

Freedom and Independence of the Media in Fiji: A Report Executive Summary

Fiji Human Rights Commission

This is an independent report commissioned by the Fiji Human Rights Commission about the media in Fiji: about newspapers (the print medium), radio (voice), television (visual) and the 21st century communications technology on which all three of the other ‘branches’ of the media depend and with which they are all inextricably connected, The elements which make up the 21st century communications technology are: fibre optics cable, satellites, the geostationary orbit and the radio spectrum.

Who owns and controls the media and related technology is of enormous importance to the people of Fiji: those who are now living and the many generations yet to come.

This report takes the view that the international telecommunications technology on which the print, voice and visual sections of the media is now increasingly dependent is part of our nation's Common heritage, a part of what I referred to in an essay published by Oxford University Press in 1990 as ‘**intergenerational equity**’.¹

How the media serves the people of Fiji is of the greatest importance to democracy in Fiji: how elections are reported, how both government and private enterprise function, how governments once elected are treated and more.

The media claims that it is a ‘watch dog’. This report poses the question: ‘Well, who precisely is it that appointed the media to be the ‘watch dog’ it claims to be? Whose job is it, if anyone's, to keep watch over this self described, and, apparently, self appointed, ‘watch dog.’ Is this "watch dog" a law unto itself with no law to govern it? Does the "watch dog" called the media only keep watch over the institutions and personnel of government or does its responsibility extend to covering, and

¹ James M. Anthony. ‘Conflict over Natural Resources in the Pacific’, in Lim Teck Ghee and Mark J. Valencia (eds), *Conflict Over Natural Resources in South-Asia and the Pacific*, Oxford University Press, 1990 pp. 182-247 at p.237.

fairly reporting, on the activities of private enterprise (the entities which provide the media with substantial advertising revenues on which its very existence depends)? Such questions, either implied or posed explicitly, are canvassed in this report.

This report is based mainly, but not exclusively on a total of 61 interviews conducted over a two week period in the first part of August. 2007. Relevant details of the research design and the methodology used in administering an open ended questionnaire are spelled Out in the body of the report.

This is not the first report done on the media in Fiji. In 1996, following lots of complaints about the media, and long festering concerns held by then Prime Minister, Sitiveni Rabuka² (as can be gleaned from the details provided in the report itself) an investigation into the media was conducted by a well known British organization.

None of the members of that research team spoke either Fijian or Hindi and none of them had much in the way of experience about the history or politics of Fiji. In any event, the British research team produced a report.

It was called the "Thompson Report" and it made one important recommendation: it recommended what is called "self regulation" and to this end it also advised that a Media Council be established.

The Thompson Report noted that what was intended to be an entity to regulate the media had existed for some years but that it had fallen into disrepair and so there was a need to build on the ashes of what had existed. And so, as this report makes clear, a new Media Council was established after the Thompson Report was issued.

It is important to note that the authors of the Thompson report took a narrow view of what it considered to be "the media". It did not address those mailers which are here identified as the 21st Century international communications technology.

Two years after the Thompson Report was issued and the new Media Council was established. Then Prime Minister Sitiveni Rabuka's government introduced a Media Control Bill for consideration by Parliament. The Bill was killed prudently as a result of political pressure from the media.

Then came 1999. In the general elections of that year a Labour government was resoundingly elected. One newspaper in particular, the *Fiji*

² Several attempts were made to contact former Prime Minister Rabuka in order to secure his cooperation in providing information related to this inquiry. The various attempts made to contact him failed.

Times. is reported by informants in a position to know, to have deliberately set about to bring down the Chaudhry government at any cost, by almost any means. Information provided by interviewees is buttressed by data in the published professional literature. The Media Council, whose Chairman, Daryl Tarte, had alleged close ties to the then publisher of the *Fiji Times*, did nothing.

Then came the events of 2000. The story is well known to most of the people of Fiji. The *Fiji Times* particularly, as well as other sections of the media, created an atmosphere of high tension and hatred against the new government from its very first days in office. An unruly terroristic mob seized control of Parliament, took many members of the Chaudhry government hostage, and wreaked havoc in the city of Suva and other parts of the country. Reliable and well informed sources say that the print media (the *Fiji Times* in particular) did not just report the news but acted as participants in creating and fanning the fires of the mayhem and disorder that followed. It was not as if this was a one time occurrence. For the *Fiji Times* especially this was part of a long established pattern: race baiting, news invention, slanted, unsourced, imbalanced reporting: mangled, yellow journalism at its worst.

The Media Council might have taken a look at what had happened and examined the role the media had played in the devastating events of the year 2000 and the subsequent mutiny of a section of the Royal Fiji Military Forces. But here, again, the Media Council did nothing.

In the year 2003 the first elected Qarase government introduced a second Media Control Bill. Under heavy political pressure this second Bill also died. Its fate was decided, in no small part, by powerful sections of the media.

The Media Council, which appoints all of its own members (the industry representatives as well as the so called "public members") has sat by and done next to nothing in all the years from 1996 till now. For one thing, the Media Council, with a budget that has, apparently, never exceeded 530,000 a year, was incapable of doing very much. The Media Council had a fancy Code of Ethics on paper but that seemed to be the beginning and the end of its commitment to "self regulation". The Media Council had an office, so its has been reported: an office that was for the most part empty. It is reported to have had one staff member about whose qualifications not much is known. The Media Council had a 'Complaints Committee' in whom most of the informants I interviewed had little or no confidence.

Most of the informants who provided data for this report had noth-

ing good to say about the Media Council. The interviewees, many of them with long and considerable experience in media matters, had long written off the Media Council as being "next to useless, a paper tiger, a do nothing organization." In an aside, one informant told me that the Media Council was dead but that it would not lie down so that it could be given a decent burial!

This report concludes that the Media Council, after ten full years of existence, has been a failure. "Self regulation" has thus failed too.

From at least one of the highest levels of the interim government received detailed information on how at least one major leader of the 1987 coup was forced, after reflection, to concede that he had been duped by the media into believing that the Bavadra government was simply an "Indian puppet" government out to dismantle the underpinnings of Fijian ownership of ancestral lands under native customary tenure and other privileges which guarantee and fortify the paramountcy of Fijian interests. At the same highest levels of government there were private, frustrated and frustrating reviews of what to do about the media which was now increasingly seen to have misused its unfettered freedom and turned it into license: license to divide and despoil a fragile polity.

The Fiji Human Rights Commission, established under the provisions of the 1997 Constitution, began to take notice of the disorder spawned by sections of the media as evidenced, particularly, by the events of 1999 and 2000 and what appeared to be a long standing pattern that showed no signs of changing at the hands of the "self regulators."

The Fiji Human Rights Commission, acting on its own motion and deliberate judgment, decided that the time had come to take another look, to seek another way.

This report is that "other look, that other way."

The recommendations in this report are measured and. I believe appropriate to the media problems with which a small, fragile, heterogeneous, multi racial society such as Fiji is faced.

A 7% tax on all media revenue from advertising and from license fees is recommended. This source of revenue is designed to create a fund to establish a Media Tribunal. Its task will be several: to train journalists, work with industry representatives and others (such as the Media Centre at the University of the South Pacific), raise the level of news reporting skills, empower politicians, bureaucrats, office seekers and others with appropriate skills so that they might deal more effectively with their counterparts in the media, to help build both informal and formal bridges

of understanding: to proactively begin, in short, the process of bringing relevant players together in partnership (to create a media subculture that is relevant for, and sensitive to, the rainbow of differences, cultural sensitivities and common aspirations of all of Fiji's people).

In addition, the Media Tribunal will set about establishing community radio and community/public television as well as providing the necessary professional competence, through training and financial assistance, to as broad a section of Fiji's people as possible so that they will become meaningfully involved in the Information Age and the enormous range of opportunities that lie at its heart. **In no small part this will involve an investment in the scarcest of Fiji's scarce resources: its human talent, its own people.**

Part of the Tribunal's responsibility will be to both educate and empower not just those who live in and around principal populations centers, but those who live in other parts of Fiji as well--on Vanua Levu and Taveuni and the islands around them. The Media Tribunal will chart its own course, seek out, as the voyagers of old did, the stars that will guide its destiny- in appropriate consultation with relevant sections of government and other sections of the country. Here, the Media Tribunal will face an old problem of politics: how to get all of the relevant players in on the action and still get some action. It can be done.

The Media Tribunal will look, for example, at distance learning, seek partnerships with those who are already involved in this enterprise and broaden its base of operations.

The Media Tribunal will be free to seek supplementary funding and innovative technical expertise from the array of nations with which Fiji is expanding its diplomatic relations: China, India, countries of Latin America and of the Caribbean. Looking in the same direction, the Media Tribunal ought not to forget that there are opportunities aplenty in the United States where there are a wide range of governmental and nongovernmental organizations which can, and will, provide assistance if the right kinds of initiatives are taken by appropriately trained and sophisticated personnel.

This report recognizes that Fiji is a society that is imperilled by a multiplicity of uncertainties. Fiji is still trying to come to terms with how best it might govern itself democratically. Constitutions on paper, no matter how elegantly contrived or how lucidly crafted, do not, in and of themselves, lead us down primrose paths to democratic greatness, democratic nirvana. When latent divisions in a fragile society are exacerbated by irresponsible elements in the media even the most reluctant governments

must act -and act decisively.

My recommendation in this report is that the Fiji Human Rights Commission recommend to government that it borrow selectively from recently enacted media legislation in Singapore (recently adopted by Tonga, incidentally) and create an administrative entity to enforce such legislation with penal sanctions that are timely, measured and appropriate to Fiji-on grounds of what Article XIX of the Universal Declaration of Human Rights calls "necessity". Like Singapore, Fiji should perhaps aim to be a disciplined society-or certainly, more disciplined than it is now, almost four decades after cutting its formal colonial ties to Britain.

The recommendation for the Fiji Human Rights Commission to get government to act on the matters canvassed here, given Fiji's realities, are driven in no small part by this aphorism: *"There are wise restraints that make us free."* The restraints that I recommend are timely, necessary and in the public interest broadly construed. The restraints are long overdue. They are not designed to be permanent. At the end of five years the restraints ought to be reviewed with as much public consultation as is consistent with good sense and the national interest.

It is hoped that once the Tribunal is funded and staffed it will use community radio and community/public television not just to report news fairly and accurately and creatively but also to do something else: give all of our people an opportunity to tell their stories, to access the archives of traditional knowledge and experience across the barriers of race and culture and to share these stories in such a way that we have a better appreciation of who we are and how we can better work together: recognizing our differences, seeking our strengths, exploring the sources of our discontent, searching constantly for common ground so that we may, all of us, or as many of us as possible, build a common, human future together.

The power and promise of 21st century media technology and the transmission and deployment of information, this report argues, are resources of very great importance. The time has come for all of us, together, to come to the realization that these are national assets and that their ownership and control will determine one of our futures.

This report urges the Fiji Human Rights Commission to make strong recommendations to the Interim government to protect our nation's ownership of these resources for this and future generations and to act with despatch with respect to these matters.

Finally, in order to round off this Executive Summary: I have recommended in the strongest terms that this report be translated in its entirety

into both Fijian and Hindi and am assured that it will be as soon as funds become available. As an immediate compromise, I have made a strategic concession to something that lies close to the heart of my independence: *this Executive Summary will, I am assured, be translated ;into both Fijian and Hindi before the report is publicly released and the translated versions of the Executive Summary will be publicized in the print. visual and voice media and thus made available to that part of Fiji's citizenry (or whom English is but a second language.*