

Opinion: Malaysian Press Council an Ominous Move
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Government plans for a press council are actually plans to restrict press freedom

Malaysian government plans for a media council to enforce by law journalists' compliance with a code of ethics are expected to move ahead with a second round of discussions between editors and journalists and the Attorney-General and his team.

The government's moves are described as part of "reforms" in the name of press freedom, following on from the prime minister's announcement in September to end annual newspaper licenses. In April, amendments to the Printing Press and Publications Act replaced annual licenses with one-off licences good until cancelled, and slightly curbed the home minister's powers over the press, opening his decisions to challenge in court.

However, these "reforms" do not move Malaysia forward towards greater press freedom but merely return to the regime of control that existed before 1988, and before Operation Lallang, when the Mahathir government locked up dissidents and critics and closed The Star, Watan and Sin Chew Jit Poh. They were allowed to re-open six months later, under stringent conditions.)

The April amendments to the press and publication act merely restored the status quo ante. The difference is that editors agreed to submit to "self-regulation" — in return for withdrawal of annual publishing licenses — and the government has expanded the scope of "self-regulation" to include broadcasters and online media.

A new regime of media control is thus taking shape and journalists are being co-opted into this process by being part of the government's "consultations". Today's discussions will probably be about the mechanisms of the new regime: how to control, who to control, and how to punish.

Although the government views this favorably as "self-regulation," control of the media lies at the heart of the government's as yet unseen proposals by which editors and journalists will be drawn into the process.

It is common knowledge that:

*Newspaper editors in September agreed to set up a press council based on the voluntary UK Press Complaints Council (now disbanded);

*The government has expanded the scope to include broadcasting and online media, and has on many occasions spoken about the need to control bloggers;

* Individual editors, reporters, photographers and other journalists, and possibly bloggers, could face punitive action under the law;

* In return for editors agreeing to set up a press council, the prime minister announced the withdrawal of annual newspaper licenses and a review of the Printing Presses and Publications Act;

* The Attorney-General has previously been quoted as being in favor of scrapping the press act altogether; however, the home ministry has steadfastly refused to give up their power to control who can publish and what they can publish, or the power to punish through suspension or revocation of licenses, or by setting conditions on the licenses.

It is believed that the AG has a draft of a new law in hand. It is not yet known whether it is a comprehensive media law, or merely enabling legislation to create a media council and to set out its powers. The draft has not been shown to editors, and details of the discussions have not been made public because the Attorney-General has requested press silence, perhaps seeking to avoid a public backlash and loud condemnations should his intentions be known.

He is probably right to fear a backlash. People in the computing business reacted strongly against moves to turn their trade into a "profession", with closed-shop provisions restricting who can provide services.

Journalists have reason to fear similar intentions of turning journalism into a closed-shop "profession" with legislation that will determine who is allowed to practice and setting out punishments for not abiding by conventional norms.

Recent changes to Malaysian laws have already raised a public storm as the Attorney-General's department continues to please the executive branch with new legislation that turn the stirring call of "reform" into merely a pleasant code word for repression under a different name.

That has been the case with abolition of the Internal Security Act and its replacement, the Security Offences Act; the new "guilty until proven innocent" (*1) provisions of the amended Evidence Act; the new Peaceful Assembly Act (*2) that allows a police officer to determine how, where and when citizens may exercise their right to free speech; the new Computing Professionals Bill (*3) which seeks to regulate the computing business by creating a closed shop.

There is thus little reason to be optimistic about any new legislation that would result in the formation of a media council. Governments should have no role in regulating the citizens' right to a free press and to freedom of speech save in the interest of public order. And journalists should have no role assisting in the continuation of a repressive regime of media control.

(Gobind Rudra is a former newspaper editor)

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