

2. 'Journalism of hope' realities in post-election Fiji

Commentary: In the lead up to Fiji General Election in September 2014, there was an air of positivity among media workers that despite the difficulties since the military takeover in December 2006—including the imposition of the *Media Industry Development Decree* in 2010—their operating environment would possibly be easing. The *Fiji Sun*, which had chosen in 2009 after the abolition of the 1997 Constitution to change its stance, adopting an editorial policy unabashedly partisan towards the Voreqe Bainimarama-led government, opened up its pages to all political parties and candidates giving them relatively free rein to comment on the political landscape as they saw it. Media organisations ran reports that criticised the military-led regime's performance as campaigning began to pick up. However, not long after the much-hailed return-to-democracy election it became clear that the reappearance of media vibrancy and plurality would not happen overnight. The author critically examines the post-election climate and draws on his personal experience as a Fiji news media editor.

Keywords: censorship, democracy, elections, Fiji, media freedom, media regulation

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Introduction

NOT LONG after Fiji's much hailed democracy-returning election in September 2014, it became clear that the reappearance of media vibrancy and plurality would not happen overnight. The media still had to contend with the realities of doing business under the *2010 Media Industry Development Decree*. Generally, the media avoided problems by sticking to 'positive' news, ministers' speeches and government announcements, police and court reports, although there would be the occasional news story that scratched the surface of some matter that could be deemed controversial. To its credit, for example, the Fiji Broadcasting Corporation and other media organisations have continued to report the drawn-out court appearances of local government minister Parveen Kumar Bala who was accused of causing the death of a woman in 2013 by dangerous driving. But that has been an exception and news often breaks on social media long before it is picked up by mainstream media outlets.

Critics, even ones generally supportive of the government's reform agenda, agree that the draconian measures in the media decree introduced a chilling effect in which in-depth, analytical and investigative stories were avoided because of a complex mix of personalities and legal interpretation that could come into play. The media decree created the regulatory body called the Media Industry Development Authority (MIDA), which looms large over media organisations and workers. Its chairman Ashwin Raj, an employee of the University of the South Pacific but with no media experience himself, has urged the Fijian media to not focus on the penalties but to think about 'productive ways in which we can work around things that we deem regressive' (Fiji media urged to test media law limits, 2015). This is easier said than done in a country with a media workforce that consists of a large proportion of young people who have grown up in the difficult media operating environment and have never seen other journalists regularly holding power to account or the official narrative openly challenged.

A prominent example of the chilling effect stems from the reference in the media decree to the 'public interest', which a journalist can be accused of breaching but which is not defined in the decree itself. This leaves MIDA and its officials at liberty to define what they see as the public interest and to declare when it has been breached.

For a small country emerging from years of isolation from its traditional foreign partners such as Australia and New Zealand, Fiji has managed to increase its influence and is undoubtedly a strategic Pacific country for many of the world's major powers. In the nine years since Voreqe Bainimarama has been in power, the media landscape has changed profoundly—for the better in some ways, but in many aspects, such as in investigative journalism, the change has been regressive (Robie, 2015). Fiji had been an independent country for 17 years when it suffered its first coup in 1987. In the 27 years from that moment until the general election in September 2014, Fiji had spent more than half the period (169 months out of a total 328 months) under non-democratic rule, with the so-called civilian coup in May 2000 and the longest period under dictatorship being Bainimarama's regime from December 2006.

Perhaps more than any other period in Fiji's post-1987 history, the current milieu can be characterised by what Timothy Garton Ash describes as a 'strange mixture of democracy and dictatorship: a *demokratura*' (Ash, 2009), led by leaders that Joel Simon calls 'democratators' (Simon, 2015, p. 33). Since the election, this façade of democracy has been accepted because of the sheer force of will the government of the day exerts on all aspects of life in the country. In his 2015 discussion paper, Scott MacWilliam labels Bainimarama as the Bonaparte of the South Pacific, arguing that he may yet develop an even more repressive streak because of the difficulties inherent in mediating 'politically within the capitalist class without being of capital' (MacWilliam, 2015).

In January 2016, *The Fiji Times* took a surprising and impressive decision when it published a damning opinion column by opposition parliamentarian Professor Biman Prasad, the leader of the National Federation Party. Titled ‘Is our democracy really working?’ Prasad criticised what he said was a ‘dysfunctional political system born of a deeply flawed and imposed Constitution, and economic policies designed to boost the government’s image, not Fiji’s long-term economic future’. Prasad, and Professor Wadan Narsey have been advocating for free media in Fiji. They have condemned the media decree as draconian, and Prasad says the decree has worked to ‘deny the opposition any voice’. Prasad adds: ‘The lack of access to a free and independent media has been the single most frustrating obstacle for the opposition parties when they try to make the government publicly accountable on various national issues’ (Prasad, 2016).

The media and the election

Before the election, there was an air of positivity among media workers. MIDA’s Raj urged journalists not to fear and promised that he would defend their freedom to report as long as they upheld the ethics embedded in the media decree. The Constitution, promulgated in 2013, was often quoted for its Bill of Rights provisions that guaranteed—albeit with claw-back clauses—freedom of speech, expression and publication (Section 17). The proliferation of critical voices in the mainstream media and on social media contributed to a sense of euphoria that Fiji was returning to democratic rule.

Despite a 48-hour blackout on political reporting, advertising and discussion on any form of media before polling day, the period passed without any major issues reported inside Fiji. However, Radio New Zealand International reported an alleged breach by Fiji Broadcasting Corporation because an advertisement for the regime’s FijiFirst party was still visible on the outlet’s website the day before the poll. However, Raj said he did not trust screenshots as evidence of such a breach and did not pursue the matter (Perrottet, 2014). On election day, September 17, joining the 413 local media workers registered by MIDA and the Fijian Elections Office to cover Fiji’s first national polls in eight years, were 37 foreign journalists (Naleba, 2014). Studies have shown that Fiji’s journalistic cadre is relatively young (Hanusch & Uppal, 2015; Robie, 2004). Combined with the industry’s high turnover rate and the immense brain drain of experienced editors and journalists after 2000 and 2006, this would have meant that in 2014 many journalists would have been covering their first general election, one in which they would also have voted for the first time.

Just weeks before the election, MIDA Director Matai Akauola resigned to contest the general election, leaving Raj as the lone MIDA personality during the poll. While Akauola did not win a seat in the election (gaining 615 votes of a total 496,364), he was subsequently sworn into Parliament on 9 February 2016

after vacancies in the house arose during 2015. Thus an important figure in the regime's pre-election media control scheme had made the transition to Parliament.

Development journalism vs Fiji's 'journalism of hope'

Over the past decade, several media scholars on Fiji have suggested a rethinking of the journalistic model putting forward variations on the 'development journalism' approach they argued could be more constructive for Fiji given its history of ethnic and political divisions (Hanusch & Uppal, 2015; Perrottet, 2015; Robie, 2008; Singh, 2014).

A prominent proponent of the genre is Kunda Dixit, the *Nepali Times* editor-in-chief who views development journalism as a tool for the vigorous examination in a nuanced fashion of issues confronting communities and countries, not merely an account of development issues. He believes development journalism can and should be applied locally as well as scaled to an international level (Dixit, 2010). Hemant Shah (1996), attempting to advance the understanding of the concept, argues that journalists should play an activist role within new social movements in the process of national development. In the Pacific, David Robie has long argued widely for 'critical investigative journalism' or 'deliberative journalism' that should expose corruption and human rights abuses, and seek solutions in contrast to much of the simplistic and patronising reporting about developing countries by many Western media. In short, deliberative journalism should be contextual, balanced and truthful (2012).

However, in 2009 the Fijian authorities seized upon the concept of development journalism and a bastardised version was brandished as a government-approved form of journalism in Fiji's 'new legal order' that followed the abolition of the 1997 Constitution in April that year. Taking a leaf out of the books of countries like Singapore and Malaysia, the Fijian authorities prohibited news reports they deemed problematic to their efforts to 'move Fiji forward' (Morris, 2012). Rather than any robust and critical examination of government decisions and policies, the media took this 'development' concept to mean 'soft' stories that would not cause political ripples or slow down the regime's plans. The media were given an ultimatum: toe the line on 'journalism of hope' or else. The harsh reaction of the regime to media organisations and journalists deemed non-compliant was often enough to keep them onside; several media outlets and personalities had before then and since been made examples of.

MIDA and the media

Fiji's media fraternity has had a mixed relationship with its regulatory body, MIDA, since its establishment in 2010. The first two chairmen were both professors of literature and while they had articulated their vision for an industry under the new media law, they maintained a largely low profile. Ashwin Raj,

however, famed for his use of polysyllabic, wordy statements, immediately made his presence felt and since August 2014, with the resignation of MIDA director Matai Akauola to contest the election, he has been the only public face of MIDA.

Raj took up the position in October 2013 at the same time as Akauola was promoted from media member to director of MIDA. Between them they stamped their mark early with a news conference in which the chairman declared the independence of MIDA and outlined what he said the authority's role was:

- Advance the critical work of the media in building a culture of deep democracy in Fiji;
- Promote cohesiveness;
- Foster mutual understanding, critical thinking, maintenance of independence and objectivity, and;
- Urge media workers to take responsibility and uphold media codes and ethics. (Raj, 2013a)

In the course of the news conference Raj announced that freelance journalists and foreign media trainers in Fiji would also need to register themselves with the authority. The media decree itself is silent on the direct registration of journalists or media trainers (only media organisations are obliged to register) and the decree does not once mention the term 'freelance journalist'. This prompted the Pacific Freedom Forum, a grouping of free speech advocates, to issue a statement signed by its co-chairs calling the announcement a 'restriction' and a retrograde step (Hill, 2013; Miller & Gabi, 2013). That triggered an immediate response from MIDA labeling the PFF statement 'misleading and mischievous because registration and restriction are two different things'. MIDA also called on this author, then newly appointed PFF regional coordinator (an unpaid role), as a Suva-based journalist and editor of *República* magazine, to 'declare his interest ... whether they are media proprietors or non-governmental organisation officials (NGOs). They cannot have it all' (Raj, 2013b).

That episode illustrated early in Raj's term as MIDA chairman the views he and his director held on media advocacy by journalists with the clear implication that one could not speak out in defence of press freedom if one was a journalist. It leaves the question: if Fiji is to find 'homegrown' solutions in defining its media landscape, who in Fiji should be speaking up for press freedom if journalists themselves are forbidden from doing so according to MIDA's interpretation of the law? In the end, the pressure put on Morris through MIDA forced him to relinquish the position of regional coordinator, although the PFF continued to express the hope that the Fijian media authority would keep an open mind about media monitoring and advocacy (Miller & Gabi, 2014).

After that explosive start, MIDA embarked on a series of media workshops, although one Australian-funded workshop was cancelled after Raj became

embroiled in a public spat with the Australian Broadcasting Corporation. The dispute stemmed from a report by Sean Dorney about the Pacific Islands News Association (PINA) Pacific Media Summit held in Noumea in February 2014 (Hill, 2014; Vuibau, 2014a).

The first major issue involving a local media company came in early April 2014, when Fiji TV broadcast a speech by a chief about ethnicity in Fiji. Just a day after the formal complaint from the Ministry of Information, Raj announced his ruling in a news conference before even Fiji Television was informed of the decision. The controversy was in relation to a 6pm news report, which Raj described as ‘racial vilification’, ‘hate speech’ and a breach of the media decree’s code of ethics and content regulation (Raj, 2014).

In May, a World Media Freedom Day panel discussion was organised at the University of the South Pacific (USP), which included Raj and representatives from media companies. In the first of its kind in a long time in Fiji, issues about media freedom and self-censorship were brought to the fore in a two-and-half hour discussion. There were instances of hostility from the audience towards Raj (the entire event was live streamed by USP) and economist, social commentator and media freedom advocate Professor Wadan Narsey was especially vocal about MIDA’s role, media ownership structures and self-censorship in the media (Craddock, 2014; Narsey, 2014; Vuibau, 2014b). Raj reiterated his pledge to defend media freedom as long as journalists maintained their ethics.

No media organisation was cited for or found guilty of breaching the 48-hour blackout rule on election-related reporting and advertisements until the close of polling at 6pm on election day (Naleba, 2014).

A month after Bainimarama was returned to power with a democratic mandate, a Fijian state delegation appeared before the UN’s Human Rights Council in Geneva where Raj defended the government’s approach to media rights in the country and rejected suggestions that the media operated in a restrictive framework. It reported that only one prosecution had taken place under its regulations (against *The Fiji Times*’ directors for breach of the residency rules) and that no media organisation had been prosecuted for breaches of the code of ethics, or content rules (Draft report of the Working Group on the Universal Periodic Review: Fiji, 2014). However, this made no mention of the previous ‘rulings’ that Raj was supposed to have handed down against media companies.

In early December 2014, Raj was to strongly condemn comments made at the *Pacific Journalism Review* conference in Auckland by this author, as president of the Fijian Media Association, and University of the South Pacific media academic Shailendra Singh, reflecting on the state of Fiji’s media industry. In a *Fiji Sun* report, Raj took issue with the characterisation of the media decree as a noose around the media’s neck (Delaibatiki, 2014). (In the speech, the reference of a ‘noose’ was used specifically to describe Fiji TV’s licensing situation

discussed below.) Raj based his criticism on a brief report with paraphrased comments published on the Pacific Media Centre website without the benefit of context from the full statements made at the conference.

In January 2015, Raj convened a meeting of editors where he agreed the authority would focus on fostering freedom of expression and media ethics and promised to look into the editors' concerns relating to media regulation (Vuibau, 2015). The meeting was considered a positive step and there was some hope that Raj would be able to influence amendments to the media decree in the new Parliament. Unfortunately, just a few days later, Raj became embroiled in a legal matter that put paid to any further action on his part on the points the editors had raised (Gibson & Tokalau, 2015). The charges of annoyance against Raj were dropped the next month.

A somewhat unexpected event involving Raj and the *Fiji Sun* came the following month. It stemmed from a complaint by youth activist Peter Waqavonovono about two of the newspaper's reports—one a gossip column piece he said had defamed him, and another about his Social Democratic Party (SODELPA) that was described in a front-page report as clinging to issues surrounding ethnicity and land in its election campaign. Raj upheld the complaint citing its 'antagonistic' nature. After a defiant response from the *Fiji Sun*, which threatened legal action, Raj soon retracted and apologised for his statements, admitting that he had acted 'ultra vires'—outside his powers—in coming to his decision.

Fiji Sun publisher Peter Lomas said there was no evidence for the complaint to be upheld and that if it was allowed to stand 'it could mean that Fijian journalism can be stifled by the opinion of one man' (Delaibatiki, 2015). This was a curious incident because just two months previously, Raj had been afforded considerable space in the newspaper to criticise the opinions of other media personalities about the state of media in Fiji. Left unasked and unanswered after this debacle was what his reversal meant for the other decisions that he had reached in a similar manner against other media organisations.

Fiji TV's travails

Similar to *The Fiji Times*, Fiji Television has long been in the crosshairs of Fijian authorities. Apart from the MIDA ruling on hate speech, Fiji TV had between 2012 and 2015 functioned on a broadcast licence granted for only six months at a time. Its main competitor, on the other hand, the government-owned Fiji Broadcasting Corporation, had secured a 12-year licence when it launched its TV service in 2011. From 2012, when its exclusive licence came to an end, Fiji TV operated on a knife edge, its staff petrified of getting on the wrong side of government for fear the broadcaster might lose its operating licence. Several of its editorial staff had in previous years already been sidelined or forced out by government pressure over perceived biases or slights.

The pressure on Fiji TV came to a head in late 2014 over an issue many Fijians are passionate about: rugby.

In May of that year, the Attorney-General and Minister for Communications, Aiyaz Sayed-Khaiyum had promulgated a decree called the *Television (Cross Carriage of Designated Events) Decree* which purported to ensure all Fijians could view important national events on free-to-air television. However, the decree's provisions were also extended to live rugby feeds, and other major sporting events. Fiji TV, which held the exclusive rights to broadcast the World Rugby Sevens in Fiji was forced to share it with the other broadcasters, FBC TV and Mai TV (Kumar, 2014; Sayed-Khaiyum, 2014). In December, three months after the election, just as Fiji was leading the HSBC Sevens Series, the ramifications of the decree hit home. World Rugby cut the feed to Fiji TV saying there was no prior consultation by the Fijian government about the impact of the decree and that Fiji TV would breach its contractual obligations by sharing the feed as the decree insisted (Field, 2014). There was uproar and consternation in Fiji, the likes that even politics rarely generates. Crisis meetings followed between government and TV officials as well as World Rugby representatives. There was defiance from top Fiji TV executives, ultimatums from the Attorney-General and finally the sackings by a compliant Fiji TV board of its chief executive officer Tevita Gonelevu and head of content Tanya Waqanika.

A month later, the sacked pair called a news conference where they laid bare the events that led up to their firing. They accused the Attorney-General of interfering in the functioning of Fiji TV, a listed company, by sending demands direct to the board chairman. They also claimed he had misled Parliament earlier over the dispute, an allegation that had also been raised by an opposition MP in Parliament. A few months later, the Speaker ruled the Attorney-General had not misled Parliament.

Early in 2015, the government amended the cross carriage decree in Parliament after a deal was struck with World Rugby in which its events were removed from the decree's listing, while it would allow the licence holders to sub-lease the live feed (Smith, 2015).

The evisceration of Fiji TV continued into 2015. In August when the government for the first time amended the media decree in Parliament, one of the changes was to allow foreign ownership of pay TV in Fiji. This was done to clear the way for the Fiji arm of international mobile company Digicel, to buy Sky Pacific from Fiji TV. Attorney-General Sayed-Khaiyum revealed this in Parliament before the stock market was informed so Fiji TV had to rush a market announcement out after it had been broadcast on live TV. The deal with Digicel was finally concluded in March 2016, when it received a 12-year licence. Sky Pacific was a huge earner for Fiji TV, with customers in a large footprint across the Pacific. Fiji TV also wholly owned Media Niugini Limited in Papua New Guinea until

the Fiji TV board agreed to divest the company. After years of building itself into a regional powerhouse, the government's actions have undone all this and now Fiji TV is just a national broadcaster once more with a formidable foe in the government-owned Fiji Broadcasting Corporation.

Exclusive government advertising

Perhaps one of the most economically effective ways the Fijian government asserts its influence over mainstream media in Fiji is through advertising-spend. Long before it put out a tender in August 2015, it was a de facto policy of government that it would only advertise with outlets it deemed to reflect its own values. The *Fiji Sun* and FBC were two of the more prominent outlets that had benefited early on from this policy by raking in major money through government advertising. *The Fiji Times* would occasionally receive advertisements from government departments or statutory bodies, but following the results of the tender announced in December 2015, this will no longer be the case.

The tender would probably not have been called if it was not for the opposition MP, Professor Biman Prasad moving a motion in Parliament in July calling on the Minister for Communication (Sayed-Khaiyum) to review his decision to grant exclusive advertisements because it breached the Constitution. He called for *The Fiji Times* and *Fiji Sun* to be treated equally (Narsey, 2015). The motion was, of course, defeated owing to the government's superior numbers but the opposition had succeeded in shining a light on the issue.

The tender, among other indicators, stated that media companies would have to 'demonstrate a commitment to national unity, national identity development and national building', 'a commitment to the development of the Fijian economy' and report 'development and government issues in an unbiased and responsible manner'.

Around Christmas 2015, the Solicitor-General, Sharvada Sharma, announced the 'approved media organisations' for government advertisements. The *Fiji Sun* and FBC were on the list. A surprising addition was rugby magazine *Teivovo*, which also publishes a newly launched general interest publication called *Niu-wave*. Communications Fiji Limited, Fiji's largest non-government broadcaster, also received approval for certain advertisements.

Media feeling its way back

In outlining the issues facing the Fijian media industry, it is not to say that there have been no improvements. The media decree has arguably brought about a sense of responsibility (although this has been used to sometimes stifle genuinely newsworthy reports) and the media are now aware of the power they wield and how this power can be misused. The media's role in nation building and restoring the fractured relationship between Fiji's communities has also improved in recent years.

In the years ahead, Fiji's media will play a crucial role in holding its leaders to account and giving voice to the issues the public care about. It must do this while navigating the complexities of regulation, personalities and a democracy in which voices dissenting from the ruling-power narrative are often ignored or shut down, a democracy in which the call to practise 'responsible journalism' often becomes a barrier to investigative journalism or holding the powers-that-be to account for their actions or promises. For Fiji's journalists, the challenge is to recognise the façade of democracy that has descended on their country and peel it back. They will need to work around numerous barriers to provide the public with the information, ideas, analysis and discussion that they deserve in order to understand the new Fiji that is taking shape.

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