

EXPERIENCES OF THE MEDIA COUNCIL OF TANZANIA (MCT) IN PROMOTING MEDIA ETHICS AND SELF-REGULATION OF THE MEDIA

By Anthony Ngaiza

Introduction

Much of what people in any society know about the world comes from the news media. To the extent that news is believed, it helps shape the social and political realities that audience members perceive (Lippman, 1922).

If Lippman's contention is anything to go by, it follows therefore that news plays an important role in creating a context for social and political action, so that the public is best served when the news is of high quality.

But how can "quality" be given a precise meaning with respect to the news? Who should be the judge of quality? And how can those who define and evaluate quality influence the practice of journalism?

In this paper, we shall attempt to give an overview of how the MCT has performed in enhancing media ethics and promoting self-regulation of the media. We shall assess MCT performance from the context of its overall aims and objectives, taking stock of its experiences and successes since its inception some five years ago.

In many countries around the world, media councils have been established not only to improve the quality of journalism by raising its ethical standards, but also to put in place some form of mechanism to bring about self-regulation of the media as opposed to statutory control. The freedom from government regulation flows from theories of representative government which hold that the news media in systems with political competition can play their public-service roles successfully only if they have a certain independence from government (Pritchard, 1991).

But this is not without dilemma. Because the news media are clothed with both private and public interest, they present difficult problems in the area of regulation. On the one hand, direct state oversight of the quality of the news would violate the media's independence from government, which is widely acknowledged to be central to news organisations' fulfillment of their public-service mission. On the other hand, state indifference to news contents seems equally unwise, given the dependence of the state and citizens on the media to provide news of a quality that enhances representative government (Bertrand 1977).

Philosophy of Media Self-regulation

It is precisely why many western societies have attempted to regulate the news media by encouraging them to regulate themselves. In developing countries, governments and the news media are increasingly opening up to this approach. In Sri Lanka, for instance, the government early March, this year, abolished a statutory

media council and supported an independent council under Mr. Justice Mozammel Hoque. The abolished media council had Mr. Justice Habibur Rahman Khan as its Chairman.

In June 2001, Zambian journalists decided to abolish the two media councils (one for the private media and the other for the government media) to form a single, independent and non-statutory council. In November 2001, Ugandan journalists convinced the government to abolish a statutory council and let them form an independent media council. Kenyan journalists are in final stages of forming a similar organ. So are their counterparts in most parts of Africa, Latin America, Asia and elsewhere. The Media Council of Tanzania (MCT) was privileged last year to help in the process of establishing independent media councils in Zambia, Kenya, Uganda, Swaziland and Lesotho.

Not surprisingly, the media prefer self-regulation to regulation by the state. In Tanzania, for example, the media have experimented with a variety of self-regulatory mechanisms, including public self-criticism, such as that provided by the code of ethics adopted by the media industry itself, and the MCT, also established by the same industry to “ensure the highest professional standards and compliance with the code of ethics,” among other critical mandates.

Media Councils, as MCT stakeholders have come to appreciate, are an especially interesting mechanism of media self-regulation because they depend on citizen participation. In the case of MCT, citizens have been encouraged to bring complaints about the quality of the news they consume, although most complaints have

been more on defamation than on bad taste material. That is why most media councils, including MCT, have public representation.

So the MCT has not only encouraged citizens to bring complaints but also educated them on how to proceed. Citizens are enlightened about procedures needed before complaints are filed, including having face-to-face dialogue with relevant media officials with a view to getting amicable solutions to problems. MCT experience has shown that complaints are easily solved when complainants address them directly to editors, leaving MCT to facilitate in more complex stages of the negotiations and bargaining process.

However, this does not suggest that all editors have been ready to swallow their pride by extending olive branches to genuine complainants or extended co-operation to the MCT when they are queried over certain violations in the code of ethics. Also, not all of them comply with MCT decisions after adjudication of complaints is completed. Although a recent external evaluation report on MCT indicated that non-compliance of its decisions is only 2%, MCT concern is that the elite culprits belong to one of the most influential and powerful media houses (Mwangi, 2000). Surprisingly, these culprits, widely referred to in media circles as “rogue editors”, are one and the same.

MCT takes solace, however, to the fact that since compliance with its decisions has been 98%, recourse to statutory mechanisms is uncalled for. MCT has a long term strategy of working toward attitude change of the defiant 2% (Moshiro, 2001).

Instituting a Viable Complaints Process

What have we done to solve the problem of too many complaints? At the MCT the approach has been to sort out cases that have no merit and dispose them efficiently without hearings. This not only reduces costs but also reduces the number of cases and allows Council members to concentrate and spend energy on real problems that can generate thoughtful decisions with long-term, generalizable effects.

In eliminating cases that either have no merit or where complainants have a drive for money, the Council has laid out the following guidelines for those intending to file complaints in the Council.

- (i) Since one of the Council major objectives is to reconcile and mediate between journalists of media institutions on the one hand, and members of the general public, the government and other institutions on the other, complainants must, before complaining to the Council, first ensure that all avenues and possibilities of reconciliation have been explored to no avail.
- (ii) All possibilities of reconciliation will not have failed if complaints will not have been allowed to pass through relevant institutional channels. For examples, a complaint has first go to the editor, then chief editor, managing editor, managing director, publisher or

chairman(whichever is applicable at a given media institution). Some complainants having failed to agree with authors of the stories(reporters)being disputed, they decide to file complaints directly to the Council, ignoring higher authorities which are in fact better paced to settle such disputes.

- (iii) Ensure that at the time of filing the complaints, the story being disputed was published or broadcast not more than 12 weeks from the date of publication or broadcast as per the Council Rules of Procedure (Section 10.1). Because mediation is one of the basic pillars of the Council, the same Council cannot help complainants whose express purpose (of complaining to the Council) is to get money. Money awarded to complainants in terms of fines from respondents is only a result of mediation, not the basis of filing complaints in the Council. Therefore, the Council advises any would-be complainant whose purpose of coming to the Council is to get money to take their cases to the courts of law.
- (iv) Complaints filed in the Council must be in writing and must be accompanied by evidence annexed to prove particular allegations of facts.
- (v) Complaints to the Council must also state what remedy the complainants want from the Council. For example, a complainant might demand an apology to be printed

on the front-page of a newspaper, or broadcast on prime time of a radio or television programme, or money to defray costs incurred (by the complainant) in the process of filing the complaints e.t.c.

- (vi) If the complainant is not satisfied with the Council settlement, he/she can resort to court action. However, evidence adduced during the settlement shall not be reproduced in court, in which case, the Council can be called as “*amicus Curiae*”

From an average of six complaints every month during the first six months of the Council, the number of complaints came down to three every month starting December last year. The decline was attributed to the awareness campaign conducted by the Council through the media as well as putting in place an efficient complaints mechanism which sorted out case that had merit and those that had no substance. As already pointed out above, a six point statement of procedure was published in order to help the public realise how to file complaints, time frame, where and how to file them, as well as steps to be taken before filing complaints in the Council. The public was reminded that the major role of the Council is to reconcile and mediate contending parties, not to offer financial remedies to complainants.

Experiences, lessons, Problems and Dilemmas

The above outline does not mean that the MCT has found the process of adjudication to be an easy one. We have had nasty experiences, problems and dilemmas. For example, we have found out that the judgmental tone of adjudication makes editors defensive and sometimes resistant to the process of evaluating whether better decisions could have been made in particular situations. We have learnt that some editors do not appreciate being quizzed by non-journalists on the MCT Board of Governors and others who are not or have never been involved in deadline pressures under which newsroom decisions are made. We have found out that editors regard the action of defending one-time decisions which have no precedential value as an exercise in frustration. In some instances, some editors have resisted being asked to financially support a system that places them in a position of vulnerability to complaints by citizens who may be having vendettas and axes to grind. And to others, the educational component of a media council has been overpowered by the accusatory nature of the adjudication process.

On the other hand, a wider section of the general public thinks adjudication is the most visible and seductive role of the media council because that is the aspect the public is invited to participate in and the one the media object to. Our findings have revealed that most members of the public who have brought complaints to the Council have done so because they feel passionately about some specific media conduct.

The existence of the Council gives them permission to complain and provides them with a forum for vindication of a given position.

Therefore, complainants see the Council as a small way to balance power between unapproachable media and aggrieved citizens who have few outlets for criticism about media behaviour. Many complainants have reported feeling impotent in the face of all-powerful media, saying they would have had no place to turn to if the Council had not been in place.

Our experiences at the Council have shown us that individuals wronged by the media frequently want more than an apology, a chance to be heard or vindicated, even where the wrong was serious enough to give them standing in the courts of law. We have learnt that what individuals feel strongly about is how the media treat them, but often they do not have the opportunity or ability to express frustration in a forum with a wide-spread audience.

The public has seen the Council as a forum supportive of the citizens' right to speak about institutions and events in society. Rather than starting his/her own newspaper, television or radio station, the citizen can express opinions before the Council. We have found it difficult at the Council to understand why media practitioners who would not object to opinions in other publications launched by an average citizen object strongly to the same speech when presented before the Council.

The lessons we have learnt over the past years are that the decision-making process must separate issues, analyse complexities, offer solutions, and provide realistic guidelines.

The Council learnt that ethics are based on the treatment of others, and that the rules change with time and culture. The Council

has learnt as well that ethics require a weighing of principles based on the interaction between individuals or institutions and a careful process for deciding what justification is required when faced with the necessity of violating one of the basic principles.

As already pointed out, the Council has learnt that it must be proactive as well as reactive. In its second year (1998), the Council struggled to maintain certain visibility and address potential conflicts and social concerns before they became a problem. For example, by regular monitoring and scrutiny of media news products, contents and presentations, the Council advised newsroom practitioners and editors on different ethical and professional problems inherent in their respective media outlets. Elections coverage, for example, was given guidelines. So was coverage of AIDS and HIV, victims of rape and gender, among others. The Council intends to organise workshops on these issues.

Change of Strategy, Need for Refocusing

Given the experiences, lessons, problems and dilemmas the Council has gone through in the past years, and given the feedback from stakeholders during the same period, the Council has done some refocusing and changed its strategy. The purpose is to streamline activities and transform a punitive adjudication function into an educational decision-making process more palatable to the media and more useful to society. Council stakeholders have been arguing – and this has been repeated now and again at different occasions such as workshops – that enhancing the education

function as administered through the decision-making process of media councils can provide greater credibility to the Council, promote better independent decision-making in newsrooms, foster appreciation for news gathering complexities among members of the public, and create long-term positive effects on media performance.

Recommendations that have been made at workshops by journalists in the field want the Council to re-orient its role so that it can be proactive and educative with a view to creating a vision for the media industry. For this reason, the Council has employed a media critic to edit its monthly journal – *Media Watch* – and specifically monitor the media on a daily basis. The Council's new goals (as dictated by stakeholders) have become more educational than judgmental. The Council's goals have to serve as examples of process in addition to suggesting policy so that journalists can learn to police themselves when confronted with difficult decisions rather than face censure after the damage has been done. It is in publicly demonstrating a process of ethical decision-making using individuals who understand the complexities of this type of analysis that the Council can excel. This is because we have found out that the real value in our Council is not in the impossible task of forcing accountability on media. The real value is the opportunity to provide good journalists with concrete examples of efficient, quality decision-making when faced with tough decisions related to media ethics.

Promotion of Media Ethics

The process of enforcing the Code of Ethics is a difficult one. In order to achieve compliance by the media, the enforcement mechanism has to be transparent and based on consensus by stakeholders who have to appreciate the fact that the survival and success of a media council is a dividend to the media industry, and abiding by the council's rulings is to its benefit.

On the other hand, enforcement of media ethics is possible if those elected to manage the process of enforcement are highly credible and respected citizens. In most countries, media councils are headed by retired appeal court judges or individuals whose names are institutions by themselves. The MCT is headed by highly respected people who are known for excellence, honesty, integrity, decency and detail. They are people with distinguished careers and character that rest on solid personal achievement.

So having this type of leadership in a media council makes it completely unnecessary (for the council) to desire a statutory status. To have this kind of leadership curtails the power of government and its coercive instruments over the media and society. This type of situation leads to a voluntary compliance (by the media) of the MCT decisions. It is a movement towards the ideal type of society where minimum government intervention is required.

Therefore, let us appreciate that enforcement of a code of ethics must be seen in the light of the integrity of those elected to manage the process. It is the integrity of those in leadership which can make possible the smooth functioning of a voluntary media

council as a court of honour. Peer pressure, which is a more effective method of censuring bad behaviour, not coercion, is the main mode of enforcement.

Conclusion

We may safely contend that the MCT has registered a 98% stakeholders compliance of its decisions based on the enforcement of the Code of Ethics. We have attribute much of its success on the manner its leadership has conducted itself. The government which was at first suspicious of a non-statutory media council has endorsed it and asked all those who feel offended by the media in any way to seek redress through the MCT “rather than asking the minister to ban a newspaper or any other media outlet.”

The MCT adjudicated on a complaint filed by the late the Vice President of the United Republic of Tanzania, Dr. Omar Ali Juma against an evening tabloid published in Dar es Salaam. Ministers, top public officials and the rank and file have come to the MCT to seek redress. The impartial nature of its adjudication process, the moral authority of its leadership and other attributes discussed already are the only secret of its success.

We have seen how the MCT has been addressing the complex process of media ethics enforcement and promotion of media self-regulation in the fulfillment of its mandate. We have seen how the merits of self regulation overwhelm those for statutory control and that ethics is the branch of philosophy that deals with questions of moral behaviour. We have concluded that a code of ethics provides

the tools for making difficult moral choices and that the goal is not to articulate ethical decisions with which everyone agrees but to increase the ability of media practitioners to depend their critical judgments on some rational basis.

Notes:

1. Remarks made to editors and publishers on January 22, 2001 by the Minister of State in the Prime Minister's Office Responsible for information and Policy, Mr. Ramadhani Omar Mapuri.

Bibliography

1. Bertrand, Claude-Jean; "Press Councils: An evaluation", *The Gazette*, 1977, 23(4), 218 – 229.
2. Bertrand, Claude-Jean; "The ideal Press Council," *The Quill*, 1985, 73(6), 38-41.
3. Clift, Dominique; "Press Councils and Ombudsmen" in *The Journalists* (pp. 137 –161), Ottawa, 1981.
4. Farrar, Ronald; "News Councils and Libel Actions," *Journalism Quarterly*, 63, 1986, 509 – 516.
5. Pritchard, David; "The Role of the Press in a System of Media Accountability: The Case of Quebec," *Canadian*

Journal of Communication,
16, 1991b, 73 – 93.

6. Herman, Louise; “News Council Complainants: who are they and what do they want?” *Journalism Quarterly* 70, No. 4 (1993): 947 – 970.
7. Rivers, William, et al; *Press Councils of America*, San Francisco; Canfield Press, 1972.
8. Rivers, William; *Ethics for the Media*, Englewoods Cliffs, NJ: Prentice Hall, 1988.
9. Robertson, Geoffrey; *People Against the Press: An Enquiry into the Press Council*, London: Quartet Books, 1983.