of the sessions was that readers' rights within the press were given a fresh priority and the resolution of their grievances was given a new impetus.

The fact that the choice of methodology for resolving complaints has serious political overtones for the media is usually very much a secondary consideration to the ag-

grieved reader. He or she will want a remedy, swiftly, easily and effectively. Whether it comes via the process of self-regulation or by some state-imposed system is largely immaterial. It is the quality of the system and the efficacy of the remedy that counts.

Yet the evidence of the seminars was that existing systems for resolving complaints were very often haphazard. Many countries reported a low level of complaints, which might owe less to the lack of grievances than to the absence of an adequate system for dealing with them.¹⁴

The experience of the UK Press Complaints Commission, cited at the seminars, has been that the higher the profile of the PCC the greater the number of complaints. When celebrity complaints about invasions of privacy are widely reported, it prompts more complaints of privacy from non-celebrities. Similarly, the number of general complaints of discrimination rises following high-profile stories about racial disturbances or asylum seekers. In countries where the press council is non-existent or anonymous, low rates of complaints could be the symptom of an unseen boil which will need to be lanced.

All this confirms the need to install effective systems to deal with grievances. The question for civil society is who will provide them first: will it be the press or will it be the state? Pre-emptive moves by the press to set up its own systems are likely to secure the moral high ground and be powerful persuaders of civil society. Conversely, if the media does not get its house in order and finds itself in the "Last Chance Saloon" as did the British press in the 1980s, then it faces that most powerful alliance of state and civil society ranged against it. The government can then call the tune almost with impunity.

The lesson of the seminars was that in many countries, especially where there are or have recently been overbearing governments, the press already has on its side substantial elements of civil society. It makes sense to use

¹⁴One African state regulatory system was rumoured to have dealt with only seven confirmed complaints in two years. Most were believed to have come from politicians.

How the CPU can help

It was made clear at the seminars that the CPU stands ready to assist wherever it can in sending teams to help the bridge-building process. These can work in a variety of ways:

- **Providing specialist support in dealings with government;**
- **Organising seminars to explain the self-regulatory concept to industry, government and civil society leaders;**
- **Helping to assemble the arguments upon which success might hinge;**
- **Assisting in writing codes of practice that meet local requirements;**
- **Advising on the staffing, size and structure of administrative systems;**
- **Liaising with and providing introductions to potential funding agencies;**
- **Vetting and endorsing proposals so that they meet the requirements of potential donors;**
- **Arranging training for press council executives;**
- **Supplying back-up advice and aftercare following the launch of the scheme.**
- **Several nations indicated at the seminars that they would welcome specific missions to try to sell the concept of self-regulation not only to government, but to the domestic press industries.**

that goodwill to build the case for self-regulation. By making cause with lawyers (who do not invariably prefer a legal solution), academics and other interested non-media groups, the press can create a powerful coalition which not only brings the public onside, but also helps isolate governments wishing to take a statutory route.

Across the Commonwealth the press industry seems to have been slow to forge such alliances.

Yet, in the end, it makes sense. The press has easily the better arguments for running the regulatory system. It has, in wishing to keep its independence, the better motivation than governments which wish to control a principal national opinion former.

But the best and most decisive argument for the press is that it can provide the better quality regulation: fast, fair and free.

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Picture: Keith Bernstein, 2003 Commonwealth Photographic Awards

“Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.”

-Benjamin Franklin

4. Conclusions

*“Were it left to me
to decide whether
we should have
a government
without newspapers,
or newspapers
without a government,
I should not hesitate
a moment to prefer
the latter.”*

-Thomas Jefferson

THERE can be little doubt that there is both the need and the appetite for self-regulation of the press throughout the Commonwealth and that it has been greatly whetted by the CPU seminars. It was a concept devoured almost universally by delegates, regardless of their state of national development. It was widely regarded as a totem of true press independence; an aspiration for the many and a precious asset for the few.

Yet the road to self-regulation is strewn with obstacles which before the seminars were sometimes regarded as insurmountable. The way was blocked by intransigent governments and divided press industries; by lack of funding, lack of public support and by poor motivation. When the goal seems out of reach, the journey hardly seems worthwhile. But for many delegations, at least, the CPU seminars have helped changed that; the destination may for some still be distant, but they have the map and the road is clearer.

The shared experience of the seminars was that the four principal stumbling blocks could be overcome. Divided press industries could be unified. Hostile governments could be talked round or circumvented. Resources could be found if plans were not needlessly elaborate and if there were partnerships with donors and other agencies. Civil society could be awakened to support the case for a concept which, in the end, should be designed to serve the public at large.

But there would need to be radical rethinking of attitudes in many press industries if the goal was to be reached. The evidence was that in many countries the press industries could not unite because they themselves were polarised. The differences between mainstream and alternative press and between independent and state media journalists, for example, were often seen as unbridgeable. Events in Kenya and Zambia proved that circumstances alter attitudes. In Kenya the alternative press was prepared to participate in self-regulation. In Zambia, the feuding state and independent journalists were reconciled. In both cases they were driven by mutual opposition to proposed government legislation.

The lessons are that co-operation – and sometimes compromise – may transform the political landscape and the chances of success.

While such alliances should never compromise on integrity, they may require pride, ambition and idealism to make concessions to simplicity and practicality. Codes of practice would need to be inclusive – laying down acceptable minimum standards rather than setting mountainous ethical targets which are unlikely to be attained and would be honoured only in the breach. It is likely adjudications would need to be confined to considering only written evidence, to avoid the process becoming mired in prohibitively expensive and time-consuming oral hearings.

Staffing of press councils might, initially, have to be small – perhaps in some cases confined to just an executive director and a secretary – until the caseload builds up. Offices might have to be shared, not with a newspaper or state agency which would raise doubts over the system's neutrality, but with a respected independent institution such as a university, charitable trust or non-governmental organisation.

Co-ordinating help across borders

BETTER co-ordination of the efforts of media support agencies, NGOs and universities could transform the prospects of achieving self-regulation by sharing the effort and slashing the cost.

Cross-border liaison between like-minded media industries in neighbouring states might again reduce duplicated effort without affecting the integrity of the national operation. That would be especially true in areas involving the training, promotional and marketing initiatives which would introduce the notion of self-regulation not only to journalists but to the wider civil community.

But perhaps the biggest compromise facing

many of the Commonwealth's press industries is a philosophical one. Press self-regulation can only work if there is a consensus that there is no absolute freedom and that what is at stake is a sometimes difficult balance between rights and responsibilities. At an early stage, there has to be the intellectual acceptance of that essential trade-off. That is not as easy as it sounds in environments where the press, whatever its failings, very often has a better grasp of the balance of freedom and responsibility than has the government demanding it.

These then are the challenges for the Commonwealth, for individual national press industries and for organisations such as the CPU which wish to facilitate the creation of proper self-regulatory regimes as a bulwark of press freedom. So how should they be met? The lesson of the seminars is that the wide range of regulatory development across the Commonwealth means that different nations will have differing priorities. But, as the random cases cited below demonstrate, they are often equally valid and urgent.

In South Africa, for example, where the self-regulatory regime is established, the priority must be simply to retain and protect its integrity against political threats and financial insecurity. In India, the imperative could be to promote a national debate challenging whether the long-standing statutory press council remains appropriate for a mammoth, world-class, 21st century press culture.

The urgency for Sri Lanka, Kenya, Nigeria and Swaziland, lies in consolidating the progress made so recently. In Pakistan and Bangladesh, there is a clear need to persuade the indigenous press industries that, despite the enormous, over-arching pressures of operating in volatile political climates, self-regulation has a key relevance in securing press freedom in the long-term.

For Zimbabwe, Zambia, Botswana, Cameroon, Namibia, the Gambia and Uganda the installation of self-regulatory regimes is a desperately needed extra layer in the protective

armour against state interference. In Mozambique the priority is to convert from the old state system to the new self-regulation; as for Malawi and for many of the Pacific states, it is to make dysfunctional systems work. In the Caribbean, the prize could be to produce a regional framework that would be a model of its kind in promoting cross-border co-operation, thus opening the doors to self-regulation for many smaller nations.

All these priorities, though different, have their own relevance, urgency and merit. They cannot be set one against the other.

The four problems of delivery which emerged at the seminars were: uniting the industry, funding the system; dealing with hostile governments and persuading civil society. Although they are common difficulties across the Commonwealth, they are not so in equal measure. Manifestly not all industries are totally disunited or complacent, totally strapped for cash, or negotiate with governments under duress to accompanying encores from an untrusting public. Even for those who get uncomfortably close to suffering all of these woes, the introduction of

self-regulation might not necessarily be the most urgent consideration at the height of a crisis. Support needs to be adapted and targeted according to specific needs, political conditions - and timing.

The end of the current series of seminars leaves a void in the process. A definite need for self-regulation has been identified as has an appetite for it in among informed media communities. However, there are still gaps in education and sometimes a lack of understanding of how such a system might work in specific circumstances or its relevance in solving wider and more immediate problems. The next phase in a support programme would be to provide a more focused approach targeted at the specific problems of individual nations. We need to identify categories of support, the recipients of it, the time and point of delivery and also the style and method of its deployment.

The following key recommendations and suggested category groups are an attempt to provide such tailored solutions.

“The journalist salad requires both the oil of responsibility and the vinegar of freedom – and disastrous effects will follow if this due proportion is not observed.”

- Justice Thomas Masuku, Swaziland.

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Recommendations

- 1.** Follow-up visits by the CPU should generally be on a national, rather than regional basis, except in areas such as the Caribbean and Pacific Islands, or where cross-border co-operation is a likely option.
- 2.** National visits would cut delegate travel costs and allow greater opportunity to address specific local problems with stakeholders: industry, funding, government or civil society, all of whom could be included in seminars or, where more appropriate, in private discussions.
- 3.** Visits should use liaison with other partners, such as universities, NGOs, donor organisations and media institutes to try to develop a more holistic approach, increasing multi-agency co-ordination and reducing duplication where possible.
- 4.** Visits and seminars should be configured so as to address local problems, according to local circumstances: i.e. Industry disunity; funding; hostile governments; sceptical civil society; absence of training.
- 5.** Representatives of the alternative press should be included in the discussions wherever possible.
- 6.** Specific seminars should be developed to cover Freedom and Responsibility so that the balance of competing interests is understood from the outset. These should also form part of wider training programmes through local journalism and legal training courses.
- 7.** Attempts should be made to liaise with possible donors, such as World Bank, British Council, EU, CIDA etc to identify likely sourcing, preferred regional clients and conditions for funding.
- 8.** Possible mentor countries should be identified, with suitable and acceptable match-mates and areas of possible cross-border co-operation pursued.
- 9.** Help-pack floppy disc kits should be provided to assist start-ups, including a model code template, which could be easily adapted to local circumstances, and guidelines on the administrative system for casework and adjudications.
- 10.** A CPU self-regulation dedicated website should be set up with links on codes, individual national systems, information sharing; problem solving.

Possible categories and levels of support

♦ Category One – the Front Line states

These would be high-priority nations on the front line of confrontation with hostile governments – such as in Zimbabwe and Cameroon – which had themselves identified the introduction of self-regulation as a critical and timely development and felt the CPU and others might help. *Level of help: full moral, specialist and training back-up as available and required.*

♦ Category Two – the New Dealers

These would be pace-setting states such as Kenya, Sri Lanka and Nigeria which have broken with the past and embarked on comprehensive self-regulatory schemes which were likely to become regional exemplars. *Level of support: full specialist and training back-up (assistance with codes and administration); seminars; introductions to donors and bridge-building with government and civil society as required.*

♦ Category Three – the Converts

These would be nations which already have state regulation or dysfunctional voluntary schemes such as Malawi and Mozambique which were ripe for conversion to fully operational self-regulation regimes. *Level of support: full specialist and training back-up, diagnostic seminars; introductions to donors; and bridge-building liaison with government and civil society as required.*

♦ Category Four – the Gentle Persuaders

This would be advance guard educational work in states such as Pakistan and Bangladesh – or even India – where the self-regulatory concept is relatively unknown but where there might be fertile ground to break in co-operation with existing industries, civil society – and even government. *Level of support: Introductory seminars for industry, government and civil society; liaison with industry and government and further back-up as needed.*

♦ Category Five – the Do-it-Yourselfers

This would be long-range back-up for home-grown - but bona fide - self-regulatory solutions, such as the Caribbean initiative for a regional formula. *Level of support: Strong moral commitment, assistance on request on codes, training, administration, introduction to donors and customised seminars if needed.*



Picture: 2000 Commonwealth Photographic Awards

“The absence of a free press and the suppression of people’s ability to speak to and communicate with each other directly impoverishes human freedom and impairs development.”

-Amartya Sen Indian Nobel Laureate



APPENDICES

- Appendix I The Commonwealth nation by nation
- Appendix II Seminar presentation
- Appendix III List of attendees

The Commonwealth Nation by Nation

We asked Commonwealth countries to provide situation reports on the state of self regulation in their respective countries. Here are their responses.

Australia

Jack R Herman
Australian Press Council

The Australian Press Council, a voluntary body established in July 1976 by the publishers and the Australian Journalists' Association, is the principal body which promotes press ethics in Australia.

It consists of a chairman, ten representatives of the constituent organisation, two journalists, one member from the panel of editors, and seven public members from a panel.

The objects of the Press Council include the promotion freedom of speech through responsible and independent print media, and adherence to high journalistic and editorial standards, by dealing with complaints about material in publication; and concerns; and keeping under review, and where appropriate, challenging political, legislative, commercial or other developments which may threaten the public's right to know.

The Council is funded by its constituent bodies, with the associations (country, regional and sub-urban), magazine publishers and AAP paying certain percentages of the annual budget, and the balance being divided among publishers based on a proportional basis calculated on the circulation of all metropolitan daily newspapers in Australia.

The Council provides an independent, efficient and free facility for hearing complaints against the press. In so doing, the Council gives dominant consideration to what it perceives to be the public's interest. The Council is guided by 9 basic principles contained in its Statement of Principles, which however, is not meant to be a precise or exhaustive formula. The 9 principles include accuracy; provision for response to harmful inaccuracy; fairness, with respect for the privacy and sensibility of individuals; avoidance of news obtained by unfair or dishonest means; distinguishing fact from opinion, not distorting materials and declaring relevant interests; taste; avoiding gratuitous reference to race etc, and providing for responses to criticism. Fewer than 20 per cent of complaints need to be adjudicated by the Council. The remainder are dealt with by the Council's full-time office through a variety of alternate dispute resolution methods.

Bangladesh

Amanullah Khan
Treasurer, CPU, Bangladesh Section.

The Bangladesh Press Council (BPC) formed in pursuance of an act of Parliament called the Bangladesh Press Council Act 1974 acts as the regulatory body entrusted with the responsibility of "preserving the freedom of the press and maintaining and improving the standard of newspapers and news agencies in Bangladesh".

The BPC, headed by its chairman, a sitting or retired judge nominated by the President of Bangladesh, has 14 other members representing the Bangladesh Federal Union of Journalists, Council of Editors, Association of Owners of Newspapers and News Agencies, University Grants Commission, Bangladesh Bar Council, Bangla Academy and the Parliament.

BPC conducts inquiries on complaints made to it or on its own if the Council has reason to be-

Nation by Nation continued

lieve that a newspaper or a news agency has offended against the standard of journalistic ethics or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics. The Council after giving the charged an opportunity of being heard, warn, admonish or censure the erring. The BPC may require any newspaper to publish therein, in such a manner as the Council may deem it fit, any report relating to any inquiry against a newspaper or a news agency or an editor or a journalist.

The powers vested in the BPC are confined to delivering warnings, censures and admonitions against the offenders. As the appointments to the BPC are made by the government who also provide funds necessary for its operations, BPC is naturally not empowered to rule against the government. Instead, its verdict may be biased in favour of the government. The BPC may be unable to preserve its independent and neutral character, though it tries to maintain a semblance of non-partisanship and fairness in dealing with the cases brought before it. The BPC, being under the government control and also because of its inherent deficiencies, is not capable of functioning as effectively and efficiently as it should. The BPC also cannot compel the newspaper to publish its judgment against the paper. The BPC has often been criticized as lacking teeth as its influence is limited to exerting merely a moral force on the press.

However, despite all its shortcomings and a strong case in favour of self-regulation, it is not quite possible at this stage in Bangladesh to replace a fairly entrenched and robust BPC with an independent Press Complaints Commission. PCC is an entirely new concept in Bangladesh. It calls for more than a change in the mindset. The existing conditions in Bangladesh are far from ideal for introducing self-regulation of their profession by the newsmen.

The Minister of Law and Parliamentary Affairs, who is a barrister at law and is committed to advancement of press freedom in Bangladesh appeared enthusiastic but unfortunately has pressing business on hand, like separation of judiciary from the executive and passing of the freedom of information law etc. A priority is to win protection of journalists against the mounting incidents of harassment, intimidation, physical assaults, kidnappings, and murders.

Fund constraint constitutes a major obstacle as the newspaper industry in Bangladesh continues to reel under a financial burden. It has hardly any surplus resources to spare for the purpose of funding an independent Press Complaints Commission. The unwillingness and reluctance of the government to relinquish its grip and leverage of power over the press exercised through the BPC is also responsible for maintaining the status quo.

Botswana

Modise Maphanyane

Media Houses Editors and Media Organisations met to deliberate on the issue of Self Regulation Mechanism for Botswana. After three preparatory gatherings of the Task Force and a questionnaire distributed widely, an inclusive workshop for all stakeholders was held to seek a way forward. The workshop was officially opened by the President of Botswana Confederation of Commerce, Industry and Manpower (BOCCIM), Mr. Tshipa Mothibatsela and facilitated by a media consultant Mr. Hendrik Bussiek.

A number of resolutions were agreed upon in the workshop:

There was general consensus as regards the need for a such a body to inclusive of all stakeholders. There is need to revisit the current Code of Conduct and address the issues of culture and gender in it. Members agreed to have a non-statutory media council. The current steering committee was tasked with continuing the process and drafting a constitution, which will state the powers of this body. Membership to the body should include both individuals and media houses who

will contribute to the running of the council.

The body agreed to deal with complaints from members of public, including government, political parties, other organisations as well as individuals, in regard to the media. All media in Botswana, both privately and state-owned, are therefore encouraged to establish and subscribe to a Media Complaints Commission (MCC) as the self-regulatory body will be known.

The structure of the Council should be representative of the media as well as the public at large. Procedures for the resolution of complaints should be as simple as possible. The Steering Committee is to consult all media institutions, media houses and other stakeholders in the industry on the structure on the MCC with the aim of reaching consensus on a draft constitution.

Structure and Constitution Drafting Team; Funding and Staff Team; and Codes Review Team.

Currently, the project has gone through its development stage and is awaiting registration through the Registrar of Societies. Mr. Dick Bayford, a local lawyer, has agreed to assist the local media register the "Press Council" as a Trust. A Deed of Trust was submitted to the Registrar of Societies in September 2002. The independent media fraternity see no reason why, as professionals, they cannot operate an independent media council free of political influence or interference, as the case tends to be. We expect a response to the registration of "Press Council" to happen within three to six months. The matter is made even more important after the Government of Botswana resurrected its draconic "Mass Media Communications Bill" in November 2001.

Although we have made progress as media fraternity, we hope that Government will not impede or interfere with the process of our registration. There is genuine support from our private media stakeholders for this initiative. One other area of concern relates to getting the Public Media currently under Government control to buy into this and join.

Canada

Mel Sufrin, Executive Secretary
Ontario Press Council

The self-regulatory system in Canada has a regional framework in that there are press councils for all provinces except Saskatchewan, where newspapers have resisted efforts to organize a council. There are individual councils for British Columbia, Alberta, Manitoba, Ontario, Quebec and a single council for the Atlantic Provinces of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland. Most (but not all) dailies are members of councils along with community newspaper groups and individual community newspapers. Procedures vary from council to council although one obligation is that member newspapers publish a fair account of any decision involved in a complaint.

The Ontario council was formed in 1972 in part because the provincial government appeared to be moving toward passing legislation that would make it mandatory that a newspaper publish the result of a criminal case if it had carried a story about the launching of the case. The legislation was never passed and, aside from laws such as that restricting the naming of juveniles in court cases, there is relatively little interference. Councils are generally funded by their member newspapers although Quebec has received some funding from government. Insofar, as there has not been undue government interference with press freedom, the systems seem to be working reasonably well.

Nation by Nation continued

Caribbean

Ainsley Sahai
Caribbean Media Consultant

This discourse on the state of the Caribbean newspapers is done from the south moving northwards i.e. from Guyana in the south to the Bahamas and Belize in the north.

Guyana

Of the four major newspapers in this country three are dailies and one twice weekly. The Stabroek News is privately-owned, the Guyana Chronicle is public sector-owned and the Kaiteur News is privately-owned. This last named newspaper makes a gallant effort to have balanced news but readers recall that the editor was a former editor of the Opposition People's National Congress newspaper. The Mirror is owned by a public company that is aligned to the ruling People's Progressive Party (PPP) and although it contains general news it reflects the view of the PPP.

The Press in Guyana is free and there is, generally speaking, a great measure of responsibility. In political matters, however, there has been some debate about impartiality. There is freedom of the media but with the myriad of television stations there has been abuse of that freedom it is unbelievable. As a result the entire media, including, at times the press, are tarred as being irresponsible.

Trinidad and Tobago

Here there are several newspapers, three dailies and about six weeklies. There are the Trinidad Guardian, the Trinidad and Tobago Express and Newsday which are published every day. Among the weeklies are the Mirror, the Punch, the Bomb, Probe, Chutney Star, and the Catholic News. All but the Catholic News, are privately owned.

There is some debate about the independence of the media in this country. There is freedom of the Press, indeed it is included in the constitution of Trinidad and Tobago. Generally speaking, the media function with a sense of responsibility. There is a Media Complaints Council and this has been a positive development in Trinidad and Tobago.

* The Media Complaints Committee was established in 1996 and its first chairman was a retired Justice of the Appeal Court, *writes Michelle Mills Features Editor, Newsday*. There exists a gentleman's agreement between the Complaints Committee and the media. The committee, known formally as the Media Complaints Council, runs a small office and accepts complaints from the media and adjudicates upon them. The media in turn have agreed to accept the report of the committee on any matters of complaint and to publish the committee's findings in these matters. This is not a legally binding agreement, but rather one based in honour. The Council has also published a Code of Practice that it distributes to all media houses.

There are five members on the Council, which is now headed by a businessman who was once president of the senate. While the council does receive small complaints from the public, there have been no major complaints since its inception.

Barbados

In this island there are two dailies, the Nation and the Barbados Advocate. Both are privately owned and operate with a sense of responsibility. Some people claim that the Advocate is supportive of the present government. The Nation is independent.

Grenada

All the newspapers in this island are weeklies. The three leading publications are the Grenadian Voice, Grenada Today and the Grenadian Informer. All three are privately owned. There are also some political papers. Freedom of the Press exists in Grenada and generally speaking, the privately owned Press display a sense of responsibility.

St. Vincent

Like Grenada, there are three weeklies and all are privately owned. There is the News, Searchlight and the Vincentian. All show a sense of responsibility. There is freedom of the press, which is an extension of freedom of expression, but some radio stations in this island have been airing matters that are bordering defamation and in some cases have actually defamed people.

This state of affairs has prompted the Prime Minister of St. Vincent, Dr. Ralph Gonsalves, to put forward to the Organisation of Eastern Caribbean States (OECS) Secretariat three proposals concerning the media. One calls for measures to regulate the media, another is for the establishment of an OECS Press Complaints Commission and the third is for a Privacy Act which will safeguard the privacy rights of individuals against intrusions of unscrupulous and over-zealous media.

The first two proposals have raised concern among newspaper publishers and editors of the region. The third has been addressed by senior editors in their drafting of a Code of Ethics for Caribbean journalists at a September 16 meeting in Barbados. The OECS countries are Grenada, St. Vincent, St. Lucia, Dominica, Montserrat, Antigua and St Kitts-Nevis.

St. Lucia

The three main newspapers are all privately owned. They are the Voice (which is published twice weekly), the Star and the Mirror. There is freedom of the Press in this country. All practise responsibility but, because of its style of journalism, in some instances the Star has been accused of being over-zealous.

Dominica

As is the pattern in most of the OECS states, there are three main privately owned newspapers in this island, all of which are weeklies. They are the Chronicle, the Sun and Tropical Star. All display responsibility and there is freedom of the Press in this country.

Montserrat

There is one major newspaper here, the Montserrat Reporter. A privately owned weekly, this is a responsible publication.

Antigua

The three major newspapers are the Observer and the Antigua Sun, which are dailies and Outlet which is a weekly. All are privately owned. This a politicised island and the two dailies take opposing views. The Observer is seen as anti-government while the Sun is seen as the opposite. But both say that they are independent. Outlet used to be fiercely anti-government and specialised in investigative reporting. However since 2002 there has been an alteration of viewpoint.

Nation by Nation continued

Anguilla

The lone newspaper, the Anguillian, is a weekly and is privately owned. It is independent and publishes with a sense of responsibility on the part of the editor.

St. Kitts-Nevis

The privately owned Observer is an independent paper and publishes from Nevis, one of the islands of the twin-island federation. It displays a sense of responsibility. The same cannot be said of the other two newspapers (weeklies) which are politically oriented.

Jamaica

This country enjoys freedom of the press and the two dailies, the Gleaner and the Jamaica Observer, both practise responsibility. The weekly independent paper, the Sunday Herald is also a responsible paper.

The Gleaner's afternoon paper, the Star, is described as a sensational tabloid and is accused of being irresponsible by some people. There is freedom of the press in this country and the press is unfettered.

The Cayman Islands

The main newspaper, the Caymanian Compass, a daily, is a responsible, respected newspaper. This country offers freedom of the press and that is not abused by the Press.

The Bahamas

The two major dailies in this country are the Tribune and the Nassau Guardian, which is the flagship paper of the Guardian Group. This group also publishes other newspapers including the Freeport News. There is freedom of the press in the Bahamas and the newspapers display a sense of responsibility.

There have been claims by the Tribune that a previous government had pressured it because of its views and reportage which that government saw as not being favourable to it. The pressure came in several forms including the non-renewal and denial of work permits for journalists and other media workers. Happily that state of affairs does not seem to exist any more.

Turks and Caicos Islands

The Turks and Caicos Times is owned and published by the Nassau Guardian Group of the Bahamas. It is an independent paper and publishes with a sense of responsibility. There is freedom of the press in this country.

Belize

The two main newspapers here are the Reporter and Amandala. The first names is a respected paper. Amandala is seen as a fearless paper but which has political alignments. Many of the other papers are organs of political parties. There is freedom of the press in this country.

NOTE: It is worthy of note that a privately-owned newspaper is not necessarily independent. Many people in our region get their viewpoints mixed-up believing that because a newspaper is owned by private investors or a private family that it is inde-

pendent. This is not necessarily so. In most of the OECS states there are political newspapers which leave much to be desired in terms of responsibility. Defamation is commonplace and it is surprising that there are not many more matters of litigation.

Cyprus

Petros Petrides

The Cyprus Media Complaints Commission was established in May, 1997 by the Association of Newspapers and Periodicals Publishers, the owners of private Electronic Media and the Cyprus Union of Journalists.

The Cyprus Broadcasting Corporation, a self-governing organisation operating under public law, acceded to the regulations governing the operation of the CMCC and the Code of Media Ethics six months later.

The Code is very similar to that of the UK Press Complaints Commission and defines the duties and rights of journalists and covers the following topics: Accuracy of information, the right of rebuttal, the right to privacy, conduct in hospitals and the like, grief, obtaining information by dubious means, copyright, bribe, "presumed innocent" of suspects and accused people, sexual offences, protection of children, discrimination, reporting of financial news, professional secrecy and public interest.

The CMCC is an independent organisation and it is financed solely by its establishers. The panel of the CMCC consists of 13 members. The establishers appoint the chairman, who must be an independent personality (the current one being a former judge) and the nine of the members, coming from the Association of Newspapers and Periodicals Publishers, the owners of private Electronic Media, the Cyprus Union of Journalists and the Cyprus Broadcasting Corporation. These 10 members choose from among the general public the other three members, who must be known for their integrity and their interest in community affairs. The panel accepts complaints (submitted within 30 days of the offending publication first appearing or becoming known to the offended party (even third parties). In exceptional cases the panel has the right to examine publications on its own initiative.

Some 20 to 30 complaints are received every year. A number of them are not pursued because they are either couched in general terms or the complainants do not wish to go any further than making a complaint. The panel issues decisions and findings, which must be published by the offending party and are given out for general publication.

The government has nothing to do with the present CMCC and there is no interference whatsoever. Actually, after an earlier Press Council had become defunct and the situation regarding journalists' conduct had become really bad, the government issued several warnings that the interested parties had to choose either self-regulation or regulation by law. They opted for self-regulation.

During the first years of operation the CMCC met with refusal on behalf of the publishers, the owners of TV stations and journalists to co-operate, or give answers promptly (or to publish its decisions). Now the situation is much improved and there is a willingness to co-operate and supply material (especially video).

The main difficulty the CMCC is currently faced with is the parallel jurisdiction of the Radio and TV Authority, which operates under law and issues TV and Radio licensing. The Authority has grafted the CMCC Code of Conduct into its regulations and it can penalise the media for any breaches (usually fines) whereas the CMCC can only issue reprimands. The CMCC, by its Constitution, cannot deal with a complaint when a case is under court jurisdiction or when a similar

Nation by Nation continued

complaint has been filed with a body “having jurisdiction” under law. This ties the hands of the CMCC in a few cases (usually the more serious ones) and we are now in the process of finding a way around, acting on the Swedish example.

Fiji

Daryl Tarte
Media Council (Fiji) Ltd.

Since 1996 all print, radio, TV and magazine operators have been members of the Fiji Media Council. The Council also consists of an equal number of public members and is funded by the media industry.

The objectives of the Council are to promote high standards, enhance the media’s image, safeguard its independence, uphold freedom of speech and expression, uphold the public’s right to be informed accurately and fairly, promote a complaints procedure and a code of ethics.

The code of ethics was drawn up by the Thomson Foundation after wide consultation with government, NGO’s, the churches, politicians and the general public. This was reviewed in March 2002 after inviting representations from the public. Complaints are considered by an independent complaints committee and should demonstrate a breach of the code.

While this is a voluntary arrangement of self regulation. The government is considering a new media act which may create a statutory media Council. Government has assured the Council that there will be full consultation with the industry before a bill is presented to parliament. The Council will consider this bill and decide on an appropriate course of action.

Ghana

Dr Audrey Gdzekpo

The Ghana Journalist’s Association (GJA) and the National Media Commission, the constitutional oversight body of the media, has some guidelines in place. The GJA code of ethics is the main self-regulatory document intended to guide journalistic practice. Special guidelines speaking to specific issues were drawn up by the NMC with the help of GJA members - one on political reporting, reporting on ethnic conflicts and broadcasting guidelines.

Since the CPU seminar, a new, more comprehensive print media guidelines are going through final edits and should be out by the end of the year. It is officially an NMC drawn up by GJA members.

India

P L Vishweshwer Rao
Professor of Communication
Dept of Communication and Journalism Osmania University

There is not much awareness among the media professionals including print journalists about the need for a self regulatory mechanism especially since there is no such tradition in the Indian media. Some of them are not even clear about the role of the Press Council of India. Only the editors and those of this level are aware and take a stand on it. To some extent communication students passing out of university courses in journalism have an acquaintance with PCI and the concept of self-regulation for the media.

Self regulation does not seem to be a priority with the media. The lead generally on such issues is given by the print media but for some reason there is a clear indifference among them mostly due to a lack of perceived need for self-regulation.

CPU could hold some more seminars on lines of the Colombo model and some basic ones for younger journalists and the electronic media.

Malta

The Press Ethics Commission
by Malcolm J. Naudi

The Press Ethics Commission (PEC) was set up in 1996 by The Malta Press Club (TMPC), Malta's national association of journalists, the Press Ethics Commission (PEC) is an independent body made up of distinguished individuals who are chosen for their integrity and commitment to the highest ethical standards in the media.

The sole function of TMPC is to nominate the PEC's seven members and a secretary, and to update the Code of Journalistic Ethics, in consultation with the PEC, from time to time as the need arises. Otherwise, the PEC acts totally independently, following its Rules of Procedure.

The current PEC is voluntary and headed by Chief Justice Emeritus Professor Giuseppe Mifsud Bonnici, who also has experience as a judge in the European Court of Justice; lawyer Ray Zammit; dentist Klaus Vella Bardon; retired broadcaster Antoine Ellul; historian Lino Bugeja; former journalist Charles Mizzi; and former newspaper editor Anton Cassar. These distinguished individuals give their time voluntarily. The PEC meets once a month to adjudicate cases – about 12 a year – and TMPC covers the secretarial expenses from its own funds.

Mauritius

Gilbert Ahnee
Le Mauricien

There is no self-regulation system in Mauritius. The Media Trust — an organisation put up and funded by the government — has conducted some research on the possibility of setting up some form of self-regulation in Mauritius. However, up to now, we have not yet managed to reach the required consensus among newspapers to adopt a common code of practice. The standards are extremely varying from one paper to another.

New Zealand

John Jeffries
Chairman of the New Zealand Press Council

New Zealand newspapers and the journalists' union were, in 1972, the constituent bodies for the New Zealand Press Council. The model adopted then was self-regulation and throughout its 30-year history it has remained staunchly true to that founding principle.

Newspaper publishing in New Zealand has changed over 30 years. Mainstream newspaper production has been accompanied by widespread development of community newspapers, many free to the public. Magazine publishing has rapidly burgeoned, as has the internet publishing of newspapers. In the past 5 years the NZPC has stayed abreast of changes by extending its jurisdiction to all print media with an appreciable readership including websites.

A Statement of Principles has been published with an important Preamble stressing the impor-

Nation by Nation continued

tance of freedom of expression.

The Council consists of 11 members – five industry and six public members. The chairperson is independent. The funding for the Council is entirely from the industry and there is no government influence. Disposition of complaints is reasonably rapid and cost free to complainants. Besides complaint resolution the Council makes pronouncements on free expression when appropriate. Judged by public reaction to the Press Council, which is constantly monitored, the Council can confidently claim to be effective. There is no credible agitation for a statutory regime.

Pakistan

Wali Zahid

Pakistan Press Foundation

Currently, and before the CPU seminar, no self-regulatory mechanism exists in Pakistan. The press bodies including APNS and CPNE and the government are engaged in lengthy discussions on setting up a Press Council. A debate has ensued about who forms and sits on the Council.

Samina Ishaque of the Pakistan Press Foundation - organised a seminar in March 2002 where I spoke and promoted the idea of a Press Complaints Commission rather than a Council and a Code of Practice rather than a Code of Ethics.

The lack of a perceived need for self regulation among the media is the major reason why no action has been taken. Regulation and self regulation are still associated with connotations of government versus media and not with consumers/citizens' rights.

South Africa

Ed Linington, Ombudsman

Before the CPU seminar the position was that the office of the press ombudsman was the regulator. Although funded by the press industry, the ombudsman, the chairman of the appeal panel and the appeal panellists were appointed by an independent committee headed by a judge of the Constitutional Court from among people who replied to nation-wide advertisements of the various posts. They were appointed for 5 years from July 1, 1977. The ombudsman was answerable only to the appeal panel for his judgments.

Newspapers complied with all orders from the ombudsman or appeal panel decisions. Complainants ranged from the president through businesses to private persons. Funding was not generous but sufficed for the 100-odd complaints lodged each year. There was not enough funding for the ombudsman to promote the ethics of journalism among journalists at newspapers and trainee journalists at various journalism schools.

September 11 2001 severely affected newspapers' advertising revenue, which was already in decline, inflated their costs and affected circulation. Severe cost cutting, including retrenching journalists, meant reducing responsibilities such as the Print Media Association and its activities, in which they included the press ombudsman's office.

However, at the same time, political pressures arose. Government wanted stricter regulation as per the Human Rights Commission proposal that the press ombudsman and the Broadcasting complaints commission be merged and strengthened and established by legislation. Although opposed to that idea, the print media proprietors wanted to respond to the call for a stronger regulatory mechanism and so the current regime has survived for another five year term. But that is not the end of the matter as political pressures are mounting with clear signs of government dissatisfaction with the press as a whole.

The SA National Editors Forum, Sanef, has responded to criticism of journalism standards by commis-

sioning a skills audit among journalists of up to five years' experience. This identified the causes and sources of weak skills and proposed remedies.

The CPU seminar in Cape Town provided essential support on the theory and principles of press freedom in a democracy. We should continue to propagate the idea that press freedom is indivisible from everyone's right to freedom of expression and opinion, that it is essential for the survival of democracy. We have to counter those who want to curb the press by arguing that it should be "loyal and responsible".

Sri Lanka

Sinha Ratnatunga
The Sunday Times

By the latter part of the 1990s, the Sri Lanka Press and the Sri Lanka Government were gripped in mortal combat.

Two reporters had been murdered by pro-government squads; photographers assaulted by the President's security division; editors and publishers subjected to serial indictments for criminal defamation of the President and her ministers, and a host of journalists slandered on state run television and print media by government leaders.

Censorship on military news was imposed and excessive import duties on newsprint were in force. For good measure, the statutory Press Council consisted of political appointees of the government adjudicating on the press.

The sharp divide between the government hierarchy and sections of the press had turned vituperative and personal. The independent press had united against this onslaught on media freedom. A Newspaper Society consisting of publishers and an Editors Guild were set up during this period.

The Free Media Movement, already in the forefront of activism, had turned its guns on a government. Media Law Reforms were pushed for by these three unions. In April, 1998 an international forum was held to kick-off a campaign for reform. The Colombo Declaration on Media Freedom and Social Responsibility became the focal point of the demands of the press. The CPU was also represented at this forum.

An all-party Parliamentary Select Committee of 29 Members of Parliament was established to update laws repressing the press. But, nothing came out of it thanks to government foot-dragging. The demands soon became a political issue. The then opposition United National Party (UNP) promised to implement most of these demands, if elected.

The media, both directly and tacitly, backed the opposition at elections in 1999, 2000 and 2001, when finally the UNP was returned to the seats of government.

The Sri Lanka Press Complaints Commission launched in 2002 is led by the Sri Lanka Press Institute (SLPI), a private non-profit limited liability company that is to be incorporated under the country's Companies Act. The SLPI will be managed by the Newspapers Society, the Editors Guild and the Free Media Movement as a part of the implementation of the 1998 Colombo Declaration, and as a solemn pledge to be a fair-exchange for its demand for the repealing of criminal defamation laws, which the UNP government had steered through Parliament with a unanimous vote.

The local PCC will comprise 11 members, six (including the Chairman) from civil society and the balance five from the media. Once set-up it will establish its own rules and begin operations.

Nation by Nation continued

The composition of the local PCC is based largely on the lines of the UK PCC, but its procedural aspects are adapted to local arbitration laws. It is envisaged that a full-time Director General will mediate and settle disputes between the public and the press in the first instance, and if this cannot be done, to have the Commission settle matters by arbitration.

A decision of the Commission will be binding on the parties under the country's Arbitration Act.

Meanwhile, the government has announced plans to abolish the statutory Press Council. The absence of the Press Council would then give an impetus to the PCC to be the sole quasi-judicial body to receive complaints against errant newspapers and journalists, and dispense justice speedily and cheaper to the general public.

Self-regulation was first mooted in Sri Lanka at the 1998 international forum by the delegate from the Southern African Press Institute, and the concept was included as part and parcel of the Colombo Declaration. In 2001, CPU held a seminar on self-regulation in Colombo to popularise the idea. In the intervening years, CPU was solely responsible for acting as a link in sending to Sri Lanka, Prof. Robert Pinker, Privacy Commissioner of the UK Press Complaints Commission.

He met with government ministers, the attorney general, opposition politicians, media personnel and civil society doing yeoman service during his stint in the country to advocate the benefits for all concerned from self-regulation.

His report became the instrument by which a Sri Lanka Press Complaints Commission (PCC) was to be created.

The principal reason for progress of the Sri Lanka Press Complaints Commission has been the fact that a new media-friendly government is in office. It has accepted the principle that the press must be independent from government control. The media is also by and large united as at present, and have accepted the need for self-regulation.

The need for funds will be a key element in having the PCC kick-off. Start-up costs are too heavy for the local industry to carry, and foreign financial support as well government grants will be required for the quick implementation of the PCC in Sri Lanka.

The CPU can help by providing assistance through the UK PCC, and any other functioning self-regulatory institutions in the Commonwealth, especially in the field of expertise and training. This assistance will necessarily need to be channelled through the Sri Lanka Press Institute, which will function as the parent-body of the Press Complaints Commission.

Uganda

Stephen Ouma Bwire

General Secretary Uganda Journalists Union

The Uganda Media is governed by the 1995 Press and Journalists Statute. The law gave birth to the establishment of the Media Council which is supposed to regulate the Media and mediate in disputes between the Press and the Government and between the Press and the Public. The Media Council is also supposed to issue practising certificates and if deemed fit revoke/cancel certificates of journalists who contravene the established Law. According to the law the Media Council is supposed to admit for membership only University Degree holders under another government body known as the National Institute of Journalists of Uganda (NIJU) which was created in 1997.

Considering the composition of the journalists in Uganda only 25 per cent of the entire Ugandan journalism fraternity qualify for full membership in NIJU and are therefore eligible to obtain practising certificates. Those who can obtain certificates are only University Degree holders while the re-

maining diploma, certificate holders in Journalism and those with no formal training can only be admitted as Associate Members. The Degrees can be in any discipline provided one has any certificate even one obtained from a one - day seminar or Workshop.

The Uganda Journalists Union is still fighting that law and has mobilised journalists to discard the Media Council, the Press Law and its associated organs. As a result Government appointed a Review Committee comprising of journalists, lawyers and other stakeholders to amend the existing Press Law. The Committee has suggested/recommended a minimum qualification for a journalist be reduced to a Diploma in Journalism. However discussions are still going and this could be reduced.

Despite establishing the Media Council the government has not made use of it and has been arresting and charging journalists in courts of law. The Media Council is also not funded by the government and does not have funds for its day- to-day operations and exists just on paper. The Commonwealth Press Union should help mobilise international support to condemn the introduction of obnoxious and draconian laws which hinder freedom of the press and of expression. The CPU should also urge the Uganda Government to make use of the Media Council instead of arresting and detaining journalists .

The CPU could also help iorganise training programmes on short term and long term to upgrade journalists who may not cope up with the law.

United Kingdom

Tim Toulmin

Press Complaints Commission

Self-regulation of the press in the United Kingdom is currently overseen by the Press Complaints Commission (PCC). Before its creation in 1991 there was also a self-regulatory press council for nearly 40 years. The PCC investigates alleged breaches of a 16-point Code of Practice, which is written by editors themselves.

While most complaints which raise a breach of the Code of Practice are resolved by the PCC's full time staff, an adjudicating panel of editors and members of the public meets monthly to consider serious breaches of the Code or complaints that raise matters of public interest.

The public members make up the majority of the Commission although the system is entirely self-regulatory and is funded indirectly by the newspaper and magazine industry. There are not currently perceived to be any specific legislative threats to the existence of self-regulation, although the Commission is always wary about the possible effects of new legislation coming both from London and Brussels and continues to monitor proposals and lobby ministers and officials where appropriate.

The Commission is also committed to providing information and advice to other press councils or those considering establishing one.

Zambia

Kondwani Chirambo

The situation before the Southern African seminar was as follows: the government media and private media journalists were largely divided. Government media journalists subscribed to the Press Association of Zambia (PAZA) while the private media belonged to the Zambia Independent Media Association (ZIMA). This scenario was however not the case from the very beginning. PAZA, which came into being in the mid 1980s, embraced the government media and the private media.

Nation by Nation continued

Between 1991 and 1992, both private and government owned media were, members of PAZA, then the sole representative association of professional interests of journalists.

But they became polarised in the multiparty era in 1991 as more private newspapers and radio stations emerged which were generally perceived by government as "opposition media". These perceptions caused government to tighten its grip on the state media structures, which were compelled to report as they were told.

The private media therefore argued that the two sectors could not subscribe to the same code of conduct. The private media felt PAZA - largely dominated by government sector employees – could not adequately address their concerns in dealing with a government that clearly demonstrated its ability to suppress the press through antiquated legal instruments and intimidation.

ZIMA was formed as an affiliate of the Media Institute of Southern Africa (MISA) and was structured to accommodate private sector media but was inherently flexible on the inclusion of individual journalists from the government sector, rather than the institutions themselves.

The polarisation gave government the ammunition to manipulate the media and under-mine unity and focus. The CPU section between 1997-1998 worked hard to bridge this divide and managed in some way to energise a process of collaboration on the joint opposition to the Media Council Bill introduced by government to licence reporters. The bill was withdrawn after a successful demonstration jointly held by CPU, PAZA and ZIMA.

In 2001 exploratory efforts at reconciliation between PAZA and ZIMA leadership helped the two bodies to set aside the differences and personality-based conflicts and address the need for a common code of conduct.

A consolidated code of ethics was worked out in June 2001. The two parties are working on the formation of a joint ethics council called the Media Ethics Council of Zambia (MECOZ).

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Seminar Presentation

The following is a selection of slides used in the presentations at the five CPU seminars.

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Press Complaints Commission

The philosophy of self-regulation

■ **Professor Robert Pinker,**
Acting chairman, UK Press Complaints Commission

The case for self-regulation

- a) Self-imposed rules carry greater moral authority than externally imposed legal rules.
- b) Self-imposed rules are more effective than externally imposed legal rules.
- c) Self-regulation works effectively because :
 - i) it is accessible to everyone
 - ii) it operates at no cost to either complainants or the taxpayer
 - iii) it is fast and flexible in dealing with complaints.
- d) Press self-regulation is a major defence of democratic freedoms because:
 - i) newspapers and periodicals are public watchdogs
 - ii) they scrutinise those exercising power in every walk of life
 - iii) they help voters to make informed choices.

Statutory regulation and government controls prevent the press from discharging these essential tasks effectively and freely.

Principles for effective self-regulation

- a) Self-regulation depends on voluntary compliance.
- b) Self-regulatory Codes of Practice must, therefore, be based on the realities of every day professional practice and the expectations of the people they serve.**
- c) Regulators have to apply general principles to specific cases as they arise in specific societies.**
- d) Each society has its own distinctive political and civil culture.
- e) Each Code of Practice must, therefore, be developed from the best ethical components of the distinctive culture of the society that it is designed to serve.**
- f) Consequently, there is no universally applicable blueprint for press self-regulation**
- g) We can all learn from each others' experiences - but every country must develop its own Code of Practice with reference to its own distinctive culture and needs.**

Pre-conditions for effective self-regulation

On the basis of past experience, however, some institutional preconditions must be met before a self-regulatory council can be established and move to work effectively:

- a) Publishers, editors and journalists must be able to convince their politicians that they have the ability and commitment to make self-regulation work.
- b) They must draft a voluntary Code of Practice and give it their unqualified support.
- c) They must ensure that the membership of their regulatory body is appointed through the procedures of an Appointments Committee which is independent of both the Government and the industry it serves.

Pre-conditions continued

- d) The industry must agree to promise the necessary budget on a pro-rata basis on terms which in no way compromise the independence of its regulatory body.
- e) The regulatory body must be as open and accessible to so-called members of the public as it is to so-called public figures and celebrities.
- f) With this end in mind, the regulatory body will set up initial procedures for receiving complaints and dealing with them efficiently, fairly and swiftly.



Everything you need to know about self-regulation

- **Ian Beales,**
Consultant UK Editors' Code Committee

What is self-regulation?

A 10-point guide...

- 1. A system not controlled by State or statute
- 2. Independently funded, preferably by the industry
- 3. Delivering voluntary but universal industry commitment
- 4. Operating a transparent code of practice that has been approved by the industry itself
- 5. A code whose values reflect that of its national culture
- 6. Which protects the rights of the individual
- 7. While upholding the freedom of expression and the public's right to know
- 8. Providing quick, easy, effective resolution of complaints
- 9. On the lines of natural justice, via simple, not over-legalistic procedures
- 10. With significant lay membership on adjudication panels.

10 reasons why the media should opt for self-regulation

- 1. Nil regulation is unlikely to be a credible option
- 2. It secures the moral high ground
- 3. It helps preserve editorial freedom and independence
- 4. It helps ease pressure from political interference
- 5. It eases pressure for legal constraints
- 6. It helps promote higher standards
- 7. It protects the readers
- 8. The system is speedy, accessible and free to readers
- 9. It is evidence of professional responsibility and maturity
- 10. It leaves editors and publishers in charge of their own destinies

10 reasons for politicians to opt for media self-regulation

- 1. A regulated press is not a free press – that looks bad, politically
- 2. Criminal laws create martyrs – who wants editors going to jail defying the courts against the over-mighty State?
- 3. Civil laws work only for the rich, the powerful or the criminal and corrupt – not the ordinary citizen who cannot afford to pay and does not want to be dragged through the courts
- 4. Informal system is free and easy, quick and effective – it takes weeks, not months or years, and involves no red tape
- 5. Self-regulation can also cover those areas no State system could really tackle – harassment, subterfuge, telephoto lenses, protection of children, hospital patients, victims of sexual or racial discrimination

10 reasons for politicians - continued

- 6. It saves years of legislative time – and can be adapted in days
- 7. It allows editors the right to be wrong – no prior restraint
- 8. Shaming papers means they can be castigated by their rivals – as a marketing tool, whereas fines and compensation could be budgeted for by wealthy newspapers – as in France
- 9. Smaller, local newspapers – upon which politicians often rely – would be hardest hit
- 10. The Internet is uncontrollable by statute – so why try to shackle the press?

10 Points toward Self-Regulation

1. Identify the need (from Press and Public)
2. Agreement by Editors
3. Agreement by Publishers
4. Agreement of Government/Civil Society
5. Formation of Publishers/Editors working party
6. Drafting Code of Practice
7. Identification of costs and timetable
8. Identification of funding
9. Establishment of Terms of Reference, staffing and structure
10. Code up and running and working within its constitution

The funding options

- **Funding by industry – preserves independence from the state**
- **Mixed funding – must be no State pressures or strings attached**
- **State funding – only rarely suitable for fledgling self-regulation systems**
- **Charging complainants – restricts access**
- **Charging publications – leads to disputes**
- **Grants from NGOs – an option for start-ups**

The European experience

- Germany and Finland –joint funding by industry and state on 'no-strings attached' basis
- Sweden charged for complaints – but it drove them away
- UK system is funded by the industry through Pressbof – Who administer a levy on national, regional and local newspapers according to circulation size
- Bosnia, Estonia and Lithuania – grants from NGOs ie Soros Foundation and Organisation for Security and Co-operation in Europe
- Iceland – run by the journalists' union
- Malta – by the Press Club

The purpose of the code:

- To define the responsibilities of editors
- To define the rights of the public
- To define the rules for complaining

The key elements:

To be successful a code must have:

- Universal recognition within the industry
- Universal respect from editors, publishers and journalists
- Capability to adapt to new circumstances

1. Universal recognition

- It must be universally recognised and accepted so that all publications are playing by the same rules and no one can gain a competitive advantage
- This is vital in dealing with issues relating to privacy – particularly photographs

2. Universal respect by editors

- Editors should write the rules, or -
- Agree codes defined by legislators or courts and have input into drafting
- Imposed rules will not be respected and are likely to face constant challenge

Drafting the code

- The committee - a standing body of editors, representing national, regional, local, broadsheet, tabloid, magazines and periodicals
- Consultation with wider industry groups
- Consider representations from wider groups – legislators, lawyers, members of organisations and from the public – our readers
- Respect the local tradition and circumstances

What should a code cover?

- Accuracy and corrections: fact, comment – the right to be partisan
- Privacy: protection without definition
- Newsgathering: harassment, long lenses, subterfuge, payments to criminals
- Protection of the vulnerable: children, the sick, the grieving, sex victims, discrimination

What it should not cover

- It should avoid matters of taste
- It should not try to censor
- It should not compromise the people's right to know
- It should not restrict publication which is in the public interest

Sharing the UK experience

- From 300 years of self regulation to life in the Last Chance Saloon
- The UK tradition: the right to be wrong?
- The best press in the world – or the worst?
- The statutory threat

The code committee's aim

- To protect a long tradition of freedom
- To provide a framework which would embrace tabloid and broadsheet cultures
- To preserve the right to pursue inquiries believed to be in the public interest
- To use Calcutt as a starting point

The code ethos

- To be based on practical principles rather than the lofty or legalistic
- To protect the individual AND the public's right to know
- To be honoured not only in the letter but the spirit, not too widely or too narrowly

Administering the system of self-regulation

The key elements

- The system must be independent – but the press must have a major role
- Industry bodies crucial
- Who funds the operation?

Four pillars of self-regulation in UK

- The industry (Pressbof) – conception and funding
- The Code committee – writing the rules
- Independent Appointments Commission – choosing the members
- The Press Complaints Commission – administration and adjudication

Press council membership

- Press members - editors or senior journalists to bring expertise and authority within the industry
- Lay members – appointment by independent commission or by application to give it authority with the public

Defining the council's function

- To adjudicate on complaints
- Set out the rules:
 - Time limits on complaints
 - Third party complaints?
 - Legal issues overlapping - legal waiver?
 - Complaints from journalists or newspapers?
 - Oral hearings – with lawyers?
 - Fines or compensation?
 - Ratify the code?
 - To pronounce on press ethics?

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How decisions are made: 1 - by correspondence

The role of staff:

- Processing complaints – liaising with complainants and editors
- Trying to resolve disputes
- Recommending action – drafting replies and adjudications to be ratified by members

The role of members:

- To challenge the recommendations within a set time

How decisions are made: 2 - by open discussion

- Issues raising important matters of principle
- Complaints impossible to resolve amicably
- Staff circulate correspondence and draft adjudication
- Members decide on breach of code
- In cases of disagreement, seek consensus
- Where complaint is upheld – guilty paper publishes adjudication in full

Members of staff

- Size of secretariat depends on size of the industry – and level of complaints
- Some need only a director/complaints officer plus administrative assistant
- Larger organisations will require team of complaints officers, plus press and information officers

Complaints officer

- Takes responsibility for handling individual cases
- Decides whether there is prima facie breach
- Liaises with complainant and newspaper to try to resolve disputes
- Drafts recommendation or adjudication

Ombudsman

- Some systems have named individual as Press Ombudsman
- Acts as high profile Complaints Officer
- Works independently of the Council – but can make recommendations to council if they fail to resolve complaint

Sharing the UK experience

- Press Complaints Commission -2001
- 3,033 complaints processed – up 36%
- 90% from non-celebrities
- One third no prima facie breach, or outside remit
- 30pc no breach or resolved by mediation
- Adjudications: 41
- Upheld: 19
- Rejected: 22

The UK complaints league

1. Inaccurate reporting: 58%
2. Private lives: 28%
 - **Privacy: 12%**
 - **Photos in private places: 3.6%**
 - **Intrusion into grief: 4.1%**
 - **Privacy of children: 2.6%**
 - **Privacy of innocent relatives: 1.2%**
 - **Privacy in hospitals: 0.3%**
 - **Privacy of sex assault victims: 0.3%**
3. Discrimination: 13.5%

The UK complainants' targets

National newspapers: 56% (privacy 47%)

Regional press: 26% (privacy 46%)

Scottish: 7%

Northern Ireland and others: 7%

Magazines: 4%

Press Complaints Commission

PCC Code of Practice Clause 3

Questions of privacy

Defining Privacy

- “ i) Everyone is entitled to respect for his or her private or family life, home, health and correspondence. A publication will be expected to justify any intrusions into an individual’s private life without consent. ”
- ii) The use of long lens photography to take pictures of people in private places without their consent is unacceptable.

Note - Private places are public or private property where there is a reasonable expectation of privacy.

Defining the Public Interest

Under the Code of Practice, the ‘Public Interest’ includes:

- i) Detecting or exposing crime or a serious misdemeanour;
- ii) Protecting public health and safety;

Defining freedom of expression

The PCC Code “upholds the public’s right to know”;
This right must be balanced against the right to privacy and considerations of the public interest.

Public interest considerations

- o The Code consists of 16 Clauses.
- o Under nine of these Clauses editors are allowed to advance a public interest defence which might justify their actions.
- o *These Clauses relate to:*
 - privacy intrusion
 - harassment
 - children
 - children in sex cases
 - access to hospitals
 - reporting of crime
 - misrepresentation
 - payment for articles
 - use of listening devices

Balancing rights and duties

Editors are reminded that the Code should not be interpreted:

- a) “so narrowly as to compromise its commitment to respect the rights of the individual,
- b) “nor so broadly that it prevents publication in the public interest.”

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List of Attendees

The five seminars were attended by representatives from the following countries.

CARIBBEAN Hastings, Barbados, 24-25 June 2002

Name	Country	Publication	Title
Vernon Kalawon	Antigua	Antigua Sun	Editor
Jose Humphreys	Antigua	Daily Observer	Publisher
Harold Hoyte	Barbados	The Nation	Pres. /Editor-in-Chief
Roxanne Gibbs	Barbados	The Nation	Assoc Man. Editor
Ainsley Sahai	Barbados	The Nation	Consultant Editor
Carol Martinale	Barbados	The Nation	Features Editor
Roy Morris	Barbados	The Nation	Editor
Patrick Knight	Barbados	Advocate Publishers	News Editor
Patrick Hoyos	Barbados	Broad Street Journal	Pres. & Publisher
Scott Bronstein	Brit Virgin Isles	The BVI Beacons	Editor
Odette Campbell	Grenada	Grenada Broadcasting	Reporter
Patrick Denny	Guyana	Stabroek News	Managing Editor
Jenni Campbell	Jamaica	The Gleaner	Editor
Norma Keizer	St Vincent	The Searchlight	Managing Editor
Michele Mills	Trinidad	Newsday	Editor-in-Chief

EAST AFRICA Nairobi, Kenya, 21-22 May 2002

Ndimara Tegambwage	Tanzania	IDEA	Executive Director
Kajubi Mukajanga	Tanzania	Tanzania Media Council	Director
Dr Gidoen Shoo	Tanzania	Habari Corporation	Editor/Director
Mkumbwa Ally	Tanzania	Daily News	Deputy Man Director
Joachim Buwembo	Uganda	Sunday Vision	Editor
Adolf Mbaine	Uganda	Makerere University	Lecturer
Wakabi Wairgala	Uganda	Institute of Journalists	General Secretary
Lillian Nsubunga	Uganda	East African	Senior Reporter
Kwendo Opanga	Kenya	Standard Newspapers	Managing Editor
David Okwembah	Kenya	Standard Newspapers	News Editor
Chris Odwesso	Kenya	Kenya Times	Managing Editor
Esekiel Mutua	Kenya	Kenya Union of Journalists	Secretary-General
Wangethi Mwangi	Kenya	Nation Media Group	Group Editor-in-Chief
Joseph Odindo	Kenya	Daily Nation	Managing Editor
Bernard Nderitu	Kenya	Nation Media Group	Managing Editor
Rosemary Okello	Kenya	African Woman & Child	
Pamella Mburia	Kenya	Media NGO	
Mitch Odera	Kenya	Media Council of Kenya	Executive Director
Hiram Mucheke	Kenya	Media Council of Kenya	Member

SOUTHERN AFRICA Cape Town, 12-13 September 2001

Name	Country	Publication	Title
Beata Kasale	Botswana	The Voice	Editor/Publisher
Modise Maphanyane	Botswana	MISA	National Director
Tanya Menges	Namibia	MISA	National Director
Kaitira Kandjii	Namibia	MISA	Information Co-ordinator
Govin Reddy*	South Africa	Mail & Guardian	Chief Executive
<i>Note* Now moved to Rhodes University, Grahamstown</i>			
George Claasen	South Africa	Die Burger	Assistant Editor
Montgomery Cooper	South Africa	Rhodes University	Mass Media Lecturer
Johan Retief	South Africa	Stellenbosch University	Journalism Department
Edward Linington	South Africa	SA Press Complaints	Ombudsman
Ivan Fynn	South Africa	Independent Newspapers	Editor (Cape Town)
Adrian Hadland	South Africa	Independent Newspapers	Senior Reporter
Fanie Groenwald	South Africa	Technikon University	Lecturer Media Ethics
Raymond Louw	South Africa	South Africa Report	Editor & Publisher
Ayesha Mall	South Africa	African Perspectives	News Editor
Lynette Steenveld	South Africa	Rhodes University	Journalism Lecturer
Peter Sullivan	South Africa	The Independent	Editor-in-Chief
Joe Thloeloe	South Africa	NSJ/SANEF	Trustee
Pippa Greene	South Africa	Financial Mail	Associate Deputy Editor
Comfort Mabuza	Swaziland	MISA	National Director
Geoffrey Mulenga	Zambia		Attorney
Kondwani Chirambo	Zambia	SARDC, Harare	Media Consultant

SOUTH & SOUTHEAST ASIA Colombo, Sri Lanka, 21-22 February 2002

Hassan Shahriar	Bangladesh	Daily Ittefaq	Editor
Amanullah Khan	Bangladesh	Dhaka Courier	Editor
Manbubul Alam	Bangladesh	The Independent	Editor
N Ravi	India	The Hindu	Editor
Vishveshwar Rao	India	Hyderabad University	Professor
Anil Diwan	India	Attorney	Lawyer
Sirajuddin Rafia	Malaysia	Utusan Malaysia	Assistant Group Editor
Lim Chye Khim	Malaysia	The Star	Senior News Editor
Samina Isaque	Pakistan	PPI	Administrator
Wali Zahid	Pakistan	Faculty of Media	Dean of Faculty
Ghazi Salahuddin	Pakistan	Jang Group	Group Editor
Siri Ranasinghe	Sri Lanka	Lankadipa	Editor

SOUTH & SOUTHEAST ASIA continued...

Name	Country	Publication	Title
Gamini Weerakoon	Sri Lanka	The Island	Editor
Sinha Ratnatunga	Sri Lanka	The Sunday Times	Editor
Bandula Padmakumara	Sri Lanka	Lakehouse	Editorial Director
Dr P Saravanamutta	Sri Lanka	CPA	Director
Waruna Karunatilake	Sri Lanka	Free Media Movement	Co-Convenor
Sunanda Deshapriya	Sri Lanka	Free Media Movement	Co-Convenor
Kishali Pinto Jayawardene	Sri Lanka		Attorney

WEST AFRICA Accra, Ghana, 9 & 10 April 2002

Alfred Opubor	Benin/Nigeria	COMED Programme	Lead Consultant
Pius Njawe	Cameroon	Le Messenger / Union	Pres. & Publisher
Bayo Onanuga	Nigeria	The News Magazine	Editor-in-Chief
Audrey Gadzekpo	Ghana	School of Communication	Lecturer
Joseph OD Cole	Ghana	Independent Media Commission	Commissioner
Yaw Owusu Addo	Ghana	Ghana Journalists Assoc.	Vice-President
Yaw Boadu Aye Boafah	Ghana	National Media Commission	Executive Secretary
Azubuike Ishiekwene	Nigeria	The Punch, Lagos	Editor
Akin Fatoyinbo	Nigeria	World Bank	Communications
Kabiru A Yusuf	Nigeria	Daily Trust, Abuja	Editor-in-Chief
Remi Oyo	Nigeria	Nigerian Guild of Editors	President
Ibrahim El-Tayyib Bah	Sierra Leone	SLAJ *	President
Shiek Mohamed Kabba	Sierra Leone	SLAJ *	Secretary-General
<i>Note* Sierra Leone Association of Journalists (SLAJ)</i>			
Hassan Kamara	Sierra Leone	Independent Media Commission	Executive Secretary
Ibrahim Ben Kargbo	Sierra Leone	The New Citizen	Managing Editor

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Finally, to Ian Beales, as the author of this report and a key member of the Team that has travelled so widely together over the past eighteen months, a sincere thank you for your enthusiasm, dedication and support.

Lindsay Ross
Executive Director
Commonwealth Press Union

November 2002

