

## 3. Fiji media regulation

### Emerging from 'worst of times' to the 'best of times'

**Commentary:** A tragic result of the repressive media environment in Fiji has been a huge brain drain within the industry. Many of the best and experienced media workers most have left or been forced out. In fact, Australia and New Zealand have benefitted by the migration of some of Fiji's senior media workers from as far back as 1987, the year of the first two military coups by Lieutenant-Colonel Sitiveni Rabuka, and more so in the past eight years since the Voreqe Bainimarama coup in December 2006. Those who have remained have either been moved to non-controversial roles or mellowed to the point of silence.

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**P**ERHAPS an apt description of the media environment that had been bequeathed to Fiji as a result of the eight years of military rule since 2006 can be found in the opening paragraph of Charles Dickens' work *A Tale of Two Cities*. They are words that, although written 155 years ago, can describe many of the social and political conditions in our world today, but they ring true for Fiji.

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way... (Dickens, 1859)

This article is about the post-election environment in Fiji, how we got to this point and what needs to be done to improve it. While commenting in a personal capacity as a journalist and editor of *República* magazine, I am also an advocate for my media colleagues

in Fiji who elected me in June 2014 as president of the newly formed Fijian Media Association.

For years the media fraternity in Fiji had tried to become organised, but as we found out, media folk can be notoriously difficult to corral. In fact, we had begun our attempts to organise well before the 2006 coup that changed everything. For a brief period in 2004-2005, a chapter of the Commonwealth Journalists' Association was established, but this soon lost momentum and was forgotten.

The media industry in Fiji during those years had fractured on many levels. It was not uncommon for some journalists not to talk to or socialise with others over perceived or real slights, or differences of opinion. And the now—defunct Fiji Media Council had been accused of failing to handle ethical lapses and controversies satisfactorily or fast enough. The Council had been set up by the owners and editorial managers of most of the country's major media organisations in the 1990s and had gone some way towards the development of the industry, but ultimately it was not enough.

We were divided and it can be argued that such division was one reason it was easy for the military government to bring into force the *Media Industry Development Decree 2010*. The government justified its actions with reference to some of the unscrupulous journalism practices that should rightly be condemned. And I should point out here that the Fiji Media Council's legacy does live on in the form of the code of ethics for media workers embedded in the media decree.

We realised a bit too late that we were all in this together, despite our personal political views or those of the companies that we worked for. United we stand, divided we fall.

So it is a positive sign of the yearning by Fiji's media workers for an organisation that would speak in their defence when not many would (or could), and an organisation that would provide opportunities for continued learning, professional development and camaraderie.

From early on in his rule Attorney-General Aiyaz Sayed-Khaiyum had said that a media law would be brought into place to improve standards and practices in the industry. In early 2010, a draft Media Decree was presented to editors and managers gathered at the Holiday Inn in Suva. We were given about two hours to read through the document before the Attorney-General came to discuss the provisions with us. Although he said he wanted to hear our feedback he prefaced it with the words: 'This is not a debate.'

When the decree was finally gazetted some months later, we found that he had taken on board some of the feedback, for example by reducing the fines and jail terms for breaches, but many of the more worrying provisions remained, especially that relating to content which could be deemed in breach of the 'national interest'—a blanket term that is not defined and could be interpreted at will.

Thus began the era of media regulation in Fiji. If the media were subdued after the 2006 takeover and especially after the abrogation of the 1997 Constitution in 2009, they were truly intimidated when the Media Decree came into effect in 2010.

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Who could blame us? For many it was simply a bread-and-butter issue. Do we continue to report views and issues critical of the government—no matter how constructive—and risk a breach that could potentially land an editor or journalist with a fine of up to \$10,000 and/or up to two years in jail, and the media company a fine of up to \$100,000? Or do we adopt pragmatism and self-censorship and live another day?

A tragic result of the repressive media environment has been the huge brain drain within the industry. Many of the best and most experienced media workers have left or been forced out. In fact, Australia and New Zealand have benefitted by the migration of some of Fiji's senior media workers from as far back as 1987, and more so in the past eight years. Those who have remained have either been moved to non-controversial roles or mellowed to the point of silence.

Apart from the provisions of the media decree, other rules and regulations are being used to keep the media in check. Fiji Television has a noose around its neck with the company only being granted a licence for six months at a time. Compare this with the state-owned Fiji Broadcasting Corporation whose chief executive is Riyaz Sayed-Khaiyum, the brother of the Attorney-General. FBC TV has a 12-year licence and is also exempt from the cross-media prohibitions in the Media Decree.

Just recently, during the International Rugby Board (IRB) Gold Coast Rugby Sevens tournament, Fiji Television was forced to share with FBC TV live feed of the matches for which it had the rights. They were compelled to do so under the *Television (Cross-Carriage of Designated Events) Decree 2014*. Under this decree, free-to-air television stations must share any event designated under the decree as an important national one.

The smallest of Fiji's three commercial TV stations, Mai TV (for which I have worked) was forced to take the feed—even though it did not want to and had no advertising or sponsorship to run it. It also had to fork out a reported \$50,000 for its share of the costs involved. Not only did this have an impact on the TV companies involved, it left viewers of free-to-air television with no other choice but to watch rugby sevens all weekend. This is truly ironic when you consider that one of the objects of the decree is to 'ensure the availability of a comprehensive range of quality television services in Fiji'.

Apart from the impact of all sorts of decrees and regulations on media companies, the environment that the Media Decree has created is not conducive to the practice of truly robust and critical journalism. Sometimes you get the impression that everybody with a little power to exercise will unreasonably limit journalists in their work. It is not only locals doing it.

In November 2014, during the visit of the Chinese President Xi Jinping to Fiji, only the Chinese journalists accompanying him were allowed in the room while he addressed the Pacific leaders he was meeting in Nadi. Two veteran local journalists, Makereta Komai of Pacnews and Dennis Rounds, stringing for *Islands Business*, who tried to defy the ban on non-Chinese journalists, were removed by Chinese security from the room at Denarau. They were not even allowed to listen to an interpretation of the speech on headphones.

Instead, they were told to get the official transcript off Xinhua News Agency. Even in our own country, foreign officials can exert their will on the media.

There is also the fear that hangs over journalists and their media companies: fear of breaching the decree and perhaps catching a fine, which could very well cripple any media company. This is even more so for small, independent media operators, and the overall outcome is that many times the journalism presented to the people of Fiji is bland and unexciting. ‘Infotainment’ and puff pieces can be safer and more profitable.

Of course, not all media companies face this fear. It is well known that the *Fiji Sun* newspaper is unconditionally supportive of Bainimarama’s vision for a ‘new Fiji’ and will consistently praise any policies of the government and denounce anybody with a differing view. And if you are bestowed with an ‘anti-Fiji’ or ‘anti-government’ label by the *Fiji Sun*, it can make life and business very difficult.

Companies that feel you are somehow ‘anti-government’ will steer clear of your media outlet, not because they do not believe in what you are doing, but because the ramifications for any business seen to be supporting a perceived ‘anti’ media company can be damaging.

The *Fiji Sun* has been richly rewarded for its loud and proud support of Bainimarama’s government. Almost all government advertisements and those of government commercial entities are placed exclusively in the *Fiji Sun*. This was done to punish *The Fiji Times* for its perceived anti-government stance in the years after the military takeover. In recent times, though, some government ads have begun appearing again in the *Times*.

So how would I summarise the media environment in Fiji post the 17 September 2014 election? I have the assistance of a veteran colleague here when I describe it as ‘only slightly more informative than before the election’. The provisions of the media decree still pose hazards that journalists and their editors must negotiate every day in a bid to have more balanced and open reporting.

The issue of balance, while a vital component of solid and ethical reporting, has often been used in a cynical way by some officials and government entities. Because they know that a provision of the media decree compels journalists to seek balancing comments before publishing any critical story, by not responding to questions from journalists seeking comment they can effectively kill a story. Editors will not risk running a story without the requisite balancing comment no matter how justified in the public interest or how long they’ve waited for a reply.

We have recently begun Parliamentary sessions and for the majority of those involved—from the Speaker, to MPs, the Secretary-General and journalists covering Parliament—it is a new experience. Learning parliamentary procedure and understanding the Standing Orders will take some time to master but we are getting there. In the meantime, the effects of dictatorship still hang over much of the process.

For example, the Auditor-General’s reports covering the years 2007-2013 were laid before Parliament by the Attorney-General and Finance Minister Aiyaz Sayed-Khaiyum.

The reports, of course, had been highly anticipated for many years.

The 29 volumes reveal quite a lot about how the government departments spent taxpayers' money during the years of military rule. In some of the reports, the Auditor-General highlighted dealings with government departments by the Nur Bano Ali, an aunt of the Attorney-General.

She had been given a contract to organise a strategic planning workshop for Fiji's dairy cooperative for which she was paid \$35,450. According to the Auditor-General, her company was then later appointed without tender to restructure the dairy factory for its ultimate sale (Fiji Auditor General, 2010). The Auditor-General highlighted the fact in a report tabled in Parliament two years after being completed that no tender was sought for this restructure consultancy for which Nur Bano's company was paid \$562,500.

In late November, Nur Bano, along with a hardware company that was also named in relation to a separate issue – took out a full-page advertisement in the *Fiji Sun* threatening to sue the Auditor-General along with *The Fiji Times*, Communications Fiji Limited (which is Fiji's largest private broadcaster) and the state-owned Fiji Broadcasting Corporation, unless they retracted and apologised (*Fiji Sun*, 2014). She also threatened to report those companies to the Media Authority for what she said was 'unfair reporting'. In the same edition, the *Fiji Sun* featured the legal threat as the front-page story and referred to the advertisement inside the paper.

If that legal threat and *Fiji Sun*'s reporting of it are anything to go by then parliamentary privilege does not seem to exist in Fiji's new democracy.

What I have described above is but a small snapshot of the myriad issues the media industry and journalists face in Fiji today. It may seem gloomy, but I am an eternal optimist and I can tell you I feel hopeful about the prospects for Fiji's media.

Perhaps one glimmer of hope is right there in the Constitution given to us in 2013. Section 25 guarantees access to information and a *Freedom of Information Bill* is likely to be brought before Parliament soon. When it is enacted, this law will open the doors for all sorts of public interest reporting and hopefully compel government officials to be accountable and fair in all their dealings.

Many of Fiji's journalists, while they may be young and had never covered an election until September, are aware of the contradictions they have to deal with in their work every day. There is also the sense that things will start to change if they persist in their role of holding our leaders to account and speaking truth to power. We are moving on, but with eyes wide open.

The Media Decree must be drastically revised or done away with altogether if the media in Fiji are to be truly free and regain the vibrancy they were once known for.

Which brings us to education and professional development. It has already been noted that the majority of young journalists in Fiji today have never worked in a completely free media environment. Many of them have grown up in a dictatorship and the repressive environment that it entails for the media and have known nothing else. Now more than ever

we need journalists who know the craft, are well versed with the laws that govern our work and the context in which they work. If journalists stay well informed about issues, they will be able to develop the self-confidence to stand up to any threats or violations against us, and be able to faithfully serve the public that depends on us for reliable and compelling news, analysis and commentary.

The Fijian Media Association, in creating a profile for ourselves, will look to develop on-going training opportunities in which we will play a big part designing and organising. We realise that going on fully-funded workshops in which we had no input into planning may not be the best way to develop a sustainable and self-confident media corps. We need to take ownership of our own destiny this will involve working with partners but ultimately determining what is best for us and how to go about achieving it.

At the end of October 2014, I was privileged to speak at the University of the South Pacific's journalism awards. In that speech I quoted the American television correspondent Ann Curry, who described journalism as an 'act of faith in the future' (Curry, n.d.). Journalism, she argued, should do more than inform. It should make you care.

That is what inspires me every day, and perhaps that's where my optimism springs from: the knowledge that journalism done right can hold such power to change lives and make governments apprehensive for no more than the words and images we use to inform and make people care.

So while Fiji's post-election realities may seem like 'the worst of times', the 'best of times' is certainly on the horizon.

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