

# **THE INSTITUTE OF ECONOMIC AFFAIRS**

## **PROVIDING A MEDIA CODE OF ETHICS WITH TEETH – THE ROLE OF THE NMC AND GJA**

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*“What is a journalist? Not any business manager or publisher or even a proprietor. A journalist is the look out or the bridge of the ship of state. He notes the passing sail, the little things of interest that dot the horizon in fine weather. He reports the drifting castaways whom the ship can save. He peers through fog and storm to give warning of damages ahead. He is not thinking of his wages or the profits of his owners. He is there to watch over the safety and welfare of the people who trust him”. Joseph Pulitzer.*

In Anthills of the Savannah, Chinua Achebe notes that the journalist is like the cock. Those of us who lived in the rural areas appreciate the role of the cock in awakening people at dawn when it crows.

Achebe submits imaginatively that “the cock which crows in the morning belongs to one household, but its voice is the property of the whole neighbourhood”.

That is the crux of the matter. Whenever the cock crows at the appropriate times, it helped to get hardworking citizens to go into economic activities. However, if the cock crows at the wrong times, and those who respond encounter creatures of the underworld, the cock becomes a menace to that society.

That is what it means, the media are capable of both good and bad. Mahatma Gandhi, the great Indian apostle of non-violent resistance, has compared the media to big rivers, which provide the basis for human civilization and development but cause havoc when in flood.

In his own words, “the sole aim of journalism should be service. The press is great power, but just as an unchained torrent submerges the whole countryside and devastates crops, even so an uncontrolled pen serves to destroy. If the control is from without, it proves more poisonous than want of control. It can be profitable only when exercised from within”.

In its guidelines on publications, the Washington Post states that “Many of our policies are long-standing. They reflect our commitment to honest dealings with readers and news sources. But people working in our newsrooms had questions about how to carry out the policies in these more complicated, multimedia times. The speed with which information travels now requires us to make judgments more quickly than ever. We want to be first with the news, but we also want to be right. We don’t want the competitive pressures to compromise our commitment to accuracy”.

It continues that “in our newsroom, we discuss issues of accuracy, journalistic ethics and standards constantly. Our written policies are broad, and we do not expect them to provide simple answers to all situations that arise in daily journalism. So, we augment them with the countless decisions that must be made by our journalists in reporting, writing, editing and presenting each day’s stories”.

Article 21 (1) (f) of the 1992 Constitution provides that “All persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society”.

More important, Article 162 (4) states that “Editors and publishers of newspapers and other institutions of the mass media shall not be subject to control or interference by government, nor shall they be penalized or harassed for their editorial opinions and views or the content of their publications”.

Again, Article 173 prohibits the National Media Commission from exercising “any control or direction over the professional functions of a person engaged in the production of newspapers or other means of communication”.

The media are said to be the Fourth Estate of the Realm. The law provides immunity to the three traditional arms of government, the Executive, Legislature and Judiciary. Whilst it is provided that “The President shall not, while in office as President be personally liable to any civil or criminal proceedings in court”, it is stated that “There shall be freedom of speech, debate and proceedings in Parliament and that freedom shall not be impeached or questioned in any court or place outside Parliament”.

Additionally, Article 116 provides that “civil or criminal proceedings shall not be instituted against a member of Parliament in any court or place out of Parliament for any matter or thing brought by him before Parliament by petition, bill, motion or otherwise”. Similarly, Article 127 (3) provides that “A Justice of a Superior Court or any person exercising judicial power shall not be liable to any action or suit for any act or omission by him in the exercise of the judicial power”.

So, if the law provides immunity to others when they freely express their views in the course of their duties, why should the journalist not enjoy the same?.

Although it would have been reasonable to expect that the Fourth Estate of the Realm would be clothed with the same kind of immunity, that would not have been productive because the media serve as watch-dogs over the others. More important, whereas the audiences of the others are limited, the media audience is large and diffused. That is why we cannot tolerate media irresponsibility.

Our problem has been that most of our media personnel and organizations have become myths, above reproach or criticism. You take them on with trepidation as any “untoward” criticism, must have to be fought with all the arsenal available. For those of us in the media, to open your mouth to point out the weaknesses you have observed is to elevate yourself into a know-it-all, for which you have to be undressed and brought down to earth. Empty barrels, they say make the most noise.

Thus forearmed, I will skirt on generalizations rather than attempt any particularization, because I do not want to be eaten alive.

Most of our media infractions or ethical breaches centre around violations of social responsibility and public interest or custom. These include indecent exposures, such as the use of gory photographs, presentation of dead bodies in the nude.

There is also the resort to propaganda, where only certain opinions or views are canvassed to the detriment of counter claims. There is also violence against professional integrity, such as resorting to subterfuge or unorthodoxy to get information and “blowing horns” over the employment of such methods to secure information irrespective of the public interest considerations.

Other infractions include violations of human rights such as insults, vilification, intrusion, disclosure of private/confidential information, disrespect for individuals, defamation and contempt of court.

There are also violations against the search for the truth and freedom of expression, which include censorship, denial of right of reply, manipulation of sources, misleading headlines, mixture of news and opinions, exposure of sources, speculation, fabrication, harassment of sources, misleading photographs, unsubstantiated allegations, biased coverage and trial by newspapers.

These can be summed up in the words of Jim Lehrer, who wrote among other things in the New York Times edition of May 28, 2001 that

“I wish that I could.....report that journalism has been born again and all is well. But I cannot do that.

“It continues at times to embarrass me, to annoy me, anger me even occasionally. The causes of my concern are out there for all to see, of course, a tendency of journalism to be something akin to professional wrestling, something to watch, rather than believe. The savagery of some of the so-called new journalism marked by predatory stakeouts, coarse invasion of privacy, talk show shouting, no source reporting and other techniques, the stunning new blurring of the old lines between straight news, analysis and opinion.

“A most unjustified arrogance seems to have afflicted some of my colleagues. It can be seen in a stench of contempt in their approach, words, sneers and body language that say loud and clear ‘only the journalists of America are pure enough to judge others’.”

In our day, the arrogance of some self-conceited journalists turned the Radio-Television Libre des Mille Collines (RTLMC) in Rwanda into a genocide propaganda machine for the annihilation of Tutsis by Hutus. The offensive, vulgar and crude jokes, aimed at demonizing the Tutsis and naming certain individuals who deserved to die, and “in one telling broadcast after the genocide had started, an announcer said stand up, take action.... Without worrying about international opinion”. The response was mayhem and chaos.

Journalists thus have a responsibility to ensure balance between the exercise of freedom for the good of the public.

The question, however, is, whether we should have a code with teeth or that journalists must be ready to take responsibility for their actions or give meaning to decisions of the Ethics Committee of the GJA or the Complaints Settlement Committee of the NMC.

In the opinion of the UNESCO Commission on Communications, “for the journalist, it is necessary to think of rights and responsibilities in their relationship to each other. Anyone who acts without responsibility weakens his claim to freedom, while anyone who is denied freedom cannot be called upon to exercise responsibility. The situation is healthy when neither of these values is felt to be jeopardized”.

Prof. Kofi Kumado, the pioneer chairman of the NMC in recounting the failures of the Commission noted the inability to get journalists to realize their obligation to publish rejoinders. He recounted how investigations by the NMC established some specific story to have been concocted. The situation has not changed.

Adam Michnik has noted that the talk about media “freedom means equal liberties for everybody, not only me, but also for my antagonist, for everyone who thinks differently. We must defend freedom for all, because it is the essence of the profession. The only limitation to journalistic practice is the truth.

“We are allowed to publish everything we write, but we are forbidden to lie. A journalist’s lie is not only a sin against the principles of our profession; it is a blasphemy against our God. A lie always leads to enslavement. Only the truth has liberating power”.

Dr Kwame Bofo has also noted that “media professionals who are well trained and who exercise their professional duties or tasks with ethical consciousness can help create conditions to bring about greater transparency and accountability, increased participation of different population segments in societal decision-making and reinforce peace”.

Aidan White, general secretary of the International Federation of Journalists has noted that if the media would be able to stick to professionalism and respect its code of ethics, journalists would make a meaningful impact on national development.

In his words, “the open-minded search for solutions produce a remarkably sensitive and non-sensational mix of journalism and the telling of the story to illustrate just how the media contribute to building public confidence by doing the simple things right, promoting open debate, providing reliable information, exposing wrong doing and corruption and explaining the impact of events of the world in which we live”.

In the UK, the Press Complaints Commission has affirmed that “self-regulation works because the newspaper and magazine publishing industry is committed to it. Throughout the years of the PCC, every critical adjudication against a newspaper or magazine by the Commission has been printed in full and with prominence. When the Commission receives a complaint, editors never do anything other than seek to defend themselves in terms of the industry’s Code of Practice, a sign of their commitment to it”.

This contrasts with the experience of the NMC, especially the frustrations faced by Prof. Kumado as first chairman. There are some journalists or media organizations that submit themselves to the adjudication of the NMC, make confessions, plead for forgiveness and proffer apology, to retract the story and publish rejoinders. However, as soon as they leave the settlement meeting, they renege on their own offers.

But as the PCC maintains “one of the central benefits of press self-regulation is that it combines high standards of ethical reporting with a free press. Statutory controls would undermine freedom of the press and would not be successful in raising standards. Self-regulation has none of the problems of the law yet still provides a system in which editors are committed to the highest ethical standards”.

“The success of the PCC continues to underline the strength of effective and independent self-regulation over any form of legal or statutory control. Legal controls would be useless to the members of the public who could not afford legal action and would mean protracted delays before complaints receive redress. In our system of self-regulation, effective redress is free and quick”. It must be noted, however, that the guidelines of the PCC are written into the contract of employment of all journalists and are thus enforceable at that level.

We need to incorporate the GJA Code of Ethics into the employment contracts of our journalists, so that they could be enforced at the organizational level. Additionally, we must apply the naming and shaming strategy of disowning the charlatans in our midst. We seem untouchable and any attempt to draw attention to media infractions is seen as arrogance and presumptuous.

Journalists are not above the law, and they are not infallible. We must learn from the South African experience, where a number of journalists were invited to an off-record meeting at the South African Public Prosecutors office on investigations into Mr Jacob Zumah. However, one

of the editors had a private consultancy firm which worked with a local government unit. When the Public Prosecutors office commenced investigations into the links between the editor and the firm, the editor accepted for publication series of articles which suggested that the officer who briefed them at the Public Prosecutors office was a spy for the apartheid regime.

Following the activities, there was an open enquiry and the official was exonerated. The editors group demanded the sacking of that editor. The incident has excited new debate in South Africa about journalistic ethics.

Another way to ensure media accountability; to parody Allister Sparks, “the only remedy I know, imperfect though is to keep trying; to keep sensitizing the public to the importance of a free media and to keep on sensitizing the media to the importance of its own role and the need constantly to maintain standards. It is essential to democracy and thus corrupt-free development, but it is as fragile as an eggshell and can easily be crushed”.