Government and Media Regulations
The Papua New Guinea Experience

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**Government and the issue of Media regulation; The Papua New Guinea Experience; by Peter John Aitsi, President Media Council of PNG.**

**Introduction.**

Ladies and Gentlemen, in my presentation I will be speaking about the comments and posturing made by our (PNG) government to pass legislation to regulate the work of the media most recently in April 2003. Firstly I want to give you a brief background on the actions taken by past governments and look at the environment in which the calls for regulation were made.

I will try to share with you some good news toward the end of my presentation on the actions taken by the Media Council of PNG to defend the rights of our communities to continue to access a free media. I will also share with you how we the members of the media industry have worked together to reinforce the value of a free and independent media both to our Communities and to our Political leaders.

**Background.**

The first efforts made by the Government of Papua New Guinea at formulating a communications policy emerged from a seminar held in Port Moresby October 1978, 3 years after PNG gained its independence from Australia. The first government policy paper on communications and the media was commissioned in the late 70's and titled the "Kalo Report", this was followed by the "Ramoi Report" in the mid 80's and the last in 1993 spearheaded by the then Minister of Communications Martin Thompson. There have also been other reports and reviews commissioned from time to time including the Morgan report.

The most significant work was undertaken in 1993. The Government published a paper titled “National Policy on Information and Communications of Papua New Guinea”. This document contained the findings and submissions of a 14-member team promoted as representing all sectors of the Community. The document was to have provided the basis of the Governments communications policy moving in to the year 2000.

The primary driving force for the policy document came from the Governments Department of Information and Communications.

The document put forward in its recommendations that Communications including the mainstream media be regulated by a National Information and Communication Council, however the make up of this Council would be at the discretion of the Minister of Information and Communications. This move caused great concern among the media industry in PNG and the region. It was felt the process of appointments would have allowed the Minister and subsequently the Government of the day the ability to regulate and in effect dictate the running of the media, by giving the Minister the option to appoint his cronies or "wantoks".
As a reaction to this threat to Media Freedom, later in 1994 the members of the media industry rallied and reactivated the media council of PNG. The initial focus of this group was to facilitate regular meetings to review delinquent accounts, however with the governments proposed communications policy this forced the industry members to work together and for the industry to demonstrate it had the ability to be self-regulating.

The media houses under the strong Presidency of Mrs. Anna Solomon agreed to meet regularly and to focus on two core objectives. Firstly to undertake a program of training for the people working in the media while also involving the two PNG Universities who offer journalism courses.

The second objective was to position the Media Council of PNG as the industry body that would make presentation to government on issues related to the work of media.

This unified approach was further reinforced regionally through the support of PINA and its members. Letters of support and media releases were made by PINA and its members, reinforcing the Media Council of PNG’s submission to government that it had the ability to be self-regulating. This demonstration of regional support was further reinforced with the staging of the PINA regional conference in PNG in Port Moresby in 1995. The proposed media legislation was not tabled however sits as a draft policy paper that may still be presented to parliament.

Media freedom through Government regulation?

The Constitution of Papua New Guinea under section 46 subsection 2 item b reads:

(1) Every person has the right to freedom of expression and publication, except to the extent that right is regulated or restricted by law-
(2) In subsection (1) "freedom of expression and publication" includes -
   (b) freedom of the press and other mass communications media.

As the wording suggests although the freedom of the media is written in to the constitution, this freedom is not guaranteed as it can be regulated by the enactment of law.

The move by successive governments in PNG to draft policy and enact legislation to regulate the media has been consistent over the 28 years of our independence. As the records have shown in each decade since independence the PNG government has commissioned committees to review the work of the media with a view of pushing legislation which potential places greater control of the media in government hands.

Source: National Policy on information and communication of PNG; 17th of December 1993, commissioned by Hon. Martin P. Thompson LL.B. MP.
We in PNG have been fortunate not to have any amendments, additions or laws enacted out of section 46 of our constitution that impose regulation to the freedom of our media.

Within our region there have been numerous instances where the freedom of the media has been put to the test. The call for media regulation is ringing through the region, in my paper I will pose 3 questions to try and help us understand why this call for media regulation is echoing so loudly.

a). Why do governments feel the need to regulate the media?
b). What are the pre-conditions that may facilitate regulation of the media?
c). How can civil society be actively engaged to protect media freedom?

Let me deal with the first question; Why do governments feel the need to regulate the media?

Some of you may be aware recently we in PNG faced a direct assault on media freedom, this call always seems to come whenever there is "bad news" or a perceived "negative" story about the activities of government. The recent call for media regulation came on the back of the government reaction to the release of the Susan Windybank and Mike Manning co-authored report titled "PNG on the brink".

The reaction by our government to the report and the subsequent actions taken including the summoning of individuals to appear before our Parliamentary Privileges Committee was to put it in mild terms a "steroid enhanced" knee jerk reaction.

Why did our government react in this manner, from my discussions with various members of parliament it was clear there were a number of influences that directed their response. Let me state clearly the government's response was a reaction not an action.

From my discussions it was clear they did not have a coordinated manner in which to deal with the domestic and international debate that was being generated with the release of the report.

**Key point 1. Government’s inability (lack of capacity or lack of a lead organisation) to quickly enact a coordinate response.**

As the media covered the debate we saw greater input from members of the public through letters to the editors and talk back programs on both Radio and TV the government I feel though that it had lost control of the issue, and so their response was to muzzle the media as the quick fix.

It has also become apparent that many of our Parliamentarian's were new comers both to Parliament and also to public life and perhaps were not experienced in dealing with the issue of public expectation and even how they undertake their duties.
This became increasingly obvious during the Parliamentary Privileges Committee hearing when all members of the committee had not read the report on which they were hearing submissions.

In PNG's case the lack of institutional memory and perhaps more importantly the lack of delegated authority prevents the ability of public servants to deal with the media issues that arise. How many of us in the media have followed up on stories emanating from government departments to seek a comment or clarification only to be informed the Minister is the only one able to make a statement.

It is the nature of Governments to try and control the flow of information and the media has always been the easy target, and this becomes more so the case in the Pacific with our small closed communities.

Let me share with you some comments that were made by two members of our parliament as to why media regulation should be introduced:

"We need legislation to punish publications or authors of reports that are critical of the government"

"We need to control media houses or publications through licensing and through deterrents"

"The government will pursue legislation and regulation to activate methods to control the media"

"To deal with the issue of not informing government on articles prior to publication"

"Comments were aimed at demeaning the current government"

**Key point 2. The lack of capacity within government to deal with criticism and the open debate of its policies.**

Now to the second question; what are the pre-conditions that may offer an opportunity for governments to introduce media control legislation?

I believe there are two contributing factors that enable an environment to exist where governments could introduce media control legislation. Firstly an apathetic or uninformed population. Secondly the absence of a well-organised community backed media industry represented by a fully functioning representative organization.

In most of our countries we have one or two major media players, some of them are government owned or have some form of government influence.

Most if not all of these organizations work in isolation, by that I mean they do not actively seeking engagement with other media organizations because they view them as competitors.
They also do not actively interact with the larger community in the form of NGO groups, some say because they want to retain their independence.

Let me say to you, the opportunities for governments to introduce media control is greater in this type of environment where the media is isolated and there is no real demonstrable, let me say that again, no real demonstrable link between them and their communities.

In our Melanesian politics our members often use the defense "it is in the best interest of the people". How many times have we heard that? Well if the people are rallying behind the media we too can use that argument.

**Key point 3. The absence of a coordinated and unified community supported media body.**

The third question; How can civil society be mobilised and actively involved in the process of protecting media freedom?

Many of you are experts in this field and I will not try and tell you how to suck coconuts (eggs), what I will do is share with you the action's taken by the Media Council of PNG. If you think the model is useful and has a "take away" value then well and good.

In 1994 when the government started making serious moves to control the media, members of the media industry representing newspapers, radio stations and our television station came together. The heads of those organisations at the time had the wisdom to realise it was in their interest to put aside issues of competition for the common good of the industry.

On the back of this consensus a heightened commitment was visibly made by each media organisation. The Council was revitalised and its executives were voted to office. Each organisation gave its undertaking to support the work of the executive, the critical factor was the placement of a motivated and energetic Council Secretary who's task it was to build the relationship between all members keeping them informed of all activities and coordinating the interchange of information and material.

It is widely understood that sharing of information can assist build and strengthen relationships, but lets think back to our own organisations, how many of us can confidently say we actually do this?

**Key point 4. Open sharing of common interest information among members and the wider community through the appointment of a key person.**

The next step the Council took was to identify key civil society groups and engage them with the objective of developing a mutually supportive relationship while obviously respecting each other's independence.

I will not go through the individual steps that we took to achieve the objective, suffice to say it was achieved through a structured method of very regular contacts through joint workshops, forums, direct discussions, phone calls, and letters.
Key point 5. Development of a structured and methodical plan to actively engage the Civil Society.

In a further effort to demonstrate the media's ability to "self regulate" we began consultations with other media council's including the Fiji Media Council to develop a code of ethics for our people to follow. We engaged two consultants the first to draft a Code pulling from the various COE available. The second consultant was engaged to seek the input from members of the key community groups as well as a group of working journalist.

The finished Code of Ethics that was finally accepted and implemented by the media organisations. The Code was developed very much with the input of the wider community and the working journalist who are now obliged to abide by the code. We feel this method of involvement and engagement has given the Code greater credence and wider acceptance, although the elements are very much the same as most Codes used in other countries.

The argument mainly used when the call for media control is the media are not answerable to anyone.

To counter this argument we undertook to establish a mechanism to receive and make rulings on complaints made by the public on media matters.

Once again we engaged two consultants the first to draft the procedure. The second consultant was engaged to test and seek response from the wider community including working journalists on the function and powers of the proposed complaints' body.

The outcome of all the work is the establishment of our Independent Media Standards Committee, once again the procedures of the IMSC are very much the same as other complaints tribunals operating in other countries. The difference with our IMSC is that no active member of the media fraternity sits on the committee, the 5-member board is drawn from the National Women's Council, Academia, Churches, Transparency International and Business. (Chairperson; Mrs Winifred Kamit)

Key point 6. Clear and public demonstration of an independent community based complaint's process.

(Introduce CD presentation)

Media Regulation: Regional Updates. (Updated 18th of October 2003)

I have outlined my understanding of why Governments continue to push for the control of the media, I have also outlined the type of environment that may exist and that may indeed nourish the call for regulation.

And lastly I spoke of some of the ways civil society groups can be engaged to dampen the desire of government to push through media control legislation.
Now I want to bring home the realities and provide a brief overview at the actions taken by governments within our region to suppress the work of the media.

Fiji.

As you will be aware there has been heated and active debate taking place here in Fiji on the issue of media control. The concern's raised by the Fiji Media revolves around the proposing of a media bill originally drafted in 1997. The document draws from a review and subsequent report undertaken by the Thompson Foundation in 1997 commissioned by the Fiji Government at the time.

The concerns of our colleagues here in Fiji is that certain sections of the Government under the pre-text of improving the performance of the media are proposing legislation to change organisations and institutions that are already in place.

Solomons.

In the Solomon Islands although smaller in the number of media organisations none the less our media "wantoks" in the Solomon's are also experiencing attempts by their Government to control the media. These attempts are not in the form of legislation but through continual intimidation and direct threats, and unfortunately these threats seem to emanate from ministers of parliament and local leaders. Earlier this month we heard of the local mayor "storming" the offices of the Solomon Star and demanding them not to run any more negative stories.

To quote his words; "As of today, I will ban any news items regarding the Council from your paper. You have been publishing so much negative comment about the council in your paper that is unfair. Don't you know I am the mayor".

Yes indeed the staff at the Solomon Star knew who he was, they were also aware of allegations surrounding the Council over the misuse of funds, mismanagement of tendering procedures, and questionable land deals.

Tonga.

In Tonga we continue to hear of the move by Government to ban Kalafi Moala's newspaper, Taimi O Tonga. The newspaper was accused of reporting on stories and carrying opinions that were contrary to that of the Government or in this case against the Royal Family. These actions have culminated in the proposing of legislation to amend the constitution and effectively take the right of freedom of speech. Unfortunately as of the 7th of October 2003 the legislation was passed with a vote of 16 to 11.

However the media organisations in Tonga have agreed and have committed to work together, there also seems to be growing support through community via NGO's and Church groups. A high court challenge is in process and we will need to wait and see.
Vanuatu.

In Vanuatu the recent physical attack on a newspaper publisher clearly demonstrates the high-risk environment that media personnel in our region operate.

Here is an example where a prominent leader has the "freedom" to assault a person, and then have the ability to then obtain a court order to ban any further reporting of the issue in the media.

Thankfully Vanuatu has a Chief Justice who stands on the principles of law, and acted to remove the gag.

Samoa.

As for Samoa we heard earlier this month the PM made calls for a media code of ethics, and set the challenge to the Journalists Association of Western Samoa (JAWS).

Source: Media watch column Fiji Daily Post 1998
Source: Human Rights Democratic Movement - Tonga
Source: PINA news online dates: 02/09/2003 to 17/09/2003 (media regional threats)

Conclusion.

In my report I wanted to give a "hands on" view of the types of challenges that face the Pacific Media and some of the activities that have been undertaken to ensure we continue to uphold the constitutionally enshrined freedom that is accorded to our profession.

For the media organisations in the region if we are to operate without the continued intervention of the government then we must put aside our competitive instincts and agree to work together toward a common goal. That being the continued improvement of our industry.

This united front must be further supported through the establishment of supporting mechanisms that will clearly demonstrate our ability to be "self regulating". A community accepted Code of Ethics and a truly credible independent committee to process complaints are the foundations.

Along with these mechanisms we must actively seek out and engage in partnerships with members of our community represented through the key community groups. It is through our Communities that we (the media) will be able to demonstrate our mandate to protect the freedom of the media and promote it as a tool for empowerment.

Let me restate we the members of media operating in the Pacific understand the role we can play in the development of our Communities. We are also mindful that our performance can be affected at times because we are limited by way of resources either financial or through availability of knowledge. However regardless of these challenges we continue to carry out our duty to our Public.
Why do we do this? Because we live within these communities; we share the lack of water, the lack of power, the lack of roads, the sickness, the deaths, the violence and amongst all that we also share the good times.

I promised you at the beginning of my report that I would end with some good news so let me share that with you. The media in our region in general is stronger now than it has ever been, through PINA and the individual Media Council's in each country there is a commitment to the task of training our people.

The media is increasingly playing a greater role in the development of Communities by supporting health awareness messages such campaigns fighting against the spread of HIV/AIDS. We have initiated and participated campaigns against corruption, the broadcasting of school programs and even the coverage of community forums. This I believe is a clear demonstration of the our understanding of our responsibility to our Communities.

I end with my view and that is Government control has no place in a media industry that has the ability to self regulate, with its foundations built on the Communities it serves.

End: PJA