

Fragile Freedom

INAUGURAL PACIFIC PRESS FREEDOM REPORT

WORLD MEDIA FREEDOM DAY

*Let's make a deal!
 You continue to criticise us,
 We continue to ignore
 you!*



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Fragile Freedom:
 INAUGURAL PACIFIC PRESS FREEDOM REPORT

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Images: Use of images is gratefully acknowledged.

Foreword

Journalists for media freedom

The International Federation of Journalists (IFJ) initiated its Media for Democracy and Human Rights in the Pacific project in 2010, with the generous financial support of the European Commission (EC).

The project's overall objective is to strengthen the role of media workers, press freedom advocates and civil society actors in defending and promoting human rights and fundamental freedoms in the Pacific.

This first Press Freedom in the Pacific report is a key step in our work towards achieving this objective.

The report is the result of discussions with Pacific journalists held during workshops and meetings throughout the Pacific, and the collation of contributions from twelve of the region's countries.

Chapters cover American Samoa, Cook Islands, Fiji, Federated States of Micronesia, French Polynesia, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu.

Each chapter assesses the major challenges to media freedom in a specific Pacific Island State and outlines past and future trends. This includes the identification and assessment of cases of violations of media freedom, including censorship and attacks on journalists and media workers.

The report also makes a number of recommendations for the improved defence and promotion of press freedom in the region.

IFJ believes the report highlights the positive value of press freedom, and its significance as a fundamental tenet of stable and peaceful pluralistic and democratic societies.

We urge journalists' associations and civil society organisations across the region to use the report as a resource to support their own ongoing advocacy and campaigning actions in this regard.

IFJ Asia-Pacific
May 3, 2012



(Above) Journalists sketches during the inaugural Pacific Freedom Forum/ UNESCO and IFJ 'Courage under Fire' workshop in Samoa at WPFDF in 2009 and (below) fast forward to a renewed regional unity at WPFDF 2011 for Pacific media groups. Photo: Lisa W. Lahari.



Op-Ed: United Nations OHCHR

Press freedom, a delicate flower

Pacific media, for the most part, is free to actively debate and discuss issues and express opinions, unlike media in some regions of the world where journalists face life and death decisions in pursuing certain stories. However, the region is by no means immune to restrictions on press freedom. The situation for some journalists in the Pacific is tenuous and in some countries a decline has been observed in recent years. Political upheaval in Fiji and Papua New Guinea, along with more subtle political agendas in a range of countries, have shown that press freedom is indeed a delicate flower in the Pacific. It needs to be nurtured in order to grow.

Some stark attacks on press freedom have arisen out of the current political impasse facing Papua New Guinea. Reports by journalist advocacy groups such as the International Federation of Journalists and the Pacific Freedom Forum have documented assaults and intimidation of journalists reporting on political issues since the change of government in August last year. April 2012 saw reports of a brutal attack by uniformed Police officers on journalist Mark Kayok in Port Moresby. Kayok, a Police rounds reporter with the National Broadcasting Corporation, reportedly sustained a broken nose amongst other injuries. In March, an armed police officer threatened the PNG Post Courier Business Editor, Patrick Talu, with a grenade, ordering him to leave an area or be blown up. Earlier in January soldiers at the Murray Barracks in Port Moresby reportedly threatened to shoot PNGFM radio reporter Tauna George.

Press freedom in Fiji is also a serious concern, despite the January removal of Public Emergency Regulations (PER), which restricted the right to public assembly and freedom of expression and gave the authorities broad powers of arrest and detention. The UN High Commissioner for Human Rights, Navi Pillay, welcomed the lifting of the PER in Fiji as a step in the right direction. She encouraged the Fiji Government to build on the momentum with concrete steps to ensure full respect for the rule of law and human rights. The removal of the PER signalled a positive change to the media landscape with the removal of blanket censorship of all Fiji media by Ministry of Information censors.

Despite this, however, it appears that a culture of self-censorship continues to exist for journalists in Fiji. A preliminary media content analysis conducted recently by my office, comparing Fiji's two main daily newspapers, the Fiji Times and the Fiji Sun, before and after the lifting of the PER, suggests that there has been no distinguishable change in the level of criticism of the Fiji Government observed in either newspaper. The research also suggests that in both papers there is a tendency to rely heavily on the Prime Minister and Attorney General, Fiji Government department spokespeople, sportspeople and private sector

leaders, as sources, with little to no prominence given to alternative or critical voices, such as those from opposition political parties or civil society.

An environment of self-censorship is supported by provisions in the Media Industry Development Decree 2010 (the Decree). Overt media censorship, like that experienced under the period of emergency regulation, can be imposed by the Government at any time under section 80 of the Decree. The Decree also provides for a range of fines and penalties (including imprisonment) for journalists, editors and publishers. Recent history, combined with the provisions of the Decree, continues to have a chilling effect on the country's news-media. This is particularly concerning as Fiji is entering a constitution-making process, followed by democratic elections, scheduled for 2014. If these processes are to be legitimate, opposition and critical voices need to be heard.

In 1993 the United Nations General Assembly declared 3 May to be World Press Freedom Day. The aim of the day is to acknowledge the importance of freedom of the press and to remind governments of their duty to respect and uphold the right to freedom of expression, enshrined under Article 19 of the Universal Declaration of Human Rights. The day provides us with an opportunity to reflect on the media freedom environment around us and to defend the media from attacks on its independence. We must pay tribute to the 106 journalists killed worldwide in 2011, according to the International Federation of Journalists, along with the countless others who have faced intimidation, bullying and other forms of hardship.

This year's World Press Freedom Day will inform citizens of violations of press freedom worldwide and remind them that in many countries around the world, publications are censored, fined, suspended and closed down, while journalists, editors and publishers are harassed, attacked, detained and murdered. For its part, the United Nations Human Rights Office in the Pacific will continue to offer its support to Pacific Island governments to implement international human rights standards, including freedom of expression. We will continue to advocate – both publically and privately – for enhanced press freedoms and for the protection and promotion of human rights in the region. The UN Human Rights Office looks forward to a future where all Pacific Islanders can realise their full human rights.

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Introduction

Fragile freedom

When they first met in late 2010 in Samoa to talk over the shape and form of an inaugural Press Freedom in the Pacific report, media colleagues strongly felt that this first milestone offering under the IFJ global template should strive for a unique Pacific ‘flavour.’

This first report, guided by a terms of reference with every contributor, allowed leeway for a level of ‘inaugural’ ownership. Who better to tell the story than industry workers themselves, based in country? The plan is to develop mapping, time-bound monitoring and closer alignment to legal and policy frameworks. The vision is to achieve a Pacific-owned, regionally relevant set of indicators for measuring media freedom to help us better debate and measure progress and setbacks in this work. On May 3, World Press Freedom Day 2012, this inaugural report represents a significant claiming of Pacific space in a global IFJ room already well occupied by regional reports from across the world. We have arrived.

In the 18 months since that Samoa event, Pacific journalists have taken up the call to speak to other journalists and industry insiders about their shared and individual experiences when it came to the national contexts and challenges of holding the powerful in our Pacific societies to account.

Will there be a stronger framework in time, with our own Pacific press freedom index based not just on media standards but also on workplace policy and legislation, governance and rule of law? The bigger task for now is in convincing journalists so accustomed to covering threats to the rights of others, that the treats to their own rights as journalists are also a story needing voice and recognition. The emergence of the Pacific Freedom Forum as the only regional network devoted solely to monitoring Pacific media freedom has highlighted the flip side to its succession of statements since August 2008. For every one of its statements released to the global and regional community, another sits in silence due mainly to reluctance on the part of individuals to have their mistreatment put under the spotlight.

What do the Pacific contributors to the inaugural report tell us? In setting the scene, some chose to look back at the key markers of media events in their countries, in order to understand the current context of media freedom in their nations. That freedom of the media, such a strong term on the face of it, has an increasingly well documented history of attacks from leaders and journalists themselves which shows how vulnerable and fragile freedom of expression and the right to share opinions via the media, without any obstacles, really is.

Media freedom is everyone’s freedom, but Pacific journalists are the frontline. Often they are also the biggest obstacle to reporting the truth, reporting through a filter of internalised cultural, gendered and yes, economic values in conflict with each other. In addition, it is a freedom also struggling to exist in the crossfire between constitutional guarantees, newly and still emerging democracies, and the rule of law. The challenges of gathering information and reporting it in developing island nations, as shared by the contributors to the inaugural report, show that the extremes reported in other regions of the world may not exist in the ‘peaceful’ Pacific, but media freedom is still under siege in other, also powerful and pervasive, ways.

Pacific challenges

Journalists and leaders from the 10 million and growing population of the developing Pacific nations often debate the notion of the Pacific Way – a concept of regional unity and consensus. This in the last decade has led to a shared vision from Pacific leaders highlighting ‘good’ governance as a cornerstone of the ‘Pacific Plan’. The reality is quite different and tends to underline the contrasts and divides between and even within nations.

The Pacific context for media is no different. On some issues, there are strong consensus and in others opposite views. Across the region a strong culture of self-censorship prevails. This is deepened in times of internal tension. The culture of self-censorship rests also in costly defamation threats, distracting government harassment, and, in some regions, when situations turn volatile and the rule of law is absent or weak. The reality for journalists is that being ethical is only feasible when personal safety and well-being – which is also takes into account the ‘we’ instead of the ‘I’, are guaranteed.

Amongst the layers informing that self-censorship, cultural respect for leaders and the powerful in Pacific communities is a powerful deterrent for journalists out to expose corruption in their small communities.

Tyranny of distance goes with the geographical nature of the islands nations of the region. With the majority of Pacific Islanders classed as rural and away from the capital centres, this effectively leaves most audience distanced from the spheres of direct contact with mainstream media. In the age of the internet and media convergence, the Pacific region may lag behind in access to the information superhighway, but is already enjoying mobile telephony as an increasingly effective way for rural and urban communities to be in touch and be informed. The implications for freedom of expression and how people are informing themselves debunks the old school passive notion of information ‘receivers and is reshaping ideas around citizen and mainstream journalists, and the credibility of both roles. New media platforms, from blogs to social networks, continue to challenge and shape media freedom monitoring work in the Pacific.

From the old to the new, the new media platforms provided by the advent of the internet and web-based publishing have turned the whole concept of ‘information gatekeepers’ on its head. In opening up the Pacific to the world, and vice versa, and allowing information to be shared with the Pacific diaspora, both the media and audiences are seeing first-hand the new frontiers and challenges of being online. As Pacific governments scramble for solutions and rumblings of control make themselves felt via attempts to crack down on internet dissent, social networks discussing Pacific governance, development, social justice, activism, human rights and media are booming with voice and debate. It is freedom of expression, with all its potential and pitfalls, and it has only just begun.

For all countries featured, poor pay and working conditions are also effectively undermining the ability of the media to play the fourth estate role, leading to ‘chicken scratch’ journalism which fails to promote investigative technique in newsrooms already under resourced to follow up or delve deeper into major issues around corruption, development trends and key issues.

The lack of decent working conditions and agreements including pay issues are seen as threats to professional standards because it makes it difficult to attract and retain experienced journalists.

This in turn places a pressure on national media associations in the nations where they do currently exist – the Cook Islands, Papua New Guinea, the Solomon Islands, Samoa, Tonga, and Vanuatu – to be well resourced and vigilant. In addition, while attempts have been made, no Pacific nation enjoys a thriving complaints process addressing the other side to media freedom – a responsible mechanism for self-regulations addressing breaches in ethics standards.

As such, ethical breaches often occur - linked back to a lack of senior journalists, and a weak editorial frontline. Errors in fact checking, often to do with small and minor details, help to derail credibility and overall perceptions of the media, as well as the nature of relationships between

audiences, media, and journalists.

Gender dimensions to media monitoring work also pose a major challenge, as women in journalism are often the most reluctant to speak out on their challenges and least likely to stand up to workplace policies that often force them to leave media careers once they begin families and cannot keep up with long hours and field assignments because of caregiver roles. In many cases, women journalists accept what happens as part of the work involved in being a journalist and don’t want to be seen as ‘not tough enough’ or calling attention to themselves.

Conclusion

From American Samoa, the Cook Islands, FSM, Fiji, French Polynesia, Niue, Palau, Papua New Guinea, Samoa, the Solomon Islands, Tonga, and Vanuatu, each of the chapters from the 12 countries who are featured in this inaugural report represent a step forwards in the work of monitoring, reporting and strengthening media freedom for stronger industry.

While the issues highlighted by the authors mirror the challenges facing their colleagues in other continents, the lack of organised unions and work-based networks able to strive for decent working conditions on a rights-based level will continue to be the largest single factor threatening to derail long term futures for Pacific media monitoring work. The hope lies in the passion of Pacific journalists, tinged with their activism, which currently provides the inner steel to the protection of a fragile freedom. The reality lies in more publications like this one to ensure the abuse of free speech does not happen in silence.

Lisa Williams-Lahari

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Founding member, Pacific Freedom Forum.



IFJ Pacific Media Human Rights and Democracy project Regional Media Roundtable participants in Honiara, Solomon Islands in October 2011: *Photo: Lisa W. Lahari*

American Samoa

Population
57,291 (2000)



Decision makers vs. the media

American Samoa is a territory of the United States with a population of about 65,000. It has one daily newspaper, Samoa News, and a thrice weekly, Samoa Post. There are five radio stations: 93 KHJ Radio and V-103, operated by South Seas Broadcasting Inc; KSBS-FM owned by the Sene family; KNWJ-Showers of Blessings, a Christian station owned by the Sword family; and KULA-LPFM, owned by Pacific Islands Bible School.

American Samoa was the first South Pacific island country, after New Zealand and Australia, to have television. The government-owned television station KVZK-TV was launched in 1962 and still operates today. Other TV stations are Pacific Channel Samoa, a free-to-air service; Moana Cable TV, owned by telephone company BlueSky Communications and Island Television; and Island Info Channel 13, operated by South Seas Broadcasting Inc.

Of the dozen media organizations in the territory, less than half offer local news or programs. Programming for the rest consists of music, government or church-paid public awareness programs, and news and programs from American TV networks and Radio New Zealand International.

Of the radio stations, only 93 KHJ Radio and V103 offer local news in English and Samoan, and also carry news from Independent Samoa in the Samoan language.

The government TV station KVZK-TV has daily news in English and Samoan, but the coverage is limited to positive government stories and community events. The station does not cover court stories.

The daily newspaper, Samoa News, is regarded as the main source of news, but in-depth reporting is lacking because of a largely inexperienced newsroom and weak editorial leadership.

Regulation of the Media

Article 1, Section 1 of the American Samoa Constitution states: "There shall be separation of church and government, and no law shall be enacted respecting an establishment of religion or prohibiting the free exercise

thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The territory does not have a Freedom of Information Act. However, local statutes governing most government departments, boards and commissions have provisions which require public disclosure of proceedings and resolutions.

The media is virtually unrestricted, but the flow of information from decision-makers, particularly the Governor's Office and members of the cabinet to the media, could be improved. Emails sent to the Governor are seldom answered. The Governor prefers to address topical issues on his weekly radio program, which is the only time that the media hears his views on controversial issues.

"Emails sent to the Governor are seldom answered. The Governor prefers to address topical issues on his weekly radio program, which is the only time that the media hears his views on controversial issues".

Press conferences are not held. Access to cabinet members is difficult, particularly those in charge of key departments such as Treasury, Budget, Legal Affairs and Commerce. Directors do not share the view that the media seeks answers on behalf of the public and that, by answering the media's questions, they are informing the citizenry.

An issue of concern is a move by the Speaker of the House of Representatives in 2010 to stop recordings inside the House chamber. Local journalists have written to the Speaker several times asking him to reconsider. He has since said that journalists must get permission from the chairmen of the various standing committees to record



Journalists in American Samoa: want to see better working agreements especially covering safety and insurance issues. Photo: KHJ Radio

committee hearings. At one stage, while the Speaker was overseas, a committee chairman gave approval for the recording of a hearing, but when the journalists tried to place a recorder in the House recording room, the staff said they had been instructed by the Speaker that unless

he gives the okay, recording is not allowed.

Several years ago, the District Court stopped releasing court documents for criminal cases to the media. Before this, the media had free access to case files. The policy was changed after a judge became upset with a newspaper's detailed court coverage of alleged sexual acts involving a minor. The media was told to get affidavits for criminal cases from the Attorney General's Office, but attorneys told reporters that the affidavits are public information and the court should release them. A present, attorneys decide which cases they want to release affidavits for, and which reporters they will release them to.

Working Conditions

Newspapers, radio and TV stations in American Samoa generally provide a safe environment for employees to work in. However, pay is not as attractive as compensation for other professions and as a result the industry is attracting only those who are rejected from their first, second and third job choices. There is no overtime pay and journalists typically working 12-hour days are not compensated for the extra hours beyond an 80-hour fortnight.



American-Samoa based journalist Monica Miller (top right) with Ulamila Wragg, Cook Islands freelancer, and Iulia Leilua, president of PIMA in NZ.
Photo: Lisa W. Lahari

None of the media organizations in American Samoa provide life insurance coverage for journalists. Few, if any, reporters working independently take out life insurance for themselves.

Health insurance is not provided by proprietors to cover hospitalization because of job-related illnesses or injuries. This is important American Samoa, where a good number of reporters are foreigners and do not qualify for free health care.

Safety and Security

About seven years ago the Department of Public Safety asked a reporter to come to the police station to answer questions about how a radio station obtained the names of recipients of Development Bank loans – information on which the station based a story about government officials whose loans were written off. The investigation was initiated

by the Development Bank, which insisted that the station broke the law by using information intended only for the bank.

A former cabinet member, who was chairman of the American Samoa Immigration Board, made verbal threats when dealing with one reporter's immigration file after the reporter's radio station covered a story about the chairman's abuse of authority to benefit companies owned by his family. The cabinet member served time after he was convicted by the federal government for conspiracy to defraud the government.

Reporters covering court stories have been threatened and intimidated by relatives of defendants, but there has been no physical contact.

Recommendations

- Governments should be encouraged to be more accessible and open to the media.
- Workshops should be held to inform government officials, especially new administrations, on the role of the media.
- Media owners should strive for pay and conditions that fairly compensate journalists for the long hours they work. This could involve financial compensation or extended annual leave.
- Because the nature of their work places them in life threatening situations, paid life insurance should be part of the benefit package for journalists. Health insurance to accommodate foreigners who are not entitled to free health care in their adopted countries should also be provided.
- Media owners, particularly commercial organizations, should be encouraged to invest in their newsrooms personnel by offering attractive salaries to entice educated, motivated and qualified individuals. South Pacific journalists generally are reluctant to take risks. They know how to get the story and package or write it up but tend to skim the surface and not dig deep to write in ways that have public impact. They become friends with sources and shy away from the investigative journalism when reporting paints a good source in a bad light.
- Pacific journalists need to be toughened up. A simple way would be to ask journalists who have come into conflict with governments, business owners and others to write about their experiences. Their stories could be made required reading for mid-level journalists.



Cook Islands

Population
15,324 (2006)



Reality check for FOI

The Cook Islands can claim to have one of the Pacific's more progressive media industries. With practically no State intervention in the news media (since 1989 for print and 1997 for broadcasting), the country boasts one of the few sectors in the region where private interests retain total ownership and control over all media entities. The government's influence on the media is limited to the legislated authority over broadcasting licences, and the budget appropriation of an annual subsidy to support a pay-tv service in the Outer Islands. The government-established Cook Islands Broadcasting Corporation and Board are long defunct.

In recent years, the media industry has experienced modest expansion, commensurate with a relatively stable economy. The expansion has been greater in broadcasting, which now comprises several companies operating FM radio and television.

radio station, 88FM, has held a television licence for about four years but is yet to develop broadcast capability. Nine of the 11 inhabited Outer Islands, which have roughly 30 per cent of the national population, have the capacity to receive satellite signals for local transmission. The government subsidises Outer Islands TV with a total appropriation of NZ\$25,000 each year (approximately US\$20,500). The operational responsibility for broadcasting rests with the local government. There are isolated cases involving a few islands that have broadcast locally-produced television programs thanks to video camera ownership.

Apart from 88FM, which services a large area of Rarotonga and is aimed at a younger market driven by pop culture, Matariki FM provides local music and talkback radio with similar coverage capability. The oldest FM station in the country, KCFM, has been broadcasting since the early 1980s.

The print media market is dominated by the Cook Islands News, which was established during the colonial era (before 1965) and privatised in 1989. The paper is published six days a week and distributed mainly around Rarotonga. The only competitive alternatives are two weekly newspapers published by the Pitt Media Group. Both the Cook Islands Herald and the Cook Islands Times have been in circulation around Rarotonga for more than 10 years.

Press Freedom

State attitudes towards the media in recent years have been uneven. There have been instances of willingness to free up the flow of government information, contrasting with episodes of tension. This mix of attitudes has largely been influenced by the political landscape of the day, and to some degree, the robustness of reporting by individual journalists.

Before the general elections in November 2010, the then government displayed a "Jekyll and Hyde" political leadership, which at times demonstrated a complete lack of interest in public relations and at other times a hostile intent to control the media. Despite having the political advantage of stability for at least six years (2004-2010), the government did not institute meaningful processes to help local media apply transparency and accountability to state activities, especially the decisions of the Cabinet.

The "hot and cold" attitude of the government of the time was evident in the way Cabinet decisions were released and promoted for a time, then the flow was halted abruptly without official explanation. The government also aggressively proposed introducing a new media law to regulate the industry, but at the same time took credit for adopting an Official Information Act to encourage the free flow of information.

In the face of the threat of media controls, and a seemingly



The honeymoon's over for the Cooks OIA legislation - Prime Minister and OIA Minister Henry Puna (right) with Cook Islands News Publisher John Woods.

The Pitt Media Group, the dominant broadcaster, operates Cook Islands Television (to 3500 homes on Rarotonga), Radio Cook Islands 630AM (nation-wide to a resident population of less than 12,000), and Hitz 101.1 FM (Avarua). It also houses Christian radio channel Maranatha FM. A second commercial operator, Vaka TV, has entered the field in the past year, transmitting around Rarotonga, and sourcing satellite channels from international providers. Two further entities hold television broadcasting licences. The Seventh Day Adventist Church conducts localised broadcasting in one village area of Rarotonga, while an FM

obstinate government, members of the media industry negotiated the re-establishment of a self-regulatory body. Over the past two years, the Cook Islands Media Council has provided an avenue for members of the public, and the industry itself, to make submissions about published material. The Council was set up with an agreed constitution and process for handling complaints. It is chaired by a Cook Islands High Court Justice based in New Zealand and supported by respected members of the community with broad experience in the private and public sector. One appointed member represents the interests of the media industry.

“The failure to live up to earlier promises of openness has been disappointing at best. The media now has a growing distrust of the way the government manages the release of its decisions, many of which see the light of day only through leaks. This unofficial release of information, plus the media’s frustration, has put pressure on the objectivity of news reporting”.

The complaints process is publicised intermittently in the local media, and regularly on websites. In recent months, the Media Council has not been particularly active due to the low level of incidents requiring attention. No assessment of the public’s receptivity to the process and attitudes towards the media has been undertaken.

The 2010 elections signalled major changes for the local industry, particularly regarding support for developing local capacity in home-grown production and delivery of services. The incoming Cook Islands Party government had campaigned on a policy platform which included support for strengthening the media communications infrastructure and human resources.

Unfortunately for government transparency, the post-election “honeymoon” period has been succeeded by the reality of a “closed shop”. Despite an apparent willingness to conduct a new style of open government, the present administration has failed to provide regular press briefings, and has ignored calls to institute a workable mechanism to manage the release of the weekly Cabinet decisions.

The failure to live up to earlier promises of openness has been disappointing at best. The media now has a growing distrust of the way the government manages the release of its decisions, many of which see the light of day only through leaks. This unofficial release of information, plus the media’s frustration, has put pressure on the objectivity of news reporting. More and more common in broadcast news, for example, is the injection of subjective comment and observation in response to the government’s refusal to create a level playing field for disseminating news.

The capacity to exercise media freedom has been constricted by a much broader, national constraint: a shrinking journalistic skills base as a result of 15 years of outward migration. Home-grown, formally-trained media professionals are rare and the options for training and up-skilling are inconsistent. Opportunities for advancement within the country and overseas remain ad-hoc and the demands on core staff can mean that only less appropriate personnel may be available to take up training as it arises.

The government’s national priorities in human resource development do not embrace communications studies with the prominence that is needed, despite the growing pressures on local businesses to look outside the country and recruit professional staff. The daily newspaper, for example, has recruited up to three top-level journalists from overseas to fill gaps. Broadcasting has become totally reliant on on-the-job-training, including the recruitment of young people out of school.

Over time, the media industry has become constrained by narrow opportunities for training. Changes in the Pacific region in terms of organisational sponsorship, and the limited number of multilateral organisations offering tailor-made training, add to the impacts of depopulation and erosion of the skills base.

Safety and Security

The relative freedom with which the Cook Islands media operates belies the pressures that journalists often face from individuals and isolated quarters of the community. The treatment of media professionals by government officials and elected representatives is of primary concern. Although these incidents arise only from time to time, these officials and representatives readily adopt the state powers and government resources that are available to them.

In recent years, almost all incidents of harassment have been directed at the daily newspaper, Cook Islands News. One example, which involved the persistence of a particular reporter, Helen Greig, resulted in court action with allegations of trespass against the reporter. These charges arose from her investigations into the activities of a senior government official, who was eventually suspended from employment amid questions over management, expenditure and use of an official vehicle. The official is persisting with legal action against the newspaper. In addition to the pressures

brought by the court action, police were also implicated in alleged harassment of the journalist, as a result of certain comments and attitudes directed at her.

Early in 2011, the appointment of a new Speaker of Parliament introduced new tensions between the powers of the House and the media. The incoming Speaker of the House, Sir Geoffrey Henry, issued invitations by official letter to media owners (and anyone else they wished to bring along) to discuss parliamentary matters, including the functions and powers of the Speaker, and the role of the media. There was an immediate sense of being “put on notice”, as well as distrust, particularly by the daily newspaper, which had already brushed up against Sir Geoffrey’s displeasure when it raised questions over proposed increases to salary entitlements. The reports were not welcomed by the new Speaker, and despite the media owners making themselves available to meet with him on numerous occasions, the proposed discussions have not taken place.

A more serious case, which reveals animosity from elected officials and a willingness to resort to extremes, is this year’s criminal defamation case brought by Member of Parliament Norman George against Cook Islands News. The legal action was initiated in October 2010 and concluded in March 2011. This case, only the third of its kind in Cook Islands history, followed a case brought against Cook Islands Herald in 2004. See Case Study: Norman George vs. John Woods and Tim Buchanan (Cook Islands News).

The Official Information Act and the “Culture of Secrecy”

The Official Information Act is now more than three years old, having been enacted in 2008 to allow for greater flows of government information to the community. The Office of the Ombudsman is responsible for administering the Act. An introductory grace period of 12 months postponed the implementation of the law until 2009. In response to enquiries made for this report, the Ombudsman, Janet Maki, explained that only one Ministry (the Ministry of Police) fell under the OIA and the 12-month postponement was designed to give departments the time to set up processes for handling OIA requests. A lack of resources prompted an amendment to the Act to “stagger” its application from February 2009 over a further 12 months, with several ministries falling under the regime every three months until they all came under the OIA in May 2010.

Moreover, the Office of the Ombudsman faces challenges in terms of its numbers of designated, fully-trained staff, and its ability to cover at least 70 entities and meet the demands of reaching isolated communities in the Outer Islands. The Northern Group, for example, remains beyond the reach of the OIA programme due to transportation costs. Annual reports issued by the Office of the Ombudsman are not up to date. The Office is not proactive in producing

public statements on OIA processes in a meaningful fashion, and has been slow to make information available on the progress of implementation and accessibility by the media industry and general public. The Ombudsman assumed much of the responsibility in the early stages, but the Office concedes there were a lack of direction and an unwillingness among all departments, except the Police, to make the OIA a priority, as well as a lack of funding to implement the Act.

The two years since gradual implementation of the OIA began have not provided much evidence of change to entrenched systems and public sector behaviour. The OIA remains a cumbersome and largely ineffective tool for local media, who have come dangerously close to losing confidence in its value.

Media criticism of the law has ranged from the state’s failure to invest sufficient resources in its ownership and awareness-building, to perceptions that it is an awkward tool that suffers from a convoluted mix of conditions, such as delays and exemptions. At one extreme, the law is considered basically useless to the broadcasting sector. The inevitable delay in government departments’ responses runs contrary to the immediacy of broadcasting, which demands rapid turnaround in gathering information. Moreover, the OIA is considered redundant and ineffectual in a competitive information environment where journalists have become used to leaks and developing relationship linkages.

Neither of the major media outlets (Cook Islands News or Pitt Media Group) has recorded much success with the OIA. The daily newspaper has filed OIA requests on numerous occasions, but responses have been poor to date. The main broadcaster currently has no interest in the law, and no patience with what is perceived as lip service to improving the responsiveness of departments.

From March 2009 to April 2011, the Ombudsman registered 11 complaints in respect to the OIA (in the context of 101 complaints overall). Nine of these were resolved with two outstanding. This figure excludes the periodic queries fielded by the Office, which are provided on the basis of clarification and explanation of processes of the law.

There is a consensus between media and the Ombudsman on the need for more public awareness for the OIA and how it can be used to access information. The Ombudsman sees value in conducting a survey of all departments to determine the number of requests they have received since coming under the OIA. The media agrees workshop training must continue, at least until it is clear whether there is any improvement.

The Office of the Ombudsman has publicly acknowledged the persistence of a culture of secrecy within official circles. However, no attention is paid to investigating the deeper motives for persistent secrecy, and thus helping to lift the veil.

For example, many government agencies have inadequate record-keeping systems and controls, rendering certain information inaccessible even with the OIA. Old records and files are often boxed and dispatched to the National Archives for storage, thereby cutting links and making access even harder. The evolving digital environment has introduced new pressures, particularly in terms of training and protocols to manage the information effectively. An over-arching responsibility to institute records-management policies and mechanisms remains unattended to.

Many public sector agents at senior levels lack communications training and therefore suffer from low levels of confidence in speaking publicly about their work. Some believe their work is too complicated for the “ordinary person” and do not devote either the resources or the time to reshaping the information for “grassroots” consumption. There is a public sector mindset of protecting one’s turf that stems partly from an ingrained attitude that knowledge equals power and influence. The reluctance to share is driven by fears of losing this power and influence (a particularly pronounced advantage in a small community), and concerns about a consequent erosion of state funding.

The small size of the Cook Islands community is both an advantage and a hindrance. Communications strategies can be applied in relatively rapid and widespread fashion

sometimes unsubstantiated and often cloaked in rumour and suggestion. Strangely, both columns receive a level of attention from the public that is often times far above their value as information.

Another important consequence of this reticence is the failure of government agencies to create adequate communications strategies. In general, there is an absence of forethought as to how and why “the message” needs to be sold to the public. More often than not, strategies are an afterthought. By then, “the message” has been vulnerable to leaks and interpretation by critics and/or the media outlets themselves, who will not wait for a communications plan to be devised.

A recent example is the way the government side-stepped the rolled-over, five-year National Sustainable Development Plan in order to push an Economic Development Strategy, which had been formulated by hand-picked private sector individuals at a national Economic Summit early in 2011. A Steering Committee of officials was charged with communicating progress reports to media outlets but it failed to apply any strategy for doing so. After a Final Draft Report was completed, the 227 policy plans were leaked and subjected to interpretation without input from any government agency.

Conclusion

The media environment in Cook Islands is fairly robust as a result of the level of freedom it has enjoyed over the past few years. However, it is also evident that this environment is severely constrained by human resource issues, along with ingrained community mindsets and a resistant public sector culture.

Although the community is generally well-informed by the industry, there are sizeable gaps as a result of the concentration of business operations on one island, Rarotonga. This means that any strategies to broaden the media’s depth and reach must cater for the idiosyncrasies and circumstances of each of the Outer Islands. The development of national policies is fraught with complex factors related to the remoteness, culture, and language of each small community. Higher levels of media pluralism remain impractical due to vast differences between Rarotonga and the Outer Islands, which suffer from weak infrastructure and unviable investment opportunities for media.

National human resource issues remain under-investigated, especially regarding how to stem the continued erosion of the skills base, as well as how to target professional training to balance out the influence of personality-driven journalism,



Journalists revived the dormant Cook Islands Media Association in December 2011. Photo: Lisa W. Lahari

but the willingness to do so is constrained by several factors. Among them is a fear of being openly identified and, as a result, singled out as a target for criticism – or worse, physical retribution. This fear underpins the daily newspaper’s policy of publishing Letters to the Editor under noms de plumes. But in protecting the individuals, and sometimes their jobs, anonymity opens a door for abuse in the form of attacks and counterattacks – for personal, professional, and political reasons.

The ease with which anonymity can be adopted as a tool is evident during electioneering periods, when letters become campaign weapons. Unidentified sources are also manifested in loosely-compiled gossip columns in the print media: “Smoke Signals” in Cook Islands News, and “Chooks Corner” in Cook Islands Herald. Both can open the way for anonymous criticism by way of claims that are

and help prevent a growing reliance on imported foreign professionals. While the Outer Islands are feeling the severe impacts of population drift (to Rarotonga and beyond), the main island is undergoing transformation with the creeping substitution of local workers by foreign workers.

The Cook Islands economy depends on (and is driven by) tourism, but this sector is under increasing pressure from the influx of foreign workers in service industries, who are progressively changing the indigenous “face” of the Cook Islands. In terms of the media sector, similar pressures will bring change to the national capacity of Cook Islanders to report on their own society, and thus hold themselves accountable. Foreign journalists do not promote the local language by reporting in the “national tongue”. They may not possess the same sensitivities to culture and therefore run the risk of grating against community elders and leaders when investigating newsworthy issues. The nation’s ability to “question the self” becomes eroded and the flow-on effect to Cook Islanders will be to clam up, thereby reversing any gains that home-grown professionals might have made.

Training opportunities could be sourced to focus on those more advanced Cook Islanders who can be better-equipped with the skills to train others at the elementary level, as well as retaining the past options of basic skills training.

An ingrained culture of fear and secrecy operates on many levels, which all affect the ability of media to operate at the highest levels of freedom and transparency. Fears of inviting criticism and retribution have cemented policies within the print media which allow anonymity in pages devoted to Letters and Opinion items. In the case of the daily newspaper’s Letters to the Editor, anonymous opinion has even taken on the legitimacy of news through the use of headlines. At a glance, opinionated claims that are granted a headline can be taken as news by unsuspecting readers.

There is also a tendency in the community for individuals to use print media as a preferred option, to compensate for a lack of confidence in fronting for the television camera. Part of the unevenness in media coverage can be explained by these varying levels of confidence. This is more pronounced within the public sector, where government officials may be willing to open up to the notebook of a print reporter but draw the line at being captured on camera in a “live” situation. Shyness towards broadcasting is symptomatic of a cultural sensitivity to fears over appearing incompetent or an “aka tangata” (show-off, know-all type).

The need to build confidence should be linked with efforts to deal with the present shortcomings of the legislation for freedom of information. Although it is clear that the Official Information Act has been under-resourced since it was implemented in 2009, there are additional weaknesses. There may have been too much of an assumption that a legal framework and official processes would provide a cure-all. Training initiatives currently being promoted should look beyond building the capacity to simply use the

legislation. Confidence-building strategies to encourage cultural changes in the community, particularly the public sector, need to be investigated.

The public sector itself should institute, as immediate policy, a priority to embed communications strategies in all community-targeted development planning and in other activities which carry significant economic and social implications. Government officials too often fall back on the convenience of weak and outdated regulatory requirements to issue public notices in one medium only, in order to satisfy “public awareness” needs. Therefore communications strategies should not be tailor-made to suit the narrowness of political and governmental agendas but, rather, developed to embrace maximum community reach and impact.

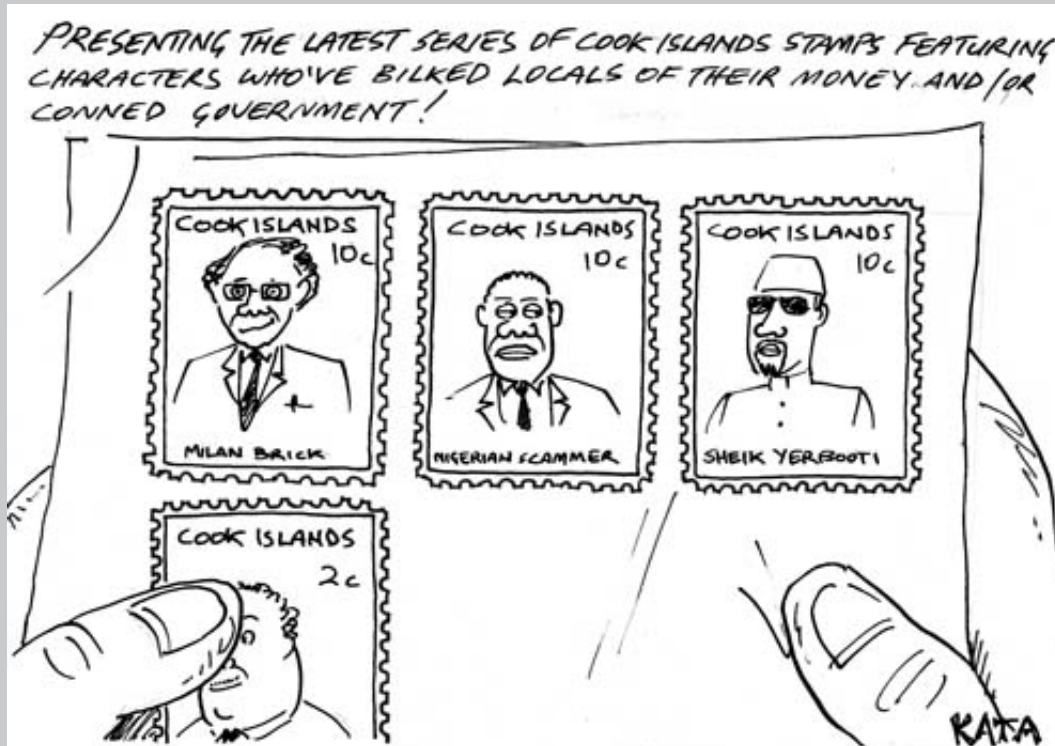
This selective approach by government agencies to scale back their responsibility to be more open in the sharing of official information is matched by similar attitudes towards promoting more newsworthy information. The convenience of a range of media gives news makers options for gauging the effectiveness of the method of delivery of any particular message. Unfortunately, having these options also gives government agencies the ability to play off the media operators against each other. Conversely, it gives the media the chance to apply similar pressure by choosing whether they will cooperate to disseminate information. These are ethical questions, which arise in an environment of strong competition for information which, unfortunately, can lead to an atmosphere of favouritism and mistrust.

An intensely competitive media environment is a factor that can affect local media freedom through the erosion of beneficial, cooperative networks. The personality-driven tensions between public sector individuals/agencies and the media, and among media players themselves, are more or less allowed to drift, simply because the competitiveness of the industry has mostly determined that everyone looks out for No.1. Broad cooperation is only possible if there is a perceived threat to the “whole”, as was the case with the Draft Media Bill three years ago.

To encourage cooperative linkages at all levels, the media industry should revisit the idea of re-establishing the Cook Islands Media Association (CiMedia). This organisation has lain dormant for several years. A body that brings together the whole industry, including owners, journalists, technical and support workers, can explore multi-faceted ways of strengthening “the front” against the pressures of the State and its various agents. This can include the investigation of human resource constraints, and focused training needs; united lobbying to repeal the criminal libel provision of the Crimes Act 1969, encouraging the institutionalisation of communications strategies and a mechanism to allow for the transparency of Cabinet decisions; and concerted calls for improved levels of commitment under the OIA (resources and specialist training).

The Cooks and Libel - Politicians and Media in Court

In late 2010, a Member of Parliament, Norman George, sought to bring an action for criminal defamation against the publisher of Cook Islands News and its cartoonist Tim Buchanan, who uses the pen name "Kata". The cartoon published on September 17, 2010, featured George, who has been the subject of satirical comment by Buchanan over many years. The MP was facing a General Election in November and tried to argue that the Kata cartoon was defamatory and threatened to ruin his re-election chances. The respondents contended that the MP was prosecuting for commercial gain rather than in good faith, submitting evidence of a solicitor's threat to put the newspaper out of business. (See below)



Criminal libel under Cook Islands Law is defined by section 233 of the Crimes Act 1969:

“A criminal libel is matter published without lawful justification or excuse, either designed to insult any person or likely to injure his reputation by exposing him to hatred, contempt, or ridicule or likely to injure him in his profession, office business, trade, or occupation, whether such matter is expressed by words written or printed, or legibly marked on any substance, or by any object signifying such matter otherwise than by words, and whether expressed directly or by insinuation or irony.”

A 2004 criminal defamation case provided legal precedents for Norman George to follow in his case against Cook Island News. The 2004 action was brought against the Pitt Media

Group by the then Prime Minister, with whom Norman George was serving in coalition as Deputy Prime Minister. George was familiar with the case at the time, which resulted from the publication of a tongue-in-cheek “letter” following a State Visit to Beijing, which was written to appear as though it came from the Prime Minister and addressed to the President of the People’s Republic of China.

In mid-2004, following a submissions hearing with legal representatives from both sides, Chief Justice Laurie Greig ruled there was a prima facie case to answer (on the grounds of “designed to insult”) and that the Attorney General could proceed with a criminal case against the publisher of the fake letter, George Pitt and his company. To the media owner’s surprise, the case was not pursued. A General Election was held a few months later and the Prime Minister lost his seat in parliament.

In 2010, George failed to heed the 2004 course of action – a mistake he realised when the court threw out the action for failing to follow due process. In such matters, complainants are required to seek leave from court in the first instance. Defendants have a right to be heard by the court, which then decides whether a case may proceed, as had happened in the earlier action. When his action was thrown out, George, a practising lawyer, reverted to correct procedure and attempted to file the action. He was refused by the court in December 2010 and, instead, Justice Christine

Grice placed the issue of costs on the court’s timetable.

In March 2011, Cook Islands News sought costs from George on the grounds that the MP’s evidence was inadequate. In a court hearing, Justice Grice handed down a ruling that ordered George to pay 70 per cent of the costs – the starting point for determining the costs issues related to the case. At the time, the court costs incurred by the respondents were pegged at more than NZ\$20,000 (approximately US\$16,000). The current level of costs is closer to NZ\$30,000 (approximately US\$25,000) according to the daily newspaper’s publisher and Managing Editor, John Woods.



Fiji Islands

Population
837,271 (2007)



Media by decree

The media in Fiji has experienced a systematic attack on its freedom since the military took power in December 2006. From April 2009 until early 2012, Fiji's media has been subjected to daily official censorship, a move the regime argues was necessary for its reform agenda to move ahead without criticism. One result of such an environment is that journalists now practise self-censorship, consciously or otherwise, because of the climate of fear and intimidation in which they work.

When Fiji's army commander, Commodore Voreqe Bainimarama, seized power on December 6, 2006 his stated aim was to rid the country of corruption and ethnic divisions before returning it to a democratically elected government. That evening, the country's oldest newspaper,

The regime acted the very next day, Good Friday. Through the then President, the late Ratu Josefa Iloilovatu, the constitution – which had entrenched freedom of expression, freedom of the press, the right to information and other universal human rights – was abrogated. The military-led regime imposed a “new legal order” and activated the Public Emergency Regulations (PER) under which daily state censorship was enforced. The PER made it illegal for more than three people to hold a meeting without a permit. Journalists, lawyers, unionists and youth have been the most affected.

In 2009, a media freedom monitoring group based in Suva recorded more than 20 violations against journalists, media contributors, media services and overseas journalists in Fiji. These ranged from arbitrary detention over news reports that did not show the regime in a good light to filming newsworthy events and transmitting overseas footage of such events.

With the battle lines drawn, the year proved to be one of the most difficult for journalism in Fiji. Even before official daily censorship was imposed, The Fiji Times and Fiji TV in particular came under severe pressure. On March



Above: Fiji Media casualties: Former Fiji Times senior editing duo Sophie Foster (left) and Netani Rika. Foster emigrated to Australia in the wake of the Times' forced sale. Rika was threatened and had his car firebombed. He also left the newspaper when it was sold under new foreign ownership restrictions and is now a researcher for a regional NGO. Photos: Lisa W. Lahari, Fiji Times.

The Fiji Times, suspended operations because censors were installed in newsrooms to prevent reaction from the deposed government being published. The next day, December 7, 2006, Bainimarama announced that censors had been withdrawn from newsrooms and the media would be allowed to operate freely if they did not publish “messages” likely to incite dissent.

For two years and three months, the media operated relatively freely despite intimidation of journalists through implied threats and the deportation of publishers of The Fiji Times and the Fiji Sun. During 2007 and 2008, several journalists and editors were taken in for questioning over their reporting. Then on April 9, 2009 came the landmark ruling by the Fiji Court of Appeal declaring Bainimarama's ousting of Prime Minister Laisenia Qarase and the dissolution of Parliament to be unlawful under the Constitution.

10, 2009, then Fiji Times editor Netani Rika's company vehicle was vandalised at his home in the early hours of the morning. Twelve days later, there was an attempted arson attack on his home, while his family slept.

Two days after the constitution was abrogated, The Sunday Times printed pages with spaces where stories had been removed and been replaced with the line: “This story could not be published due to government restrictions.” That evening, Fiji Television refused to broadcast its 6pm bulletin, instead running a message on screen saying: “Viewers please be advised that there will be no 6pm news tonight.”

The now defunct Fiji Daily Post, controlled by long-time journalist Mesake Koroi, the cousin of the deposed Prime Minister, followed suit. It published tongue-in-cheek accounts headlined “Man gets on bus” and “Breakfast as



Getting Creative: Fiji Times ran these blank spaces under the PER, until regime censors told them to cut that out as well. Photo: Lisa W. Lahari / Fiji Times

usual”, humorously detailing the flow of mundane life in Fiji. The Fiji Sun also refused to publish any political stories because it could not run ethically balanced stories under censorship.

This creative response to censorship irked the powers that be. The Fiji Times’ then publisher Anne Fussel, Editor-in-Chief Netani Rika and company lawyer Richard Naidu were summoned to the Ministry of Information where they were told by the Permanent Secretary, Major Neumi Leweni: “Do that again and you are shut down forever.”

To underscore the point, the week after the abrogation of the constitution, editors and local correspondents for wire services and overseas media organisations were summoned to the information ministry. With soldiers attached to the ministry in the room, a senior civil servant tried to explain what exactly was, or was not, allowed to be reported. He said the regime wanted journalists to practise what he called “journalism of hope”. Any reporting deemed critical of the regime’s efforts to “move Fiji forward” would be considered a violation.

Regulation of the Media

One of the main moves on the regime’s agenda was media regulation. In 2010, talk of media regulation increased. The regime said the Media Industry Development Decree

it was drafting was a combination of codes from developed jurisdictions like Australia, the United States and Singapore. A draft of the decree was shown to editors and media executives in Suva on April 7, 2010. They were taken through the draft, line by line, by the regime’s attorney-general, Aiyaz Sayed-Khaiyum, and expected to provide feedback. The same process took place in Lautoka and Labasa during that month before it came into force – with minor changes, especially in the applicable penalties – at the end of June.

On April 13, 2010, the head of news at Fiji Television Merana Kitione was made acting training and development manager. Desk editor and team leader news Anish Chand became team leader for production. These changes reportedly happened because of their alleged bias against the regime. Then Permanent Secretary for Information and Fiji Television board member Lieutenant-Colonel Neumi Leweni was reported to have asked Fiji TV management to remove the two journalists from news roles because of their perceived bias.

On June 28, 2010, the decree establishing the Media Industry Development Authority of Fiji came into effect. It requires media organisations to register with the authority. It enforces media codes, regulates content, and establishes a tribunal to deal with complaints to the authority against the media.

The decree imposes fines for breaches ranging from F\$1000 (approximately US\$500) for individuals to F\$100,000 (US\$50,000) for companies. Breaches of



Regime Attorney General Aiyaz Sayed-Khaiyum in media conference mode, Fiji. Photo: Fiji Times.

content regulations by publishers and editors can attract fines of up to F\$25,000 (US\$12,500) or jail sentences of up to two years; corporations in breach can be fined up to a maximum of F\$100,000.

Two of the provisions – the restriction on foreign ownership and the prohibition against cross-media ownership – have had a profound effect on the local media. Foreign ownership in Fiji-based media companies is now limited to 10 per cent beneficial ownership. Those with a beneficial interest in one media company can only own up to 5 per

cent non-voting interest in another (in a different media) or, if the other company is in the same medium, up to 25 per cent non-voting interest.

The most prominent company affected by the foreign ownership provisions was The Fiji Times Limited, which was wholly owned by News Limited, the Australian arm of Rupert Murdoch's US-based News Corporation. The media decree gave the company until September 28, a period of three months, to divest at least 90 per cent of its shares. In the final weeks before the deadline, News Limited announced local Motibhai Group of Companies had bought the newspaper, which was founded in Levuka in 1869.

Cross-media ownership regulations also affected small companies such as Alsa Limited, which published the monthly Mai Life magazine. The majority of the shares were owned by publisher Judith Ragg, who is married to majority shareholder in Mai TV, Richard Broadbridge. As a result, Ragg had to transfer shares out of her ownership before June 28, 2011.

Since the Media Industry Development Authority of Fiji has been set up, no journalist or media worker has faced charges. However, on July 30, 2010, the editor of the Fiji Live news website, Richard Naidu, was detained overnight after a report that then Police Commissioner Commodore Esala Teleni had been suspended. The police claimed the story was untrue, although Teleni did resign in the following weeks.

In October 2011, Matai Akaoula, the manager of the Pacific Islands News Association (PINA) and a member of the Media Tribunal, confirmed to the student newspaper Wansolwara that some complaints were being processed.

It is not surprising that self-censorship has become a coping mechanism for media workers. Fear of finding oneself the target of a government official's ire has meant journalists stay away from stories that could prove controversial, and from personalities known to be disliked by regime figures.

The revoked 1997 constitution had provided for a Freedom of Information Act to be passed but successive governments never got around to it. The military-led regime has promised to bring into force a Freedom of Information decree. It has asked the United Nations Development Program for help in developing an FOI decree, but it is understood the UN agency could not respond to the request because of the status of the regime.

Safety and Security

While not as common and overt as in the initial stages of official censorship, in 2011 there have been several incidents involving threats or intimidation of journalists. One of the most severe was the detention of Felix Chaudhary, 41, a journalist for The Fiji Times based in Lautoka. At about 8.30pm on Friday, February 18, he was taken to an empty building guarded by soldiers near Nadi airport. At

least four other civilians, including the general secretary of the Fiji Trades Union Congress, Felix Anthony, were also being held there.

Chaudhary was told that Bainimarama was angry with him about his stories on the sugar industry and the national airline Air Pacific and its subsidiary Pacific Sun. He was told to inform Bainimarama before publication when he had stories on these two industries.



Fiji Times journalist Felix Chaudhary
- witnessed regime abuse firsthand.
Photo: Fiji Times.

The soldiers slapped unionist Felix Anthony around in front of Chaudhary and were very rough and intimidating, although Chaudhary himself was not harmed. Chaudhary was detained for about an hour before being released. He was warned that the next time he was taken by soldiers that he would "walk in but not walk out".

On February 6, 2011, the former President of Fiji, Ratu Josefa Iloilo, died. Fiji Television reported his death on its main evening bulletin after a government censor approved it. However, the rest of the media did not report it to comply with traditional protocol related to the announcement of the death of a high chief. The news was finally confirmed – and Fiji officially told – by Commodore Bainimarama on the afternoon of Monday, February 7 although it was already being reported widely around the Pacific.

On May 4, 2011, Lieutenant-Colonel Ratu Tevita Mara, who as chief-of-staff was the fourth highest ranking military officer, was charged with inciting mutiny and making seditious statements. After a court appearance in which he was ordered to surrender his passport, Ratu Tevita (also known as Roko Ului) defected to Tonga. He was picked up on May 13 in Tongan naval vessel from within Fiji's territorial waters, touching off a diplomatic storm between the neighbouring countries.

Fiji-based journalists were among the first to find out about the defection but had to wait more than 24 hours until a regime press conference "announced" the news. Meanwhile the story had already broken outside Fiji. Editors were told to stop reporting statements from Ratu Tevita as a matter of "national security" and some individuals were warned that commentary on social networks such as Facebook was being monitored.

Another incident in 2011 involved a radio journalist who

was overheard making a comment about the government while outside church. Soldiers spoke to him before he was released.

In June 2011, the journalist Ricardo Morris reported the arrest in Fiji of alleged cult leader Rocco Leo, who is wanted in Australia in connection with tax evasion and assault charges. The arrest came on June 19 after Leo and his girlfriend overstayed their visas. The report was published in the Sunday Mail in Adelaide on June 26 and reprinted by the Fiji Sun the next day. Two days later, two officers from the police internal affairs unit took a statement from Morris on what a detective quoted in the story had told him.

Other incidents have been known to have occurred, but media workers either do not see them as violations or are afraid to raise the issue for fear of retribution.

Organisation of Journalists

Over the past decade, there have been numerous attempts to revive or establish journalists' organisations to cater for the professional and social needs of media workers. In 2004, the Fiji branch of the Commonwealth Journalists Association was set up in Suva. While it was successful for a few months, it lost momentum and became moribund. Between 2005 and 2006, several journalists got very close to formalising the Fiji Islands Media Association, but after a disagreement on membership categories the proposal died a natural death.



Engaging governments without compromising media ethics and integrity: Fiji freelance journalist Ricardo Morris. Photo: IFJ Pacific project

Since 2010 journalist Ricardo Morris has been trying to organise an independent body called the Journalists' Alliance Fiji, restricted to working journalists, photographers, camera crews and freelancers. It would aim to protect the rights of the media, promote professionalism and provide training opportunities.

Several senior industry figures are supportive of the move but some have been openly hostile to the idea of allowing their journalists to get involved, reportedly because they feared they would be breaching the regime's media restrictions.

In July 2011, a training workshop for journalists on media ethics and rights monitoring drew very little interest from journalists. While there may have been very little time for word to get around, those approached to participate were either unsure, said they needed to ask their bosses for permission, or said they could not attend because of work.

The workshop was held on a Saturday. A permit was applied for and granted, although the organisers received a call from the police intelligence unit inquiring about the contents of the workshop. One journalist said her supervisor had forbidden his journalists from "fraternising" with other media workers because they would be in breach of the then-active PER.

Recommendations

- Encourage free speech, public debate and dialogue on the issues of the day. Most journalists and those with an interest in freedom of expression – whether they support the current regime or not – believe that one of the biggest impediments to development in Fiji today is the severe restrictions on expression. Criticism is not taken well, so people tend to say what they believe they should say to stay out of trouble. If all Fijians are to help re-build and shape Fiji's present and future, everybody should be allowed to participate without fear of recrimination.
- Working journalists should organise themselves to provide for better networking, training opportunities, and development of professional standards. A journalists' body would also ensure violations are closely monitored and reported.
- With the Media Development Decree in mind, raised awareness of how the decree affects the work of journalists and call for reform of those areas which unrealistically restrict freedom of information and of the press.
- Step up monitoring and recording of violations of media freedom rights.
- Hold the regime to their promise to publish a Freedom of Information decree.

The Deported

Within the span of a year from early 2008 to early 2009, Fiji's military-led regime deported three publishers, two of them from The Fiji Times.



Russell Hunter: first of three publishers to be deported by Fiji's regime in the space of a year. Photo: Fiji Times

On February 25, 2008, Australian national Russell Hunter, the publisher of the Fiji Sun, was taken from his home in Suva by immigration officers. A government statement said Hunter had been conducting himself in "a manner prejudicial to the peace, defence, public safety, public order, security and stability of the sovereign state of the Fiji Islands".

Despite a judge ordering that his expulsion be stopped, Hunter was put on a flight to Sydney the next morning with only F\$20 (approximately

US\$10) in his pocket and the clothes on his back.

His deportation followed a series of reports in the Fiji Sun which made allegations of tax impropriety against the then finance minister Mahendra Chaudhry (a former prime minister who was ousted in a coup in 2000). Six months after Hunter's deportation, Chaudhry resigned his post in the interim government.

In July 2010, Chaudhry was arrested and charged with 12 counts of money laundering, tax evasion and failing to declare foreign currency, dating back to just after the 2000 coup. The High Court in Suva is yet to rule on whether the case will go to trial.



Court order ignored-Fiji's national airline picked up on a court order against Evan Hannah's expulsion and refused to board him. Photo: Fiji Times

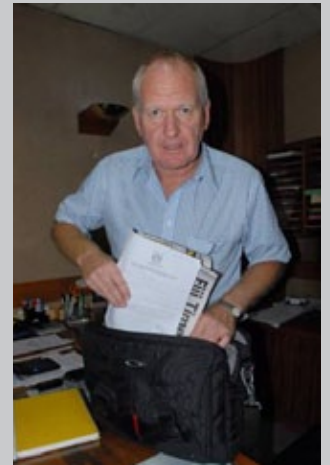
Just over two months after Russell Hunter's expulsion, Evan Hannah, The Fiji Times' publisher, was expelled despite a court order preventing it. Police and immigration officers arrived at Hannah's home at 6.55pm on May 1, 2008 with an order to deport him for allegedly breaching his work permit.

He was taken at 7.30pm in front of his one-year-old son and his wife, Dr Katarina Tuinamuana, a Fijian national. Tuinamuana said the officers could not say why Hannah was being deported, although a police spokeswoman told

the newspaper it was because of "unstable comments" he had made. Fiji Television reported Ratu Epeli Ganilau, the then defence minister, as saying the deportation order was linked to national security issues involving articles published by The Fiji Times.

Hannah was detained two days ahead of World Media Freedom Day and only hours after prime minister Commodore Voreqe Bainimarama had made a speech vowing to defend media freedom. The next morning he boarded a Korean Airlines flight for Seoul after an Air Pacific pilot refused to take him because a court order of habeas corpus had been delivered to the airline.

After Hannah's deportation, Rex Gardner was appointed publisher and acting CEO of Fiji Times Limited. Less than nine months later, on January 26, 2009, Gardner was also told to leave the country. The week before the company was fined F\$100,000 (approximately US\$50,000) over a letter to the editor published in October 2008 which the High Court deemed to be in contempt of court. The letter was in relation to the case brought by ousted Prime Minister Laisenia Qarase over the validity of the military's 2006 takeover. Gardner was discharged but put on a good behaviour bond for 12 months. Then editor-in-chief Netani Rika was given a three-month sentence, suspended for two years.



Third time unlucky --Rex Gardner following in the footsteps of Evan Hannah and Russell Hunter. Photo: Fiji Times.

A day after the court ruling on January 22, 2009, the immigration department issued a notice that Gardner was a prohibited immigrant. It was served on him on January 26, although he was already scheduled to fly out of Fiji over the coming weekend



Federated States of Micronesia

Population
102,624 (2010)



Media a lonely, besieged industry

There currently are no independent radio or television broadcasters that broadcast local news in the Federated States of Micronesia.



Bill Jaynes' of Kaselehlie Press faces up to the universal problem: media professionals are in short supply. Photo: KPress

The media are free under the law to write and broadcast responsibly, and citizens have the right to receive information on any subject. However, the media operate under geographic, economic and technical constraints and challenges. In addition, the state and federal governments lack experience and confidence in dealing with the media, public servants are reluctant to speak on the record and the general public tend to underestimate the value of an active media industry.

As a result, the nation's 103,000 residents, spread across 3000 longitudinal miles of the Pacific Ocean, are largely uninformed about local issues and the activities of their government. Hopes for improvement in the situation rest on the pressure for change coming from FSM citizens living abroad, innovations by some far-sighted government officials, and the promise of technical innovations such as a fibre-optic network.

The FSM includes several hundred islands, the majority of which are uninhabited. The few inhabited islands are difficult to reach and some islanders have no physical contact with people from outside for months at a time. The cost of newspaper circulation to all of the inhabited islands would be prohibitive. There is no affordable technology that would allow a television or radio broadcast to reach all of the inhabited islands.

The FSM's economy is largely based on the assistance it receives from the US as a term of the Compact of Freely Associated States between the two countries. Monetary contributions from that agreement are on an annually decreasing scale. The payments are set to terminate in 2021. There is a high level of out-migration as residents leave the islands seeking better economic circumstances elsewhere, most often in the US or Guam, where FSM citizens are allowed to freely travel for work or study. Broadcasting freedoms for original television content have not been tested at all in the FSM. There is currently no free-to-air television broadcasting. Only subscribers who pay a monthly subscription fee are able to receive video content that originates in the FSM. Most of that content is unedited amateur video of festivals, social or cultural events, or of public government ceremonies that occur in the FSM States whenever a videographer is available who is willing to share their content.

Formerly what television service there was in the FSM was rebroadcast from tapes sent from the US with a lag of whatever time it took to ship and to receive the tapes. Some live satellite feeds were also televised during that time, but there are only a few satellites that cover the area of the FSM. Those satellites that are available are often difficult to dial in and require large and expensive satellite dishes.

Since a fibre optic line became operational in the nation's capital, Pohnpei, in the middle of last year, world news in real time has become available to those few FSM residents who both lie within the service area of those broadcasts and can afford the subscription rate for the service.

Media Sector

According to the separate constitutions of each State in the Federated States of Micronesia (FSM) as well as the constitution of the FSM, journalists operating in all forms of media are free to speak and to publish. But in practical terms it is difficult, if not impossible, to make a living doing so. The FSM has seen a variety of private newspapers come and go. History shows that most media enterprises

fail soon after they begin for purely financial reasons.

Newspapers

The Kaselehlie Press, a fortnightly publication in Pohnpei, the largest island, and with circulation in the other FSM States, is the oldest newspaper in the FSM, yet it has a history of just less than 12 years. K-Press was initially to be a newspaper covering issues in the State of Pohnpei but since other newspapers have regularly collapsed it has come to be seen as the national newspaper.

While the 2010 census estimates showed the FSM population at just over 103,000 people, K-Press has a scant circulation of 1300. Its website receives a nominal 35,000 hits each month.

Defunct newspapers the Yap News Networker in the State of Yap, the Chuukano Shark in the State of Chuuk, Da Rohng (“The News” in the Pohnpeian language) and the Micronesia Alliance in the State of Kosrae had also begun to cover news of local importance in each of the States. Each one fell by the wayside for a variety of reasons, mostly economic.

K-Press has one working journalist, who has been employed by the newspaper, a non-profit corporation, for nearly half of the newspaper’s history. The newspaper employs a creative layout artist who also functions as the newspapers errand runner, deliverer, and accountant.

Websites

Bermin Weilbacher, a native Pohnpeian and a retired former leader in FSM and Pohnpei, runs a website entitled Bermin’s News Network, or BNN, at www.fm/bnn. The site is a blog format dealing with FSM issues, with a concentration on Pohnpei. As with most blogs there is opinion mixed with the news, some of it informed and some of it obtained from sakau (similar to kava) stone gatherings.

There is one website that deals exclusively with news from Chuuk. The Chuuk Reform Movement is run by Vidalino Raator, a citizen of Chuuk who currently works as a professor in the United States. He has a remarkable ability to get Chuuk news stories even though he lives abroad.

Radio and Television

The States of Kosrae, Pohnpei, Chuuk, and Yap each have government-funded AM radio stations that air government sanctioned news. Some of the state radio stations transmit live broadcasts of legislature proceedings. Those that do tend to cut to music during the “short recesses” during which “off the record” conversations among legislators take place in the chamber, conversations to which a journalist present in the legislative chambers would be privy. Except for the proceedings of the FSM Congress, there is currently no independent journalist present at those proceedings.

Most of the “news” coverage carried on each State’s radio station amounts to readings of State press releases or letters issued by Government servants. Yap State, through its Department of Youth and Civic Affairs (DY&CA) does perhaps the best of all of the States to keep its citizens informed about government proceedings. Its radio station has high quality content including news. DY&CA also runs a well maintained and constantly updated website.

Nearly half of all FSM citizens live in the widely scattered islands of Chuuk. Chuuk’s state-funded radio station is seldom on the air due to constant power outages in Weno, the capital and the most developed of all of Chuuk’s islands. Even the residents of Weno have no clear idea when the State radio station will next broadcast and do not know when to tune in. As a result, they seldom bother to do so. Even if Chuuk’s “lagoon islanders” knew when they could receive Weno’s state sponsored radio news broadcasts they could not easily do so because those islands have no sources of electrical power other than private generators. The islands of Chuuk outside the lagoon not only have no power, but are also out of range of any radio or television signal.

Regulation of the Media

The law is not the problem for journalists in the FSM. The FSM gained its independence from the United States in 1986 founded on democratic principles. Where there is an absence of FSM legal precedent, the FSM legal system recognises legal precedents and common law from the US. All of the FSM constitutions contain a list of 14 Fundamental Rights, of which freedom of speech and assembly is the first.

Journalists are theoretically free to responsibly publish or broadcast in the FSM with little or no government intervention. In general FSM radio broadcasters have been able to operate as they pleased as long as they upheld standards of “decency” and “responsible” speech such as those published by the US Federal Communications Commission and as defined by FSM and US laws regarding libel and slander.

Safety and Security

Media practitioners generally operate in an atmosphere free of threat. The editor of the one remaining FSM newspaper has on very rare occasions been threatened by private citizens during his leadership of the newspaper. His car has been vandalized on occasion, also by private citizens, but none of those rare instances was related to FSM government officials, or FSM law or practice.

In a celebrated case in 1997, the Ninth Congress of the FSM passed a special resolution (Resolution 9-106 on March 19, 1997) accusing a Sherry Sullivan, owner and editor of the FSM News, of reporting with “gross, extreme, careless and apparently wilfully malicious inaccuracies, distortions and outright falsehoods”.

The resolution asked then FSM President, Jacob Nena, to declare O'Sullivan Persona Non Grata. President Nena ultimately did declare O'Sullivan Persona Non Grata when she was in Guam to speak to a gathering of professional journalists, not for the reasons Congress specified but for

record, especially about sensitive issues. Most often, government officials refer journalists to designated Public Information Offices which may or may not exist. If the office does exist, staff members often do not know enough facts to be helpful.



Lack of trained media personal at all levels means staff have to multi task across their own outlets and go from advertising to interviewing in the same day. Photo: KPress

alleged violations of FSM immigration laws. O'Sullivan was stopped at the entry port and never allowed to return to the FSM, even to retrieve her personal items.

No individual sought to take a defamation action against O'Sullivan, and the allegations in the special resolution were never tested in court. Since the incident occurred, nearly 15 years ago, no Congress has made a comparable move to declare another journalist Persona Non Grata.

Press Freedom

FSM government entities are making a continuing effort to communicate with media resources but there is much work yet to be done. Even when the news about government activities is positive, it is often difficult to get firm information or even to hear about the activities in the first place. When news is negative it is nearly impossible to persuade reliable sources to go on the record.

There is a need to educate bureaucrats about the role of the media in a democratic government. Although the one independent print journalist in the FSM who operates from Pohnpei has developed good and positive relationships with public servants, most are still unwilling to go on the

FSM Congress Information Services rarely puts out press releases, but they do maintain a website and post all bills, committee reports, resolutions, and official journals in PDF format as they are transcribed. Congress has gone several steps further than most other FSM government entities to ensure transparency. A new policy established within the last year by Congress Speaker Isaac Figir allows that a journalist visiting a Congress session will receive a full set of materials on any session day, essentially the same daily set of materials that Senators receive. Further, Speaker Figir often goes out of his way to make himself available to answer the questions of journalists and does not shy away from difficult questions.

Judicial branches in the FSM are, for the most part, willing to share court documents. No other court in the FSM, however, has the highly developed organizational structure for court filings and other court paper work that the FSM Supreme Court does. It is not only easy to find case filings at the FSM Supreme Court, but staff members are courteous and accommodating. Copies of court paper work at that court cost 15 cents per page and staff members are happy to accommodate requests for copies.

Court documents at State and Municipal courts are difficult

to obtain due mainly to disorganisation. Even if a journalist has managed to find the number of the case through external sources, court staff members often cannot locate case paperwork. There is generally no system at the “local courts” to find a case if the journalist does not know the case number.

Pohnpei State Supreme Court charges 50 cents per page to copy a court filing, but the copies are of poor quality.

Pohnpei’s Governor John Ehsa holds reasonably regular press conferences, a move that started only after he assumed the office just over three years ago. His press conferences are aired live in Pohnpei and simulcast on the website of the FSM.

Besides the press conferences, Ehsa’s office instituted a website that appeared to be promising. However, after the initial flurry of activity of content posted for the opening of the website, it received no further attention in over a year.

The Kaselehlie Press received only one press release from the Governor’s information office during the three years of the Governor’s term. K-Press received no phone calls from his information office other than the few phone calls announcing press conferences, often received moments before the conferences are scheduled to begin.

The Kaselehlie Press has been able to keep in touch with news from Yap through its daily news emails and government officials in the state are receptive to telephone interviews. The Director of the Department of Youth and Civic Affairs (DY&CA) handles information dissemination for the entire Yap government.

Neither Chuuk nor Kosrae has a public information officer, nor do they have any office or individual designated to handle that job. Few of the governmental entities in either of the two States have websites. If they do, it has been years since they were last updated.

Cultural Challenges

Word of mouth rather than the media is the principal form for delivery of “news” information in the FSM. Communication has traditionally been handled verbally through the “coconut wireless” rather than through written language. As a result, it is difficult for FSM residents and citizens to get news that is not watered down or substantially changed.

The concept of independent media is relatively new in the FSM and demand for it is not strong. This situation could be partly rectified through community education about the role of the media, but many residents may remain reluctant to pay for news. However, within the last year FSM citizens from around the world have made some demands for press coverage and have begun to make their information demands known to their representatives. Several news

stories have been covered by local media that only came about because of cries from the FSM citizenry to its representatives, who apparently only then felt pressure to speak to media.

The public call for media coverage does appear to be making some small difference at the government level. As more and more FSM citizens become media savvy, their influence and demand for information may serve to change the face of media in the FSM where media practitioners themselves have not been able to do so.

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Availability of skilled media workers

The culture of the FSM is a major reason why there are currently no local media practitioners. The College of Micronesia National Campus in Palikir, Pohnpei, ran a media studies track for several years and graduated a few students with that concentration. Most students found after graduation that not only were few media jobs available but that those few were so low-paying that it was impossible to make a living. In a context where people are not considered to have reached adulthood until the age of 30, the young graduates found it culturally difficult or impossible to function as journalists.

The College of Micronesia FSM no longer offers a Media Studies concentration track.



French Polynesia

Population
259,706 (2007)



Diversity under threat

Compared to similar islands within the Pacific region, whether they are independent countries or territories, French Polynesians have access to a large number of news organisations.

For television alone, French Polynesian viewers have access to two channels broadcasting local programs. The first, Polynésie1ère, has been established in Tahiti for several

owned media organisation has thousands of employees. Some local politicians have often criticized this TV channel in the past, claiming it is nothing but the voice of France.

These criticisms led to the creation of a new television station, Tahiti Nui Television (TNTV), more than 10 years ago. This station was launched on June 29, 2000. It was created by the government of French Polynesia. The pro-autonomy political leader Gaston Flosse was at that time President of French Polynesia.

Tahiti Nui Television aims to broadcast more local programs, so that viewers can feel “more at home” when they watch TNTV. Consequently, the station has a large number of stringers in some of the remote islands of French Polynesia. TNTV also conducts exchange programs with other TV stations in the Pacific (for instance MaoriTV in New Zealand).



Longtime journalist, Tahiti Pacifique magazine publisher and founder of Tikileaks, Alex du Prel. Photo: Louis Bresson

But the many changes of government since the 2004 General Elections (13 changes of government in total) have dramatically affected TNTV. Pressure from different governments has been felt at times in the news room. CEOs were routinely dismissed and replaced, until a former RFO journalist, Yves Hauptert, was named as the head of TNTV in February 2007.

That year, due to budget restrictions, the French Polynesian government led by pro-independence leader Oscar Temaru also threatened to close TNTV (with a staff of 50 people). However, some claimed this decision was politically based, since the media organization had been created by a pro-autonomy leader.

decades. It was formerly known as RFO, “Reseau France Outre-Mer” in French (French Overseas Network).

About 150 people work in this organisation, providing daily news both in French and Tahitian. Although French remains the official language in French Polynesia, Tahitian is often used in everyday life.

Polynésie1ère is part of a much larger organisation which includes TV stations in the eight French Overseas territories and departments, in diverse locations such as the Carribean (Guadeloupe, Martinique), the Indian Ocean (Reunion Islands) and South America (French Guiana). It has no less than three stations in the Pacific: in French Polynesia, New Caledonia, and Wallis and Futuna.

All of these TV stations are themselves part of an even larger organisation called France-Televisions, which is the French public broadcasting organisation. This large state-

But wide public support helped to overcome the threat to TNTV. When the French Polynesia Assembly had to vote on this issue, on August 18, 2011, the government finally backed down and agreed to keep TNTV open.

The decision was taken mainly because 21,000 people – out of a population of about 250,000 inhabitants in French Polynesia – signed a petition of support for TNTV. Some members of Oscar Temaru’s pro-independence majority also publicly said TNTV should not be closed.

The government, however, clearly stated there would be very limited financial support to TNTV in the future. Given this lack of public funding, the fate of French Polynesia’s television industry is still uncertain.

Meanwhile, France launched a digital television station in French Polynesia. The station began preparations in November 2010 and was launched in October 2011.

French Polynesian viewers now have seven more television channels to watch. But members of the French Polynesian government have criticized this move. They said they were not consulted by the French government regarding the introduction of the new channels. Some argued that the new French language channel would have a negative cultural impact, as their coverage mainly focuses on France and the rest of the world, rather than Tahiti.

Tahiti also has a large number of radio stations. Aside from the French state-owned Polynésie1ère, there is only one commercial radio station, Radio1, and several radio stations linked to cities located in the suburbs of Papeete, Tahiti's capital city.

Radio stations, with programs featuring Tahitian music, are very popular in French Polynesia. However, some of these radio stations, such as Radio Tefana, Radio Maohi or Radio Bleue, have been linked to some of Tahiti's major political parties.

Radio Tefana has been linked with Faa'a, whose mayor is current French Polynesia President Oscar Temaru. Radio Maohi has faced very serious budget issues in recent years. It is linked to former French Polynesia President Gaston Flosse.

Radio Bleue is now closed. It was the radio of Mahina, a city located on Tahiti's east coast. This radio station was mismanaged by mayor and former telecommunications minister, Emile Vernaudon, who is involved in several cases and is now in Nuutania, Tahiti's prison.

There are also two daily newspapers in French Polynesia, La Dépêche de Tahiti and Les Nouvelles de Tahiti. The first was created in 1964 and the second in 1957. La Dépêche is very popular, filled with advertisements and photographs, while Nouvelles has a smaller readership and is more critical of political life in Tahiti. Circulation of La Dépêche is about 15,000, while circulation of Nouvelles is about 5,000.

However, it should be noted that in fact there is no real competition between these two newspapers, as they are both owned by the same French private company, Groupe Hersant. There is, indeed, only one CEO for the two newspapers. The two newspapers also share many departments. They are different only in that they have two separate newsrooms, with one editor-in-chief at the head of each newsroom.

The Hersant Group is clearly one the biggest groups in France when it comes to daily newspapers. It has almost a monopoly in the French overseas territories and departments and this has been the case for many decades. The group has faced some serious financial problems in France and some newspapers may be sold.

Local politicians have often criticized these newspapers, specifically Les Nouvelles de Tahiti, claiming they focus too much on political problems. Other critics focus on the fact

that almost all of the paper's journalists come from France and it is felt they do not understand Tahiti's social and cultural life. The two newspapers together have a staff of about 150.

Both newspapers have recently launched websites, as many young readers now seem to prefer to access their news online. This trend can mostly be seen in Tahiti. The situation is quite different in remote islands where internet connections are not as good. At present, both newspapers' websites can only be accessed on a "user pays" basis.

There are a number of weekly or monthly magazines. Most focus on soft topics, such as the lives of celebrities, home furnishings and popular entertainment. There is only one magazine devoted to politics and economics. It was created in 1991 by Alex Du Prel, a French-American journalist now living on the island of Moorea, Tahiti's sister island.

Alex Du Prel, who worked as a stringer for the daily newspaper Les Nouvelles de Tahiti at the end of 1980s in Papeete, made clear right from the start that his magazine, Tahiti Pacifique, would be different. He wanted to talk about issues that other journalists and other media organizations would not address.

His editorial line appears quite different from the other daily newspapers and magazines. He often criticises things done by the various French Polynesian governments, and many local politicians dislike what he writes.

Alex Du Prel has also recently created in the pages of his monthly magazine a new section named "Tikileaks", Tiki being the Tahitian word for statues of Gods in ancient Tahiti. The reference to "Wikileaks" and Julian Assange is obvious and in this section, indeed, documents which are not to be seen anywhere are frequently published. These documents can show to readers decisions taken by the government or anything else considered relevant.

This magazine celebrated its 20th birthday with a special edition, but times are difficult. Alex Du Prel leads a team of stringers but he completes most of the work himself. Advertising revenues are waning due to the tough economic situation. Alex Du Prel has indicated his wish to retire and sell the magazine. As yet, it is not clear if the magazine will continue to be published.

Safety and Security

Even though there are no reports of journalists being threatened or put in jail in French Polynesia, the daily life of Tahitian journalists is not easy, whether they work for television stations, daily newspapers or magazines.

In 2011, pro-independence French Polynesia Assembly Speaker Jacqui Drollet amended the rules regulating the manner in which journalists could work in the French Polynesia Assembly. Covering Assembly sessions has now

become very difficult, with journalists and camera operators now kept far away from politicians by tight security. This makes it difficult for the media to cover the issues debated at the French Polynesia Assembly. Securing interviews is now very difficult. The Speaker also now requires all speakers to use the Tahitian language within the Assembly, even though some pro-autonomy politician leaders do not speak Tahitian, and despite there being no legal requirement to speak Tahitian. This is frustrating for journalists and audiences, and has been a target of significant criticism.

A translation service has been created for the Assembly sessions, but many local politicians have criticized it, claiming the persons in charge of it have inadequate training and are not qualified translators.

The French Court of Cassation, the highest criminal court of appeal for French Polynesia, also upheld last September, in Paris, a sentence against Former French Polynesia President Gaston Flosse. He was accused of hiding documents concerning an

intelligence unit known as SED (Service d'Etude et de Documentation, in French). The sentence was a 1.5 million French Pacific francs fine (approximately US\$10,000).

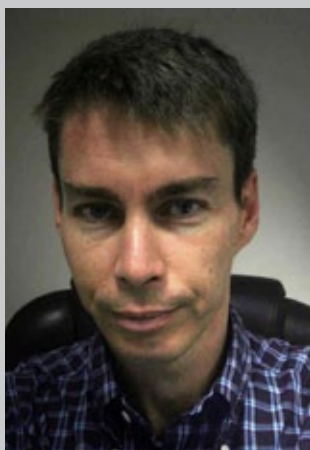
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This intelligence unit was disbanded in 2004-2005, after Gaston Flosse lost the Territorial elections. The unit is reportedly accused of spying on political opponents and on some journalists. One of them, Alex Du Prel, publisher of the monthly magazine Tahiti Pacifique, claims he was one of the targets of this unit. This means that he could have been followed to see who he was meeting and the intelligence unit could also have used wire tapping. The investigation into the operations of this unit continues.

The main topic people usually mention in discussions of press freedom in French Polynesia is the case of journalist Jean-Pascal Couraud, known as JPK.

Jean-Pascal Couraud was a journalist for the daily newspaper Les Nouvelles de Tahiti for many years in the 1980s. He was very critical of Flosse's

Bridging-- then closing the French-English Pacific news divide: ATP



Thibault Marais -- one of five staff let go in the closure of ATP. Photo: ATP

In early 2001, the French Polynesian government launched a press agency, ATP (Agence Tahitienne de Presse) with its own website, www.tahitipresse.pf. It is the only bilingual – French-English – media organization in French Polynesia. The pro-autonomy government of Gaston Flosse at that time claimed it was necessary to exchange more information in the Pacific area and this had to be done in English as well.

It can be compared in some ways to Oceania Flash (Flash d’Océanie, in French), another bilingual French-English service, which was launched a few years ago, in Fiji, by French journalist Patrick-Antoine Decloître, who used to live in Vanuatu.

The website www.tahitipresse.pf attracts readers beyond

French Polynesia, and indeed has readers in France, the United States and many other Pacific nations (Australia, New Zealand, Fiji). In 2010 there were no less than 1 million visits to the website.

But this news service has also been criticized for being too costly. A French financial audit, called the Bolliet report, stressed this as early as 2009. It should be noted, however, that the Bolliet report criticised many other public departments and organizations in French Polynesia. According to this report, made by Finance Inspector Anne Bolliet, the French Polynesian government should cut spending as soon as possible and close or merge many public departments.

Based only on this report, the Temaru government announced in June 2011 that it would close down ATP and its well-known website, www.tahitipresse.pf, by the end of that year. Again, critics argued that the decision was politically motivated, as ATP had previously been created by a pro-autonomy government.

At the time of writing this report, there were talks about continuing the service through TNTV, but no final decision had been made. Tahitipresse has a staff of only five, plus a few stringers. So it is clear that it will need to operate on a very limited budget if it is to continue with its service.

presidency, and soon became an opponent of Flosse and, at the time of his disappearance near the end of 1997, was working for opposition leader Boris Leontieff.

It has been said for many years that Couraud committed suicide for personal reasons, but in recent years a committee was created claiming he might in fact have been a victim of Flosse's former militia known as GIP (Groupement d'Intervention de la Polynésie, in French). The GIP, like the SED, was disbanded in the years 2004-2005, when Oscar Temaru first became president.

Members of this committee, mostly family and friends of Jean-Pascal Couraud, point out that Couraud made several investigations concerning Gaston Flosse's situation. These investigations were looking for links between the former French Polynesia President and the former French President, Jacques Chirac.

So far, however, all the investigations made by the French Justice Department in Papeete concerning Jean-Pascal Couraud's disappearance have led to no new evidence. His body has never been found. Several French television crews have visited Tahiti to investigate his disappearance and their documentaries shown on French national television.

Recommendations

- Cut the links between public media organizations and

Many readers have told Tahitipresse employees that, for them, the organisation's closure was like losing their freedom of expression. They claimed they were ready to pay for this service and to become subscribers. Access to the www.tahitipresse.pf has so far been completely free. About 4,500 persons signed an on-line petition in support of Tahitipresse.

It is alleged that since the formation of the new French Polynesian government in April 2011, no attempt has been made to engage in discussions with Tahitipresse to look at options to keep it viable, such as seeking private investors or reducing costs.

Many important media organizations within the Pacific region, such as Radio Australia and Radio New Zealand International (RNZI), have shown their support for Tahitipresse.

Walter Zweifel, News Editor of Radio New Zealand International, wrote: "As an outfit covering regional affairs, RNZI highly appreciates Tahitipresse as a reliable source of information about political and economic events in French Polynesia."

"Tahitipresse is a unique news agency, collating local information from Tahiti and its islands in a timely fashion

governments. CEOs and managers should be appointed only by professionals, not by government officials.

- End all media monopolies, including television and newspapers. Governments should assist new media organizations, for example through funding or tax-exemptions.
- Journalists in French Polynesia should be more united. There is a need for real, powerful, labour unions or organizations which could voice problems directly to leaders and to audiences.
- Journalists in French Polynesia need more training, in Tahiti and abroad, to learn more about their rights, and about possible collective actions. This should enable them to be both more efficient and more critical.

that in its breadth and depth is not available elsewhere (...) Tahitipresse is a vital part in the news gathering efforts of RNZI, which is committed to carrying news from around the Pacific Islands region".

Mike McCluskey, Chief Executive of Radio Australia, also endorsed Tahitipresse. "Tahitipresse plays an important role in the Pacific media industry, contributing to the wider understanding of French Polynesia and issues important to the people of the French Pacific...[Tahitipresse is] the only bilingual (French/English) news agency in the Pacific. Our coverage of the French Pacific region would be poorer without Tahitipresse."

Despite the efforts of local and foreign journalists to make a case for continuing Tahitipresse, it closed at the end of 2011 and access to the Tahitipresse website was no longer possible from January 1, 2012.

During the weeks preceding the closure, there had been talks about continuing the website with the support of TNTV (Tahiti Nui Television), but this did not eventuate.



Niue

Population
1,625 (2006)



The personal and the public interest

Media freedom is very important to Niue but there are times when certain restrictions put journalists at a great disadvantage.

Because the population is small – with barely 1300 resident Niueans – almost everyone is connected. Thus, journalists are at pains to write stories that will not upset anyone on the island, a problem exacerbated by the lack of editorial space in which to write balanced stories. Because the journalists are connected to most of the citizens of the island, conflicts leading to verbal threats often arise.

Even though the Broadcasting Corporation has a board of directors, allowing for a degree of media freedom, it is funded by the government and political interference is not uncommon.

During Niue's general election in 2011, a journalist was threatened by a losing candidate. The candidate demanded that the journalist allow him to explain to the public about the unprecedented violence following the election. The candidate also sought legal advice about taking court action against the journalist and demanded that his employment be terminated. The conflict has since been resolved.

Reporting on people known personally by a journalist is always difficult, but should lead to a greater level of integrity on the part of the newspaper. While journalists are free to voice an opinion, they have to consider cultural sensitivities, among other restrictions. The government has indicated that most of these issues are not suitable for public discussion.

In 2003 the citizens of Niue received free wireless, bringing greater access to the rest of the world. Citizens gained further access when laptops were distributed to every child on the island and with the recent advent of YouTube.

Although the Broadcasting Corporation of Niue has been disseminating information and news for years, the island relies on its allies for the development of its media which is closely monitored and advised by New Zealand representatives.

For the veterans of the media industry in Niue, the changes

in technology have brought a different approach to reporting. One long-time journalist said new technology had both positive and negative impacts. Years ago journalists had the time to reflect upon the stories without much pressure. Nowadays journalists have to write stories for print, television and radio with greater deadline pressures and fewer manpower resources.

Reporting from the courts is an area that requires some development. Although Niue is a small place, journalists must learn the laws thoroughly – a difficult task since there



Taking the middle road: Niue Star Editor Michael Jackson (above) at the March Pacific Media Summit in Fiji-- many Pacific journalists under pressure to foster relationships in a small island population. Photo: Lisa W. Lahari

is such a shortage of journalists.

There are other difficulties. For instance, when the police prosecutor indicates a case will be pursued under one clause of the Niue Act and then changes that once in court, journalists are at risk of reporting the case incorrectly. In such cases, people involved are often reluctant to disclose information for fear of reprisal. Again, the close relationships among the citizens of Niue make the situation more difficult.

Freedom of expression and media freedom in Niue can only be secure if guaranteed in the Broadcasting Act or in the constitution. Journalists do not have sufficient protection since Niue does not have a media council or commission.

Reporting on people known personally by a journalist is always difficult, but should lead to a greater level of integrity on the part of the news paper.



Palau

Population
19,907 (2005)



First amendment no guarantee of media freedom

The Republic of Palau, located in the north-west Pacific, east of the Philippines and south of Guam, gained independence 1987 after being a US trust territory since the end of World War II.

Palau has an indigenous population of about 14,000 and a foreign workforce of about 6,000. It is a democracy based



Oceania Television employs 8 full time Palauan staff in a media industry also complemented by journalists from neighbouring countries including the Philippines. Photo: OTV

on the US model with 16 states, a house of delegates, a senate and a president. The Palau constitution guarantees many rights similar to those in the US, with preference given to Palauans.

Media Sector

The media industry in Palau is small, but within it there is some diversity. There are two major newspapers. The privately owned Tia Belau was the first newspaper in the country. Established in 1974 and now printing 1,200 copies in each weekly edition, it is an English-language publication known for investigating controversial topics.

Island Times began in 2003 as a weekly newspaper and expanded in 2004 to publish 900 copies per edition in English on Tuesday and Friday. Island Times largely covers scheduled events and press releases. Palau Horizon, a sister publication of Marianas Variety and Guam Variety – closed down in 2010 after 12 years due to poor sales and limited advertising. With limited revenue possibilities, the two remaining newspapers are used both for reporting news and as political tools of their owners.

Four FM radio stations provide news and entertainment,

and there are two religious stations. Eco Paradise 87.9 is a government-owned station which broadcasts primarily in the Palauan language with news and local music. WPKR 88.9 appeals to the under-40 market and is primarily in English with a mix of western and local music. WWFM 89.5, owned and hosted by a Palauan senator, broadcasts in a mix of Palauan and English with western and Palauan music. This station has been the subject of many lawsuits for defamation. Palau Wave 89.9 is a new privately owned station with a mix of Palauan music and news.

The Palau National Communications Corporation (PNCC) is a semi-government agency operating the only cable system in Palau. Oceania Television Network (OTV) is Palau's only 24-hour all-Pacific content station airing on PNCC channel 23. This station has local and regional programming and also produces a regular news program on Palau and the region. OTV recently expanded and is now also available in the Federated States of Micronesia, the Marshall Islands, the Northern Marianas Islands and the US Territory of Guam.

PNCC operates a local government access channel on channel 25 from 8am until midnight which primarily airs government functions including presidential press conferences and edited senate sessions. The morning radio show of Senator Diaz (WWFM88.9) is also aired on PNCC channel 26 in the evenings.

There are two internet providers, the government-owned PNCC and privately owned Palau Broadband. Both operators use an expensive satellite service. Dial-up service is US\$100 a month and 128k DSL service is US\$350 a month. Most homes do not have internet but internet cafes and wireless hot spots are becoming available in the downtown Koror area. There are several Palauan language websites and blogs which act as discussion and news platforms for Palauans living both in the country and abroad. Mobile phone service is available through most of the country through PNCC. This service is limited to voice and text. No data is currently available via mobile devices. A second company, Palau Mobile, also offers a cellular service and is planning 3G service in the downtown area. However, due to foreign investment restrictions, this service is only available to Taiwan tourists.

Press Freedom

The Palau media nominally enjoys freedom of speech and freedom of the press. The media is protected by the constitutional provision which states that the government shall take no action to deny or impair the freedom of expression or press. No bona fide reporter may be required by the government to divulge information, or be jailed for refusing to divulge information obtained in the course of a professional investigation.

Nevertheless, freedom of information is rarely practised by the government. Journalists attempting to obtain documents are simply locked out of access. Information released by the government is often sanitised or intentionally misleading.

The media can access government speeches, briefings and policies of the executive branch through the press secretary of the president's offices, but this information is not readily available through a government-run website and is usually delayed.

Most reporting in Palau relies heavily on government-sourced news and news stories that use single sources.

Regulation of the Media

In 2008 Senator Alfonso Diaz introduced a bill to restrict media to Palauan ownership and force the closure of foreign media companies. After a lively public debate, the bill was rejected by the congress.

As a young nation, Palau struggles to realise the complexity of its own laws regarding copyright, defamation, ethics and other media-related issues. Palau currently does not have legislative and policy frameworks for licensing and regulating the media, nor does it have a self-regulating bodies or policies.

At this time Palau's lawmakers are not developing any legislation to introduce an independent licensing authority or media regulation processes. Two copyright cases have been brought to trial. Both were dismissed, with the court failing to grant the owners' rights. Several defamation cases have been brought against the local radio talk show host Diaz, with all failing on the grounds that public figures are not protected under the law.

Safety and Security

Regarding the security of journalists in Palau, there have been a few isolated veiled threats but no reported incidents of serious threats.

Organisation of Journalists

There is no national media association or media council, and no local industry-developed code of ethics for journalists. Tia Belau newspaper employs two Palauan journalists, while Island Times (owned by a Palauan businessman) has two journalists who are Philippine nationals. OTV has two Palauan journalists and two Palauan cameramen. OTV also has freelance journalists in the Federated States of Micronesia and the Marshall Islands who make regular contributions to the news.

Cultural Challenges

Palauan journalists face many traditional and cultural restrictions. Kambes Kesolei, editor-in-chief of Tia Belau, in an article which appeared in the now-defunct Palau

Horizon, wrote that he faced traditional and cultural realities as a media practitioner in a tight-knit society.

"How media operates in a big setting is really different," Kesolei wrote "You cannot apply those in a small country like Palau. There are traditional and cultural realities that we must face."

Being a Palauan, Kesolei said, requires that some protocols must be followed. He quoted a study that says: "Palauan social and family life is governed by a complex system of mutual aid, obligations, and customary exchanges between family and clan members and between clans affiliated through marriage. Important customs surround passages in life: pregnancy and childbirth, marriage, taking of title, death, and allocation of inheritance. These customs represent the outward manifestations of respect and mutual obligations that bind individuals, families, clans, and villages together ... these exchanges ... remain a dominant force in Palauan social and economic life."

Palau has a population of 20,000, including foreigners. But Kesolei, being a Palauan, is not really concerned about the foreigners when he is writing. "I'm concerned about the Palauans," he said.

Of the 14,000 or so Palauans, those under 14 years of age do not really read newspapers and only those 15 and older (about 73 per cent of the Palauan population) are targeted by the media. And for that 11,000, Kesolei said that he has very little space to manoeuvre in because he belongs in a village, hamlet, clan, family, and community organisations (traditional and contemporary). "I also have employment and social circles," he said.

Since there are very few qualified Palauan journalists, the newspapers mainly employ non-Palauans who, it is believed, are less biased and have fewer political and social ties.



The energy behind OTV, Jeff Barabe, behind the camera at the IFJ Regional Media Roundtable in Honiara, 2011. Photo: Lisa W. Lahari



Papua New Guinea

Population
5,190,786 (2000)



Through the revolving door

The Papua New Guinea (PNG) media consists of two English dailies, one local language (tok pisin) weekly, the National Broadcasting Corporation of PNG (NBC) four major FM radio stations and two television stations, EMTV (Media Niugini) and the Government's new Kundu TV.

Both TV stations, the two dailies (Post Courier and The National) and radio station FM100 (a subsidiary of Telikom PNG) target the corporate, elite Papua New Guineans – those with white collar jobs living in urban areas. This elite group is a relatively small percentage of the country's population of more than 7 million people. However, this group includes the category of people who make decisions, invest in businesses and influence political decisions.

Tok Pisin radio station Yumi FM and the Wantok Niuspepa are the only tok pisin media targeting the villager, the settlement dweller, the bus driver or fishermen, that is, tok pisin speakers in towns and provinces. Yumi FM alone has a listenership of about 2 million daily listeners. This includes most mining towns and almost all of PNG's 20 provinces.

Nau FM is the only youth station with a news time slot of about 2 minutes maximum. FM Central broadcasts in Motu, and targets the people of Central Province in the capital and along the Papuan Coastline.

All the above organisations are based in the capital, Port Moresby.

Working Conditions

Although the PNG media industry is the biggest in the South

Pacific in terms of numbers, there is no formal record of the exact number of people involved in it. The media council has no official data, nor has there been any serious effort to collect any in the recent past. However, it is clear that there are more females in the industry than males, with relatively few women in middle to top management positions.

Today, the industry has younger, more inexperienced journalists compared to past years, perhaps due largely to an emphasis by the University of Papua New Guinea's Journalism Strand to teach Public Relations as well. Journalism is taught at both of the country's universities – the University of Papua New Guinea in Port Moresby and Divine Word University in Madang.

Another reason for the lack of experience of PNG journalists is the high cost of living in PNG, especially in Port Moresby. Higher salary and conditions packages being offered by the corporate sector and non-government organisations have meant high turnover in newsrooms. Usually, the corporate world recruits the top talent to graduate from the universities, with the media industry forced to settle for those remaining or to train their own journalists.

Entry level salaries for journalists are quite low, starting at PGK8000 per annum (approximately US\$3,800). Media managers' salary levels can range upwards of Papua New Guinea Kina (PGK) 20,000 – PGK40,000 (approximately US\$9,500-19,000). The latter salary range would be the starting level for journalists working in the field of Public Relations. This has compromised the quality of journalism. Stories are often inconsistent, and important issues can be missed and go unreported.

A former student stringer and an accomplished journalist who opted for a public relations job, Joel Hamago, recently said: "Journalists walk into a newsroom, see no mentor and walk back out."

Many experienced journalists have left and continue to leave for greener pastures, some having delayed long enough at the expense of their families on meagre packages despite the demands of their work.

Journalists feel a dire lack of direction and focus from news managers and or their superiors in their working environments. Many more find the drive for profit over the needs of news discouraging, a setback in their desire to grow in the profession. The profit argument also means there is little to no travel within the country and abroad for training. In the rare cases where journalists do travel, they are sent begrudgingly and in some cases, without allowances and equipment, such as laptops, cameras, and voice recorders.

Although not all journalists are so unfortunate, laptops and access to the internet are a luxury for many PNG journalists. Many either teach themselves the skills required for internet use or obtain their own laptop if possible. Access to the internet in newsrooms is restricted to managers only. This



Media in PNG - facing high turnover, lack of industry standards, and threats from lawmakers and law enforcers are leading to calls for an industry review.

Photo: Lisa W. Lahari

denial of access to material online for work and research is reflected in the quality of the stories produced, and the general lack of understanding of pressing world issues on the news agenda, such as climate change, HIV-AIDS, and gender issues. This puts reporters at a disadvantage, lagging behind the rest of their regional colleagues. Where the internet is available, its usage is monitored as it is quite expensive.

Reporters find it exasperating that they are expected to report to international standards, yet are not given the tools to do so.

Organisation of Journalists

There is overwhelming support for the establishment of an association to look after journalists' needs, but progress has been slow. Efforts have begun with an interim committee having recently registered the PNG Media Workers Association, which will also include non-journalists working in media organisations and public relations officers. There was overwhelming support for the establishment of the new body from practitioners throughout the country.



Freelancer and long-time broadcast journalist Titi Gabi - Founding member of the PNG Media Workers Association and current chair of the Pacific Freedom Forum.
Photo: Dr Mark Hayes

Safety and Security

While security and safety for journalists in PNG is generally good, with media freedoms generally protected, there have been cases, mostly unreported, of serious violations of journalists' rights. Like other Pacific Island nation, except Fiji, journalists in general go about their jobs freely. The media is not censored nor is it controlled or dictated to by Government, Opposition or any other group or individual. Movement of journalists among members of the public and political figures is relatively free.

But there are certain national events that warrant the

media taking extra security measures for its journalists and staff in general. Such times include general elections, sensitive court cases, the formation of governments, public protests, some sporting events, major crimes, Christmas and New Year. There have been serious cases of safety and security risks for journalists, where threats of violation and intimidation have been made. In some cases the threats were carried out by criminal elements, sometimes even by uniformed police.

At the Media Rights workshop in Port Moresby in June 2011, journalists shared and discussed many cases that were never reported, not even to the PNG Media Council.

These cases include:

- Gun threats were made to a male radio reporter at his office car park by escorts of a certain high profile individual.
- The newsroom of the Sunday Chronicle newspaper was stormed by armed police in search of a reporter covering the power struggle at police headquarters. Police actually entered the premises and threatened staff but this was never reported.
- A female reporter from radio station PNGFM, working out of Madang, was threatened by men in a car with tinted windows claiming to be friends of the notorious bank robber William Kapris. She was threatened with gang violence if she did not stop reporting the case in court.
- A senior Kundu TV (government TV) journalist was threatened by his superiors to drop a story about the government or lose his housing entitlements.
- Threats to blow up the office and shoot reporters were made to the PNGFM newsroom by anonymous callers at the height of a string of bank robberies.
- A reporter from FM100 was blacklisted by the Department of Environment for an investigative piece on climate change matters.
- An EMTV cameraman was attacked by bodyguards of suspended Finance Secretary Joseph Lelang at the court house in Port Moresby.
- The widespread politicisation of positions at the National Broadcasting Commission's radio and TV stations was also raised by their participant at the Media Rights workshop. There is concern that jobs are made available to mates and friends rather than on merit. The environment is lacking good leadership, transparency and professional journalism standards. There is a lot of interference from government and managers concerning what should make the news and most is tailored. There is great concern but journalists cannot do or say much for fear of losing their jobs and or entitlements such as housing.

- A female staff member of the PNG Media Council sent intimidating emails to a junior reporter at Nau FM who was trying to confirm details of an investigation into AusAID funds.
- At least one female journalist left her job at NBC TV because she was sexually harassed.
- EMTV anchor Antonia Singut was sexually harassed and, with help from police, one man was arrested in a set up. Claims of a sex tape proved nothing but malicious gossip from members of the public. Singut has since come back fronting the news a much stronger and respected young woman, but she was traumatised by the ordeal.

These examples were discussed in confidence by participants at the Media Rights workshop with the aim of encouraging open discussions on these violations among journalists.



Debating ethics, elections, and a tense political situation - safety at work an issue for PNG journalists. Photo: Lisa W. Lahari

One of the greatest concerns for journalists is the lack of a system supported by the industry to deal with, manage and resolve these issues of violation and intimidation when they occur. At this stage, many are pessimistic. Even so, the first step is to make sure that journalists are aware of their rights in the first place.

Regulation of the Media

Although the PNGMWA is still in its infancy, PNG does have a Media Council. However, the Media Council is being investigated by its major donor, AusAID, over the use of its funds. As a result, the organisation's funding has been frozen and more than half the workforce dismissed. The Council's Executive Officer, Nimo Kama, has been suspended from the position and his next most senior staff member, Lavui Bala, is now acting in his role.

The Council also established a Media Complaints Tribunal, made up of prominent citizens from a non-media background to look at public complaints about the media.

However, the tribunal has not been active in its regulatory function.

There are no pending cases of police investigations into any violations against any journalist or media organisation at this point in time.

Recommendations

- Media awareness on the rights of a journalist should be run alongside more in-country workshops.
- Media organisations should go out of their way to ensure journalists have adequate access to the internet in newsrooms.
- A review or industry survey should be carried out on the salary levels of journalists and how much they have changed over the past 30 years.
- A mentoring program for newsrooms should be devised with input from practitioners themselves.
- An association for journalists or media workers should be established with assistance from regional and international partners.
- The situation at NBC should be investigated and reported and those involved should be named and shamed.
- The findings of the Media Council investigations should be made public and an AGM be brought forward to ensure normal functions of the Council resume as soon as possible.
- A reporting system should be established to deal with cases of violations against journalists.
- A separate training/workshop for news managers should be held on the rights of journalists. This must include the heads of all units in media organisations, particularly general managers, chief executive officers, sales directors, and program directors.
- The Media Council or proposed association should create a database of its active members.
- The Media Tribunal committee should be jolted into action and a proposal be made that the membership should include individuals with some media background.
- A training needs survey must be carried out to see where the areas of need are and training should be tailored to those needs.



Samoa

Population
180,741 (2006)



Punitive media laws vs. rhetoric of free speech

“To practice serious journalism in Samoa during that time, one had to work his way carefully through a minefield of physical assaults, threats to kill, ‘suspicious’ arson, intimidation tactics such as refusing business licenses, bans on government advertising, being followed at night as you drive down the street, and all the way to your home, defamation and criminal libel lawsuits.” (Savea Sano Malifa, 2007)

Samoa publisher, editor, writer and poet, Savea Sano Malifa’s newspaper the Samoan Observer has had five lawsuits brought against it since it was founded in 1978. Of these cases, the paper won only half. Malifa is the founder and editor-in-chief of the paper, and these lawsuits cost the publication amounts ranging in the amount of Western Samoa Tala (WST) 200,000 to WST 400,000 (approximately US\$76,000-160,000).

In one of his famous and inspiring speeches at the celebration of World Press Freedom in 2007, Savea reiterated the history of struggle for press freedom in Samoa. Savea still had vivid memories of the country’s post-colonial period of press freedom in the mid-70s. After having experienced firsthand the Watergate scandal and Vietnam War controversies while living in the United States he found it easy to identify the need for investigative journalism in Samoa.

Why? As Savea pointed out clearly in the same speech, “to dig into the mess seen everywhere, and keep everyone straight. That was the overriding idea.”

Many writers deliberately chose Savea’s path because it was the source of light through all the years which saw a continued improvement in media freedom in Samoa. That light still shines in all aspects of this society.

Savea has described the 17 years that followed the Samoa

Observer’s establishment as “the darkest period ... when it was hounded to the ground by our political leaders, incurring serious concern among human rights groups in the international community so that they intervened”.

For years, the Observer faced relentless pressure from the politically powerful, including former Prime Minister Tofilau Eti Alesana, for reporting on official corruption and abuses of power. That pressure most often came in the form of costly lawsuits, which nearly bankrupted the paper.

“The best rule in journalism is not to be sued, especially by the Samoan Government, because even if you were right, you would still have to pay your legal fees, while the government pays for those MPs,” Savea said.

Savea had paid these legal fees but since a two-thirds majority in parliament was held by the ruling Human Rights Protection Party, this public money was misspent. He said: “The cost of these legal actions is frightening. This cannot be justice.” Four years earlier, the Observer’s printing plant was burnt down under suspicious circumstances.

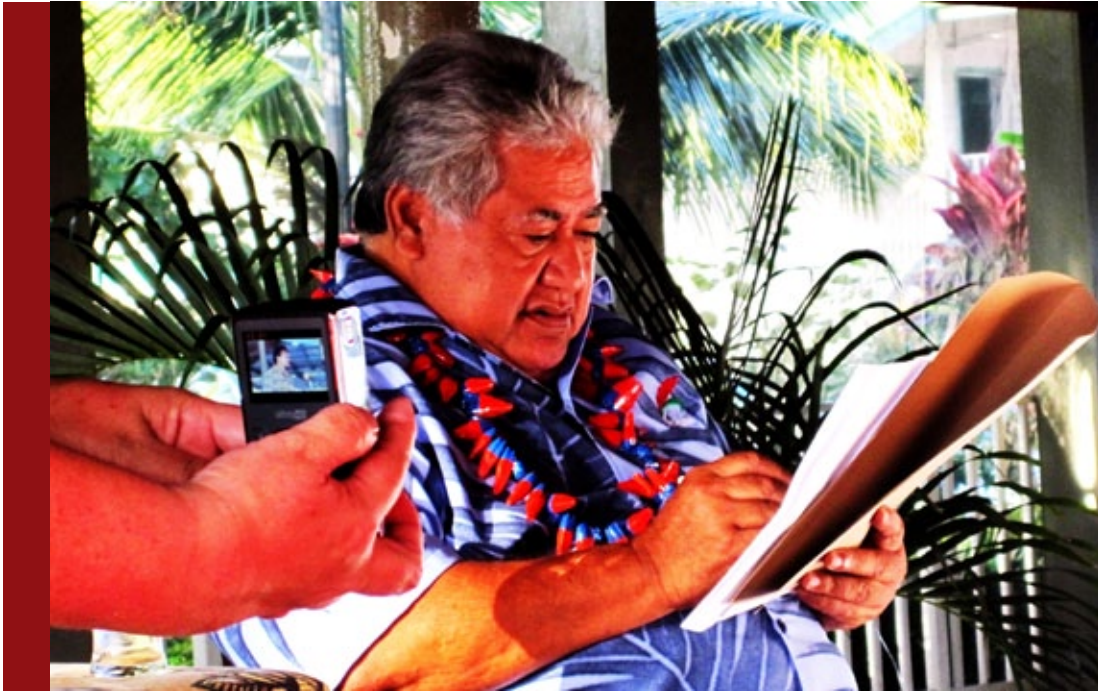
In the same speech in 2007, Savea said: “I guess that in developing countries that are politically young, their leaders tend to become unprincipled at times, and want to forge ahead sooner and quicker than they should. In doing so, they cut corners, hack away at well-meaning but frustrating obstacles, and thereby create problems they don’t want the public to know about. They end up piling up more and more problems so that when solving them is impossible, they become dictatorial, and lash out at anybody, and everyone suffers.”

“...in developing countries that are politically young, their leaders tend to become unprincipled at times, and want to forge ahead sooner and quicker than they should. In doing so, they cut corners, hack away at well-meaning but frustrating obstacles, and thereby create problems they don’t want the public to know about. They end up piling up more and more problems so that when solving them is impossible, they become dictatorial, and lash out at anybody, and everyone suffers.”—

Since then, the turnaround from the darkest period began during the investigation of the assassination of Minister of Works Luagalau Levaula Kamu. The arrangement to burn the printing plant stemmed from a story run by the Observer linking former Minister of Works, Leafa Vitale, to a scandal involving the sale of cattle.

The industry moved on. Former prime minister Tofilau’s predecessor, Tuilaepa Lupesoliai Sailele Malielegaoi, took over and turned the situation toward a more open media environment.

In 2004, Tuilaepa and his Deputy, Misa Telefoni were awarded Press Freedom Awards by the Journalists Association of (Western) Samoa (JAWS). Tuilaepa was hailed



Samoa's Prime Minister Tuilaepa Malielegaoi - vocal on the rhetoric of media freedom - but also unwilling to repeal anti-media legislation. Photo: Lagipoiva C. Jackson

for “his unceasing promotion of and belief in transparency, accountability and good governance”.

Misa's award was given in recognition of “his unceasing promotion of and belief in freedom of information and freedom of expression”.

The year 2008 was another milestone, when the government established a Commission of Inquiry, chaired by Ombudsman Maiava Iulai Toma, to investigate allegations of gun smuggling against the then Commissioner of Police, Papalii Lorenese Neru.

This time, a public directive was issued of the commission's intentions of how and what the media should report on. It stipulated the following:

- Counsel assisting the inquiry will provide press release at the end of each day of the inquiry which the media may publish in full or in part.
- Media may report or comment upon the press release but cannot report on anything else that would be said or submitted during the inquiry.
- Media may not report or comment upon or provide any details of evidence, witnesses, submissions or any other detail of or information from the hearings or the proceedings of the Commission outside of or beyond that provided in the press release from Counsel Assisting.
- This restriction shall continue until otherwise advised by the Commission.

Savea called the directive “bizarrely contradictory” in his

editorial column at the time. “Just when we thought the (Samoa) government has totally accepted that press freedom and a well-informed public are salient tools it can use ... it allowed some callous bureaucrats to impose a nebulous gag on the media,” he said.

But it did not stop there. The commission's intentions were extended to cover international media coverage, photographs, and names of witnesses. The stipulations included the following:

- Publication either in writing or by photograph, via any medium of the media, of any of the names of the special investigation team

witness is prohibited.

- Publication either in writing or by photograph, via any medium of the media, of the name of the American Samoa Police witness is prohibited.
- Please ask permission before taking photos of members of the Commission, the Police Commissioner and his legal counsel, the secretary of the Commission or legal counsels for the Commission'
- International media are to comply with the publication requirements of the commission set out in Practice Note 1. It is equally important that the names of today's witnesses not be released to overseas media.

As Savea puts it with reference to recipients of the JAWS' awards, the gag was damaging to the government's image, given that 14 years ago, the “beacon spoken of was without light...press freedom at the time was barely breathing, unsure whether it will live or die...”

However, there was another perspective, as Savea pointed out. Many reporters appeared unkempt, ill-mannered, poorly trained or unprofessional.

The same call was reiterated by his News Editor, Mataafa Keni Lesa in an interview. “Some journalists do not have pride in themselves, they should not compromise and should stand up for principles,” Mataafa said. “It is not an 8am-4pm job but to keep writing stories and make a difference in people's lives. That's what the Observer does.”

Training

Mataafa says JAWS should be doing more to raise awareness of the role of journalists in Samoa: “JAWS should play an active role, as the public see journalists as ‘faikakala’.” (Faikakala translates as nosey parkers).

“There is still a lack of understanding about the role of the media in the Samoan society,’ he said. “Reporters are still verbally abused because of that mindset of journalists being faikakalas.”

“The standard of journalism in this country is pathetic and it takes ourselves to set examples,” he added.

As one former senior Samoan reporter for Savali Newspaper says, that mindset began in the early 1980s when the standard of the industry for most newspapers, including his, was fagogo (folklores) and stereotyping rather than being in keeping with the true principles of journalism.

Lupematasila Nanai in an interview with this writer confirmed the development of the media back in the 1980s was a real challenge in terms of writing structure in Samoan. “There’s a great need to educate potential and upcoming journalists,” he said.

At the time, he ran a newspaper called South Seas, which was closed due to low quality and unethical reporting which, he said, warranted him some physical abuses. He was called in under the leadership of Tofilau to counter the writings of Savea.

It was a time of which Jane Johnston and Mark Pearson in their chapter in Volume 14 of the Pacific Journalism Review said “the need to question press freedoms was an ongoing challenge in any democracy.” (Johnston and Pearson: 2008)

Julianne Schultz’s argument was cited by Johnston and Pearson. Her argument focused on the same period, the 1980s, in Australia and on the rising challenge in which the media had entered against the authority of parliament and the judiciary. She went on to say that the news media moved from a cooperative servant (to) an equal contender in the political system’ (Schultz, 1998, p.19)

Her words call to mind the challenges that the local media had to face and which Savea and Lupematasila had to go through under a draconian leadership.

To Ame Sene-Tanielu, News Editor of Radio Polynesia Limited, being a journalist was just a job. Nevertheless “it has made a big improvement, yet still a lot of work.”

Many times she was threatened for stories she had covered ranging from court cases to elections.

She told the story of how she was threatened during the general elections in 2006 because of a story she aired on

murder allegations against one election candidate.

“I’ve been visited by many village councils because of some stories they think is degrading and brings bad image to the village,” said Sene-Tanielu. “I went out for 12 months without news bulletins because threats were also made against the radio owner.

In 2009, Sene-Tanielu was investigating rape allegations made against a village pastor in one of the villages when she was chased when she ran to the main road in search for help. With the series of threats she experienced, she recalled the importance of having journalists trained in the importance of cultural reporting, taking into account the sensitivity of these issues.

One of those stories she aired was a “tarnishing one” as President of JAWS puts it, when burglary allegations surfaced regarding a famous rugby sevens’ representative, Uale Papalii Taimalelagi. The story gave Sene-Tanielu a call to revisit ethics.

Such sensitivity in the Samoan context refers to this case scenario as well as many others. In 2009-2010, with the country being fanatical about rugby, the sevens team had just returned as world champions with the ranking of No.1 in the International Rugby Board Seven Series. The hype that the rugby-mad country experienced was indescribable and the players were everyone’s sons. To have such a story on radio had an extreme impact on the reputation of these players.

“The player itself deserves a fair trial and to be considerate of the mood this country fell into to welcome their sons home, need not to come at such a time,” explained Taimalelagi.

Sene-Tanielu admitted not understanding the consequences some of these stories would have on those affected. “The media itself can be caught, which is why legislations should still be in place,” she said.

Regulation of the Media

Several laws impose restrictions on the freedom to report.

The Defamation Act 1992/1993, No. 33 is a concern to the media as the legislation includes provisions for civil and criminal libel. The offence of Criminal Libel, which exists under the Crimes Act 1961, is widely regarded as a relic from the colonial past.

The Newspapers and Printers Act 1992/1993, No. 25, Section 10, requires journalists to make available materials (such as correspondence, photos and sources) to anyone suing the media organisation for defamation before the case goes to court. According to the President of the Pacific Island News Association (PINA):

“We the media see this as mainly a ploy by the government at the time to discourage members of the public from writing revealing letters to the Editor under noms-de-plumes, often about mismanagement and corruption in high places.” (Pacific Media Facility Study: 2005)

In Papalii’s view, these pieces of legislation should be there to protect the public rather than being an excuse for the media. “We are the cause of public uncertainty and misperception,” said Papalii. “Where will the public go if freedom of expression is exercised regardless?”

Despite Papalii’s or JAWS’ stance on highlighting the need for press freedom, he would not allow “irresponsible freedom”. “Stories should be accurate, balanced and fair,” he said.

He also made reference to the case of Savea v. the late Dr. Enosa, when the Samoa Observer was sued for hundreds of thousands of tala over a story of government investigations into alleged fraud and financial mismanagement at the Ministry of Health in 2005. He said: “The Acts also would serve to protect the good name of individuals.”

Savea added: “But as we all know, press freedom is not

absolute, which means that as journalists we cannot abuse that freedom. There are therefore laws in place to prevent the members of the press from doing just that. We already have laws protecting members of the public from careless journalism, so these two are quite unnecessary, and must be repealed. The government should also discontinue its policy that allows taxpayers to pay for the legal fees incurred by government leaders, who claim they’ve been defamed. As this policy frustrates efforts by the press to inquire into alleged misconduct by public officials, it must be removed.”

Samoa’s constitution is clear about citizens’ rights regarding freedom of speech, assembly, association, movement and residence. Section 13 states:

All citizens of Samoa shall have the right:

- a. To freedom of speech and expression; and
- b. To assemble peaceably and without arms; and
- c. To form associations or unions; and
- d. To move freely throughout Western Samoa and to reside in any part thereof.

The constitution does not provide specifically for freedom of the press or the right to information. In addition, Samoa does not have any access to information legislation.

**Media Sector
Broadcast Media**

There are 18 television and radio outlets:

- SQB (TV1), a free to air broadcaster, is 100 per cent owned by staff, the winning tender after the government’s decision to sell shares in 2008. It has a second channel carrying China’s CCTV 9 service. SQB also runs a commercial FM channel.
- Apia Broadcasting Limited (TV3) was launched in 2006, privately owned by former politician Hans Joachim Keil.
- Star Media Network was launched in 2008, privately owned by veteran journalist Faumuina Apulu Lance Polu.
- Graceland Broadcasting Network (GBN) operates both radio and television, run by Ricky and Marjorie Meredith.
- The Catholic Church runs Aiga Fesilafai radio and Divine Word television. The television station was launched this year in addition to the radio station and the newsletter, Tautai.
- The Worship Centre launched a television station called Kingdom TV this year adding flavour to its radio station Laufou, which is managed by its Youth Ministry.

| Media Outlets | Number of Reporters |
|-------------------|---------------------|
| RADIO | |
| Radio Polynesia | 4 |
| My FM (SQB) | 1 |
| 2AP | 2 |
| TELEVISION | |
| SQB TV1 | 4 |
| ABL (TV3) | 4 |
| NEWSPAPERS | |
| Samoa Observer | 10 |
| Savali | 4 |
| Newsline | 4 |
| Weekender | 3 |
| ONLINE | |
| Press Secretariat | 3 |
| Talamua | 4 |
| Event Polynesia | 2 |
| Freelance | 7 |
| Total | 52 |

- Radio Polynesia is privately owned and is fully commercial with four FM stations. Magik 98.1, K-Lite 101, K-Rock 96 and Talofa FM 88.5 (the most popular station, the only station with a 100 per cent Samoan content).
- Radio 2AP, the oldest radio station in the country, is government owned and possesses highly valuable government files and assets.
- The Media and Communication Department at the National University of Samoa has also been granted a licence by the Office of the Regulator to set up a Campus Radio Station with funding from UNESCO.

Newspapers

- Samoa Observer is the biggest newspaper in the country and the only one published seven days a week. It is published in English and Samoan and prints around 5000 copies daily. It has its own press at its new headquarters in Vaitele in Apia. It also has an office in Auckland, New Zealand.
- Newline is published Wednesdays, Fridays and Sundays in English only. It is privately owned by Pio Sioa.
- Savali Weekly and Savali Samoa (monthly) are government-owned newspapers. The Weekly publishes in English and Samoan and the Savali Samoa in Samoan.
- Le Weekender is a weekly publication privately owned by former TV1 News Editor Merita Huch.
- Tautua Newspaper is a publication funded and printed by the Tautua Caucus.



Savea Sano Malifa: Globally recognised for his contributions to media freedom in Samoa and the Pacific. Photo: Lisa W. Lahari

Websites

- Samoalive (<http://www.samoalive.com>) provides a range of online information and services and posts news from local and overseas news sources.
- Samoa Observer News Group also has an online service which features daily news.
- Savali also launched its website this year featuring government and general news events.
- Talamua Media website features daily updates from local, regional and international fronts.

Code of Ethics

The work of the local industry is guided by a Code of Ethics, adopted JAWS in 1989 on the model of the code of the American Society of Professional Journalists. JAWS'

responsibility is to ensure that day-to-day operations of various media outlets are guided by the existing Code of Ethics. Several calls have been made to review the Code, incorporating at least some cultural content with specific reference to traditional gifts.

Debate continues as to whether such gifts qualify as traditional tokens, known as sua, or bribery (as referred to in the Code of Ethics).

The general perception is that such gifts should be accepted so long as a journalist's focus on his or her story remains independent. Given that it is such a small society, Papalii believes that once given, the gift adds more flavour to the work of journalism in Samoa. "It is the journalist who should have the last say, not money," he said. "Journalists

should not be influenced by such gift giving."

Sene-Tanielu said: "It all depends on the nature of the story. Most cases where we do coverage, we walk away when at least 1:10 it is the only benefit of the job."

She added: "It should never be rejected because it is part of culture."

However, Mataafa disagreed. It has become a policy for Samoa Observer not to accept any form of gift or bribe at places where reports are designated to file a story. "The public knows this and always advise me if any member of my staff is involved," he said. "How can write a story independently when you were given a gift? Just do your story and get out."

Organisation of Journalists

JAWS is the national media association established to oversee the interests of those working in the industry. Its constitution provides for a President, Vice President, Treasurer and a Secretary. The Executive also appoints two other personnel to become Executive members, mainly to assist the office bearers with technical advice.

It does not have a fully equipped office. Instead, it is housed under the Press Secretariat's Office as the President is the Government's Press Secretary. Every year, JAWS's constitution stipulates an Annual General Meeting in which financial members come together to elect new officers. However, the last AGM held was 2009.

In 2004, the then Executive hosted a senior consultant, a member of the Thompson Foundation, Ian Beales, from the United Kingdom to revise the current Code of Ethics and research the possibility of setting up a Media Council. Recommendations were provided by the visiting consultant but have not been implemented to date.



Journalist, trainer and media commentator Misa Vicky Lepou - training for young journalists a personal passion. *Photo: Lisa W. Lahari*

The revised Code of Ethics, as proposed, gives a more coherent, simple and diverse perspective on various respective public and private media outlets, missions and independent media as well as advertising agents.

This writer was the then Secretary of JAWS who also took part in the consultation process of the Code Review. As pointed out in the PMCF 2005 Report, the consultant found that “the most common complaints mentioned concerned basic errors of detail, ignorance of the law, failure to confirm facts corroborate allegations or to observe the rules of journalistic confidence, and poor editing of articles or broadcasts. Fairness and balance were also issues raised in relation to editorial matters, and false or dubious claims

in advertising material.”

Mataafa Keni Lesa stood firm on having the Code of Ethics enforced, stressing the importance of using it to regulate journalists' behaviour.

The review made two major recommendations:

- To implement the Reviewed Code of Ethics
- To set up a Media Council as the most appropriate form of mediation or self-regulation of the many challenges faced by the media and members of the public.

The recommendation for a Media Council to be set up was reiterated by the Prime Minister to resolve the many reports of unethical behaviour.

The current JAWS Executive was reluctant to implement the idea during discussions in its last AGM in 2009 for two main reasons:

- The Media Council may be too costly.
- The appointment of Council Members needs to be thoroughly considered before selection, given the size of the country.

The following government ministries have media units:

- Ministry of Education, Sports and Culture (MESC)
- Ministry of Women, Community and Social Development (MWCSD)
- Ministry of Agriculture and Fisheries (MAF)
- Ministry of Health (MOH)
- Ministry of Natural Resources and Environment (MNRE)

Recommendations

- Journalists' salaries should be increased.
- More women should be involved in management.
- Access to technology and the internet should be improved.
- Journalists should have greater access to vehicles.
- Journalists should be given more training on radio news presentation, writing stories and values and ethics.



Solomon Islands

Population
515,870 (2009)



Wantok system protects media, risks independence

The Solomon Islands has been relatively supportive of media freedom, with the exception of the period between 1998 and 2003 when the nation went through a time of ethnic conflict. During this period, it was very dangerous to operate as a journalist.

Press Freedom

Several positive factors enable local media to carry out their duties. The enabling factors include the guarantee of freedom of expression contained in the Solomon Islands constitution, official support for media freedom, the absence of official censorship, and the absence of concentration in media ownership. More ambivalent is the “wantok system of cultural protection, under which people who speak the same language, or “one talk”, are expected to look after and support each other above fellow citizens from different cultural and linguistic groups.

Freedom of Expression

Freedom of expression and freedom of the press are protected by Article 12 of the Solomon Islands Constitution,



Solomon's media at work: high potential for being caught in the crossfire at times of tension and upheaval. Photo: RAMSI

The period, known locally as “the tensions”, was a dark chapter for journalists and news organisations. It was a time when media organisations and individual journalists were openly persecuted by local militia, politicians, thugs and even members of the public, simply for performing their duty. They were subject to assault, harassment, death threats, verbal and physical abuse, intimidation and other violations of both their human and journalistic rights.

Although law and order has been restored through the joint efforts of Solomon Islanders and the 15 member countries of the Regional Assistance Mission to the Solomon Islands (RAMSI), the legacy of the ethnic crisis remains.

The fear of being attacked for what they write lingers among journalists, who are now more wary when they report and are often reluctant to tackle certain individuals and groups. This results in considerable self-censorship.

which reads as follows:

1. Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression and for the purposes of this section the said freedom includes the freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence.
2. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision:
 - e. In the interests of defense, public safety, public order, public morality or public health;

- f. For the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the administration or the technical operation of telephony, telegraphy, posts, wireless, broadcasting or television; or
- g. That imposes restrictions upon public officers, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

It may be noted that these guarantees are consistent with those under international law. The scope of protection is broad, extending to holding opinions, and receiving and communicating ideas and information. The scope of restrictions is limited. The grounds for restrictions, while set out in more detail than those of the International Covenant on Civil and Political Rights, are largely similar to and, indeed, closely parallel those found in the European Convention on Human Rights.



Media Freelancer Koroi Hawkins (above, left) with colleagues at the national TV station he helped found in 2006, One News TV. Photo: One TV

Post-Tension governments support Media Freedom

Every Prime Minister since the end of the ethnic crisis in 2003 has publicly proclaimed the importance of a free media to the development of the Solomon Islands democracy, committing their governments to keeping the media in Solomon Islands free. Most recently, in 2011, during the opening of a Pacific Media Freedom Roundtable/Workshop organised by the International Federation of Journalists (IFJ) in Honiara, the Deputy Prime Minister Manasseh Maelanga added his voice to those of many leaders before him in speaking out in support of media freedom.

“...The Solomon Islands Government has considered media as an important partner in development and human rights. It is with this consideration that we continue to uphold Media Freedom and Freedom of Expression in this country in our national constitution. I believe that any violation on Media Freedom and Freedom of Expression by governments, businesses and individuals is undemocratic and that kind of attitude should be discouraged. Any actions and decisions that infringe these fundamental democratic principles is a violation of human rights...”

However, it is often the case that when the media criticises or uncovers unwanted information about government, the

politicians who say they want a free media are the first to complain.

To their credit, most Solomon Island Members of Parliament do not usually attack the media physically but rather call for accurate, fair and balanced reporting. Even so, media organisations and individual journalists have often been subject to harassment by the supporters of some Parliamentarians.

In the three decades since Solomon Islands gained Independence, no government has organised or sanctioned media censorship. For the most part, journalists have been free to report on any issue in any way they see fit. Even

during the ethnic tensions, media persecution came mainly from common thugs, individual politicians and militant factions rather than from the state.

Diverse media ownership

Media ownership in the Solomon Islands is widely distributed. The four local newspapers – Solomon Star, Island Sun, National Express and Sunday Isles – have different owners. The national radio station, the Solomon Islands Broadcasting Corporation (SIBC), is government-owned. The various FM stations – Zfm, Paoa fm, Wantok fm, Gud Nius fm and Gold fm – all have separate owners. The local television broadcaster One Television is also independently owned. It is worth noting, however, that Paoa fm has the same ownership as the Solomon Star, and Wantok fm is owned by the SIBC.

This dispersed ownership pattern supports a diverse media culture that provides a variety of viewpoints on issues affecting the nation and makes for a healthy news diet for consumers.

Cultural Protection: A Double-Edged Sword

In Solomon Islands, social and cultural structures under the “wantok” system provide some level of protection to

all people, depending on their ethnic group. For anyone, belonging to a tribe or ethnic group can be a source of protection and at the same time a source of persecution. People who work as journalists are subject to the same forces, which apply regardless of their profession.

Solomon Islands is one of a handful of Pacific island nations where the population includes people from every single ethnic group in the Pacific. Solomon Islanders are of Melanesian, Polynesian or Micronesian heritage, with Melanesia being the dominant grouping. Countless mixtures have arisen through intermarriage, and it is not uncommon for an individual to have links to all three ethnic groupings.

It was this that prompted a former Solomon Islands Prime Minister to call Solomon Islands “a nation of many nations”. As a result, the sense of national unity among Solomon Islanders is weak, and each individual’s first loyalty is to their blood and their tribe. With this outlook on life, every Solomon Islander who is an active member of his or her tribal community is automatically accorded some degree of support and protection by that community.

As a result, an individual media worker will in many cases have the support and protection of their family, their community, their tribe and even their in-laws. In some cases, depending on the journalist’s organisation, position and personal qualities, this support may cross into other ethnic groupings.

Depending on the situation on the ground at any given time, this ethnicity can become a source of either protection or persecution. This may either aid or hamper a journalist’s ability to report, and often compromises their ability to report without fear or favour.

Journalist Calls Government to Account

Dorothy Wickham is a highly regarded senior Solomon Islands journalist with more than 20 years’ experience in the field. Wickham has worked locally with *Bisnis Federation Magazine*, *Voice Katolika* (Editor); *Solomon Tok Tok* (Senior Reporter); *Solomon Islands Broadcasting Corporation* (Senior Reporter); *Paoa FM* (News Editor); and *ZFM* (Manager).

In her freelance work, she has worked as a correspondent and stringer with the *Australian Broadcasting Corporation*, *Radio New Zealand International*, *Global News Network*, *Agence France Press* and *Australian Associated Press*. Dorothy Wickham is also the first Solomon Islander to set up and run a television station in the country. She spends most of her time nowadays running *One Television Solomon Islands*.

MPs, public servants must be accountable: media pioneer



Dorothy Wickham.
Photo: RAMSI

Koroi: What do you think of the state of the media in Solomon Islands?

Wickham: Very poor - we still need to find balance and be fair and accurate.

Koroi: What are some of the specific challenges which you have faced as a female journalist working in Solomon Islands and what would you recommend be done to improve conditions for female journalists in the country?

Wickham: Apart from the cultural issues which women who work outside the home

face, female journalists must come in knowing that professionally, it’s an equal playing field. If you do not cut the grade then you are out – that’s just being blunt.

Koroi: Was there ever a time in your career in the Solomon Islands when you felt your freedom to carry out your work as a journalist was violated? And can you describe this incident in some detail?

Wickham: Through my career as a journalist working in Solomon Islands, I have experienced many violations of my right as a journalist including being sexually harassed by politicians, verbally harassed by politicians, having brake cables in my vehicle deliberately cut and having a vehicle I owned burnt in front of my residence.

I still believe that members of Parliament, state-owned enterprises and other public servants must understand that they are answerable to the public, therefore questions asked about their work and organisation must be answered. They are there in the job providing for the public and are paid by the public. I feel for the last 20 years that that is the biggest hindrance to the job anywhere in the world, not only the Solomon Islands.

Koroi: What do you think can be done to improve and protect the freedom of the media in Solomon Islands?

Wickham: Awareness and education about why it is important for the media to operate independently - it is to protect their rights and freedoms. It is a syndrome everywhere that only when one is wronged then they seek the media out, but then in good times they hinder the work of the media, so awareness and education is the key.

Conditions Detrimental to Media Freedom

Alongside these enabling factors, there are significant impediments to media freedom in Solomon Islands. Some of these impediments could easily be removed if local media organisations and associations worked together to campaign against them, but others will require a more sophisticated effort and a lot more political will before they

are changed.

Some of these impediments include the absence of a law on freedom of information, general social volatility, and the legacy of the period of ethnic conflict (1998-2003) known as “the tensions”.

Factors that work against media freedom include the lack of any Freedom of Information law, social volatility, the fear of retribution that lingers after the ethnic crisis, the threat of crippling damages for defamation and the possibility that powerful interests may try to suppress news. As well, the city focus of news organisations, journalists’ lack of training and the poor pay and conditions under which they work may undermine the professionalism of some, and occasional lapses in standards of public behaviour by individuals can reflect badly on the profession as a whole.

Lack of Freedom of Information

Past Solomon Island governments have paid lip service to the idea of adopting Freedom of Information legislation, but there is no real political will behind their intentions.

In 2009 the Solomon Islands Ombudsman, with support from the Pacific Islands Forum Secretariat (PIFS), UNDP Pacific Centre and Commonwealth Human Rights Initiative, hosted a National Workshop on Freedom of Information which ran over February 23-25. It included participants from government bodies, non-government organizations (NGOs), the churches and the media.

The workshop was opened by the then Deputy Prime Minister of Solomon Islands, the late Fred Fono. In his opening remarks, Mr Fono said:

“...One of the central tenets of our democracy in Solomon Islands is the guarantee of human rights, one of which is the right to freedom of information... My Government is fully cognisant of the direct link between freedom of information, human rights and good governance... My Government supports information disclosure as [a] way of improving governance and development outcomes. Of course, we recognize that there will need to be some legitimate limits on the extent of disclosure, as it should not undermine the public interest and national security... Nonetheless, my Government looks forward to working to implement the right to information... We will continue to work closely with the Pacific Islands Forum Secretariat and other stakeholders to develop freedom of information legislation to give effect to the realization of freedom of information – one of our fundamental human rights...”

The workshop discussed the value of FOI, good practice standards on FOI law-making and practical issues in implementing FOI. This National Workshop followed up the regional “Workshop on Freedom of Information for Pacific Policy-Makers”, held in July 2008 in Honiara, Solomon Islands by the Pacific Islands Forum Secretariat and the

UNDP Pacific Centre. It was also said that FOI is a milestone identified for implementation in the Good Governance pillar of the Pacific Plan.

Solomon Islands is yet to see Freedom of Information legislation drafted, let alone adopted. In 2012, the government does not have FOI legislation listed amongst the priorities in its Policy Statement.

Social Volatility Inhibits Reporting

The highly volatile society of the Solomon Islands raises constant concerns for journalists and often results in self-censorship.

On September 21, 2011, one of Solomon Islands daily papers, Island Sun, ran a front page article entitled [Wale Labels Tran, “a criminal”] The story was a report on comments made under absolute privilege during a Parliamentary Standing Committee hearing in which the then Public Accounts Committee Chairman, the member for Aoke Langa Langa, Mathew Wale, criticised the alleged conversion of a government purchased vehicle to the ownership of the member for West Honiara, Namson Tran.

The next day, an angry group of Namson Tran’s supporters stormed into the Island Sun newsroom and demanded that the newspaper pay up SB\$75,000 (about US\$10,000) in compensation for running the article about their MP.

This relatively recent incident highlights the tendency for Solomon Islanders to take matters into their own hands when unhappy with news reports.

Similar incidents have occurred involving other media organisations, and will continue unless something is done to dissuade the public from going down this path and make them aware of the proper channels to follow when they feel unhappy with media reports on any particular issue.

Ethnic Conflict Leaves Legacy of Fear

The ethnic conflict (1998-2003), known locally as “the tensions”, created a culture of persecution of the media and altered the degree of trust between the media and the public. Many journalists who worked during the ethnic crisis experienced violations of their rights as journalists as well as their human rights.

Some journalists who worked throughout the tensions have left the media, while others who were most vocal during the tensions have fled overseas in fear for their lives. Some who continue to work in the media have either made peace with those who wronged them during the crisis or still live in fear. They are quick to self-censor, and even avoid certain issues for fear of opening old wounds. Some individuals and groups today have learnt not only how to use and manipulate the media, but also how to intimidate them into

silence if wish to do so.

Legal Cases

Defamation suits draw prohibitive damages and risk creating a culture of reluctance to publish or question certain parties.

In November 2010, Island Sun newspaper was ordered to pay SB\$116,000 (about US\$15,000) in damages and legal costs to former Prime Minister Dr Derek Sikua and his Secretary. Island Sun had lost a defamation case brought by the two men for the publication of a front-page article, editorial and a cartoon that accused them of behaving in a drunk and disorderly manner while in New York to attend a 2008 UN General Assembly meeting. (see Defamation case study, later in this chapter)

Island Sun got its account from an eyewitness who said he would stand up in court and testify but later reneged on his promise, leaving the paper with no evidence to back up its story.

Censorship

During the opening ceremony of a Provincial Premiers Conference in Lata, Temotu Province, several years ago, a government official accidentally played a pornographic video clip on the overhead projector in front of invited guests and dignitaries including the Prime Minister, who were present to witness the opening. In the immediate aftermath, one of the journalists who was present at the time said government officials briefly tried to prevent the media from filing stories on the incident.

The journalist said attempts were made to confiscate mobile phones. However, some reporters had already managed to file. On hearing that the story was already being broadcast, the officials relented and let the media fully report the incident, which ultimately resulted in the sacking of a senior official.

Similar, though less dramatic, incidents have occurred elsewhere in the country, especially where the numbers of journalists who witness an incident or who are privy to a piece of information are small.

Media's Urban Focus Limits Influence among Rural Majority

According to the 2009 National Census, 80 per cent of all Solomon Islanders live in rural areas and only 13 per cent live in the capital, Honiara. Most of the papers claim to have national circulation and the local television station broadcasts into at least two rural urban centres.

However, in practice, the bulk of media output reaches only the major urban centres of Honiara, Auki and Gizo. The national radio station, the Solomon Islands Broadcasting Corporation (SIBC) has the widest audience, claiming 95 per cent coverage. Thus the majority of Solomon Islanders are at a disadvantage when it comes to obtaining timely coverage and diverse opinion on matters of national interest.

Even with its wide reach, SIBC's reporters and program producers seldom venture out of the capital. In a recent survey conducted by the Solomon Islands Media Assistance Scheme, SOLMAS, it was found that most rural Solomon Islanders complained that the majority of the news and information they received was focused on Honiara. They called for more media coverage of provincial areas, or at least of issues that are relevant to rural people.

This lack of reach is not only detrimental to the vast majority of the population, it also means journalists' stories have limited impact on the nation's direction because important stories often do not reach rural areas either at all or in a timely manner.

Photojournalist Calls for Journalism Training



Charles Kadamana.
Photo: RAMSI

Charles Kadamana, one of Solomon Islands' best photojournalists, works with the country's biggest print organisation, the Solomon Star newspaper.

Kadamama is from Isabel, one of the less aggressive Melanesian societies in Solomon Islands, and has suffered as a result of his ethnic background. Working throughout the ethnic crisis, Kadamana found he was often targeted by militants and members of more aggressive ethnic groupings simply because he was an easier target than journalists from the more aggressive Melanesian societies.

Kadamama: In 2000, the leading daily newspaper advertised the post of photographer, for which about four of us were shortlisted. When I was accepted for the job, my intention was to work for a short period of time to get my

If the definition of a healthy democracy is, “a nation talking to itself”, then Solomon Islands is a nation suffering from malnutrition brought on by talking with only parts of itself.

Working Conditions

Most journalists are poorly paid and work in poor conditions, resulting in the loss of qualified journalists to higher paying local and international public relations jobs. These problems also make journalists susceptible to bribery and exploitation. The small size of the advertising market makes it very difficult for local media organisations to sustain their businesses.

On paper, the average Solomon Island journalist appears to be quite well paid, with fortnightly wages or salaries ranging from SB\$500 (cadets) up to SB\$3000 (editors). The cadet’s wage is equal to or below what a house maid working in Honiara would earn, while the editor’s salary is equivalent to or slightly more than that of a senior government official.

But the salary scale and working conditions of local media organisations are nowhere near what a qualified journalist can earn within many of the non-government organisations in Honiara, or even through freelancing. Most journalists start out with no qualifications in the profession and are not in a position to negotiate terms and conditions of contracts. Often they are grateful to have a secure job with the prospect of being able to learn the trade.

Even for those whose income falls in the middle of the

school fees. But as I took up my official duty, my interest in photography continued to grow. This was after the company nominated me to attend a two-month training on basic writing in Queensland in 2001. The year 2000 was a challenging and difficult year for a photographer like me, especially during the ethnic crisis.

During those years I only performed my duties under the supervision of my senior photographers Arthur Wate and Loral Leison. It was not until 2003 that I performed my duties independently. In 2008, I was awarded the inaugural encouragement award for the Regional Assistance Mission to Solomon Island. During my duties I have attended the South Pacific Games in Samoa in 2007, Pacific Media Summit in Vanuatu in 2008, Pacific Mini Games in Cook Islands in 2009, and the 2011 Pacific Games in Noumea.

While working in the media, I’m also looking forward to the National General Election in 2014.

Koroi: What do you think of the state of Media Freedom in Solomon Islands?

Kadamama: The state of media freedom in Solomon Islands is flexible compared to other countries around the world.

Koroi: What are some of the specific challenges that you

range, the cost of living in Honiara is so high that they must spend almost all of their pay on food, household supplies and transportation. As well, the working hours required of many journalists are outside what is allowed under the labour laws.

This has a negative effect on the quality of a journalists’ work, including their objectivity. It also makes it difficult for them to ability stand up to corrupt politicians and private businessmen who occasionally try and bribe journalists to either turn a blind eye to a problem or put a positive spin on an issue.

Lack of training and a lack of leadership, as well as instances of inappropriate public behaviour by some journalists, lower public esteem for media workers

The majority of Solomon Islands journalists enter the field without any formal training, and must learn on the job. One result of this is harassment or ridicule from the public for basic errors, unfair and unbalanced work and defamatory articles. Training is accessible online, but this is difficult for a journalist to do while working full time.

Many media organisations have small news teams and are understaffed. While most will allow a journalist to attend training ranging from a few days to a few weeks, they are reluctant to release journalists for longer term to do more meaningful training. There is also no guarantee that once a journalist has been properly trained he or she will not move on to a higher-paying job.

have faced as a journalist working in Solomon Islands, and what would you recommend be done to improve working conditions for journalists in the country?

Kadamama: Some of the specific challenges working as a photographer were to get the best shots and understand the basic functions of camera. My recommendation is to provide training for all journalists.

Koroi: Was there ever a time in your career in the Solomon Islands when you felt your freedom to carry out your work as a journalist was violated? And can you describe this incident in some detail?

Kadamama: Yes, there are several times that I have been violated in carrying out my duties which are now things of the past mainly experiencing 1) violence against my person 2) being barred from taking photos 3) being interrogated and Intimidated 4) being threatened 5) and also being offered bribes

Koroi: What do you think can be done to improve and protect the freedom of the media in Solomon Islands?

Kadamama: To improve the freedom of media in Solomon Islands, more awareness programs should be promoted across the board by the local media. To protect the freedom of media, the government, the judiciary and local body, the Media Association of Solomon Islands, should draw up a law protecting the rights of media personnel in the country.

Defamation pitfalls an expensive burden



In a high-cost industry, Solomon Islands media face up to reality of defamation costs *Photo: RAMSI*

This case arose from an incident in 2008 involving the alleged inappropriate behaviour of the then Prime Minister Dr Derek Sikua in New York while he was attending the UN General Assembly. The Island Sun Newspaper got a tipoff from what it considered to be a reliable source and ran an article, an editorial and a cartoon on separate days, condemning the alleged drunken and disorderly behaviour of the then Prime Minister.

On his return from New York, Sikua denied the incident and threatened to sue for defamation unless an apology was printed. In response to this the paper, thinking it would have the support of its source in court, said it was standing by its story and challenged to Prime Minister to go through with the lawsuit. The Prime Minister obliged.

In court the paper was left high and dry by its source at the most critical moment. It lost the case and became the first media organisation to have a defamation case successfully brought against it by a Solomon Islands Prime Minister.

The defamation case against the Island Sun was listed in the High Court of Solomon Islands as Civil Claim No. 138 of 2009.

It was between the then Prime Minister Dr Derek Sikua

(first claimant) and his then Secretary Jeremiah Manele (second claimant) against the Island Sun newspaper (First Defendant); Island Sun Editor Priestly Habru; (Second Defendant) and Provincial Printing Press (Third Defendant).

In his judgment, Justice David Chetwynd found Island Sun and its editor guilty of defamation, while considering Pacific Printers a passive actor in the sequence of events. Justice Chetwynd awarded the claimants damages of SB\$75,000 (approximately US\$9,000) and costs of SB\$41,482 (approximately US\$5,000) to be paid by all three defendants although the first and second defendants had agreed out of court to indemnify the third defendant against payment responsibilities.

The judge outlines his reasons in paragraph 8 of his judgment.

Based on a six-point guideline developed by courts in England and Wales to assist judges in giving directions on libel cases, Justice Chetwynd says there is no doubt the article, the editorial and the cartoon were all grave libels. In his opinion they were published in one of the three daily newspapers in Solomon Islands and would have had a wide circulation within the country. The cartoon was published a day after the first two libels and, in his opinion, can only be seen as repetition of the original libel.

Justice Chetwynd also focuses on the conduct of the first and second defendants following publication. Chetwynd says in the case of the then Prime Minister Dr Derek Sikua, there was a threat by the Island Sun and its editor to publish further allegations against him. Chetwynd goes on to say that both the paper and its editor adopted a very highhanded and arrogant manner. He says the positions of the claimants at the time of publication must be borne in mind, the first claimant being prime minister and the second holding a very high post within the civil service.

As a result, there is considerable inconsistency in quality. This attracts complaints that could be avoided if journalists applied the proper principles of accuracy, verification, balance and fairness and presented their stories in a logical and comprehensible manner. As well, there have been incidents when journalists have behaved with a lack of propriety in public, opening up the whole profession to criticism and harassment.

Strength and Development Prospects for Solomon Islands Media

The Solomon Islands mainstream media has been drained of its best professionals because of the low pay and poor conditions. The nation's most qualified journalists are either working overseas or are employed by foreign diplomatic missions, government communications, Parliament and aid

organisations such as UN agencies and international Non-Government Organisations.

This chronic trend means the majority of mainstream media workers are ill equipped and under-qualified. As well, many have a poor understanding of media ethics and appropriate professional public behaviour. The result is shallow, poorly researched, badly written articles and productions, which reduce public confidence in the accuracy and worth of media reports.

Former Deputy Prime Minister Manasseh Maelanga said: "Freedom comes with responsibility and this is why it is important that media practitioners around the region should keep in mind that ethical journalism should be the cornerstone of your watchdog role."

However, since RAMSI's Solomon Islands Media Assistance

Finally Justice Chetwynd says there was no apology. The Judge says these were not only grave libels; there were aggravating features, which must be reflected in the damages.

One of the key factors of the case on the outside which sheds some light on Island Sun's so called high-handed behaviour and refusal to write an apology was that the paper had relied on its sources to appear as witnesses. At the last minute, the witnesses refused to testify.

The amount of damages was large enough to cripple any of the media organisations in the country, most of which are struggling to remain in operations. At the time of writing, Island Sun and its editor had yet to pay the damages and the court costs.

The precedent set by this case is a dangerous one for media in the Solomon Islands. The case has had a slight but still noticeable dampening effect on the way in which media organisations report on the Government and Members of Parliament.

The case highlighted several aspects of the Solomon Islands media and the state of media freedom in the country.

First, proper training is essential for Solomon Islands journalist to understand their work and ensure accurate, balanced quality reporting and at the same time to protect them from legal action. Second, there is a need for a better definition of defamation laws and its penalties in Solomon Islands, specifically relating to damages.

Since the court case, several workshops on defamation have been held by the Media Association of Solomon Islands in collaboration with the Solomon Islands Media Assistance Scheme to help journalists identify what is and what is not defamatory content and what to avoid in their publications and broadcasts.

Scheme (SOLMAS) started in 2009, the nation's media workers have had access to international-standard training with qualified teachers. This has resulted in a huge improvement in both the quality and content of Solomon Islands media reports. If the program continues into the future, the nation's media may yet earn the respect and admiration of the public they serve.

Conclusion

The Solomon Islands, in spite of all its impediments to media freedom, is still one of the freer countries in the Pacific in regard to press freedom. In most cases, local journalists are able to be extremely critical of government, political leaders and other members of society without fear of reprisals. There are exceptions to this and certain Individuals, ethnic groups and organisations remain off limits.

Self-censorship is common whenever these high-risk

subjects find their way into the media spotlight. Laws promoting freedom of expression and the right to information still need to be created and more accurately defined. To earn the respect and confidence of the public, the media themselves need to strive to abide by the Journalists Code of Ethics and pursue excellence in all areas of their work and personal conduct.

The Solomon Islands media has a huge role to play in this post-conflict society. Not only should it hold the leaders accountable for their actions by reporting without fear or favour, but it should also unite the different ethnic groups in the country through the basic journalistic principles of balance, fairness and impartiality, along with allowing the minority a regular voice in the public forums.

One of the biggest factors affecting the media in Solomon Islands, both positively and negatively, is the wantok system, the culture of kinship and loyalty to blood and tribe.

This is the reason why the Solomon Islands Media environment is so free and at the same time so prone to self-censorship. In this regard, it is up to the individual media worker to consciously harness this essence of Solomon Islands culture so that it does not dominate or oppress their work.

Recommendations

- For the future, the Solomon Islands media needs to regain its fearlessness in the face of adversity. This may take some time and will most likely go hand in hand with the reduction in fear among the entire population as law and order continue to improve and the horrific memories of the ethnic crisis are slowly put to rest.
- On the legal front, the introduction of Freedom of Information laws would be a huge boost to media freedom. However, to have any real impact, the process to access to such laws would have to be made relatively easy and cheap and its enforcement strong, swift and impartial.
- The laws on defamation need to be changed so that journalists cannot be jailed under either the Penal Code or the Civil Act.
- A journalists union needs to be established to protect journalists from being exploited, overworked or underpaid.



Tonga

Population
101,991 (2006)



Judiciary keeps legislature on track with free speech

“If it is a question of suppressing things because they are just awkward, like public blunders, maladministration or something like that – which people have a right to know about – then I think suppression or slanting of news is a bad thing.”

[Late King Tauafa’ahuTupou IV in an interview with John T.Griffen in 1969.] (Moala,2002)

The Constitution of Tonga provides protection for the freedom of the media. Clause 7 of the Tongan Constitutions states;

“It shall be lawful for all people to speak, write and print their minds and opinion, and no law shall be enacted to forbid this forever.” (Tongan Constitution)

The definition of media freedom continues to be an ongoing debate in Tonga, including questions such as ‘What constitutes media freedom?’ and ‘How is it interpreted?’

Fiji’s former Permanent Secretary for Information and former manager of state-owned Radio Fiji, Jioji Kotobalavu, once said: “Many people make the mistake of thinking media freedom is an absolute right”.

Is media freedom an absolute right or is it a freedom to be used with responsibility? The interpretation of this freedom in Tonga varies within the media industry.

Misinterpretation by governments has led to, among other things, the banning of the independent Times of Tonga newspaper, the introduction of the Singaporean Media Operator’s Act, the Newspaper’s Act and the amendment of Clause 7 of the Tongan Constitution.

The media has always enjoyed its freedom since 1875 when the Constitution first came into force. Tonga’s media industry did not truly establish itself until 1963, when the government established its own newspaper, the Tongan Chronicle, and its Tongan language version, the Kalonikali Tonga, and later ZCO radio Tonga.

Media in Tonga from 1964 to 1986 could be described as “lapdog journalism”, because all reporting refrained from challenging the government. Objectivity and investigations into government corruption were never exercised because the only media available were government owned.

In1986, a small group of pro-democracy advocates published a newsletter titled Kele’a. The newsletter introduced international standards of news reporting to the Tongan public. For the first time people read about corruption in government and parliamentarians being overpaid. In 1987 the popularity of the newsletter grew and ‘Akilisi Pohiva, the founder of the Kele’a, was elected to the Legislative Assembly.

This saw a move from “lapdog journalism” to “watchdog journalism”. Journalists had now moved to a stage where investigative and objective journalism was introduced. In an unprecedented move from the cultural tradition of faka’apa’apa (the concept of respect), Kele’a was questioning the authorities and revealing corruption in a manner seen by many conservatives and government officials as ta’efaka’apa’apa (disrespectful). The Kele’a newsletter was later joined by the Taimi ‘o Tonga or Times of Tonga, the first independent newspaper in Tonga. The Times of Tonga and would later become a great champion of the freedom of the press in Tonga.



Credited with opening up media reforms for the Kingdom: the late King George Tupou V.
Photo: Parliament of Tonga

The Times became the government’s nemesis as they introduced a more vigorous form of reporting, eventually proving so popular that after a few years of publication the paper’s circulation overtook that of the government’s Kalonikali Tonga newspaper.

In an attempt to have more control over the media, the government introduced the Media Operators Act and the Newspaper Act in 2003. This threatened media freedom in Tonga and several restrictions were imposed on the newspaper, stopping them from reporting on a number of court cases.

In 2006, radio and television Tonga were banned from reporting parliament proceedings. Public uproar ensued when one a senior journalists reported that government had banned political reporting and parliamentary news. The government was quick to deny this, saying the decision had been made by the publications themselves.

The most well-known case about media freedom is probably the Taimi ‘o Tonga case, which reflects many aspects of government interference and curbs on media freedom. Although media freedom in Samoa has improved since

then, court cases against the media, primarily defamation actions, continue.

Well-Trained Journalists Leave the Media

Better opportunities and improved working environment have been some of the reasons given by journalists leaving the media. There seems to be no end in sight to the trend, with radio and television hit hardest by staff departures. The majority of these journalists have university degrees in journalism.

Safety and Security

Tonga could be described as one of the best environments for working journalists. It does not have the chaos and dangers that some countries have.

In the past some events and moves by previous governments have hindered media freedom, as the abovementioned case study demonstrates, but intimidation and threats to journalists have never been a significant problem.

The only incident in which a journalist was physically threatened occurred in the aftermath of the 2006 riots. In this case, rioters attacked Tonga Broadcasting journalists and their vehicle. Days after the riot, a prominent supporter of the pro-democracy movement also verbally abused a Television Tonga news reporter. This led to government journalists requiring escort by armed soldiers in the weeks after the riot.

Also in 2006 after the riot, the army closed down the Kele'a newspaper office while they were working one Sunday. The late Tavake Fusimalohi accused the government of shutting down the office and hindering media freedom. However, the government clarified that the office was working on a Sunday night, which is forbidden by Tongan law, and that the office was located inside the restricted areas that under the Emergency Regulations in place at the time needed permission from the government for their activities.

Journalists working for the government owned Tonga Broadcasting Commission were often reminded that their primary allegiance was to the government. Government officials often castigated journalists for writing stories that criticised the government. One former senior journalist, Heti Fifita, was transferred to the marketing department after she wrote a news article that gave a detailed description of the former Prime Minister's physical appearance during an inquiry. This is just an example of how media ownership can impose their will on journalists in Tonga.

Legal Cases

In early 2011, the Editor of the Kele'a newspaper, Mateni Tapueluelu, faced a defamation case brought against him and the Kele'a by Clive Edwards. Mateni and the Kele'a lost the court case and were fined. Kele'a is currently before the

courts on another defamation charge.

Historically, the Kele'a newspaper is probably the newspaper most targeted for alleged defamation, followed by the Taimi

'o Tonga.

Media Sector

Radio

Tonga Broadcasting Commission FM 90 and AM 1017 (government owned)

FM 88.6 (private), FM 89.1 (private) FM 89.5 Broadcom (private)

Newspapers

Kele'a (private), Talaki (private), Taimi 'o Tonga and Tonga Chronicle (Kalafi Moala)

Websites

Matangitonga online, tonga-broadcasting online, Kaniva Tonga, Taimi 'o Tonga online

Conclusion

The media industry in Tonga has made great progress, but it remains an unattractive option for many university graduates. This is mainly due to relatively low salaries, and the stagnation of the local market, which is too small to accommodate returning scholars and those with an interest in a media career.

However, despite the obstacles faced by the media in Tonga, it is still faring better than some of its counterparts in neighboring countries. The Taimi 'o Tonga case has proven that the Tongan Courts are independent, and are able to provide the media with the protection it needs. On occasion, it is the media itself that is at fault. Stories are often published without the other side's view being presented, with time restraints being cited as an excuse. Although apologies for errors are often published in the following week's paper, by then the damage has often already been done.

Recommendations

- The Tonga Media Council should be more vigilant in regulating the performance of the media, and be given appropriate powers to do so.
- Additional training for journalists should be provided, including ongoing training for those already working as journalists.
- A Freedom of Information Act should be introduced to help curb misinformation among the media and allow journalists to write more well-rounded stories.

Protection for free speech: The Taimi ‘o Tonga



Jailed publisher Kalafi Moala: historic court case confirmed constitutional protection for media in Tonga.
Photo: Lisa W. Lahari

When the Taimi ‘o Tonga newspaper was established in 1989 it was intended to be Tonga’s first independent newspaper. It was initially published in Tonga before being moved to Auckland, New Zealand, for financial reasons including access to the Tongan diaspora in New Zealand, Australia and United States. The Taimi ‘o Tonga was published by the Lali Media Group, but it is now owned and published by the Taimi Media Network owned by Kalafi Moala, a Tongan who is also an American citizen, and his wife Suliana.

Moala claimed from the beginning of Taimi ‘o Tonga’s operations that it was established as an alternative media outlet, to give the people the real news and views not provided by the established government media.

The newspaper covered news and issues that government-owned media would never have covered. These included the sale of Tongan passports, the activities of some of the King’s business partners, and the overpayment of members of Parliament.

As a result, the Taimi ‘o Tonga was seen as a nuisance to the government and the royal family, including the then minister of police, Clive Edwards. The newspaper was banned from government press conferences and government departments were told not to give information to its reporters. According to Kalafi Moala, the more measures were taken against the paper, the more leaked information it received from people inside the government.

The paper has historically presented views antagonistic to many government ministries and was a staunch supporter of the democratic movements in Tonga, although it does not represent or directly endorse any single candidate during elections.

In February 1996, the Taimi ‘o Tonga’s Assistant News Editor, Filokalafi ‘Akauola, was arrested for publishing a letter to the editor criticising the Minister of Police.

In the same year, the Taimi ‘o Tonga newspaper published an article on a motion tabled in Parliament to impeach the then Minister of Justice, the Hon. Tevita Tupou, for leaving for the Atlanta Olympics without permission from Parliament.

On his return, Tupou read about the impeachment in

the Taimi and called the Parliament office because he was unaware of the impeachment. He was told that the Legislative Assembly had not received any motion and that the article was inaccurate. Parliament officials investigated the leak and ‘Akilisi Pohiva voluntarily confessed to leaking the information. It was later found that the motion was still with the Acting Speaker of the House and was yet to be submitted or tabled.

Three people - Kalafi Moala, Filokalafi ‘Akau’ola and ‘Akilisi Pohiva - were charged under Clause 70 of the Constitution, which states:

“[I]f anyone speaks disrespectfully or acts in a dishonourable way in Parliament, the Parliament is authorized to jail this person for 30 day. And while the house is in session, someone writes something, deceiving the House or threatening a memberthe person will be allowed to be jailed for 30 days.”

The three defendants were summoned by Parliament where their fates were to be decided. The Legislative Assembly voted 19 to 2 in favour of a guilty verdict and sentenced the defendants to 30 days in jail. The jailing made headlines throughout the Pacific and attracted great media attention, both in Tonga and abroad. International media organisations and human rights groups called for the defendants’ release, condemning the decision as a threat to press freedom.

The three defendants were later released by the Supreme Court, after being in prison for 26 days. In his ruling Chief Justice Hampton stated:

“The conclusion I have reached therefore, is that the procedures adopted were unfair. They were not in accordance with the Constitution or with the Legislative Assembly’s own Rule made under the Constitution ... it follows that I determine that the detention of the applicants in these circumstances is not lawful and I make an order that each of them be released forthwith from detention”
[Supreme Court of Tonga Moala & ors v Minister of Police (No 2) [1996] Tonga LR 207.

This decision was hailed as a victory for the Taimi ‘o Tonga and freedom of the press in Tonga, but in 2003 the newspaper was banned from the country under Section 34 of the Customs and Excise Act. The Chief Commissioner of Revenue issued a notice prohibiting the import of the newspaper citing three main reasons;

- a. Taimi ‘o Tonga is a foreign paper, owned and published by a foreigner.
- b. Taimi ‘o Tonga is a foreign concern with a political agenda.
- c. Taimi ‘o Tonga’s continuous standard of journalism is unacceptable.

The “foreign ownership” that the ban was referring to was Mr. Moala’s American citizenship. At the time, the law allowing dual citizenship was not in place. It could be argued that the concern of the government over the Tongan media was partially genuine, meaning that the standard of journalism was very low, and there was no mechanism outside government to regulate and deal with grievances against the media. But the way the government went about doing this was seen as unlawful.

At the time, the Taimi ‘o Tonga, like most of the independent media outlets in Tonga, did not have qualified journalists with formal journalistic training. The majority of the journalists received their training on the job. In an interview on Radio Tonga, Kalafi Moala admitted that journalists working for the independent media do not have the qualifications that government journalists have, and this made their work more difficult. The way in which issues are covered at times in an unbalanced and one-sided way could be attributed to this lack of experience.

After the Supreme Court overturned the detentions, declaring them unconstitutional, the government imposed another ban on the Taimi ‘o Tonga under the Publication Act. The Supreme Court then ruled that the ban was illegal. However the government introduced the Media Operators Act, the Newspaper Act and an amendment to the Constitution in an apparent effort to tighten official control over the media. This was another blow for the Taimi ‘o Tonga, for its survival and also for the freedom of the press. The Newspaper Act required that all publications be licensed, and the Media Operator’s Act stated that foreigners could not own more than a 20 per cent stake in a media company. The Media Operator’s Act was seen by many as a direct attempt by the government to have more control of the media and to silence the Taimi ‘o Tonga. Kalafi Moala, the editor in chief of the Taimi ‘o Tonga newspapers, described the amendment as childishness.

The government set a deadline of January 31, 2004, for license registration, and those who violated the Acts were to be punishable by a fine of approximately US\$5,200 or up to one year’s imprisonment. After the deadline, only church-owned publications, government-owned publications and a pro-government newsletter were granted licenses. All the independent newspapers, including the Taimi ‘o Tonga, the quarterly news magazine Matangi Tonga and Kele’a, a newspaper owned by a pro-democracy Member of Parliament, were denied licenses.

Tongan journalists and overseas media organization accused the government of denying licenses to publications they feared would report critically on state affairs.

The ban on the Taimi ‘o Tonga was felt throughout Tonga. People were starved of alternative news and views. During the ban, the Taimi ‘o Tonga was still in circulation in New Zealand, Australia and the United States. Informal reports indicate that sales increased in New Zealand because people were sending copies to their families and friends in

Tonga. This led to calls from media organizations, human rights organisations and politicians from New Zealand and Australia to lift the ban.

‘Alani Taione, a New Zealand resident, confronted the government’s ban. He flew to Tonga for his father’s funeral and on arrival he openly distributed copies of the banned newspaper at the airport, even giving some to customs officers and some people at the airport. He was quickly arrested by the police and charged with the importation and distribution of the banned newspaper. Thousands of people, including religious leaders, marched with a petition to the King demanding he lift the ban. The case was referred to the Supreme Court and Taione along with the three former defendants challenged the legality of ban on the newspaper. The case also put into question the Amendment to Clause 7 of the Constitution, the Media Act and the Newspaper Operators Act.

The Supreme Court case was heard on June 21, 2004, and concluded on October 15, 2004. After hearing submissions from both the defendants and the plaintiffs, the Chief Justice, Robin Webster, delivered a very lengthy verdict. In his verdict Chief Justice Webster outlined in chronological order the events and how the legislation in question came into force. In his concluding remarks, he said:

“I found that both Acts were inconsistent with Clause 7 ... and therefore void in terms of Clause 82 of the Constitution. I very much regret having to make such a finding in relation to legislation, which has had the approval of the Legislative Assembly, the Cabinet, the Privy Council and His Majesty the King, but it is the clear duty of this Court under the Constitution to do so and thus to uphold the Constitution.”
[Supreme Court of Tonga, Taione vs. Kingdom of Tonga, 2003]

Chief Justice Webster painted a vivid picture of the essence of freedom of expression when he quoted Voltaire: “I disapprove of what you say, but I will defend to the death your right to say it.”

This was a blow to the government and a victory not only for the Taimi ‘o Tonga but for media freedom. It was not long after the trial that Clive Edwards, the Minister of Police, who was accused by both Moala and the media of being the main instigator of the legislation, was forced to resign. In an exchange of words on Matangi Tonga Online, the then Crown Prince Tupouto’a (the late King George V) accused Clive Edwards of being the one behind the move to introduce the new media law, after Mr Edwards had first accused the crown prince of initiating the move.



Vanuatu

Population
234,023 (2009)



Media freedom at work

The Republic of Vanuatu is a young parliamentary democracy, marking 30 years of Independence in 2010. For the 75 years before independence, Vanuatu (then known as the New Hebrides) was jointly ruled by France and England through a “condominium” government. The legacy of this period of dual legal, administrative and service delivery systems poses significant ongoing challenges for the nation.

The people of Vanuatu are predominantly Melanesian. The people, the ni-Vanuatu, have populated the islands that now constitute Vanuatu for more than 3,000 years. With more than 115 distinct cultures and languages, Vanuatu is recognised as one of the most culturally diverse countries in the world. There are also small communities of French, British, Australian, New Zealand, Vietnamese, Chinese and other Pacific Island peoples, residing mainly in the urban centres. There are three official languages: Bislama, English and French.

The population of Vanuatu at the 2009 census was 234,023, with the majority dispersed across 60 of the nation’s 83 islands. Just 25 per cent of the population live in Vanuatu’s two urban centres: the capital, Port Vila on the island of Efate, and Luganville, on the island of Espirito Santo.

The many islands comprising Vanuatu, the distances between them and the rough island terrain make travel and communications between and within islands very difficult and expensive. In this context, access to information is often very limited for those living outside of the urban areas, and while improvements in internet access, mobile telephony and radio broadcasting are continuing, there are still significant barriers to providing equitable access to information and communications.

Vanuatu has experienced several periods of political instability since Independence. In recent times, political instability has resulted in six changes of Prime Minister over a seven-month period between December 2010 and July 2011. This period was also characterised by numerous legal challenges over actions taken in Parliament, and has led to growing calls for a change in the system of government for Vanuatu.

Media Diversity

Despite having a small population, Vanuatu has a relatively active local media, particularly the print media, although

access to newspapers is limited mainly to urban centres as the cost of transporting papers beyond these is prohibitive. There is currently one daily newspaper, The Vanuatu Daily Post, and three weeklies, The Vanuatu Independent, The Vanuatu Times and The ni-Vanuatu. The Daily Post and The Vanuatu Independent both have websites. All newspapers are independently owned. The majority of the print news is in English. The Daily Post reports only in English and Bislama. The Vanuatu Independent, The Vanuatu Times and The Ni-Vanuatu print in all three official languages – English, French and Bislama.

There is one major commercial radio station, Capital FM107, and the national broadcaster, Vanuatu Broadcasting and Television Corporation (VBTC), has two stations, Radio Vanuatu and Paradise FM, as well as the only locally based television station, Television blong Vanuatu. Capital FM107 also streams live on the internet, and has an estimated 70,000 listeners internationally. Radio is the most important medium for most people in Vanuatu’s rural areas, and coverage has improved considerably over the past three years through donor support. There are currently four radio stations, but only the government-owned Radio Vanuatu and privately owned Capital FM 107 have full coverage throughout the country.

A number of foreign radio and television channels are broadcast in Vanuatu, mainly from Australia, New Caledonia, China and France.

Regulation of the Media

Media legislation and regulation is the responsibility of the Prime Minister’s Department.

The main law regulating radio and television broadcasting is the Broadcasting and Television Act. This legislation provides for the functions of the Vanuatu Broadcasting and Television Corporation (VBTC) for the purpose of carrying on the services of broadcasting and television. The Act also covers licensing for commercial radio and television broadcasting.

While the Prime Minister is ultimately responsible for issuing and revoking broadcast licenses, under the Act the VBTC also has a role in licensing and regulation. The Act provides that, in addition to “providing television and sound broadcasting services within Vanuatu, for disseminating information, education and entertainment” (s10(a)), the functions of the Corporation include:

- a. To secure proper standards of television and sound broadcasting with regard to both programme content and technical performance and broadcasts;
- b. To exercise licensing and regulatory functions in respect of the sale and use of television receivers and broadcasting receiving apparatus;
- c. To act internationally as the national authority or

representative of Vanuatu in respect of matters relating to broadcasting;

d. To advise the Minister in respect of matters relating to broadcasting.

The board of the VBTC is appointed by the Minister responsible for media, and it has been common for the board of the VBTC to change when changes occur at the

The Newspaper (Restriction on Publication) Act prohibits non-citizens from owning or publishing a newspaper in Vanuatu – they may only do so upon ministerial approval. The cost of setting up and running a newspaper or radio station is high due to the licensing costs involved and the annual fee required to be paid under the Business Licence Act 1998 and the Broadcasting and Television Act 1992. The narrow ownership base of the media has raised



Media association members partner with IFJ for media training in 2011. Photo: MAV

ministerial level. This can cause some problems for the VBTC, particularly where political instability, as has been seen for the first half of 2011, has led to frequent changes to the board.

In addition, while the Broadcasting and Television Act provides that appointees to the board should “be qualified by reasons of experiences in broadcasting, television, engineering (especially telecommunications, electronics or computer technology), journalism, public relations, communications, administration, finance, law, accountancy or other related subject” (s3(1)), there has not been a media representative for some time. This is of some concern to a number of people in the Vanuatu media community.

Media operators have also expressed concern that access to establishing independent radio services is limited by political influence within the VBTC which prevents, or makes it too expensive, to obtain a radio-broadcasting licence. There is a perception that government-owned media services are censored through government control of the VBTC, political appointments within the VBTC, and the appointment and/or termination of journalists.

The Vanuatu Government recently ordered a review of the Broadcasting and Television Act, but the progress or outcome of this review is not yet known. Media practitioners consulted during the review raised their concerns about the regulatory role of the national broadcaster and the possibility for real or perceived conflicts of interest, as well as the need to provide a more stable and independent board for the VBTC, with local media representation.

questions over self-censorship of the content the media carries. Vanuatu’s parliament has not passed any specific laws aimed at media censorship. However, section 66 of the Penal Code Act prohibits seditious publications.

Relations between the Media and Government

Relations between the media and the government and public statements are currently largely coordinated through the government spokesperson, the Public Relations Officer (PRO) located within the Office of the Prime Minister. The role of the PRO is to provide information to the public about government policies and government departments, to issue press releases, and to arrange press conferences and ministerial briefings.

Some Government agencies have media/communications officers, and some agencies produce regular media releases; however, there is no whole-of-government policy that guides government agencies’ dealings with the media.

Organisation of Journalists

Media Asosiesen blong Vanuatu (MAV) is the only officially recognised media association in Vanuatu. It was first established in the early 1990s, as the Pres Klab blong Vanuatu with 15-20 members, who were mostly journalists. It was changed to MAV in 2003 when it opened its membership to all personnel working in any media outlets and to media and information officers working for

civil society organisations. Following the development and adoption of its Media Code of Ethics in May 2006, MAV registered as a non-government organisation under the Charitable Organisation Act in 2007.

MAV's mission is to uphold the rights, freedom and welfare of Vanuatu citizens through and with the media by providing the public with a venue for discussion of issues affecting their lives. MAV also aims to develop excellence and professionalism among media practitioners through training and skills development of its members so that they will become an effective "watchdog" and champions of truth. It also aims to promote effective governance, transparency and accountability in Vanuatu by developing investigative journalism skills among its members, as well as promoting access to information for the development of press freedom in Vanuatu.

MAV is a member of the Pacific Islands News Association (PINA). Current PINA President, Moses Stevens, is also Vice President of MAV. In 2009, MAV hosted the PINA regional media summit in Vanuatu.

MAV works with various local non-government organisations and institutions such as Transparency International Vanuatu, Vanuatu Institute of Technology, PENAMA Provincial Council and the Vanuatu Family Health Association, and with regional and international organisations including Voluntary Service Overseas, Australian Volunteers International, IFJ Asia Pacific, UNESCO Apia, UNDP Suva, South Pacific Community, Pacific Islands Forum, South Pacific Regional Environmental Program, and Pacific Center for Public Integrity. Work with these organisations has revolved around professional and skills development for media, advocacy on human rights including freedom of information, HIV-AIDS awareness, Millennium Development Goals reporting, climate change and biodiversity, and creating better engagement between media and other sectors.

Media Training and Professional Development

Until recently, ni-Vanuatu wishing to undertake media and communications studies were required to study overseas, at institutions in the Pacific Islands such as the University of the South Pacific, or further afield.

However, media and journalism studies at certificate and

diploma level have been offered by the Vanuatu Institute of Technology (VIT) for the past three years. The first cohort of diploma students graduated in 2010. A number of media organisations provide practical work experience for students of the School of Media and Journalism at VIT. The courses are currently offered full-time, and this presents a barrier to those currently working in the media industry who would like to enhance or upgrade their skills and qualifications.

While freedom of expression is enshrined in Vanuatu's Constitution, there is no corresponding Freedom of Information law to facilitate access to accurate and timely government information. Rather, there is an Official Secrets Act which contains a wide definition of "classified material" which government officials can rely on to withhold information from the public.

Professional development through workshops/training sessions are conducted periodically by MAV, usually in partnership with one or more civil society or regional organisations. These workshops are generally aimed at providing information on a specific subject area or issue, such as Millennium Development Goals, climate change, or trade negotiations.

Training for staff of the publicly owned broadcaster, VBTC, has been provided through the Australian Government funded Vois Blong Yumi project.

Access to Information

A major problem in Vanuatu is the lack of information to the wider community especially in the rural areas, where 75 per cent of the population lives. Newspaper distribution is limited to the major centres. The European Union has assisted the VBTC to study what is required in order to enable broadcasting across the country.

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Management of government-media relations resides with the government spokesman who is based in the office of the Prime Minister, and media workers have expressed frustration at the inefficiency of this arrangement. It can be difficult to get statements and information from government agencies without going via the government spokesman, which can cause significant delays and is inconsistent with the need for media practitioners to meet deadlines.

As the population grows and government expands to service it, this situation is only likely to worsen, unless changes are made to the way that information dissemination

is managed. Recent public statements regarding media development indicate that the government is aware of the need to improve information dissemination, particularly in relation to the 75 per cent of the population living in non-urban and remote areas.

In July 2011, the Vanuatu Government ratified the United Nations Convention Against Corruption, committing to implement strategies to prevent corruption. A key means of corruption prevention is to conduct the operations of government in an open and transparent way, including through providing general access to information. Media and civil society have been advocating for Freedom of Information (FoI) laws as part of implementation of anti-corruption strategies.

In fact, civil society and media in Vanuatu have been advocating for FoI laws for several years. In September 2010, MAV and Transparency International Vanuatu hosted a workshop to mark International Right to Know Day, which is celebrated every year to promote open and transparent governance through access to information laws and related government policy.

The workshop heard presentations from UNDP Suva and the presidents of Transparency International Vanuatu and MAV. It included a session on how to progress FOI for Vanuatu. A bill had been drafted by civil society, but there was no progress past that point. The bill drafted by civil society was not complete, and the Commonwealth Human Rights Initiative recommended some amendments and further discussion. This was echoed by the government, which made clear that the bill needed to be further developed to be appropriate to the Vanuatu context.

The Right to Know workshop participants, who included representatives from the media, government, parliament, ombudsman's office and civil society groups, resolved to re-establish a committee to progress the FoI law for Vanuatu.

The Committee, which commenced meetings in August 2011, has begun drafting a media development policy for Vanuatu, including consideration of FoI policy and draft bill.

Safety and Security

There have been a number of incidents of threats and intimidation of media over a long period. These incidents have usually stemmed from reaction to stories published or broadcast which have exposed corruption and/or cast prominent public figures or organisations in a negative light. Some of these incidents of threats and intimidation have been reported over the years, and some have received wide coverage in local, regional and international media.

The year 2011 has seen two well-publicised incidents where serving ministers have attempted to thwart media attempts to report. The first was an assault on Daily Post publisher Marc Neil Jones on 4 March 4, 2011 at the offices

of the newspaper, at which the then Minister for Lands was present. (See the Case Study for details.)

In another incident, in mid-2011, it was reported that the Minister of ni-Vanuatu Business had on two occasions attempted to intimidate journalists for reporting on his alleged public drunkenness during Vanuatu's annual Independence celebrations. The Minister was arrested at the end of July 2011 and was charged by police with abusive language, obstruction, and drunk and disorderly behaviour.



Bashed for fearless journalism: Vanuatu Daily Post publisher Marc Neil Jones Photo: Lisa W Lahari

There were reports at the time of the offences that the Minister had tried to discourage the public broadcaster, VBTC, from carrying the story about his behaviour and arrest. Subsequent to a front page article in the Vanuatu Independent newspaper, Pastor Ken allegedly intimidated a Vanuatu Independent paper seller before taking a newspaper off him.

The Pacific Islands regional representative of the United Nations Office for the High Commissioner for Human Rights issued a statement in September 2011 expressing concern at recent incidents of intimidation and threats to freedom of expression and media freedom, calling on the government of Vanuatu to "take steps to create an environment that nurtures a strong and responsible media in Vanuatu that can report on issues of concern to the people of the country and ensures that media freedom is respected by its authorities, especially those in leadership positions".

There has been speculation that the Vanuatu government's apparent inaction in the face of threats to media by ministers is partly or wholly attributable to the political instability of the government, which must retain a very narrow majority in order to stay in office.

There have been a number of incidents which have not been reported, usually through fear of reprisals. To help combat this, a Vanuatu media rights monitoring group was formed in June 2011 at a media ethics workshop delivered by MAV and the International Federation of Journalists (IFJ) Asia-Pacific Media, Human Rights and Democracy project.

Media Ethics, Investigative Journalism and Responsible Reporting

Vanuatu does not have a strong tradition of investigative journalism. Journalists find it difficult to do more than "scratch the surface" of many issues and there is little follow up on stories due to the limited number of journalists

A black moment for the public's right to know: Media and Public Excluded from Parliament

On Thursday December 2, 2010, the then Speaker of the Vanuatu Parliament, George Wells, banned media and the public from viewing or hearing proceedings of Parliament during debate on a motion of no confidence in the then Prime Minister, Edward Natapei. This ban on the public and media meant that no public access, including broadcast of proceedings, was allowed for this sitting. This unprecedented restriction on public access to proceedings was justified on the basis of security reasons.

This extraordinary incident marked the first time in Vanuatu's 30 years of independence that the "People's House", the Parliament, was closed to the people while a motion was debated. The elected representatives, by order of the Speaker, debated a motion of no-confidence in the government in secret. The public and the media were ejected from the Parliament, and kept outside the building by the Police and the Vanuatu Mobile Force.

This action was condemned by MAV, PINA, and a number of organisations and commentators throughout the Pacific Islands, as it contravened the Vanuatu Constitution, which is clear on this point: proceedings of Parliament are to be held in public.

Parliament is the institution through which the will of the people is expressed, and as an agent of the people, the Parliament represents the people in oversight of the Executive Government. If there is an expression of no confidence in the Government or its Executive, the people have a right to hear this debate.

The Parliament can only safeguard democratic rights if it observes democratic norms, by showing itself to be open, accessible and accountable to the electorate in its own operations. Equally, the media can only perform its role when it is allowed appropriate access to report on parliament and government activities.

In response to the incident, MAV announced that there would be a national day of action on December 2 every year to remind people of this event, and to ensure that the people of Vanuatu are assured of their right to an open, democratic and accountable parliament.

and the wide range of issues to be covered. Further difficulties include the respect that ni-Vanuatu people have for their leaders, which stops them from speaking out when their leaders do wrong. This sometimes makes it hard for journalists to support and verify their stories.

Apart from sports reporting, journalists tend to cover everything and anything rather than specialising in one or two areas. There is a tendency for the media to print what is reported to them, and to reproduce media releases as provided.

A number of ethical questions regarding media reporting have been raised recently. There has been an ongoing debate in Vanuatu about media ethics and responsible reporting, with frequent calls from the government and politicians for more professional and responsible reporting. In early 2011, there were suggestions from ministers that the government would legislate a media code of ethics; however, it is not known whether this will be pursued.

MAV adopted a Code of Ethics for Journalists in Vanuatu in 2006. This Code has been cited when criticisms of reporting have arisen in the media, suggesting that there is awareness within both the media and the broader community of ethical issues around reporting.

While there have been periodic workshops and training to introduce and reinforce the provisions of the Code of Ethics, there is no formal complaints mechanism for those with a complaint about media breaches of ethics. Redress can be sought from individual media organisations through, for example, letters to the editor. However, there has been some dissatisfaction with the effectiveness of this, as has been indicated in letters and articles to and between rival newspapers.

The Code of Ethics contemplates the establishment of an independent Vanuatu Media Complaints Council to judge complaints about the conduct of the press. To date, no such council has been set up. There is a danger that without better self-regulation within the media, the government may step into the breach.

Working Conditions

While Vanuatu has a general national minimum wage, there are no specific industrial awards or agreements determining payment rates or other conditions for media workers. There is no classification system to recognise and appropriately reward media workers for their level of education, on-the-job experience, ongoing training or level of responsibility. While individual organisations may provide some form of arrangement to recognise skills, education and responsibility, there is nothing in place across the industry.

Anecdotal reports indicate wide variations in pay rates, conditions and types of employment across the different

media organisations, but no formal data are available. There are reports that many media workers are poorly paid, do not have written employment contracts and are not fully aware of their rights and the obligations of employers. There is a need to do more work in this area, to ensure that media workers are appropriately recompensed, and to ensure that the industry remains attractive to talented and skilled media practitioners.

Recommendations

- Media diversity and freedom should be encouraged through changes to the composition and role of the Vanuatu Broadcasting and Television Corporation (VBTC) to ensure an independent and stable board of management and to prevent any real or perceived conflicts of interest arising from VBTC's dual broadcasting and regulatory roles.
- Media should continue to work with civil society and the government to ensure Freedom of Information laws are enacted and implemented, and should advocate for decentralisation of media-government relations to ensure timely release of information for dissemination.
- Vanuatu media workers, organisations and MAV should strengthen self-regulation within the industry as a way of ensuring ongoing maintenance and improvement of ethical and professional standards and building trust in the community.
- Media industry workers, organisations and MAV should work together to establish industry-wide minimum standards for the pay and conditions of media workers, including classification systems to recognise education, skills, experience and levels of responsibility.

Gender in the media: MAV Elects First Female President

The Media Asosiesen blong Vanuatu (MAV), which represents media practitioners in Vanuatu, elected its first ever female President, Evelyne Toa, in 2010. While Ms Toa initially stepped into the role in late 2009 when the then President, Moses Stevens, resigned to take up the role of President of the Pacific Islands News Association, it was not until October 2010 that the MAV annual general meeting elected her to the role.

Ms Toa has been a journalist in Vanuatu for almost 30 years, with 17 years in radio broadcasting and seven years in print, and is now Deputy Editor of Vanuatu's leading weekly national newspaper, the Independent. In the mid-1990s, she became the first woman to be appointed Chair of the Vanuatu Broadcasting and Television Corporation (VBTC).

As President of MAV, Ms Toa has overseen the association's participation in the development and implementation of professional development and networking opportunities for media practitioners, government and civil society organisations in reporting on the Millennium Development Goals, Freedom of Information, climate change, regional trade and political forums.

With other Executive Committee members, Ms Toa has developed a strategic plan to build on the work of past Executive Committees and to take MAV into the future. Her vision for MAV includes expanding its member base, providing better services to its members, and working in partnership with other organisations to promote a greater awareness of the important role of the media in a developing country.

MAV's initiatives with Ms Toa as President have included the biggest ever celebration in Vanuatu of World Press Freedom Day, the inauguration of a national day for democracy to mark the closure of Parliament to the media and public, agreement with the Vanuatu Institute of Technology to establish closer industry links through an Industry Advisory Committee, establishment with the IFJ of a media rights monitoring group, and deputy chairmanship of a committee comprising media, government and civil society representatives to draft a media development policy including a Freedom of Information law for Vanuatu.

Bashing the messenger: The Daily Post

A series of incidents between 2006 and 2011 provide insight into the challenges faced by Vanuatu’s daily newspaper, The Daily Post.

March 2006

A rugby match between the Police Blue Machine Rugby Club and the University of South Pacific Rugby Club in March 2006 ended in a brawl. A journalist from the local newspaper, The Daily Post, was there and took photos of “the crowd as they rushed onto the field to join in the attack against the USP Team”. He alleges that a Sergeant from the local police force assaulted him for doing so. An eyewitness claimed that “the police officer was in plain clothes when he deliberately walked over to the journalist as he was holding his digital camera in front of him to take pictures”. He said that the Sergeant grabbed the journalist by the neck and slapped him on the right cheek and said in Bislama, ‘Yu stap mekem wanem? Yu stap mekem wanem?’ (What are you doing? What are you doing?).

A few days later, seven policemen arrested and detained the publisher of The Daily Post for the offence of careless driving, an incident which allegedly occurred in 2004. (Source: Vanuatu Daily Post March 29, 2006)

January 2009

In January 2009, the publisher of The Daily Post was allegedly assaulted in his office by prison guards after a series of Daily Post stories implicating them in the death of a prison escapee, lax security and mismanagement of the Port Vila jail. (Source: Vanuatu Daily Post, January 19, 2009)

March 2011

On March 4, 2011, the Minister of Public Utilities led a group of strong men into the newspaper’s offices, arriving in a government-registered vehicle. It was reported that the Minister threatened to “break [the] face” of the editor, and stood by and watched while his supporters strangled and kicked the publisher. This followed a series of articles which the newspaper had published criticising several of the minister’s actions as state minister. Criminal charges were laid against the minister on several counts including “aiding and abetting an assault”. The Daily Post on March 5 ran the headline “Minister brings disgrace to government”, above a story describing the minister’s actions, and also published again a list of several acts of “alleged corrupt land dealings”

in which the minister had been involved.

The minister later gave his side of the story to The Vanuatu Independent, saying he had indeed confronted the publisher on the premises of The Daily Post, because he had “had enough” of that newspaper’s “unfair and unbalanced” reporting. The minister asserted that he said: “I know you are all about making money, selling news, and all I want is my side of the events told.” [...] He went on: “Then, while I was talking, one of my boys just walked past me, grabbed his head and put it on the table, then the other grabbed his head and put it on the table and I said, ‘Enough’, and we walked out.” The minister denied that the publisher had been strangled, kicked or pushed to the ground, and denied that he had brought more than three men with him into the office, a claim which the publisher said was contradicted by photographs taken by The Daily Post staff.

In early April, the minister appeared in court on charges of inciting and abetting assault and unlawful assembly, and



Bashed for fearless journalism: Vanuatu Daily Post publisher Marc Neil Jones shares the pitfalls of reporting on corruption with regional colleagues. Photo: Lisa W Lahari

the government faced criticism for not taking any action to discipline its minister over the alleged assault. This prompted outrage among regional media organisations. In the end, the minister pleaded guilty to “aiding and abetting” and paid a US\$162 fine. So far, the government has not taken any disciplinary action over the incident. (Source: Vanuatu Daily Post 5 March 2011)



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