



A WAY FORWARD

Pacific Media Consultation Report 2021

Building the Capacity of Media Associations to Assess Regulatory Environments and Strengthen Professional Journalism in the Pacific

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THE INTERNATIONAL FEDERATION
OF JOURNALISTS (IFJ)



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Cover: People secure their shop ahead of the arrival of super Cyclone Yasa in Fiji's capital city of Suva on December 16, 2020. As a result of the cyclone, Fiji's government declared a state of natural disaster, under which any person, body or entity who contravened any order made by a police or military officer was considered to have committed an offence. Credit: Lice MOVONO / AFP

This page: A representative of the Kingdom of Tonga asks for a solution for his country's vulnerability to future sea-level rise during a press conference in Madrid in December 2019. Credit: Cristina Quicler / AFP

IFJ-UNESCO media consultations were held in Fiji on March 12, 2021. Fijian journalists remain concerned about the Draft Police Bill 2020, that will allow police to seize any electronic storage device in the possession of anyone detained. Credit: Kate Bice

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SUPPORTING MEDIA IN THE PACIFIC

The Pacific has a diverse and complex media landscape, but media freedom awareness and support remains underdeveloped. Media in this region has traditionally been shaped by government influence and international ownership with the largest media industries in Fiji, PNG, Vanuatu, Samoa and Tonga privatised over the past 15 years.

The International Federation of Journalists' 2017 'Pacific Media Analysis' found the Pacific has among the least developed and least regionally connected media associations in the world. State-sanctioned censorship and controls continue to hamper journalists' ability to report freely.

The IFJ and its members in the region reinforce the vital need to improve the quality of journalism and to support critical assessment of the regulatory system impacting freedom of expression, pluralism and diversity in the media.

Methodology: The IFJ Asia-Pacific conducted assessments of the regulatory environment for media in six Pacific countries using the IPDC Media Development Indicators as an analytical tool. The assessments were conducted in four countries – Fiji, Samoa, Solomon Islands and Vanuatu – by way of consultation meetings of local journalists. The assessments in the remaining two countries – Papua New Guinea and Tonga – were conducted using a desk audit of available literature.

The IFJ engaged the local stakeholder groups – namely professional associations of journalists – to implement these activities. The parties agree to Memorandums of Understanding that set out their respective obligations. The associations managed the detailed budgeting and planning for the meetings. To support the consultations, the IFJ provided presentation materials and notes for participants and facilitators. These notes covered the major issues examined by the MDIs in an accessible but comprehensive way. The IFJ joined the sessions via online hookup to outline UNESCO's MDIs and the IFJ project objectives. Each association delivered a report summarizing the findings from the consultation, plus financial details. These reports are attached as appendixes to this analysis.

Meetings were held in the following countries and hosted by national journalist representative organisations as follows:

- **Solomon Islands, Honiara, 16 February 2021: Media Association Solomon Islands (MASI)**
- **Vanuatu, Port Vila, 19 February 2021: Media Association of Vanuatu (MAV)**
- **Samoa, Apia, 20 February 2021: Journalists' Association of Samoa (JAWS)**
- **Fiji, Suva, 12 March 2021: Fiji Media Association (FMA)**

The IFJ would like to thank these organisations and their members for their role in this important work for the region.

**International Federation of Journalists
Asia-Pacific**



Media Association blong Vanuatu (MAV) members at a training in June 2020 to strengthen investigating reporting in the country. Credit: Media Association blong Vanuatu / Facebook

EXECUTIVE SUMMARY

Freedom of expression and the right to information are guaranteed in the constitutions of Pacific nations, but a range of laws, executive actions, commercial pressures and cultural inhibitions combine to limit the use of these freedoms in practice.

While authoritarian regimes resist accountability, the media work assiduously to convey factual information and carve out a space for debate.

The most stringent constraints are felt by the media in Fiji, where the military-led government that seized power through a coup in 2006 has imposed the restrictive Media Industry Development Act. An even more draconian legal instrument is the Draft Police Bill which, if enacted, will allow police to seize electronic devices and force their owners to reveal passwords, under threat of life imprisonment.

Another worrying move was the reintroduction of criminal libel in Samoa in 2017. There have been few prosecutions so far, but the mere existence of the offence generates fear. Even civil libel laws are used to intimidate journalists. In Tonga, the courts have awarded crippling damages to complainants, while in Fiji the state-owned broadcasting corporation itself sued a privately owned newspaper.

Journalists in the countries covered by this project are intensely aware of the contribution that their industry can make to development.

Regardless of the regulatory environment, media outlets work within commercial and cultural constraints. Their small advertising markets give individuals advertisers disproportionate leverage. Governments are often major sources of advertising revenue, putting them in a position to play favourites with media outlets. A major national daily in Papua New Guinea is owned by a foreign logging company, and this conflict of interest has the potential to skew the paper's news agenda.

Other constraints derive from kinship and community links. In Tonga, the monarch and nobles still exercise residual powers. In Papua New Guinea, the tradition of deferring to the 'Big Man' makes it hard for young journalists to question authority. In the smaller nations, journalists spoke of being reticent to report negatively about relatives and the reluctance of their sources to go on the record when it could offend others. These mores can be as powerful as the black letter laws of the land.

While the consultations could nominate areas where their regulatory environments could be improved, they were keen to pre-empt interference by government. The key to this is to improve self-regulation of the profession so that the authorities, and the audiences, have fewer complaints and more reason to trust and respect the role of the media in society.



Veteran politician Manasseh Sogavare speaks at a press conference on the stairs of the Parliament House in Honiara, Solomons Islands in April 2019. Credit: Robert Taupongi / AFP

“For big companies that have the financial resources and legal backing, they can go through legal battles, but for small companies it can ruin you. If they take you to court it can close the company . Now the Police Bill will shut the online editions for us. It will be very difficult for us to do our work.”

Note: This analysis does not claim to be a definitive review of the issue of media regulation in the Pacific. The content is largely derived from the reports delivered by the four consultations in Fiji, Samoa, Solomon Islands and Vanuatu, as well as desk reviews of the information available on Papua New Guinea and Tonga, supplemented by online research. Thus, while the information under each MDI below allows for some comparisons, it is not comprehensive because the focus in each consultation differed according to what that country's journalists saw as their priorities.

EXPLORING THE REGULATORY FRAMEWORK FOR MEDIA IN THE PACIFIC

A review using UNESCO's Media Development Indicators in Fiji, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu

LEGAL AND POLICY FRAMEWORK

1.1 Freedom of expression is guaranteed in law and respected in practice.

Freedom of expression and the right to information are guaranteed in the constitutions of all six countries involved in this review of media regulation in the Pacific – Fiji, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu. Under their constitutions, these rights may be limited in ways regarded as reasonable under international law, such as the need to preserve national security, ensure public order, and protect an individual's privacy or reputation. In some countries, journalists regard the state of media freedom as healthy. For example, Samoa: “People generally exercise their right to free speech through mass media, social media and cultural settings as appropriate in their villages.”

However, certain legal and political factors can unreasonably prevent people exercising their rights. The most worrying is Fiji's Media Industry Development Act 2018, based on the Media Decree of 2010. Generally known as ‘the Decree’. The Act is administered by the Media Industry Development Authority. The Decree was instituted by the government of Prime Minister Veroque (Frank) Bainimarama, who took power in a coup in 2006. The Authority and the Media Tribunal, which hears complaints, can impose heavy fines and jail sentences for breaches of the Act. Members of these bodies are appointed by and accountable to the executive government.

The Fiji consultation reported that the Decree and other authoritarian responses have made people reluctant to speak to the media. “A lot of people are just watching ... Many people want to go off the record because of fear of pressure for the top, fear of being fined, taken to court, or losing their jobs.” In short: “The media decree really tapes our mouth and ties our hands and legs.”

Fiji journalists are very concerned about the Draft Police Bill 2020.¹ The proposed law would allow a police officer to seize, without a warrant, any electronic storage device found at a crime scene or in the possession of anyone detained or arrested. The law would also give access to cloud storage. A person who refused to provide the password to their device could be liable to life imprisonment or a Fiji \$1 million fine.

Tonga's constitution guarantees free expression, but the Constitution of Tonga (Amendment) Act 2003 significantly restricts this right. The Newspaper Act 2003 briefly gave government officials power to control media licensing, dictate newspaper content, and prevent the importation of foreign newspapers.² Tonga's Supreme Court declared the Act invalid in 2004.

1 <https://www.fijivillage.com/news/Draft-Police-Bill-5x8fr4/>

2 <https://heinonline.org/HOL/LandingPage?handle=hein.journals/auck11&div=12&id=&page=>

Educational, technological, social and cultural barriers can inhibit free speech. Solomon Islands: "People generally do not exercise their right because they do not know that they have it, they do not have access to media platforms, they are afraid to speak out against people in positions of power, or they are afraid to offend community members." Several consultations commented that island countries are "small societies" where family and community ties are tight. Fiji: "You may want to say something, but you worry about what your grandparents at home are going to think."

Social media has created a new channel for citizens to exchange information and express views, but it has triggered a backlash in several countries, including Papua New Guinea (see 1.9) and Tonga (1.12).

1.2 The right to information is guaranteed in law and respected in practice.

The right to information (RTI) is gradually being legislated in Pacific nations.³ Tonga launched an Information Disclosure Policy in 2012, Vanuatu passed the Right to Information Act in 2016, and Fiji passed its Information Act in 2018. Papua New Guinea committed to adopting a right to information law in 2016, Solomon Islands has developed a draft law, and Samoa has begun preliminary discussions.

In Fiji, the Freedom of Information Act 2018 established an Accountability and Transparency Commission to which the media can complain if official information government is withheld. However, the consultation revealed that very few journalists are aware the Commission exists.

In Papua New Guinea, the current lack of an RTI law forces journalists to rely on political interests as sources of official information, diminishing their ability to report independently.⁴

In Vanuatu, the law requires government agencies to release information proactively and established a complaints mechanism if agencies do not do so. So far, requests have come mainly from residents of the capital, Port Vila. "The government is digitalizing its records to make access easier outside the urban areas."

Access to information may be restricted by problems of geographical distances, low literacy levels, inadequate infrastructure and the limited reach of mass media. In the Solomon Islands, the print run of the two daily newspapers totals 5000 copies, compared to the population of 60,000 in the capital, Honiara. "Only one FM radio station employs a news reporter; the others relay news from the internet. About 90 per cent of Honiara has 2G and 3G coverage, but there are some places where even radio does not reach."

1.3 Editorial independence is guaranteed in law and respected in practice.

Fiji: "There sometimes aren't any interesting news stories at an event but you are told to cover it because of the advertising income it brings."

3 https://www.unodc.org/documents/southeastasiaandpacific/pacific/2020/UN-PRAC_Paper_-_Status_of_Right_to_Information_in_Pacific_Island_Countries.pdf

4 <https://www.transparencypng.org.pg/tipng-media-trends-report-preliminary-statement/>

5 <https://www.abc.net.au/radio-australia/programs/pacificbeat/sidelining-of-two-senior-tongan-reporters-due-to/9044284>

6 Sale Sumbe, Capitol FM107

7 <https://www.theguardian.com/world/commentisfree/2019/nov/11/vanuatu-has-cancelled-my-work-permit-its-a-dark-day-for-media-freedom>

Samoa reported that political leaders have made many attempts to discredit the media and undermine public trust. "The Prime Minister has mocked journalists, calling into question the credibility of bona fide media organizations and in some cases discrediting factual information published by media outlets."

The main threats to editorial independence are political pressure and the commercial challenges of operating in a small market, where a handful of advertisers can make or break a media outlet.

The Samoan Government also blocks journalists from covering certain public events. The Parliament does not have a press gallery and journalists have to sit outside. "Government Ministers do not have an open-door policy, or communications personnel to answer questions. The Prime Minister selects a limited number of journalists to interview him, and declines to give one-on-one interviews with others."

Tonga's Prime Minister Akilisi Pohiva said in early 2017 he planned to shut down or sell off the Tonga Broadcasting Commission (TBC). He criticised journalists for asking tough questions and called TBC "an enemy of the government".⁵ Senior journalists Viola Ulakai and Laumanu Petelo were taken off news duties and transferred to marketing. Pohiva sacked the TBC chair, then pressured the Board to sack the CEO. King Tupou VI sacked Pohiva in August and called a snap election for November, which Pohiva won.



EDITORIAL: On "hacking": the Samoa Observer has been reporting on this nation for 43 years. The Attorney-General was appointed last July. We will stake our reputation against hers any day of the week.



Samoa's Attorney General, Savalenoa Mareva Betham-Annandale, publicly attacked the country's media in March 2021. Credit: Samoa Observer / Twitter

In Vanuatu, pressure largely comes from companies threatening to withdraw advertising, but the government and police occasionally intervene.⁶ In 2019, the Media Director of the Vanuatu Daily Post had his work permit revoked after the Post broke the story of six Chinese nationals who had been detained without trial and were deported to face prosecution in China.⁷

In the Solomon Islands, powerful forces in the extractive industries, such as the Solomon Forest Association (SFA), use their commercial muscle as well as applying direct

pressure to individuals. Some SFA members are also active in the mining sector. These interests are said to “control” the government. Solomon Islands: “Certain articles have been withheld from publication due to fears that companies would withdraw advertising. A journalist who wrote an article on illegal harvesting of tubi trees, a protected species, was bullied by a Member of Parliament.”



Daily Post editor Dan McGarry (left) was temporarily banned from entering Vanuatu in 2019 due to reporting perceived to be critical of China's influence in the Pacific. Credit: Dan McGarry

In PNG, journalists are constrained by the commercial priorities of proprietors. The main daily newspaper, The Post Courier, is majority-owned by Australian media tycoon Rupert Murdoch's News Corp. The National is owned by the Malaysian logging multinational company Rimbunan Hijau, the leading player in the forestry sector. The 'Big Man Mentality', that is, the cultural norm of deference to powerful people, can cause reluctance to challenge or ask tough questions of high-status individuals.⁸ This results in de facto self-censorship even at the beginning of the news-gathering process.

1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice.

Protection of sources was not identified as a major issue, for practical reasons rather than because it is guaranteed by law. In many places, sources are too cautious to speak on controversial topics and powerful forces find it simpler to intimidate journalists directly. In Fiji, the Draft Police Bill threatens the privacy of communications to such an extent that the journalists expect sources to refuse to talk.

An unusual case is Samoa where, under section 10 of the Newspapers and Printers Act, journalists cannot be compelled to reveal the identity of their sources in a criminal proceeding unless the Court finds that public interest outweighs the potential adverse effects on the source.

1.5 The public and civil society organisations (CSOs) participate in shaping public policy towards the media.

In Fiji, one participant said there was hope for improvement: “Fiji Media Association has raised concerns to MIDA (Media Industry Development Authority) in 2019 on challenges faced by the media including getting information. They took this into account and the Media Decree was amended. It's been done before and can be done again.”

Samoa said the Samoa Media Council should act as the body to maintain standards, promote press freedom, protect journalists and strengthen understanding of the media. However, it is unable to function effectively due to lack of funding and insufficient support from either Government or independent sources. Journalists are cautiously hopeful the new Samoa Media Council Bill will improve the situation. “The media was involved in developing the Media Bill, but the Attorney General's draft did not incorporate many of the media's recommendations.”

The Media Association of Solomon Islands (MASI) has been invited by the Prime Minister to make proposals for a new regulatory framework and to carry out public consultations. The Attorney General's office is considering creating a Media Ombudsman. Other options include a Media Practitioner law that would encompass media accreditation. MASI argues that, as the professional organisation, it should be the accrediting body, not a government agency.

Vanuatu has no specific media law, but the government has said on several occasions it plans to develop one. The media industry opposes this on the grounds that such a law would regulate media activity and eventually restrict media freedom.

REGULATORY SYSTEMS FOR BROADCASTING

1.6 Independence of the regulatory system is guaranteed by law and respected in practice.

In Vanuatu, a statutory body, the Telecommunications Radiocommunications Broadcasting Regulator (TRBR), regulates telecommunications, radiocommunications and actions are “fair”, but media companies are concerned that the TRBR reports to the Prime Minister in his role as minister for communications and the government of the day exercises political oversight.

In Tonga, radio and television broadcasts are regulated under the Communications Act 2000, the Tonga Broadcasting Commission Act 2000 and other laws covering radio, telecommunications and telegraphy. Broadcasting licenses are issued by the Minister for Communications in council with the King. The Media Operators Act 2003 gave government officials power to control broadcast licensing, but the Supreme Court declared the Act invalid in 2004.

In PNG, broadcasting and information communication technologies are covered by the National Information Communication and Technology Act 2009 and regulated by the National Information Communication and Technology Authority (NICTA). General reports do not suggest there are major problems with the system.

Samoa said the broadcasting law is fair and clear and the Broadcast Regulator is independent, well funded, powerful enough to do its job and accountable to the public. So far, it has not interfered with broadcasting rights. However, “the cost of digital TV licenses was so high as to be restrictive”.

Some journalists' groups are keen to help shape media policy, while others are wary of government intervention and would prefer to develop mechanisms for self-regulation.

In Solomon Islands, Telecommunication Solomon Islands (TCSI) regulates the industry, but journalists at the consultation were largely unaware of its activities.

1.7 Regulatory system works to ensure media pluralism and freedom of expression and information.

Media pluralism was not identified as a pressing concern in the Pacific countries reviewed, where the persistent challenges of authoritarian regimes, the reach of communications systems and commercial viability take precedence. PNG's 7.7 million people speak 800 languages. The three national languages are Tok Pisin, Hiri Motu and English. Public and private media outlets broadcast and publish in English.

Vanuatu has the highest linguistic density per capita in the world, with its 300,000 people speaking 110 languages.⁹ The three official languages are English, French and Bislama, a form of pidgin English. The state-owned Vanuatu Weekly newspaper is published in all three languages. State-owned Radio Vanuatu broadcasts mainly in Bislama.¹⁰

DEFAMATION LAWS AND LEGAL RESTRICTIONS ON JOURNALISTS

1.8 The State does not place unwarranted legal restrictions on the media.

Fiji's sedition laws have been used against journalists. In 2016, the Fijian-language Nai Lalakai, part of the Fiji Times group, published a letter which was widely seen as inciting hostility towards Fiji's Muslim population. The letter's author and three Fiji Times' executives were charged with sedition.¹¹ The charges were interpreted as an attempt to intimidate the news group ahead of the elections due later that year. All four were acquitted in May 2018. The consultation noted that the government had the option to lodge a complaint with the Media Industry Development Authority but resorted instead to heavy-handed use of the law.

Tonga's sedition law was used against a political figure acting in his role as a journalist.

in 2002, government critic (and later Prime Minister) Akilisi Pohiva was charged with sedition over an article in Kele'a. He was later acquitted by a jury.

1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals.

The most draconian defamation regime reviewed is that in Samoa. The offence of defamatory (criminal) libel with the enactment of the Crimes Act 2013,¹² but criminal libel was reintroduced in the Crimes Amendment Act 2017. This coincided with the rise of anonymous bloggers who posted allegations of corruption, misconduct and serious crimes against prominent public figures. In June 2019, the Prime Minister brought a criminal defamation action against a blogger who mostly operated from Australia. The blogger and another man were arrested in Samoa in August 2019 on charges of plotting to assassinate the Prime Minister.



Pacific journalists strategized the possibilities for future solidarity at the IFJ Pacific Media Solidarity Meeting in Port Vila, Vanuatu, in November 2017. Credit: Jane Worthington

In Tonga, politicians have won heavy damages awards in civil cases, giving journalists reason to fear they may be bankrupted. In June 2013, a letter-writer to the pro-democracy Kele'a newspaper, together with its publisher and editor, were sued by the Prime Minister, Lord Tu'ivakano, and six cabinet ministers. A police magistrate ordered the defendants to pay NZ \$249,442 in damages and costs.¹³

In Fiji, corporations as well as individuals may sue for damage to reputation. In October 2020, the Fijian Broadcasting Corporation (FBC) sued a member of the Social Democratic Liberal Party over comments he made on social media. The High Court ruled the comments were not defamatory and ordered the FBC to pay costs.

In PNG, people who publish allegedly defamatory material or incite violence on social media may be prosecuted under the Cybercrime Code Act 2016. The Act also applies to cybersecurity, spam, hacking, forgery and computer fraud. The penalty for publishing "offensive" or "false" information online is up to AUD10,000 (USD 7,100).¹⁴

1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law.

9 <https://www.travelonline.com/vanuatu/language>

10 https://en.wikipedia.org/wiki/Mass_media_in_Vanuatu

11 <https://www.lowyinstitute.org/the-interpreter/sedition-and-pacific-media-freedom>

12 https://www.researchgate.net/publication/336890642_Ua_se_va%27a_tu_matagi_The_Revival_of_Criminal_Libel_in_Samoa

13 <https://matangitonga.to/2016/09/14/appeal-court-dismisses-newspaper-defamation-appeal-after-no-show>

14 <https://www.abc.net.au/news/2015-10-22/png-government-cracks-down-on-social-media/6877024>



Members of the Journalist Association of Western Samoa (JAWS) met on to discuss the need for safe and comprehensive media reporting of Covid-19. Credit: National Media Association of Samoa - JAWS / Facebook

Several Pacific states have laws allowing the government to restrict reporting during a State of Emergency. Solomon Islands declared a State of Public Emergency (SOE) in March 2020 in response to the Covid-19 pandemic. Under the SOE, only certain members of the Government are permitted to speak to the media, making it harder for journalists to get accurate information.

Vanuatu declared a State of Emergency in March 2020, restricting publication of any item that included the term Covid-19 unless the report had been endorsed by the relevant authority. The government justified this on the ground that fake news stories were creating panic in rural and urban communities. The Vanuatu consultation criticised a June 2020 incident, in which airport security and local police intercepted a journalist taking photos of a flight delivering Covid-19 supplies and repatriating 19 citizens from New Zealand. The officers told her to delete the photos and to leave the airport.

Fiji has declared a State of Natural Disaster twice in 2020, in response first to Cyclone Yasa and second to rising Covid-19 cases. The consultation did not identify any recent cases of the law being used against journalists.

CENSORSHIP

1.11 The media is not subject to prior censorship as a matter of both law and practice.

Certain countries allow censorship before publication, but the larger problem is self-censorship.

Under Tonga's Communication Act 2000, the Minister for Communication can restrict content that is indecent or obscene, excessively violent, blasphemous, treasonous, seditious or defamatory. The Minister can require carriers to supply religious content without charge and can determine the extent or manner in which a licensee may provide political or controversial content.¹⁵

Samoa's Censorship Board banned the movies *The DaVinci Code*, *Rocketman* and *Milk* because they touched on religious and LGBTQI themes, in violation of the

government's commitment under the Universal Declaration of Human Rights. However, the consultation said the censorship board does not interfere with journalistic work.

In PNG, under the Classification of Publication (Censorship) Act 1989, the premises of publishing houses must be registered with the Office of Censorship. However, this policy is aimed at eliminating illegal businesses.

Self-censorship is widespread, based on concerns about offending powerful figures, sparking government retaliation, losing revenue or disturbing social harmony. Media outlets have various responses to this. Fiji: "What we have done is push the story to the middle pages or publish later in the week, so the sensitivity is gone."

Under a declaration, any person, body or entity who contravenes any order made by a police or military officer who is performing their duty under the disaster regulation is considered to have committed an offence.

1.12 The state does not seek to block or filter internet content deemed sensitive or detrimental.

In Tonga, the Communications Commission Act 2015 created a new regulatory agency with powers to block online content seen as harmful to the community without reference to a judge. The law also allows for mandatory filtering to block certain websites for the sake of protecting children.¹⁶ The Electronic Communication Abuse Offences Act 2020, adopted in response to perceived spread of harassment on social media, empowered the police to act against cyber-bullying, but it was unclear how this would be achieved. Existing laws already enable the government to punish civil servants who post, or even 'like' critical content. The 2020 Act is widely seen as a move to deter potential whistle-blowers.¹⁷

Vanuatu has a large social media user-population, mostly on Facebook.¹⁸ More people are using social media to freely express their opinions on public issues, and this is encouraged by the online presence of government agencies that post and interact with users of social media."



Journalists in Vanuatu celebrate World Press Freedom Day on May 6, 2020. Two months earlier, in March, Vanuatu's government declared a state of emergency that restricted publication of any item that included the term Covid-19 unless the report was officially endorsed. Credit: Media Association blong Vanuatu / Facebook

15 <https://www.abc.net.au/abc-international-development/tonga-state-of-the-media-report/9280064>

16 <https://www.rnz.co.nz/international/pacific-news/286560/tonga-brings-in-internet-blocking-powers>

17 <https://www.rnz.co.nz/international/programmes/datelinepacific/audio/2018776642/tonga-law-to-counter-internet-abuses-passed>

18 <https://napoleoncat.com/stats/facebook-users-in-vanuatu/2019/01#:~:text=There%20were%2086%20800%20Facebook,28.8%25%20of%20its%20entire%20population.>

KEY FINDINGS

- Journalists prefer self-regulation to government intervention.
- Improved professional standards are the best defence against governments expanding their role in ways that stifle independent reporting.
- Accreditation of journalists should be done by journalism associations, not by government agencies.
- Media Councils should be the preferred forum for hearing complaints against journalists because they are impartial but can include experienced journalists who understand how the industry operates. Several countries are yet to set up a national media council, while others have become dormant due to a lack of funding and practical support.
- Defamation is being used as a weapon to silence journalists and bankrupt media outlets.
- The general public as well as powerful elites in some countries do not or remain unwilling to understand the role of journalism in disseminating accurate information and facilitating open debate.
- Social media is popular as it has allowed citizens to share information and voice opinions freely. However, the Covid-19 pandemic has exposed the amount of misinformation on social media and increased respect for the work of journalists in verifying and validating information.
- Authoritarian regimes unashamedly target independent journalism through regulation, legal action, intimidation and manipulation. However, in several countries, the independent judiciary has ruled in favour of individual reporters and media companies in the face of government pressure.

RECOMMENDATIONS

For Journalists

- Journalists need continuing skills training to improve journalistic quality. This is fundamental to raising the status of journalism as a profession and gaining support for its social function.
- Journalists need training in media law, particularly defamation law, that both explains the general concepts that are common across jurisdictions and gives specific instruction on their own national legal environment.

For Journalists' Associations

- Self-regulation is preferable to government regulation. Associations should take preemptive action on this issue so that government intervention is unnecessary.
- Associations need capacity development in organising, recruiting, internal management and external relations, particularly lobbying governments for improved regulation.
- Associations should educate journalists in professional standards using their country's Code of Ethics
- Associations should pro-actively develop systems for accrediting journalists and disciplining members of the profession who fail to meet professional and ethical standards.

For Governments

- Governments need to accept that free and fair journalism is essential to the economic and social development of their countries. Light-touch regulation that encourages an independent media industry is both a fulfilment of their obligations under international conventions and an act of enlightened self-interest.
- Samoa's adoption of criminal defamation laws is to be deplored. Any attempt to replicate such laws in other jurisdictions must be opposed.
- Websites and social media are essential publication channels for traditional mass media outlets. Attempts to crack down on irresponsible social media use by citizens must not constrain media outlets' attempts to disseminate verified news.
- The best way to conciliate and arbitrate complaints about the actions of media outlets is to set up a national Media Council. Such councils have the legal expertise and the understanding of journalism to identify legitimate complaints and negotiate satisfactory solutions.